

PUBLIC HOSPITALS (AMENDMENT) ACT.

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 73, 1970.

An Act relating to certain organisations or institutions established in connection with hospitals, the payment of subsidies to separate institutions and the payments to be made by certain patients for relief received by them; for these and other purposes to amend the Public Hospitals Act, 1929; and for purposes connected therewith. [Assented to, 27th November, 1970.]

BE

Public Hospitals (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by **No. 73, 1970** 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 (Amendment) Act, 1970". Short title and commencement.

(2) The several provisions of this Act shall commence upon such day or days as may be appointed by the Governor in respect thereof and notified by proclamation published in the Gazette.

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

(a) (i) by inserting next after the matter relating to Part V in subsection two of section one the following new matter:— Sec. 1. (Short title and commencement.)

PART VA.—ASSOCIATED ORGANISATIONS.

DIVISION 1.—*General.*

DIVISION 2.—*Provisions Applicable to and in respect of certain Associated Organisations.*

(ii) by inserting at the end of the same subsection the words "FOURTH SCHEDULE.";

(b) by inserting next before the definition of "Board" in section three the following new definition:— Sec. 3. (Interpretation.)

"Associated organisation" means an organisation or institution mentioned in the Fourth Schedule to this Act.

(c) by inserting in subsection one of section four after the word "Act" the words "(other than Part VA)"; Sec. 4. (Application of Act.)

(d) by inserting in section nine after the word "hospital" wherever occurring the words "or associated organisation"; Sec. 9. (Members not to be personally interested in contracts, &c.)

(e)

Public Hospitals (Amendment).

No. 73, 1970

Sec. 11.
(Powers
and duties
of Commis-
sion as to
inquiries and
inspections.)

- (e) (i) by inserting in paragraph (c) of section eleven after the word "hospitals" the words "and associated organisations";
- (ii) by inserting in paragraph (d) of the same section after the word "hospitals" the words "and associated organisations";
- (iii) by inserting in paragraph (e) of the same section after the words "any hospital" the words "or associated organisation";
- (iv) by inserting at the end of the same section the following new subsection :—
- (2) The Commission may—
- (a) make or cause to be made careful inquiry into the administration and management of any associated organisation; or
- (b) cause any associated organisation to be inspected from time to time.

Sec. 11B.
(Delegation
of power
to conduct
inquiry.)

- (f) (i) by inserting in subsection six of section 11B after the word "hospital" where firstly occurring the words ", or the board of directors of an associated organisation to which Division 2 of Part VA of this Act applies,";
- (ii) by inserting in the same subsection after the word "hospital" where secondly occurring the words "or organisation";

Sec. 17.
(Hospital
Fund to be
established.)

- (g) (i) by inserting in paragraph (a) of subsection two of section seventeen after the word "hospitals" the words "and associated organisations";

(ii)

Public Hospitals (Amendment).

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

(6) In determining what associated organisations shall be subsidised and what amount of money shall be paid out of the Hospital Fund to each associated organisation the Commission may take into consideration such matters as it thinks fit.

Subsidies
to associated
organisations.

(h) by inserting next after Part V the following new Part :—

New Part
VA.

PART VA.

ASSOCIATED ORGANISATIONS.

DIVISION 1.—*General.*

29B. (1) The Governor, on the recommendation of the Commission—

Order
amending
Fourth
Schedule.

(a) may, by order published in the Gazette, amend the Fourth Schedule to this Act by inserting in the first column thereof the name or a description of an organisation or institution whose object, or one of whose objects, is—

(i) the professional, technical or other education or the professional, technical or other training of any persons employed or to be employed in one or more hospitals; or

(ii) the supply of goods or substances, or of services, to one or more hospitals; and

(b)

Public Hospitals (Amendment).

No. 73, 1970

(b) if the exclusive or principal object of the organisation or institution is an object referred to in paragraph (a) of this subsection, may, by the same or a subsequent order—

(i) appoint a board of directors for the organisation or institution;
and

(ii) amend the Fourth Schedule to this Act by inserting in the second column thereof (opposite the name or description of the organisation or institution) the corporate name of that board.

