

**PUBLIC HOSPITALS (AMENDMENT) ACT, 1980,
No. 89**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 89, 1980.

An Act to amend the Public Hospitals Act, 1929, to provide for the appointment of an arbitrator to determine the fees to be paid to medical practitioners performing fee-for-service work at incorporated hospitals or separate institutions within the meaning of that Act. [Assented to, 1st May, 1980.]

Public Hospitals (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 :—

1. This Act may be cited as the "Public Hospitals (Amendment) Act, 1980". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Public Hospitals Act, 1929, is amended in the manner set forth in Schedule 1. Amendment of Act No. 8, 1929.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929.

(1) (a) Section 29K, definition of "arbitrator"—

After "29L (1)", insert "or (3)".

(b) Section 29K, definition of "fee-for-service contract"—

After the definition of "Association", insert :—

"fee-for-service contract" means a contract between an incorporated hospital, a separate institution or the governing body of a separate institution

Public Hospitals (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PUBLIC HOSPITALS ACT,
 1929—*continued.*

and a medical practitioner under which the medical practitioner is required to provide medical services or medical services of any class or description specified in the contract to all patients of that incorporated hospital or separate institution or to any class of patients of that incorporated hospital or separate institution specified in the contract in consideration of remuneration on a fee-for-service basis;

(c) Section 29K, definition of “visiting medical officer”—

After “under a”, insert “fee-for-service contract or a”.

(2) (a) Section 29L (1), (2)—

Omit “section 29M” wherever occurring, insert instead “section 29M (1)”.

(b) Section 29L (3)—

After section 29L (2), insert :—

(3) The Attorney-General shall, upon receipt of an application in the prescribed form made by—

(a) the Association and the Commission jointly;
 or

(b) either the Association or the Commission, appoint a member of the Industrial Commission of New South Wales to be the arbitrator for the purposes of making a determination under section 29M (1A).

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC HOSPITALS ACT,
1929—*continued.*

(3) (a) Section 29M (1)—

After “his appointment”, insert “under section 29L (1)”.

(b) Section 29M (1A)—

After section 29M (1), insert :—

(1A) The arbitrator shall, as soon as practicable after his appointment under section 29L (3), determine—

- (a) the rates on a fee-for-service basis of remuneration in respect of medical services provided by visiting medical officers under fee-for-service contracts; and
- (b) the date or dates, not being a date or dates earlier than the date of the determination, on and from which any determination made under paragraph (a) shall have effect.

(c) Section 29M (2)—

After “subsection (1)”, insert “or (1A)”.

(4) (a) Section 29R—

After “any provision of a”, insert “fee-for-service contract or a”.

Act No. 89, 1980.

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC HOSPITALS ACT,
1929—*continued.*

(b) Section 29R—

Omit “sessional contract” where secondly occurring,
insert instead “fee-for-service contract or the sessional
contract, as the case may be.”