

House of Assembly

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South Australia

Statutes Amendment and Repeal (Institute of Medical and Veterinary Science) Bill 2008

A BILL FOR

An Act to amend the *Health Care Act 2008* and to repeal the *Institute of Medical and Veterinary Science Act 1982*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment and Repeal (Institute of Medical and Veterinary Science) Act 2008*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Health Care Act 2008*

4—Amendment of long title

Long title—after "private hospitals;" insert:

to assist with the provision of laboratory services and facilities associated with veterinary science;

5—Amendment of section 3—Interpretation

Section 3(1), definition of *health service*—after paragraph (c) insert:

(ca) a research, pathology or diagnostic service associated with veterinary science; or

6—Amendment of section 4—Objects of Act

Section 4, paragraph (b)—after "injury" insert:

and to facilitate efficiencies through the use of certain facilities for veterinary science

7—Amendment of section 6—Minister

(1) Section 6(1)(g)(i)—after "health services" insert:

, including through the provision of facilities or other forms of support to a university or other institution, authority or person considered to be appropriate by the Minister

(2) Section 6(1)—after paragraph (k) insert:

(ka) to provide and maintain such services or facilities as another Minister may request in connection with the field of veterinary science;

8—Amendment of section 7—Chief Executive

Section 7(1)—after paragraph (h) insert:

- (ha) to facilitate the provision of laboratory, research or other similar facilities, including on account of a request by a Minister under section 6(1)(ka);

9—Amendment of section 31—General powers of incorporated hospital

Section 31—after subsection (1) insert:

- (1a) Without limiting subsection (1), an incorporated hospital may undertake the following functions:
 - (a) to undertake or facilitate—
 - (i) the commercial exploitation of knowledge arising from its activities; or
 - (ii) the commercial development of its services, functions or expertise;
 - (b) to produce and sell instruments or other equipment for use in—
 - (i) the provision of medical services, including medical diagnostic services; or
 - (ii) the teaching of medical science; or
 - (iii) scientific research;
 - (c) to provide consultancy services;
 - (d) to provide and maintain a drug and alcohol testing service for such persons as the hospital thinks fit;
 - (e) to conduct a testing service for the purpose of determining parentage or other human genetic relationships;
 - (f) to provide and maintain such services or facilities as a Minister may require in relation to—
 - (i) veterinary laboratory services, or services to veterinary surgeons in private practice, or other veterinary services provided by a public sector agency within the meaning of the *Public Sector Management Act 1995*; or
 - (ii) research in the field of veterinary science;
 - (g) to conduct such other activities considered appropriate by the Minister that can be efficiently or effectively managed through the use of hospital facilities and resources.

Part 3—Repeal

10—Repeal of *Institute of Medical and Veterinary Science Act 1982*

The *Institute of Medical and Veterinary Science Act 1982* is repealed.

Schedule 1—Transitional provisions

1—Interpretation

In this Schedule, unless the contrary intention appears—

asset includes a present or contingent interest;

CYWHS means the Children, Youth and Women's Health Service Incorporated;

IMVS means the Institute of Medical and Veterinary Science;

liability includes a contingent liability;

RGH means the Repatriation General Hospital Incorporated;

SAHS means the Southern Adelaide Health Service Incorporated;

WCHDLM means the Women's and Children's Hospital Division of Laboratory Medicine.

2—Staff

- (1) A person who, immediately before the commencement of this subclause, was employed by IMVS, or was employed by an employing authority pursuant to section 17 of the *Institute of Medical and Veterinary Science Act 1982*, will, on that commencement, be taken to be employed by—
 - (a) an employing authority under the *Health Care Act 2008*; or
 - (b) an incorporated hospital under the *Health Care Act 2008*,
designated by the Governor by proclamation made for the purposes of this subclause.
- (2) The Governor may, by proclamation, transfer the employment of any person employed to perform functions in connection with the operations or activities of CYWHS, RGH or SAHS that relate to the provision of pathology services, or other services declared to be within the ambit of this subclause by the proclamation, to employment by—
 - (a) an employing authority under the *Health Care Act 2008*; or
 - (b) an incorporated hospital under the *Health Care Act 2008*,
designated by the Governor by proclamation made for the purposes of this subclause.
- (3) An employment arrangement effected by subclause (1) or (2)—
 - (a) will be taken to provide for continuity of employment without termination of the relevant employee's service; and
 - (b) will not affect—
 - (i) existing conditions of employment or existing or accrued rights to leave; or
 - (ii) a process commenced for variation of those conditions or rights.