(2) The Governor, on the recommendation of the Commission, may by order published in the Gazette, amend the Fourth Schedule to this Act by altering any matter relating to any associated organisation or by removing the whole of that matter.

(3) The Fourth Schedule as amended in pursuance of this section shall be the Fourth Schedule to this Act.

Application
of provisions
of this Act.

29c. (1) So much of the provisions of section 40B of this Act as is applicable to or in respect of any hospital shall be applicable mutatis mutandis to or in respect of any associated organisation.

(2) So much of the provisions of section 17A, section thirty-seven, subsection one of section 37A and section 40c of this Act as is applicable to or in respect of any separate institution shall be applicable mutatis mutandis to or in respect of any associated organisation, not being an associated organisation to which Division 2 of this Part applies.

DIVISION

Public Hospitals (Amendment).

 DIVISION 2.—*Provisions Applicable to and in* No. 73, 1970
respect of Certain Associated Organisations.

29D. In this Division, except in so far as the ^{Interpre-} context or subject-matter otherwise indicates or ^{tation.} requires—

“board” means the board of directors of an associated organisation to which this Division applies;

“director” means a person appointed in accordance with the provisions of this Division as a director of an associated organisation to which this Division applies.

29E. This Division applies to an associated ^{Application} organisation if the corporate name of its board is ^{of this} contained in the second column of the Fourth ^{Division.} Schedule to this Act.

29F. Upon the publication in the Gazette of ^{Incorpora-} an order under section 29B of this Act amending ^{tion.} the Fourth Schedule to this Act by inserting in the second column thereof the corporate name of a board, that board shall be a body corporate with that corporate name.

29G. (1) An associated organisation to which ^{Board.} this Division applies and its property shall be governed and managed by its board.

(2) The board of such an associated organisation shall, for all purposes connected with the associated organisation, represent the associated organisation.

(3) A board shall consist of not less than three nor more than twelve directors.

(4)

Public Hospitals (Amendment).

No. 73, 1970

(4) Subject to subsection three of this section, the Governor, on the recommendation of the Commission, may by order published in the Gazette—

- (a) appoint a person as an additional director of such an associated organisation;
- (b) remove any director from office; or
- (c) appoint a person as a director of such an associated organisation in the place of another director thereof.

(5) A director shall—

- (a) assume office on the day on which he is appointed; and
- (b) cease to hold office on the day on which he is removed from office or his successor is appointed, as the case may be.

(6) The Governor, on the recommendation of the Commission, may by order published in the Gazette appoint one of the directors of such an associated organisation to be chairman of the board of the associated organisation.

(7) The prescribed number of directors present at any meeting of a board shall form a quorum and any duly convened meeting at which a quorum is present shall be competent to transact any business of the board and shall have all the powers and authority by this Act conferred on the board.

(8) In subsection seven of this section, “the prescribed number of directors” means—

- (a) where there are not more than three directors for the time being—two directors;

(b)

Public Hospitals (Amendment).

- (b) where there are not less than four nor ^{No. 73, 1970} more than five directors for the time being—three directors;
- (c) where there are not less than six nor more than seven directors for the time being—four directors; or
- (d) where there are not less than eight directors for the time being—five directors.

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

(10) A director shall be deemed to have vacated his office upon the day on which he attains the age of seventy years.

29H. The board of an associated organisation to which this Division applies may, with the approval of the Commission, ^{Board may make by-laws.} make by-laws not inconsistent with the provisions of this Act and of the regulations—

- (a) regulating the times and modes of meeting and transacting business;
- (b) providing for the appointment of a secretary and officers of the associated organisation;
- (c) providing for the management and government of officers of the associated organisation; and
- (d) fixing fees or charges that may be demanded by the board in connection with the carrying out of the object of the associated organisation, as referred to in paragraph (b) of subsection one of section 29B of this Act.

29I.

Public Hospitals (Amendment).

No. 73, 1970

Application
of provisions
of this Act.

