



ANNO DECIMO TERTIO

**GEORGI VI REGIS.**

A.D. 1949.

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**No. 66 of 1949.**

An Act to provide for the establishment of an Advisory Council on Health and Medical Services, for the appointment of a Director-General of Public Health and a Director of Tuberculosis, and for other purposes.

[Assented to 8th December, 1949.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Health and Medical Services Act, 1949". Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

"appointed member" means a member of the council appointed as such by the Governor :

"the council" means the Advisory Council on Health and Medical Services established by this Act :

"the Minister" means the Minister of Health or any Minister for the time being acting in the office of Minister of Health :

"the chairman" means the chairman of the council :

"member" means member of the council.

3. (1) There shall be established a body to be called "The Advisory Council on Health and Medical Services". Establishment of council.

(2) The council shall consist of seven members, one of whom shall be appointed by the Governor to be chairman of the council.

Members of  
council.

**4.** The members of the council shall be—

- (a) the Director-General of Public Health ;
- (b) the Director-General of Medical Services ;
- (c) the Principal Medical Officer of the Education Department ;
- (d) the Superintendent of Mental Institutions ;
- (e) the Director of Tuberculosis ;
- (f) a medical practitioner appointed by the Governor on the nomination of the South Australian branch of the British Medical Association ;
- (g) a woman medical practitioner appointed by the Governor.

Term of  
office.

**5.** (1) The Director-General of Public Health, the Director-General of Medical Services, the Principal Medical Officer of the Education Department ; the Superintendent of Mental Institutions and the Director of Tuberculosis shall be members of the council so long as they respectively hold the offices indicated by their official titles.

(2) Each member of the council appointed by the Governor shall hold office until the thirtieth day of June in the fourth year after the year in which he was appointed.

(3) If at the expiration of the term of office of an appointed member his successor has not been appointed that member shall remain in office until his successor is appointed.

(4) A person appointed to a casual vacancy on the council shall hold office for the balance only of the term of the person in whose place he was appointed.

Casual  
vacancies.

**6.** If an appointed member—

- (a) dies ;
- (b) resigns by written notice given to the Minister ;
- (c) ceases to reside in South Australia ;
- (d) becomes bankrupt, makes an assignment of his property, or executes a deed of arrangement for the benefit of his creditors, or makes a composition with his creditors for less than twenty shillings in the pound ;
- (e) absents himself without permission of the council from four consecutive meetings of the council and is declared by resolution of the council to have forfeited his seat ;

(f) is removed from the council by the Governor pursuant to this Act,

his seat shall become vacant.

7. The Governor may appoint a person to act temporarily as chairman or as a member of the council— Temporary appointments.

(a) in the place of the chairman or a member who is temporarily unable to act as such ;

(b) if a casual vacancy occurs on the council and the Governor considers it inexpedient to make a permanent appointment thereto forthwith.

8. The Governor may remove any appointed member of the council from his office for insanity, neglect of duty, incapacity, dishonourable conduct, or other cause deemed sufficient by the Governor. Removal of members.

9. The members of the council shall be entitled to receive out of money voted by Parliament for the purposes of this Act, payment for their services and travelling allowances at rates approved by the Governor. Remuneration of members.

10. An act or proceeding of the council shall not be invalid or illegal solely because— Validity of acts of council.

(a) at the time of the act or proceeding the office of any member was vacant ; or

(b) it is subsequently discovered that there was a defect in the appointment or qualification of any member.

11. (1) Four members of the council shall constitute a quorum for the transaction of business. Quorum and procedure.

(2) The decision of a majority of the members at a duly convened meeting of the council shall be deemed to be a decision of the whole council.

(3) The practice and procedure at meetings of the council shall be such as the council determines by resolution.

(4) Subject to any resolution of the council all points of order arising at a meeting shall be decided by the chairman.

12. (1) The Minister may refer to the council for investigation and report— Functions of the council.

(a) any question relating to health, hospitals, medical services, the training and employment of any

classes of persons whose work relates to the promotion of health or to the treatment of disease or abnormality of the human body ;

- (b) any proposals for new legislation relating to any of the matters hereinbefore referred to ;
- (c) any matter incidental to any matter hereinbefore referred to.

(2) It shall be the duty of the council to inquire into all matters referred to it pursuant to this Act and to report thereon to the Minister.

(3) In this section " medical services " includes treatment by medical practitioners, dentists, opticians, and physiotherapists, and the facilities for such treatment, and any other treatment for remedying disease or abnormality of the human body, and any measures for safeguarding public health.

Power of the  
council.

**13.** For the purpose of conducting any investigation and preparing any report pursuant to this Act the council shall be deemed to be a royal commission within the meaning of the Royal Commissions Act, 1917, and the chairman of the council and the members of the council shall respectively be deemed to be the chairman and members of a Royal Commission, and the Royal Commissions Act, 1917, shall apply in relation to the commission and its inquiries.

The Director-  
General of  
Public Health.

**14.** (1) The Governor may appoint a Director-General of Public Health.

(2) The Director-General of Public Health—

- (a) may be a full-time officer of the public service, or a part-time officer ;
- (b) shall hold office for such period and on such terms and conditions as are fixed by the Governor.

(3) The person holding office as chairman of the Central Board of Health at the time of the passing of this Act shall be the first Director-General of Public Health and shall be deemed to have been appointed to that office by the Governor pursuant to this section.

(4) The Director-General of Public Health shall exercise and perform such functions and duties relating to the safeguarding and promotion of public health as are directed by the Minister or required by law.

15. (1) The Governor shall appoint a Director of Tuberculosis, and shall from time to time make such appointments as are necessary to fill vacancies occurring in the office of Director of Tuberculosis.

Director of  
Tuberculosis.

(2) The Director of Tuberculosis shall be a full-time officer of the public service and shall be subject to the Public Service Act, 1936-1949, and shall not engage in private practice as a medical practitioner.

(3) The Director of Tuberculosis shall exercise and perform such functions and duties relating to the prevention, diagnosis, treatment and control of tuberculosis as are directed by the Minister or prescribed by law.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.