

# HEALTH LEGISLATION ADMINISTRATION ACT 1984.

(No. 27 of 1984.)

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## ARRANGEMENT.

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# HEALTH LEGISLATION ADMINISTRATION.

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No. 27 of 1984.

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AN ACT relating to the administration of certain Acts and to facilitate the provision of health services to the people of the State.

[Assented to 31 May 1984.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Health Legislation Administration Act 1984*. Short title.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

Interpreta-  
tion.

3. In this Act, unless the contrary intention appears—

“Department” means the department of the Public Service of the State principally assisting the Minister in the administration of the Acts to which this Act applies;

“prescribed officer” means an officer referred to in paragraph (a), (b), (c) or (d) of section 6 (1) and any officer or officer of a class of officers prescribed by the regulations;

“section” means a section of this Act;

“subsection” means a subsection of the section wherein the term is used.

Application.

4. This Act applies to the Acts the administration of which is committed by the Governor to the Minister.

Objects.

5. The objects of this Act are to facilitate—

- (a) the co-ordination of the administration of the Acts to which this Act applies; and
- (b) the effective and efficient provision of health and related services to the people of the State.

Officers and  
employees.

6. (1) Subject to this section, there shall be appointed in the Department, under and subject to the Public Service Act 1978, the following officers, namely—

- (a) a Commissioner of Health;
- (b) an Executive Director, Personal Health Services;

- (c) an Executive Director, Public Health and Scientific Support Services;
- (d) a Director, Psychiatric Services,

and such other officers as are necessary for the purposes of carrying out the provisions of the Acts to which this Act applies.

(2) Subject to Part III of the Hospitals Act 1927, the Minister may for the purposes of the Acts to which this Act applies—

- (a) appoint persons, other than officers, as employees on a full time, part time or casual basis or for a specified period;
- (b) engage persons, other than officers, under contract for services.

(3) Subject to the Industrial Arbitration Act 1979 and the Public Service Arbitration Act 1966, the terms and conditions subject to which a person or a member of a class of persons is—

- (a) appointed as an employee under subsection (2) (a); or
- (b) engaged under contract for services under subsection (2) (b),

shall be as determined by the Minister after consultation with the Public Service Board.

(4) A person shall not be appointed to hold or act in—

- (a) an office referred to in subsection (1) (b) or (1) (c) unless he is registered as a medical practitioner under the Medical Act 1894;
- (b) the office referred to in subsection (1) (d) unless he is a psychiatrist as defined under section 5 of the Mental Health Act 1962.

Power to designate officers and other persons.

7. The Minister may designate any officer or other person who holds the relevant qualification for that position as a medical officer of health, health surveyor, inspector or public health official, as the case requires, for the purposes of any Act to which this Act applies or for any provision thereof and may cancel any such designation.

Effect of appointment or designation.

8. Where a person is appointed or designated as an officer, medical officer of health, health surveyor, inspector or public health official under section 6 or 7, as the case requires, for the purposes of an Act to which this Act applies or for any provision of such an Act all the powers and duties conferred or imposed on a person holding such an appointment or having such a designation by this Act or by an Act to which this Act applies or by a provision of such an Act may be exercised and shall be carried out by the person so appointed or designated and any order or direction given by such a person acting in pursuance of any such power or duty shall have effect accordingly.

Power to delegate.

9. (1) Subject to this section, the Minister or a prescribed officer (hereinafter referred to as "the delegator") on whom a power is conferred or duty is imposed by any Act to which this Act applies (hereinafter referred to as "a relevant Act") may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to a person (hereinafter referred to as "the delegate") any of his powers or duties under that Act, other than this power of delegation.

(2) For the purposes of a relevant Act, the exercise of a power or the performance of a duty by a delegate under this section shall be deemed to be the exercise of the power or the performance of the duty by the delegator.

(3) A delegation under this section may be made to a specified person or to persons of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

(4) A delegation under this section may—

- (a) be made subject to such conditions, qualifications and exceptions as are set out in the instrument of delegation;
- (b) be revoked or varied by instrument in writing signed by the delegator.

(5) The delegator may exercise a power or perform a duty notwithstanding that he has delegated its exercise or performance under this section.

(6) This section is in addition to, and not in derogation of, any power to delegate conferred on a delegator by a relevant Act.

10. (1) The Permanent Head shall as soon as reasonably practicable, after the end of each period of 12 months ending on 30 June furnish to the Minister a report in writing on the administration of the Department and the Acts to which this Act applies, generally on the provision of health and related services and on such other matters as he thinks require mention. Report.

(2) The report referred to in subsection (1) shall include summarized financial statements setting out such information as is required by the Treasurer in the form approved by him.

(3) The Minister shall cause a copy of the report furnished to him under subsection (1) to be laid before both Houses of Parliament as soon as practicable after that report is so furnished.

11. (1) The Minister may establish such groups, committees, councils and panels as he thinks are necessary for the purposes of advising him on the administration of this Act and any Act to which this Act applies or any provision thereof, and on the provision of health and related services in this State. Advisory  
groups,  
committees,  
councils and  
panels.

(2) The Minister may appoint such persons as he thinks fit to any group, committee, council or panel established under subsection (1).

(3) A member of a group, committee, council or panel appointed under this section is entitled to such remuneration and allowances as are determined by the Minister after consultation with the Public Service Board.

(4) The terms and conditions, other than those referred to in subsection (3), applicable in relation to a person appointed under this section shall be as determined by the Minister from time to time either generally or with respect to a particular appointment.

(5) A person appointed under this section is not by that reason alone an officer of the Public Service of the State.

**Regulations.**

12. The Governor may make such regulations as are contemplated by this Act or as he considers necessary or expedient for the purposes of this Act.

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