29i. (1) So much of the prescribed provisions as is applicable to or in respect of incorporated hospitals, boards of incorporated hospitals or bodies corporate constituted by Part IV of this Act, as the case may require, shall be applicable mutatis mutandis to or in respect of associated organisations to which this Division applies, boards of such associated organisations or bodies corporate constituted by this Division.

(2) In subsection one of this section, "the prescribed provisions" means section thirteen (except paragraphs (c) and (d) of subsection one and paragraphs (a) and (b) of subsection three), section fourteen (except paragraph (e) of subsection one), section fifteen, subsection three of section eighteen, section nineteen, section twenty, section twenty-six, section twenty-seven, subsection two of section twenty-eight, section twenty-nine, section 29A, section thirty-seven and subsection one of section 37A of this Act.

Sec. 42.
(Regulations.)

(i) (i) by inserting next after paragraph (p) of subsection one of section forty-two the following new paragraph :—

(p1) the administration and management of any associated organisation or any portion thereof;

(ii) by inserting next after subsection three of the same section the following new subsection :—

(3A) A regulation may apply to associated organisations generally or to any particular associated organisation or class of associated organisations specified in the regulation, or to associated organisations situated in any specified portion of the State.

(j)

Public Hospitals (Amendment).

- (j) by inserting next after the Third Schedule the No. 73, 1970 following new Schedule :—

New Fourth
Schedule.
Sec. 3.

FOURTH SCHEDULE.

First Column.	Second Column.
Name or Description of Associated Organisation.	Corporate Name of Board of Associated Organisation, where Appointed under Part VA.
The Australian Red Cross Society in respect of Blood Transfusion Service.	
The New South Wales College of Nursing.	

(2) The name of The Australian Red Cross Society in respect of Blood Transfusion Service is hereby removed from the Third Schedule to the Public Hospitals Act, 1929.

(3) The name of The New South Wales College of Nursing is hereby removed from the Third Schedule to the Public Hospitals Act, 1929.

3. The Public Hospitals Act, 1929, is further amended by inserting next after section seventeen the following new section :—

Further
amendment
of Act No.
8, 1929.
New sec.
17A.

17A. (1) Before paying any sum from the Hospital Fund to a separate institution, the Commission may require—

Agreement
by separate
institution
to repay
sums.

- (a) the governing authority of the separate institution; or
- (b) if the property of the separate institution is vested in some persons who do not constitute the governing authority of the separate institution—

(i) those persons; or

(ii)

Public Hospitals (Amendment).

No. 73, 1970

(ii) those persons and the governing authority,

to enter into an agreement with the Commission under this section.

(2) An agreement entered into under this section in relation to a separate institution shall make provision for or with respect to requiring the repayment to the Commission, in the circumstances specified in, or to be determined in accordance with, the agreement, of the sum referred to in subsection one of this section or such part of that sum as is specified in, or to be determined in accordance with, the agreement.

(3) No breach of trust shall be deemed to have occurred by reason of the fact that the trustees of a separate institution have—

- (a) entered into an agreement under this section;
- (b) repaid to the Commission any sum in accordance with the agreement; or
- (c) done or performed any act or thing necessary or convenient to be done or performed for the purpose of enabling them to enter into such an agreement or repay such a sum.

Further amendment of Act No. 8, 1929.

4. The Public Hospitals Act, 1929, is further amended—

Sec. 28.
(Board of Directors may make by-laws.)

(a) by omitting paragraph (c) of subsection one of section twenty-eight;

Sec. 30.
(Liability of patients.)

(b) (i) by omitting subsection one of section thirty and by inserting in lieu thereof the following subsection :—

(1) Subject to this Act, every patient who receives relief from any hospital shall be liable to contribute towards the funds of that hospital

Public Hospitals (Amendment).

hospital according to his means such sum in No. 73, 1970
respect of that relief as is calculated in
accordance with the scale of fees under
subsection eight of this section.

(ii) by inserting next after subsection seven of the
same section the following new subsection :—

(8) The Minister may, from time to time,
by notice published in the Gazette—

- (a) fix a scale of fees for relief received
from any hospital; and
- (b) amend or revoke any scale of fees
so fixed.