

**PUBLIC HOSPITALS (UNITED DENTAL HOSPITAL
OF SYDNEY) AMENDMENT ACT, 1978, No. 160**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 160, 1978.

An Act to amend the Public Hospitals Act, 1929, to provide for the addition to the Second Schedule to that Act of the name of the United Dental Hospital of Sydney; to vest certain land upon which that hospital is situated in the Health Commission of New South Wales; and for other purposes. [Assented to, 29th December, 1978.]

See also Dental Hospitals Union (Repeal) Act, 1978; Dentists (Dental Board) Amendment Act, 1978.

Public Hospitals (United Dental Hospital of Sydney) Amendment.

BE 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 :—

Short title. **1.** This Act may be cited as the "Public Hospitals (United Dental Hospital of Sydney) Amendment Act, 1978".

Schedules. **2.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929, RELATING TO THE UNITED DENTAL HOSPITAL OF SYDNEY.

SCHEDULE 2.—MISCELLANEOUS AMENDMENTS TO PART V OF THE PUBLIC HOSPITALS ACT, 1929.

Amend-ment of Act No. 8, 1929. **3.** The Public Hospitals Act, 1929, is amended in the manner set forth in Schedules 1 and 2.

Applica-tion of sec. 24 (2A) of Act No. 8, 1929. **4.** Section 24 (2A) of the Public Hospitals Act, 1929, as in force immediately before the commencement of Schedule 2 (3), shall be deemed never to have applied to a director appointed by the Minister.

Public Hospitals (United Dental Hospital of Sydney) Amendment.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929, RELATING
TO THE UNITED DENTAL HOSPITAL OF SYDNEY.

(1) Section 1 (2)—

Omit the matter relating to Part VIA, insert instead :—

PART VIA.—PROVISIONS APPLICABLE TO CERTAIN
HOSPITALS.

DIVISION 1.—*Prince Henry Hospital.*

DIVISION 2.—*United Dental Hospital of Sydney.*

(2) Section 4 (6) (h)—

After section 4 (6) (g), insert :—

(h) On the day upon which an order is published under this section adding to the Second Schedule the name of the United Dental Hospital of Sydney, the Third Schedule shall be amended by omitting the words "United Dental Hospital."

(3) (a) Section 22 (1A)—

Omit "Each", insert instead "Subject to section 33FC (1), each".

(b) Section 22 (2A)—

After "(2).", insert "and subject to section 33FC (1).".

(4) Section 28 (1) (b)—

Omit "providing", insert instead "subject to section 33FC (4) and (5), providing".

Public Hospitals (United Dental Hospital of Sydney) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929, RELATING
TO THE UNITED DENTAL HOSPITAL OF SYDNEY—*continued.*

(5) Part VIA, heading—

Omit "PRINCE HENRY HOSPITAL.", insert instead :—

PROVISIONS APPLICABLE TO CERTAIN HOSPITALS.

DIVISION 1.—*Prince Henry Hospital.*

(6) Section 33A—

Omit "Part", insert instead "Division".

(7) Section 33B (1)—

Omit "Part", insert instead "Division".

(8) Part VIA, Division 2—

After section 33F, insert :—

DIVISION 2.—*United Dental Hospital of Sydney.*

Commence-
ment of
Pt. VIA,
Div. 2.

33FA. This Division, except this section and sections 33FB and 33FG, shall commence on the day upon which an order is published under section 4 (2) adding to the Second Schedule the name of the United Dental Hospital of Sydney.

Interpre-
tation:
Pt. VIA,
Div. 2.

33FB. In this Division, except in so far as the context or subject-matter otherwise indicates or requires—

"Board" means the Board of Directors of the hospital;

"board of control" means the board of control referred to in the Dental Hospitals Union Act, 1904, of the United Dental Hospital of Sydney;

Public Hospitals (United Dental Hospital of Sydney) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929, RELATING
TO THE UNITED DENTAL HOSPITAL OF SYDNEY—*continued.*

“Chairman” means Chairman of the Board;

“hospital” means the body corporate having the corporate name “United Dental Hospital of Sydney”;

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

33FC. (1) The Board shall consist of 9 directors appointed by the Minister, 3 of whom shall be persons nominated by the University of Sydney within such period and in such manner as may from time to time be fixed by the Minister and notified by him to that university. Board of Directors.

(2) If a nomination is not made as provided by subsection (1) and the period within which the nomination is required to be made has expired, the Minister may nominate 3 persons to be directors of the Board and the persons so nominated by the Minister shall, on their appointment, be deemed to have been nominated as provided by subsection (1).

(3) Where a vacancy referred to in section 24B occurs in the office of a director nominated in accordance with this section, the person appointed under section 24B to fill the vacancy shall be a person nominated in accordance with this section.

(4) The Chairman shall be the director who is so appointed by the Minister in and by the notification of his appointment as a director or by a subsequent notification published in the Gazette.

Public Hospitals (United Dental Hospital of Sydney) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929, RELATING
TO THE UNITED DENTAL HOSPITAL OF SYDNEY—*continued.*

(5) The term of office of the Chairman shall be the period specified as such in the notification of his appointment as Chairman.

(6) The Chairman shall hold office as Chairman for the period from the date of commencement of his term of office as Chairman until—

- (a) he resigns his office as Chairman by writing under his hand addressed to the Minister and the Minister accepts his resignation;
- (b) he is deemed to have vacated his office as a director pursuant to section 24A (1);
- (c) the date of expiration of his term of office as a director; or
- (d) the date of expiration of his term of office as Chairman,

whichever event first occurs.

