

## PUBLIC HOSPITALS (AMENDMENT) ACT.

### Act No. 30, 1959.

An Act to make certain provisions with respect to The Elizabeth II,  
No. 30, 1959. Prince Henry Hospital and the retiring ages of certain hospital directors and employees; for these and other purposes to amend the Public Hospitals Act, 1929, and certain other Acts; to repeal the Prince Henry Hospital Act, 1936; and for purposes connected therewith. [Assented to, 7th December, 1959.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** (1) This Act may be cited as the "Public Hospitals Short title,  
citation and  
commence-  
ment. (Amendment) Act, 1959".

(2) The Public Hospitals Act, 1929, as amended by subsequent Acts and by this Act and by orders of the Governor pursuant to section four of the Public Hospitals Act, 1929, may be cited as the Public Hospitals Act, 1929-1959.

(3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

**2.** (1) The Public Hospitals Act, 1929, as amended, is Amendment  
of Act No.  
8, 1929. amended—

(a) (i) by omitting from subsection three of section four the words "or the Royal North Shore Hospital of Sydney" and inserting in lieu thereof the Sec. 4.  
(Applica-  
tion of  
Act.) words "the Royal North Shore Hospital of Sydney or the Prince Henry Hospital";

No. 30, 1959.

(ii) by inserting at the end of subsection six of the same section the following new paragraph :—

(g) On the day upon which an order is published pursuant to this section adding to the Second Schedule the name of the Prince Henry Hospital—

(i) the Prince Henry Hospital Act, 1936, shall be repealed;

(ii) the Third Schedule shall be amended by omitting the words “The Prince Henry Hospital”.

Sec. 22.  
(Board of  
Directors.)

(b) by inserting at the end of paragraph (a) of subsection two of section twenty-two the following words :—

A person who is of or above the age of seventy years shall not be eligible for appointment as a director.

Sec. 23c.  
(Tenure of  
office of  
directors.)

(c) by inserting at the end of section 23c the following words :

As from the expiration of a period of six months after the commencement of the Public Hospitals (Amendment) Act, 1959, a director elected or appointed under this Act shall be deemed to have vacated his office upon the day on which he attains the age of seventy years.

A director elected or appointed under this Act who has attained the age of seventy years before the commencement of the Public Hospitals (Amendment) Act, 1959, or who attains that age after such commencement but before the expiration of a period of six months after such commencement shall be deemed to have vacated his office upon the expiration of a period of six months after such commencement.

Sec. 24.  
(Disquali-  
fication of  
elected  
directors.)

(d) by inserting at the end of subsection two of section twenty-four the following new paragraph :—

(i) of or above the age of seventy years.

(e)

(e) by omitting section 32A;

No. 30, 1959.

Sec. 32A.  
(Charges during operation of Agreement under Hospital Benefits Agreement Act, 1946.)

(f) by inserting next after section thirty-three the following new Part :—

New Part VIA.

PART VIA.

PRINCE HENRY HOSPITAL.

33A. This Part of this Act shall commence on the day upon which an order is published under section four of this Act adding to the Second Schedule the name of the Prince Henry Hospital.

Commencement of Part VIA.

33B. (1) All persons who, immediately before the commencement of this Part of this Act, were officers, employees or members of the medical staff of the Board of Directors of The Prince Henry Hospital constituted under the Prince Henry Hospital Act, 1936, shall be deemed to have been appointed by the Board of Directors of the Prince Henry Hospital constituted under this Act as officers, employees or members of the medical staff, respectively, of the lastmentioned Board of Directors.

Transfer of officers, employees and medical staff.

(2) Any such person shall retain any rights accrued or accruing under the Public Service Act, 1902, the Superannuation Act, 1916, the Local Government (Superannuation) Act, 1927, the Prince Henry Hospital Act, 1936, or any other Act, including the right to continue to contribute to any fund or account and to receive any annual, sick, deferred or extended leave and any payment, pension or gratuity thereunder, and for any such purpose his service as an officer, employee or member of the medical staff of the Board of Directors of the Prince Henry Hospital constituted under this Act shall be deemed to be service for the purpose of any such Act.

(3)

No. 30, 1959.

Appoint-  
ments  
to medical  
staff.

(3) No such person shall be entitled to claim benefits under this Act as well as under any other Act for the same period of service.

33c. (1) The Board of Directors of the Prince Henry Hospital shall not make any appointment to the medical staff of the hospital unless—

- (a) an advertisement inviting applications for such appointment has been published in the Medical Journal of Australia, or, where such publication cannot be effected, in a Sydney daily newspaper;
- (b) all such applications have, until the Prince Henry Hospital Medical Appointments Advisory Committee has been constituted as hereinafter provided, been referred to the Medical Appointments Advisory Committee nominated by the Commission, and as from the constitution of the Prince Henry Hospital Medical Appointments Advisory Committee, been referred to that Committee;
- (c) any recommendations, made by the Committee to whom such applications have been referred, have been taken into consideration by the Board of Directors of the Prince Henry Hospital.

(2) There shall be constituted a Prince Henry Hospital Medical Appointments Advisory Committee consisting of seven medical practitioners appointed by the Board of Directors of the Prince Henry Hospital.

