

COMMONWEALTH OF AUSTRALIA

National Health Act 1953

**Constitution of the National Pathology
Accreditation Advisory Council
Order No. 1 of 1997**

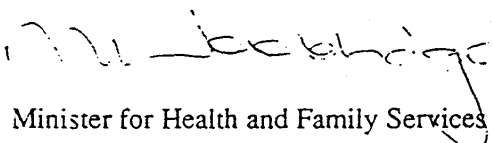
I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Order under subsection 9 (1) of the *National Health Act 1953*.

Dated 19 FEB 1997 1997.

WILLIAM DEANE

Governor-General

By His Excellency's Command,


Minister for Health and Family Services

Citation

1. This Order may be cited as the Constitution of the National Pathology Accreditation Advisory Council Order No. 1 of 1997.

Interpretation

2. In this Order, unless the contrary intention appears:
"Australian Capital Territory Minister" means the Minister who is for the time being administering the laws of the Australian Capital Territory that relate to health services;
"chairperson" means chairperson of the Council;
"Council" means the National Pathology Accreditation Advisory Council;
"meeting" means a meeting of the Council;
"member" means a member of the Council;
"Northern Territory Minister" means the Minister who is for the time being administering the laws of the Northern Territory that relate to health services;

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“Secretary” means the Secretary to the Department of Health and Family Services;

“State Minister” means the Minister of a State who is for the time being administering the laws of the State that relate to health services;

“the Minister” means the Minister for Health and Family Services;

“Territory Minister” means the Australian Capital Territory Minister or the Northern Territory Minister, as the case requires;

“the Territories” means the Australian Capital Territory and the Northern Territory.

The Council

3. A council called the National Pathology Accreditation Advisory Council is established.

Functions of Council

4. (1) The Council has the following functions:

- (a) to consider and make recommendations to the Commonwealth, the States and the Territories about:
 - (i) developing policy for accreditation of pathology laboratories;
 - (ii) introducing and maintaining uniform standards of practice in pathology laboratories throughout Australia;
 - (iii) adopting coordinated legislation and administrative action in providing pathology services;
- (b) to initiate, promote and coordinate educational programs about pathology laboratory practice;
- (c) at the request of the Minister, a State Minister or a Territory Minister—to provide advice about accreditation of a particular pathology laboratory.

(2) The Council may collect and maintain statistics and related information to help it carry out its functions.

(3) The Council must deal with any request under paragraph (1) (c).

Membership of Council

5. (1) The members of Council are:

- (a) the chairperson appointed under clause 6; and
- (b) a person appointed under clause 9; and
- (c) each person appointed under clause 10; and
- (d) the persons appointed under clause 11.

(2) The office of a member is a part time office.

Appointment of chairperson

6. (1) The Minister must, by instrument, appoint a person to be the chairperson.

(2) A person holds the office of chairperson for a period, not exceeding 3 years, set out in the instrument of appointment.

(3) A person who holds or has held a term of office as chairperson is eligible for reappointment to that office.

(4) The term of a reappointment of a person under subclause (3) must not exceed 3 years.

Termination of appointment of chairperson

7. (1) The Minister may, by instrument given to the chairperson, terminate the chairperson's appointment if the chairperson:

- (a) misbehaves; or
- (b) is unable to take part in:
 - (i) performing the functions of the Council; or
 - (ii) exercising the powers of the Council; or
- (c) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
- (d) is convicted of an offence punishable by imprisonment for 1 year or longer.

(2) The chairperson ceases to hold the office of chairperson on the termination of his or her appointment.

Resignation of chairperson

8. (1) The chairperson may resign by instrument signed by the chairperson.

(2) The chairperson's resignation takes effect when the Minister receives it.

Appointment of Commonwealth officer

9. (1) For paragraph 5 (1) (b), the Secretary must appoint an officer of the Department of Health and Family Services to be a member of the Council to represent the Commonwealth's interest on the Council.

(2) An appointment commences on the day specified in the instrument of appointment.

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(3) The Secretary may at any time, by instrument given to the officer, terminate the officer's appointment.

(4) The officer's appointment ends on the day specified in the instrument terminating the appointment.

(5) If the officer cannot attend a meeting, the Secretary may appoint another person to act instead of the officer for the meeting.

(6) The officer may resign as a member by notice signed by the officer and given to the Secretary.

(7) The officer's membership ends when the officer's resignation is received by the Secretary.

Appointment of State and Territory members

10. (1) For paragraph 5 (1) (c), each of the following persons is designated as the representative of a State or Territory health authority:

- (a) the person appointed by the State Minister in New South Wales to represent the New South Wales Health Department;
- (b) the person appointed by the State Minister in Victoria to represent the Department of Human Services of that State;
- (c) the person appointed by the State Minister in Queensland to represent the Department of Health of that State;
- (d) the person appointed by the State Minister in South Australia to represent the South Australian Health Commission;
- (e) the person appointed by the State Minister in Western Australia to represent the Health Department of Western Australia;
- (f) the person appointed by the State Minister for Tasmania to represent the Department of Community and Health Services of that State;
- (g) the person appointed by the Australian Capital Territory Minister to represent the Department of Health and Community Care of that Territory;
- (h) the person appointed by the Northern Territory Minister to represent the Territory Health Services of that Territory.