**Vesting of
land.**

33FD. (1) So much of the land described in the Sixth Schedule as is not vested in the Commission is hereby vested in the Commission for an estate in fee simple freed and discharged from all trusts that, immediately before the commencement of this section, affected that land, and section 19 (1) (b) has no operation in respect of the land hereby vested.

(2) The vesting effected by subsection (1) shall be without prejudice to any reservation, mortgage, charge, encumbrance, lien or lease, that, immediately before the commencement of this section, affected the land vested.

Public Hospitals (United Dental Hospital of Sydney) Amendment.

SCHEDULE 1—continued.

**AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929, RELATING
TO THE UNITED DENTAL HOSPITAL OF SYDNEY—continued.**

33FE. Upon application in writing by the Commission, the Registrar-General shall issue to the Commission a certificate of title under the Real Property Act, 1900, for the whole of the land described in the Sixth Schedule. Issue of certificate of title.

33FF. (1) All persons who, immediately before the commencement of this Division, were employees, servants, or members of the staff, of the board of control shall be deemed to have been appointed as employees, servants, or members of the staff, of the hospital. Savings and transitional provisions.

(2) Subject to subsection (3), where a person to whom subsection (1) applies was, immediately before his appointment as an employee, a servant, or a member of the staff, of the hospital, a contributor to a superannuation scheme, he—

- (a) shall retain any rights accrued or accruing to him as such a contributor;
- (b) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as an employee, a servant, or a member of the staff, of the hospital,

and—

- (c) his service as an employee, a servant, or a member of the staff, of the board of control shall be deemed to be service as an officer or employee of the hospital for the purpose of any law under which those rights accrued or were accruing or under which he continues to contribute: and

Public Hospitals (United Dental Hospital of Sydney) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929, RELATING
TO THE UNITED DENTAL HOSPITAL OF SYDNEY—*continued.*

(d) he shall be deemed to be an officer or employee, and the hospital shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this section.

(3) An employee, a servant, or a member of the staff, of the hospital who, but for this subsection, would be entitled under subsection (2) to contribute to a superannuation scheme shall not be so entitled upon his becoming (whether upon his appointment as an employee, a servant, or a member of the staff, of the hospital or at any later time while he holds office as an employee, a servant, or a member of the staff, of the hospital) a contributor to any other superannuation scheme, and the provisions of subsection (2) (d) cease to apply to or in respect of him and the hospital in any case where he becomes a contributor to another superannuation scheme.

(4) Subsection (3) does not prevent the payment to an employee, a servant, or a member of the staff, of the hospital upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer or employee for the purposes of that scheme.

(5) A person to whom subsection (1) applies shall be paid salary or wages by the hospital at a rate not less than the rate which was payable to him immediately

Public Hospitals (United Dental Hospital of Sydney) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929, RELATING
TO THE UNITED DENTAL HOSPITAL OF SYDNEY—*continued.*

before the commencement of this Division, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered by an award of a competent tribunal, an industrial agreement or a determination under section 40BA (2).

(6) Where any condition of employment of a person to whom subsection (1) applies was, immediately before the commencement of this Division, regulated by an award or industrial agreement, that condition shall continue after that commencement to be so regulated until it is varied by an award by which the hospital is bound made by a court of competent jurisdiction, or that condition is regulated by an industrial agreement.

(7) Service with the board of control of a person to whom subsection (1) applies shall be deemed to be service with the hospital for the purposes of annual leave, sick leave and long service leave.

(8) A person to whom subsection (1) applies shall not, in respect of the same period of service, be entitled to claim a benefit under this Division and another Act.

33FG. (1) An application for the purposes of section 92 (1) of the Superannuation Act, 1916, may be made in relation to the board of control or the hospital by—

- (a) the board of control, before the appointed day;
- (b) the hospital, on or after the appointed day; or
- (c) the Commission, at any time.

(2) In subsection (1), "appointed day" means the day referred to in section 33FA.

Public Hospitals (United Dental Hospital of Sydney) Amendment.

SCHEDULE 1—*continued.*

**AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929, RELATING
TO THE UNITED DENTAL HOSPITAL OF SYDNEY—*continued.***

(9) Sixth Schedule—

After the Fifth Schedule, insert :—

SIXTH SCHEDULE.

Secs. 33FD
(1), 33FE.

All that piece or parcel of land situate in the City of Sydney, Parishes of St. Lawrence and Alexandria and County of Cumberland, being lot 1, Deposited Plan 593549, and having an area of 1997 square metres or thereabouts.

Sec. 3.

SCHEDULE 2.

**MISCELLANEOUS AMENDMENTS TO PART V OF THE
PUBLIC HOSPITALS ACT, 1929.**

(1) Section 21A, definition of “appointed director”—

After “(2)”, insert “or 24B or by the Governor under section 23B”.

(2) (a) Section 23c (1)—

Omit “or appointed” where firstly, secondly and thirdly occurring.

Public Hospitals (United Dental Hospital of Sydney) Amendment.

SCHEDULE 2—*continued.*

MISCELLANEOUS AMENDMENTS TO PART V OF THE
PUBLIC HOSPITALS ACT, 1929—*continued.*

(b) Section 23c (1) (a)—

Omit “except in the case of a person appointed under section 23A,”.

(c) Section 23c (1)—

Omit :—

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.

(3) Section 24 (2A)—

Omit “a director” where firstly occurring, insert instead “an elected director or a director appointed by the Governor under section 23B”.

Public Hospitals (United Dental Hospital of Sydney) Amendment.

SCHEDULE 2—continued.

**MISCELLANEOUS AMENDMENTS TO PART V OF THE
PUBLIC HOSPITALS ACT, 1929—continued.**

(4) Section 24B—

Omit "a director" where firstly occurring, insert instead
"an appointed director".