

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1921.

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## A BILL

To incorporate, regulate, and otherwise promote the objects of public hospitals; to repeal the Public Hospitals Act, 1898, and certain other Acts; to amend the Truck Act, 1900, the Stamp Duties Act, 1920, and certain other Acts; and for purposes connected therewith.

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**B**E 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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Public Hospitals Act, 1921," and is divided into Parts as follows:— Short title and division.

PART I.—PRELIMINARY—*ss.* 1-4.

PART II.—INCORPORATION OF HOSPITALS—*ss.* 5-7.

PART III.—CONSTITUTION AND FUNCTIONS OF BOARD OF DIRECTORS—*ss.* 8-18.

PART IV.—MISCELLANEOUS—*ss.* 19-26.

PART V.—COMPULSORY CONTRIBUTIONS—*ss.* 27-33.

2. (1) The Acts mentioned in the First Schedule to this Act are hereby repealed. Repeal of Acts.

(2) All by-laws and rules made under the authority of any Act so repealed and in force at the commencement of this Act shall, so far as the same are not inconsistent with the provisions of this Act, remain in force until altered or repealed by by-laws or regulations made under the provisions of this Act. By-laws and rules under Acts repealed.

(3) All persons appointed or elected to any office under the Acts hereby repealed, and holding office at the time of the passing of this Act, shall, until such time as appointments and elections to the said offices are made in accordance with the provisions of this Act, be deemed to have been appointed or elected hereunder. Officers, &c., under Acts hereby repealed.

3. In this Act, unless the context otherwise requires,— Inter-pretation.

"Board" means a board of directors as constituted under the provisions of this Act.

"Member" means any person who contributes to the support of a hospital a sum of not less than ten shillings annually, so long as he continues so to contribute, or who contributes to the support of such hospital not less than ten pounds, and includes any person who for the time being is a contributor to a hospital under a compulsory contribution scheme as provided in Part V of this Act.

"Minister"

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“ Minister ” means Minister for Public Health and Motherhood.

**4.** (1) Parts I to IV inclusive of this Act shall apply to the hospitals mentioned in the Second Schedule hereto. Application of Parts I to IV of Act.

The Governor shall, as soon as is practicable after the passing of this Act, by proclamation published in the Government Gazette, fix either generally or particularly, the number of directors of the board of each such hospital, the number of such directors to be appointed by the Governor and to be elected by the members (or the classes thereof) respectively, and the number of directors who shall constitute a quorum for transacting the business of the board.

(2) The Governor may from time to time, by proclamation published in the Government Gazette, declare that the provisions of Parts I to IV inclusive of this Act shall apply to any hospital named therein, and shall in such proclamation fix the number of directors of the board of such hospital, the number of such directors to be appointed by the Governor and to be elected by the members (or the classes thereof) respectively, and the number of directors who shall constitute a quorum for transacting the business of the board.

(3) The Governor may, from time to time, by proclamation revoke or amend any proclamation made in pursuance of this section.

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## PART II.

### INCORPORATION OF HOSPITALS.

**5.** (1) Upon the passing of this Act, the members of each hospital mentioned in the Second Schedule hereto shall be a body corporate by the name of the hospital as described therein. Hospitals to be bodies corporate.

(2)

(2) Upon the issue of a proclamation under subsection two of the last preceding section, the members of the hospital mentioned in such proclamation shall be a body corporate by the name of the hospital as described therein.

(3) Every such body corporate shall have perpetual succession and a common seal, and may, in its corporate name, sue and be sued, proceed and be proceeded against in all courts.

6. All real and personal estate which at the date of the incorporation of a hospital under the provisions of this Act, is vested in and held by any person in trust for or on behalf of such hospital, is hereby transferred to and vested in the body corporate constituted in respect of such hospital, subject to any trusts affecting the same.

All trust property vested in body corporate.

7. Each body corporate constituted as aforesaid 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 in respect of which it is constituted, but also any other lands and hereditaments whatsoever or wheresoever situate, and may also take, purchase, receive, hold, and enjoy any chattels and personal property, and may also for the purposes of the hospital in respect of which it is constituted, sell, grant, convey, demise, or otherwise dispose of, either absolutely or by way of mortgage, any of the property, real or personal, belonging to such body corporate :

Power to hold and deal with lands.

