

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1918.

A BILL

To incorporate, regulate, and otherwise promote the objects of certain hospitals; to amend the Public Hospitals Act, 1898; and for purposes consequent thereon or incidental thereto.

BE it enacted by the King'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 "Hospitals Enabling Act, 1918." Short title.

19401

224—(2)

2.

2. In this Act, unless the context otherwise requires,—

“The Board” means the board of directors of a hospital;

“Hospital” means any hospital to which this Act applies;

“Member” means—

(a) any person who contributes to the support of a hospital a sum of not less than ten shillings annually, so long as he continues to so contribute, or who has so contributed at least ten pounds in one sum; and

(b) any person who for the time being is a contributor to a hospital under a scheme agreed upon by any employer and his employee, and approved by the governing body for the time being of the hospital, and hereinafter referred to as an “industrial contribution scheme”.

3. The Governor, by proclamation in the Gazette, may declare that this Act shall apply to any hospital named therein. He shall in such proclamation fix the number of directors of the hospital and the number of such directors to be appointed by the Governor and to be elected by contributors, employees, and employers respectively, and shall fix the quorum of directors for transacting the business of the board, and may revoke or amend any such proclamation.

Application of Act to hospitals.

4. On such proclamation being made with respect to any hospital, and so long as such proclamation is in force, this Act shall apply, and the provisions of the Public Hospitals Act, 1898, shall cease to apply to such hospital: Provided that any rules then in force with respect to such hospital shall remain in force until altered or repealed by by-laws made under this Act.

Provisions of Hospitals Act, 1898, to cease to apply to certain hospitals.

The hospital.

5. The members shall by the name of the hospital as mentioned in such proclamation be a body corporate which shall have perpetual succession and a common seal, and under that name may sue and be sued, proceed and be proceeded against in all courts.

Members to be corporate body.

6.

6. All real and personal property which at the date of such proclamation is vested in and held by any person in trust for or on behalf of the hospital is hereby transferred to and vested in the said body corporate, subject to any trusts affecting the same. Trust property vested.

7. The said body corporate may take, purchase, hold, and enjoy not only such lands, buildings, and hereditaments as may from time to time be required for the purposes of the hospital, but also any other lands and hereditaments whatsoever or wheresoever situate, and may also take, purchase, and receive, hold and enjoy, any chattels and personal property, and may also sell, grant, convey, demise, or otherwise dispose of, either absolutely or by way of mortgage, any of the property, real or personal, belonging to the said body corporate : Power to hold and deal with lands.

Provided that it shall not be lawful for the said body corporate to sell, grant, convey, demise, mortgage, or dispose of any land now or hereafter granted by the Crown by way of free gift, unless with the approval of the Governor.

The board.

8. The hospital and the property of the said body corporate shall be governed and managed by the board. Hospital and property to be managed by directors.

9. The board shall for all purposes connected with the hospital be the representatives of the said body corporate, and shall consist of the total number of members fixed by proclamation as aforesaid, who shall, in the numbers fixed by the proclamation— Constitution of board.

- (a) be appointed by the Governor to hold office during his pleasure ;
- (b) be elected annually by persons who contribute at least ten shillings annually to the support of the hospital, or who have so contributed at least ten pounds in one sum ;
- (c) be elected annually by the employees who contribute for the time being to the hospital under an industrial contribution scheme ; and
- (d) be elected annually by the employers who subsidise their employees' contributions under such scheme.

10.

10. The first elections of directors shall be held within three months after the date of the proclamation as aforesaid, and the directors then elected and appointed shall collectively form the first board under this Act. Until such elections and appointments have been held and made, the existing committee of management or governing body shall continue to manage the hospital, and shall have power to make rules and take such steps as it may consider necessary for the proper carrying out of such elections.

First board
directors.

11. A meeting of the members shall be held in every year, and shall be called by the board of directors by advertisement in any one or more of the newspapers circulating in the locality where the hospital is situated.

Annual
meeting.

12. At every annual meeting all the directors elected shall retire, but shall be eligible for re-election, and persons shall be elected directors according to the provisions of this Act in the room of the directors so retiring.

Directors in
place of
retiring
directors.

13. When and so often as any person appointed by the Governor ceases to be a director the Governor shall appoint some other person to be a director in his place, and when and so often as any person elected a director ceases to be a director, the remainder of the directors representing the class of contributors which elected him shall elect his successor.

Filling vacan-
cies on board.

By-laws.

14. Subject to the provisions of this Act, the board may make, repeal, and alter by-laws for regulating the times and modes of meetings and of transacting business, for fixing the number of votes of contributors in proportion to the amount of their contributions, for determining the qualification, disqualification, change, retirement, election, and appointment of directors, medical officers, auditors, executive and other officers, and nursing staff and sub-committees of the hospital, and generally for the management and government of the hospital and of all officers, servants, and patients thereof.

Power to
make
by-laws.

15.

15. A copy of any such by-laws, sealed with the seal of the body corporate, and purporting to be certified by the secretary of the hospital as being correct, shall be received in any court as conclusive evidence of such by-laws, and of the same having been duly made under this Act. Copy of by-laws to be evidence.

Investment of funds.

16. The board may invest any funds of the said body corporate which are not in the opinion of such board required to defray the current expenses of the hospital, and any moneys given or bequeathed to or arising from any donation of real or personal property to the hospital in any Government funds or debentures of any Australian States, or in any debentures or debenture stock of any municipal corporation in any such States, or of any bank or incorporated company carrying on business therein, or by way of purchase of or mortgage upon any freehold estate there as well as in bank or deposit receipts for fixed periods or otherwise, with power from time to time and at any time to vary and transfer any such investment for or into any other investment authorised by this Act: Provided that the board may at any time resort to any such investments and sell the same for the purpose of applying the proceeds of any such sale for the purposes of the hospital. Power of directors to invest funds.

Committees of the board.

17. The board may from time to time elect and appoint from their own body a house committee and such and so many other committees as they may think fit for transacting the affairs and business of the hospital with and subject to such powers, privileges, provisions, and conditions as may be expressed and declared by the by-laws. Committees.

Medical school.

18. The board may make provision for the appointment and support of a medical school and a nursing and training staff for the hospital. Medical school and nursing and training staff.

Miscellaneous

Miscellaneous.

19. No irregularity, informality, or illegality in the election or appointment of any director or officer of a hospital shall render illegal or invalid, any act, deed, matter, or thing done or executed or suffered to be done or executed by such director or officer in pursuance of such election or appointment, but any such election or appointment may in such way as may be provided for in the said by-laws be determined by resolution to be good or bad, and if bad the vacancy may be filled in such way as may be provided for in such by-laws, the provisions whereof as to the validity of any such election or appointment and the acts, deeds, and things done by any director or officer in pursuance of any such election or appointment shall have the force and effect of law.

Informality of election of director or officer not to invalidate acts, &c.

20. The treasurer of a hospital to which this Act applies, or of the Newcastle Hospital, the Wallsend Mining District Hospital, the Vegetable Creek Hospital, or the Illawarra Cottage Hospital, may institute in his own name for and on behalf of the board of such hospital and by their direction proceedings against any person to recover payment for any services rendered by a medical officer of the hospital who devotes the whole of his services to the duties of or in connection with the hospital except in so far as such person is entitled by contribution to the hospital to the services of such medical officer without fee. Such proceedings may be taken either in the district court or court of petty sessions of the district in which the hospital is situated, or of the district in which the said person resides.

Recovery of certain medical fees by a hospital.