

PUBLIC HOSPITALS (AMENDMENT) ACT, 1983 (1984 No. 2)

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 2, 1984.

An Act to amend the Public Hospitals Act, 1929, in relation to the functions of incorporated hospitals and separate institutions, the appointment of visiting practitioners, the payment of subsidies and other matters.
[Assented to, 31st January, 1984.]

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:—

Short title.

1. This Act may be cited as the "Public Hospitals (Amendment) Act, 1983".

Commencement.

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 3, in its application to Schedule 1 (7), and Schedule 1 (7) shall commence or be deemed to have commenced, as the case may require, on the day appointed and notified under section 2 (6) of the Public Hospitals (Amendment) Act, 1976.

Amendment of Act No. 8, 1929.

3. The Public Hospitals Act, 1929, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929.

(1) Section 1 (2)—

Before the matter relating to Part VA, insert:—

PART VAA.—SEPARATE INSTITUTIONS.

(2) Section 4 (1)—

After "in the Third Schedule", insert "and Part VAA shall not apply to incorporated hospitals mentioned in the Second Schedule".

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

(3) (a) Section 13 (3) (b)—

Omit “nurses;”, insert instead “nurses.”.

(b) Section 13 (3) (c)—

Omit the paragraph.

(c) Section 13 (4)—

After section 13 (3), insert:—

(4) The Minister may, from time to time, determine the role, functions and activities of any hospital and shall, upon making such a determination, give written notice of the determination to that hospital.

(4) Section 17 (8)—

Omit “conditions in respect of the erection, maintenance, equipment and management of, or capital expenditure on, new or existing buildings, including the repair of existing buildings”, insert instead “such conditions as the Minister thinks fit”.

(5) Section 27A—

After section 27, insert:—

Duties of board of hospital.

27A. It shall be the duty of the board of a hospital—

(a) to achieve and maintain adequate standards of—

(i) patient care within the hospital; and

(ii) services provided by the hospital; and

(b) to ensure the efficient and economic operation of the hospital consistent with the standards referred to in paragraph (a).

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929—*continued.*

- (6) (a) Section 28 (1) (b)—
After “medical officers,” insert “visiting practitioners.”
- (b) Section 28 (1) (d)—
After “officers,” insert “visiting practitioners.”
- (c) Section 28 (1) (d)—
Omit “patients; and”, insert instead “patients.”
- (d) Section 28 (1) (e)—
Omit the paragraph.
- (7) Section 29AA (a)—
Omit “body”, insert instead “authority”.
- (8) Part VAA—
Before Part VA, insert:—

PART VAA.

SEPARATE INSTITUTIONS.

Duties of governing authority of separate institution.

29AD. It shall be the duty of the governing authority of a separate institution—

- (a) to achieve and maintain adequate standards of—
(i) patient care within the separate institution; and
(ii) services provided by the separate institution; and
- (b) to ensure the efficient and economic operation of the separate institution consistent with the standards referred to in paragraph (a).

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929—*continued.***By-laws.**

29AE. The governing authority of any separate institution may, with the approval of the Minister, 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 chairman, secretary, medical officers, visiting practitioners, auditors and other officers, nursing staff and sub-committees of the separate institution; and
- (c) generally for the management and government of all officers, visiting practitioners, servants, visitors and patients.

(9) Section 29K, definition of “sessional contract”—

- (i) Omit “, during periods or sessions specified in the contract,”.
- (ii) After “contract” where lastly occurring, insert “in consideration of remuneration on an hourly basis”.

(10) Section 29M (1), (1A)—

Omit “The arbitrator” wherever occurring, insert instead “Subject to this Act and the regulations, the arbitrator”.

(11) Section 33G, definition of “board”—

From paragraph (a), omit “body”, insert instead “authority”.

(12) Section 33o (1)—

Omit “A Committee”, insert instead “Subject to this Act and the regulations, a Committee”.

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929—*continued.*

(13) (a) Section 40BA (1)—

Omit the subsection, insert instead:—

(1) In this section—

“hospital” means any hospital whose name is mentioned in the Second Schedule or Third Schedule, and includes any associated organisation whose name is mentioned in the Fourth Schedule;

“industrial matters” has the meaning ascribed to that expression by section 5 (1) of the Industrial Arbitration Act, 1940, subject to the following modifications:—

- (a) the reference to “employers” and “their employer” shall be read and construed as references to the Corporation;
- (b) the references to “employees” shall be read and construed as references to officers and employees;
- (c) the references to “any industry” and “an industry” shall be read and construed as references to a hospital;
- (d) the references to “industrial unions” and “trade union” shall be read and construed as references to any association or organisation representing any group or class of officers or employees.

(b) Section 40BA (3)—

Omit “within the meaning of the Industrial Arbitration Act, 1940”.

(14) (a) Section 42 (1) (h1)—

After section 42 (1) (h), insert:—

- (h1) the appointment, management and government of visiting practitioners, including the conditions subject to which visiting practitioners may perform work at hospitals;

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

(b) Section 42 (1A)—

After section 42 (1), insert:—

(1A) A regulation made for the purposes of subsection (1) (h1) may, without limiting the generality of that paragraph, make provision with respect to—

- (a) the conduct of a visiting practitioner of a hospital (whether at a hospital or elsewhere) in relation to the performance of work which is capable of being performed at the hospital by the visiting practitioner; and
 - (b) any conduct of a visiting practitioner of a hospital (whether at a hospital or elsewhere) which may prevent or inhibit the admission of persons (whether or not those persons are members of or subscribers to any organisation) to the hospital.
-