(2) Each person holds office as a member of the Council for the period commencing on the day the appointment takes effect until the day that the appointment is terminated by the State Minister or Territory Minister, as the case requires.

(3) If a member mentioned in subclause (1) cannot attend a meeting, the relevant State Minister or Territory Minister may appoint another person to act instead of the member for the meeting.

Appointment of non-government members

11. (1) The Minister must, by instrument, appoint as members the following persons:

- (a) 3 persons from a list of nominees submitted by the Royal College of Pathologists of Australasia;
- (b) a person from a list of nominees submitted by the Australian Medical Association;
- (c) a person from a list of nominees submitted by the Australian Institute of Medical Scientists;
- (d) a person from a list of nominees submitted by the Australian Association of Clinical Biochemists Incorporated;
- (e) a person from a list of nominees submitted by the Australian Society for Microbiology Incorporated;
- (f) a person from a list of nominees submitted by the Australian Association of Pathology Practices Incorporated.

(2) A member appointed under subclause (1) holds office for the term, not exceeding 3 years, specified in the instrument of appointment.

(3) A person who holds or has held a term of office as a member under subclause (2) is eligible for reappointment.

(4) The term of a reappointment of a person under subclause (3) must not exceed 3 years.

(5) If a member ceases to be a member before the expiration of the period for which the member was appointed, the Minister may appoint another person to fill that vacancy from a list of nominees submitted by the relevant body mentioned in subclause (1).

(6) If a member cannot attend a meeting, the body responsible for nominating that person may appoint another person to act instead of the member for the meeting.

Remuneration and allowances

12. The chairperson and each member appointed under clause 11 must be paid the remuneration and allowances (if any) that are determined by the Minister.

Disclosure of interests

13. (1) If the chairperson has or acquires an interest that could conflict with the proper performance of the chairperson's functions on the Council in relation to the interest, the chairperson at a meeting:

- (a) must disclose the interest to the other members of the Council; and

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- (b) must not take part, or continue to take part, in the performance of the Council's functions in a matter relating to that interest.
- (2) If subclause (1) applies, the members (other than the chairperson) must elect one of the members present at the meeting to act in place of the chairperson.
- (3) If a member (other than the chairperson) has or acquires an interest that could conflict with the proper performance of the member's functions on the Council, the member:
 - (a) must disclose the interest to the chairperson at a meeting; and
 - (b) must not participate in the deliberations of the Council, in a matter relating to that interest, unless the chairperson consents.
- (4) If:
 - (a) a member participates at a meeting while having an interest that could conflict with the proper performance of the member's functions on the Council; and
 - (b) the member has not disclosed that interest; and
 - (c) the chairperson becomes aware of the interest;the member's interest and participation must be recorded in the minutes and disclosed in any Council report.

Meetings of Council

- 14. (1) The Council may decide when and where to hold meetings.
- (2) The chairperson may, at any time by written notice given to the other members, convene a meeting at the time and place set out in the notice.
- (3) The Minister may, by written notice to the chairperson, direct that a meeting be held to consider matters for which the Minister requires advice.
- (4) If a majority of the members gives the chairperson a written request to convene a meeting, the chairperson must convene a meeting within a reasonable time.
- (5) A meeting must be held at least once a calendar year commencing in 1997.
- (6) The chairperson may invite a person to attend a meeting to advise or give information to the Council.

Quorum

- 15. (1) At a meeting, 9 members constitute a quorum.

(2) A meeting is taken not to have commenced if there are insufficient members to form a quorum.

Presiding member

16. (1) The chairperson must preside at a meeting at which he or she is present.

(2) If the chairperson is:

- (a) absent from a meeting; or
- (b) vacates the chair at a meeting;

the members present must elect a member present at the meeting to act as the chairperson.

Voting

17. (1) Each member present at a meeting has a deliberative vote.

(2) A matter requiring a decision at a meeting and on which there appear to be different views must be:

- (a) decided by a majority of the votes of the members present and voting; and
- (b) recorded in the minutes of the meeting.

(3) If an equal number of deliberative votes is cast for and against a matter arising at a meeting:

- (a) a casting vote may be given by the person presiding; and
- (b) if no casting vote is given, the matter is resolved in the negative.

Proceedings

18. The Council must:

- (a) determine the procedure for its meetings; and
- (b) keep a record of its proceedings.

Committees

19. (1) The Council may, by resolution, establish one or more committees to assist it in the exercise of its functions.

(2) A committee must report to the Council according to its terms of reference.

Reports and recommendations

20. As soon as possible after each meeting, the Council must:

- (a) report in writing to the Minister with recommendations (if any) about the matters dealt with at the meeting; and

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- (b) if the members do not agree about a matter—set out the points of view of the differing members.

Revocation of Orders

21. The Order dated 9 February 1979 providing for the Constitution of the National Pathology Accreditation Advisory Council and the Order dated 3 March 1982 amending the Order are revoked.

Transitional provision

22. The term of each member's appointment, in force under the Order dated 9 February 1979 providing for the Constitution of the National Pathology Accreditation Advisory Council, continues to apply on and after the date of commencement of this Order as if the Order dated 9 February 1979 had not been revoked.