3—Dissolution of IMVS

IMVS is dissolved by force of this clause.

4—Property—IMVS

- (1) Subject to this Schedule, all assets (including any shares in any body corporate held by IMVS and any business name registered under the *Business Names Act 1996*), rights and liabilities of IMVS are transferred to an incorporated hospital specified by the Governor by proclamation.
- (2) The transfer of assets, rights and liabilities under this clause operates by force of this clause and despite the provisions of any other law.

5—References—IMVS

- (1) Subject to subclause (2), all references in any instrument or contract, agreement or other document to IMVS will have effect as if it were a reference to an incorporated hospital specified by the Governor by proclamation.
- (2) Subclause (1) does not apply to any reference excluded by the Minister by notice in the Gazette.
- (3) Subclause (1) has effect despite the provisions of any other law or instrument.

6—Procedures and proceedings—IMVS

Any procedure or proceedings commenced by or against IMVS before the commencement of this clause but which had not been finally determined at the commencement of this clause may be continued or completed by an incorporated hospital or by the Minister (as determined by the Minister).

7—Property—SouthPath

- (1) Subject to this Schedule, all assets (including any shares in any body corporate held by SAHS or RGH and any business name registered under the *Business Names Act 1996* but not including any real property), rights and liabilities of SAHS and RGH related to the provision of medical pathology services under the name *SouthPath* are transferred to an incorporated hospital specified by the Governor by proclamation.
- (2) The transfer of assets, rights and liabilities under this clause operates by force of this clause and despite the provisions of any other law.

8—References—SouthPath

- (1) Subject to subclause (2), all references in any instrument or contract, agreement or other document to SAHS or RGH related to the provision of medical pathology services under the name *SouthPath* will have effect as if it were a reference to an incorporated hospital specified by the Governor by proclamation.
- (2) Subclause (1) does not apply to any reference excluded by the Minister by notice in the Gazette.
- (3) Subclause (1) has effect despite the provisions of any other law or instrument.

9—Property—WCHDLM

- (1) Subject to this Schedule, all assets (including any shares in any body corporate held by CYWHS and any business name registered under the *Business Names Act 1996* but not including any real property), rights and liabilities of CYWHS related to the provision of medical pathology services under the name *WCHDLM* are transferred to an incorporated hospital specified by the Governor by proclamation.

- (2) The transfer of assets, rights and liabilities under this clause operates by force of this clause and despite the provisions of any other law.

10—References—WCHDLM

- (1) Subject to subclause (2), all references in any instrument or contract, agreement or other document to CYWHS related to the provision of medical pathology services under the name WCHDLM will have effect as if it were a reference to an incorporated hospital specified by the Governor by proclamation.
- (2) Subclause (1) does not apply to any reference excluded by the Minister by notice in the Gazette.
- (3) Subclause (1) has effect despite the provisions of any other law or instrument.

11—Property

- (1) The Minister may, at any time after the commencement of this Schedule, by notice in the Gazette, transfer an asset, right or liability transferred to an incorporated hospital under clause 4, 7 or 9 to—
- (a) the Crown; or
 - (b) the Minister; or
 - (c) another agency or instrumentality of the Crown; or
 - (d) with the agreement of the person or body—to a person or body that is not an agency or instrumentality of the Crown.
- (2) The transfer of assets, rights and liabilities under this clause operates by force of this clause and despite the provisions of any other law.

12—Other provisions

- (1) Nothing done under this Schedule—
- (a) constitutes a breach of, or default under, an Act or other law; or
 - (b) constitutes a breach of, or default under, a contract, agreement, understanding or undertaking; or
 - (c) constitutes a breach of a duty of confidence (whether arising by contract, in equity or by custom or in any other way); or
 - (d) constitutes a civil or criminal wrong; or
 - (e) —
 - (i) terminates an agreement or obligation; or
 - (ii) fulfils any condition that allows a person to terminate an agreement or obligation; or
 - (iii) gives rise to, or allows any person to exercise, any other right or remedy; or
 - (f) releases a surety or other obligee wholly or in part from an obligation.

- (2) The Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, must, on application under this subclause, register or record in an appropriate manner a transfer and vesting under this Schedule.
- (3) The Governor may, by regulation, make any other provision of a saving or transitional nature consequent on the enactment of this Act.
- (4) The *Acts Interpretation Act 1915* will, except to the extent of any inconsistency with the provisions of this Schedule, apply with respect to the amendments effected by this Act.