Of the members :—

- (a) two shall be medical practitioners from a panel nominated by the Senate of the University of Sydney;
- (b) two shall be medical practitioners from a panel nominated by the Council of the University of New South Wales.

A

A medical practitioner who is a member of the No. 30, 1959.  
Board of Directors of the Prince Henry Hospital shall not be eligible for appointment as a member of the Prince Henry Hospital Medical Appointments Advisory Committee.

(3) The Medical Appointments Advisory Committee nominated by the Commission or the Prince Henry Hospital Medical Appointments Advisory Committee in making any recommendations to the Board of Directors of the Prince Henry Hospital under this section shall do so with the view to informing such Board of the Committee's opinion as to the applicants best qualified for the relevant appointments to the medical staff.

33D. The Board of Directors of the Prince Henry Hospital shall establish and maintain facilities for undergraduate teaching in medicine in co-operation with the University of New South Wales and for post-graduate teaching in medicine in co-operation with the University of Sydney and the University of New South Wales.

33E. The Board of Directors of the Prince Henry Hospital shall from time to time make available such number of beds as may be necessary for the treatment of infectious diseases according to the prevailing circumstances.

Such number shall not exceed at any one time one hundred unless the Commission has directed that a number in excess of one hundred be so made available in which case the Board of Directors of the Prince Henry Hospital shall make available as aforesaid such number of beds as the Commission specifies in the direction.

33F. The Board of Directors of the Prince Henry Hospital shall conduct and maintain such number of beds for private and intermediate patients as the Commission may determine.

(g)

**Public Hospitals (Amendment) Act.**

No. 30, 1959.

New sec.  
40B.Chief  
executive  
officers and  
matrons of  
hospitals.

(g) by inserting next after section 40A the following new sections :—

40B. (1) No person shall be appointed to the position of chief executive officer or matron of any hospital, or to such other positions on the staff of any hospital as the Governor on the recommendation of the Commission may by order published in the Gazette extend the provisions of this section,—

- (a) unless the Commission has approved of such appointment; or
- (b) if such person is of or above the age of sixty-five years.

(2) Any person who—

- (a) at the commencement of the Public Hospitals (Amendment) Act, 1959, or the date on which an order is published under subsection one of this section holds the position of chief executive officer or matron of any hospital or the position on the staff of any hospital to which the provisions of this section extend by virtue of such order, as the case may require, and has attained the age of sixty-four years or more shall upon the expiration of a period of one year after such commencement or date, as the case may require, retire from such position;
- (b) not being a person referred to in paragraph (a) of this subsection, holds the position of chief executive officer or matron of any hospital or the position on the staff of any hospital to which the provisions of this section extend as aforesaid shall retire from such position upon the day upon which such person attains the age of sixty-five years.

(3) “Chief executive officer” means the person whether designated chief executive officer, secretary, manager, medical superintendent or otherwise

otherwise who is responsible to the board of any hospital, or other the authority governing and managing any hospital, for the carrying out of the directions of such board or authority in the government and management of the hospital, or for the supervision of the administration of the hospital. No. 30, 1959.

40c. (1) The Governor, on the recommendation of the Commission, may, by order published in the Gazette, declare that the provisions of subsection two of this section shall apply to any separate institution named in such order as from a date to be specified in such order. Such provisions shall apply accordingly. Directors  
of separate  
institutions  
---vacation  
of office.

(2) As from the date from which the provisions of this subsection apply to any separate institution :—

- (a) no person of or above the age of seventy years shall be eligible for appointment or election as a director or member of the board, council or other authority governing and managing such separate institution ;
- (b) a director or member of the board, council or other authority governing and managing such separate institution shall upon the day on which he attains the age of seventy years be deemed to have vacated his office.

A director or member of the board, council or other authority governing and managing a separate institution to which the provisions of this subsection have been applied who has attained the age of seventy years before the date from which the provisions of this subsection apply to such separate institution or who attains that age after such date but before the expiration of a period of six months after such date may, subject to any provisions other than those applicable by virtue of this subsection, continue to hold office as such a director or member until the expiration of the said period and shall thereupon be deemed to have vacated his office as such.

(3)

200            **Public Hospitals (Amendment) Act.**

No. 30, 1959.

(3) Nothing in this section shall apply to or in respect of a director or member of the board, council or other authority governing and managing a separate institution to which the provisions of subsection two of this section have been applied who ex-officio holds office as such director or member.

(4) This section shall have effect notwithstanding anything contained in any Act, memorandum or articles of association or elsewhere relating to the constitution of any separate institution to which the provisions of subsection two of this section have been applied.

Third  
Schedule.

(h) (i) by omitting from the Third Schedule the words :—

The Wallsend Mining District Hospital.

The Newcastle Hospital.

The Illawarra Cottage Hospital.

The Vegetable Creek Hospital.

The Hawkesbury Benevolent Society and Hospital.

(ii) by omitting from the same Schedule the words :—

The Royal North Shore Hospital of Sydney.

(2) Subparagraph (i) of paragraph (h) of subsection one of this section shall be deemed to have commenced upon the twenty-ninth day of January, one thousand nine hundred and thirty-seven.

Subparagraph (ii) of paragraph (h) of subsection one of this section shall be deemed to have commenced upon the fourth day of February, one thousand nine hundred and thirty-eight.

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VALUATION