

PUBLIC HOSPITALS (AMENDMENT) ACT.

Act No. 45, 1943.

George VI. An Act to provide for the reconstitution of The
 No. 45, 1943. Hospitals Commission of New South Wales;
 for this and other purposes to amend the
 Public Hospitals Act, 1929-1940; and for
 purposes connected therewith. [Assented
 to, 21st December, 1943.]

BE it enacted by the King's Most Excellent Majesty,
 by and with the advice and consent of the Legis-
 lative Council and Legislative Assembly of New South
 Wales in Parliament assembled, and by the authority of
 the same, as follows :—

Short title
 and
 citation.

1. (1) This Act may be cited as the "Public Hospitals
 (Amendment) Act, 1943."

(2) This Act shall be read and construed with the
 Public Hospitals Act, 1929-1940.

(3) The Public Hospitals Act, 1929-1940, is in this
 Act referred to as the Principal Act.

(4) The Public Hospitals Act, 1929, as amended by
 subsequent Acts and by this Act, may be cited as the
 Public Hospitals Act, 1929-1943.

Reconstitu-
 tion of
 Hospitals
 Commission.
 cf. Act No.
 5, 1942,
 s. 2.

2. (1) Upon a day to be appointed by the Governor
 and notified by proclamation published in the Gazette
 (which day is in this Act referred to as the "appointed
 day") The Hospitals Commission of New South Wales
 shall be reconstituted and shall consist of three members
 who shall be appointed in accordance with section five of
 the Public Hospitals Act, 1929-1943.

(2) (a) Nothing contained in this section shall
 prejudice or affect in any way the continuity of the body
 corporate constituted under Part II of the Principal Act,
 but the same shall continue notwithstanding the pro-
 visions of this section.

(b)

(b) The said body corporate shall continue and shall be deemed always to have continued notwithstanding that there are or have been at any time or times vacancies in the offices of all of the members of the body corporate or of any one or more of them. No. 45, 1943.

(3) The persons who immediately before the appointed day were the chairman and members of The Hospitals Commission of New South Wales shall, on the appointed day, cease to hold office as such; but any of such members (other than the chairman) shall, if otherwise qualified, be eligible for appointment as a member of The Hospitals Commission of New South Wales as reconstituted under this section.

(4) (a) For the purposes only of the appointment of persons to be members of The Hospitals Commission of New South Wales, as reconstituted under this section, and of any matters necessary for or incidental to such appointment or reconstitution, the provisions of subsection five of this section shall commence on the day upon which the assent of His Majesty to this Act is signified.

(b) The persons so appointed shall assume their offices as members of The Hospitals Commission of New South Wales upon the appointed day; and on that day the provisions of subsection five of this section shall come into force for all purposes.

(5) The Principal Act is amended—

(a) by omitting section five and by inserting in lieu thereof the following section:—

Amendment
of Act No. 8,
1929.
Subst.
sec. 5.

5. (1) There shall be constituted a commission to be called The Hospitals Commission of New South Wales, which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Commission by or under this Act.

Appoint-
ment of
Commission.

In the exercise and discharge of such powers, authorities, duties and functions the Commission shall be subject in all respects to the control and direction of the Minister.

(2)

No. 45, 1943.

(2) The Commission shall consist of three members, one of whom shall be a medical practitioner registered or deemed to be registered under the Medical Practitioners Act, 1938-1939.

(3) The members of the Commission shall be appointed by the Governor by commission under the seal of the State.

(4) No person of or above the age of sixty-five years shall be appointed as a member of the Commission.

(5) The Governor shall appoint one of the members of the Commission to be chairman.

(6) The members of the Commission shall be paid such annual salary as the Governor may determine and each such member shall devote the whole of his time to the duties of his office.

(7) (a) Subject to this Act the term of office of a member of the Commission shall be seven years.

(b) Upon the expiration of the term of office of a member of the Commission he shall, if otherwise qualified, be eligible for reappointment from time to time.

(c) If the office of a member of the Commission becomes vacant otherwise than by reason of the expiration of his term of office the person appointed to fill the vacant office shall, subject to this Act, hold office for the remainder of the unexpired term of the vacant office.

(8) The provisions of the Public Service Act, 1902, or of any Act amending that Act shall not apply to the appointment of the members of the Commission, and such members shall not be subject to the provisions of the said Act during their tenure of office.

(9) (a) A member of the Commission who, at the date of his appointment as such member, is an officer of the Public Service shall, in the event of his office as a member of the Commission being discontinued otherwise than by
virtue

virtue of the provisions of section six or of section nine of this Act, or, in the event of the dissolution of the Commission, be appointed to some office in the Public Service not lower in classification and salary than that which he held at the date of his appointment as a member of the Commission. No. 45, 1943.

(b) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916, or any Act amending such Acts, to any officer of the Public Service appointed a member of the Commission.

(c) Any officer of the Public Service so appointed shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension, or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, as the case may be.

(b) by omitting subsection three of section six and by inserting in lieu thereof the following subsection:— Sec. 6.
(Disqualification of members.)

(3) (a) A member of the Commission shall be deemed to have vacated his office if he—

- (i) engages during his term of office in any paid employment outside the duties of his office; or
- (ii) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary or estate for their benefit; or
- (iii) absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant); or
- (iv) becomes an insane person or patient, or an incapable person within the meaning of the Lunacy Act of 1898; or
- (v)

No. 45, 1943.

(v) is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards; or is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or a misdemeanour which is punishable as aforesaid; or

(vi) resigns his office in writing under his hand addressed to the Governor; or

(vii) dies.

(b) A member of the Commission shall be deemed to have vacated his office on the day upon which he attains the age of sixty-five years.

Sec. 7.
(Incorporation of
Commission.)

(c) (i) by omitting from subsection two of section seven the words "and to the provisions of subsection (2A) of this section";

(ii) by omitting subsection (2A) of the same section;

(iii) by omitting from subsection three of the same section the word "Three" and by inserting in lieu thereof the word "Two";

(iv) by omitting subsections four and (4A) of the same section and by inserting in lieu thereof the following subsections:—

(4) The chairman shall preside at all meetings of the Commission at which he is present.

(4A) At any meeting of the Commission the decision of the majority of the members present shall be the decision of the Commission.

If at any meeting of the Commission at which two members only are present, such members differ in opinion upon any matter, the determination of such matter shall be postponed to a meeting at which all three members are present.

(v) by omitting from subsection five of the same section the words "or vice-chairman";

(d)

- (d) by omitting from subsection one of section ten the words "The salaries of the officers of the Commission, the fees of the members" and by inserting in lieu thereof the words "The salaries of the members and of the officers of the Commission".

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Sec. 10.
(Salaries and expenses paid out of Hospital Fund.)

3. The Principal Act is further amended—

Further amendment of Act No. 8, 1923.

- (a) by inserting at the end of section 11B the following new subsection:—

Sec. 11B.

(Delegation of conduct of inquiry.)

(b) In any case where the decision of the Commission includes a direction that the board of an incorporated hospital should take any action affecting the administration or management of such hospital the board shall, upon being notified of the Commission's decision, forthwith take such action.

- (b) (i) by inserting in paragraph (c) of subsection one of section thirteen after the word "authorise" the words "or require";

Sec. 13.

(Certain special powers.)

- (ii) by inserting in paragraph (d) of the same subsection after the word "authorise" the words "or require".
