

LEGISLATIVE ASSEMBLY

Read 1° 29 October 1986

(Brought in by Mr Walsh and Mr Fordham)

A BILL

to repeal the *Hospitals Remuneration Tribunal Act* 1978, to amend the *Industrial Relations Act* 1979, and for other purposes.

Industrial Relations (Further Amendment) Act 1986

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

Purpose.

- 5 1. The purpose of this Bill is to make provision in the *Industrial Relations Act* 1979 for its application to matters covered by the *Hospitals Remuneration Tribunal Act* 1978.

Commencement.

2. This Act comes into operation on a day or days to be proclaimed.

Principal Act.

- 10 3. In this Act, the *Industrial Relations Act* 1979 is called the Principal Act.

No. 9365.
Reprinted to No.
10200 and
amended by Nos.
16/1986,
21/1986 and
54/1986.

PART 2—HOSPITALS REMUNERATION TRIBUNAL

New section 34A inserted.

4. After section 34 of the Principal Act, insert—

Medical services under sessional contracts.

- “34A. (1) A Board may inquire into and determine terms and conditions of appointment of and rates of remuneration of medical practitioners providing medical services under sessional contracts. 5
- (2) If an award of the Board applies to a sessional contract—
- (a) a provision of the sessional contract that is inconsistent with the award is, to the extent of the inconsistency, void; and 10
- (b) the sessional contract is deemed to be varied so that it includes the terms of the award.
- (3) In this section—
- “**Institution**” means— 15
- (a) an institution within the meaning of the *Hospitals and Charities Act 1958*; or
- (b) any other institution providing health services— that is wholly or mainly supported by grants in aid from Victoria or the Commonwealth and is declared by the Governor in Council to be an institution to which this section applies. 20
- “**Medical practitioner**” means a person who is registered as a legally qualified medical practitioner under the *Medical Practitioners Act 1970* and includes a person who is the holder of a provisional registration under that Act. 25
- “**Medical services**” includes attendance, examination, treatment and the giving of a consultation by a medical practitioner.
- “**Sessional contract**” means a contract (whether of employment or otherwise) between an institution and a medical practitioner under which the medical practitioner is required to provide medical services to patients of the institution during periods or sessions specified in the contract.”. 30

Repeal of *Hospitals Remuneration Tribunal Act 1978*.

5. The *Hospitals Remuneration Tribunal Act 1978* is repealed. 35

Transitional provisions.

6. (1) The Industrial Relations Commission of Victoria is the successor in law of the Hospitals Remuneration Tribunal.

5 (2) The *Hospitals Remuneration Tribunal Act 1978*, as in force immediately before the commencement of this section, continues to apply to and in relation to proceedings before the Hospitals Remuneration Tribunal the hearing of which commenced before that commencement as if this Act had not been enacted.

(3) An award of the Hospitals Remuneration Tribunal—

10 (a) in force immediately before the commencement of this section; or

(b) by reason of sub-section (2), made by the Tribunal after that commencement—

15 shall be deemed to be an award of a Conciliation and Arbitration Board under the Principal Act.

Consequential amendments.

7. (1) In section 16 (2) of the *Mental Health Act 1959*—

(a) for “determinations” substitute “awards”; and

20 (b) after “1978” insert “and awards under the *Industrial Relations Act 1979*”.

(2) In section 95 of the *Mental Health Act 1986* for “determinations of the *Hospitals Remuneration Tribunal Act 1978*” substitute “awards under the *Industrial Relations Act 1979*”.

PART 3—MISCELLANEOUS AMENDMENTS**25 Amendment of section 7 of the Principal Act.**

8. In sub-sections (4), (5) and (6) of section 7 of the Principal Act, for “Commissioner” substitute “member of the Commission other than the President”.