Provided that it shall not be lawful for any such body corporate to sell, grant, convey, demise, mortgage or dispose of any lands, buildings, or hereditaments unless with the approval of the Minister.

PART III.

CONSTITUTION AND FUNCTIONS OF BOARD OF DIRECTORS.

**8.** (1) Each hospital incorporated under the provisions of this Act, and the property of the body corporate constituted in respect of such hospital, shall be governed and managed by a board of directors, which shall consist of the total number of directors fixed by proclamation as provided in section four of this Act, who shall in the numbers fixed by such proclamation—

Hospital and property to be managed by board of directors.

- (a) be appointed by the Governor to hold office during his pleasure; and
- (b) be elected annually by the members of such hospital in the manner hereinafter provided.

(2) The board of each such hospital shall, for all purposes connected with the hospital, be the representatives of the body corporate constituted in respect thereof.

(3) The Governor may appoint any person to be a director of a hospital under this section, irrespective of whether such person is a member of the hospital or not.

**9.** (1) The first elections of directors shall be held at the times hereinafter specified as the case may be—

First board of directors.

- (a) in the case of the hospitals mentioned in the Second Schedule to this Act, within three months after the commencement of this Act;
- (b) in the case of a hospital to which the provisions of Parts I-IV inclusive of this Act have been applied by proclamation, within three months next after the issue of such proclamation,

and the directors then elected, together with the directors appointed by the Governor, shall, in respect of the hospital for which they have been so elected and appointed, collectively form the first board of directors.

(2) Until such elections and appointments as aforesaid have been held and made, the existing committee of management, board of directors, or governing body

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 first elections.

**10.** The board of each hospital incorporated under the provisions of this Act shall call an annual meeting, to be held in July, of the members of such hospital for the election of the directors for the ensuing year, and shall give notice of such meeting by advertisement in the nearest local paper at least one week before the day on which such meeting is to be held.

Annual meeting.

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

Election of directors in place of retiring directors.

**12.** Any member of the hospital shall be qualified to vote at any annual or special general meeting of the members of that hospital on any question brought before such meeting, or to vote for any director or elective officer to be elected at such meeting by the class of members to which such member belongs.

Qualification of members to vote at meetings.

**13.** (1) Any member of a hospital not being a servant (honorary or otherwise) of the board of such hospital and not having any direct or indirect pecuniary interest in any agreement or trading with the said board other than one in common with the members of an incorporate company consisting of more than twenty-five persons and of which he is neither a director nor manager, and not being a minor, may be nominated for and elected as a director of such hospital.

Qualification for election as director.

(2) No person shall be elected as a director of a hospital unless at a meeting for such election he is proposed and seconded by two members of such hospital qualified to vote, and is with his own consent nominated in writing.

**14.** If at any annual or special general meeting at least ten members qualified to vote do not assemble and proceed to business within one hour from the time fixed for the meeting, no election shall be made, nor shall any business be done at that time; but in such case there shall

Adjournment of annual or special general meeting if ten members shall not be present. cf. 1898, No. 16, s. 7.

shall be another meeting at the same hour of the same day in the following week, and at such other meeting any number of members more than three qualified to vote shall constitute a meeting.

**15.** (1) 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. <sup>Vacancies, how to be filled up.</sup>

(2) When any elected director dies, or resigns or refuses or becomes otherwise unable to act as such director, the board may declare that he has ceased to be a director of such board, and thereupon the remainder of the directors representing the class of members to which he belonged shall elect his successor.

**16.** Subject to the provisions of this Act and of any regulations made hereunder, the board of any hospital may, with the approval of the Minister, make, repeal, and alter by-laws for regulating the times and modes of meetings and of transacting business, and 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 such hospital, and generally for the management and government of the hospital and of all officers, servants, visitors, and patients thereof: <sup>Power to make by-laws.</sup>

Provided that notwithstanding such approval as aforesaid the Minister may amend, vary, or revoke any by-laws, and may make such further or other by-laws in the same subject-matter as he may deem necessary.

**17.** The board of any hospital may invest any funds of the body corporate, constituted in respect of such hospital, which are not in the opinion of the 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 <sup>Power to invest funds.</sup>

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, with the consent of the Minister, at any time resort to any such investments, and sell the same for the purpose of applying the proceeds of any such sale to the purposes of the hospital.

**18.** The board of any hospital may, from time to time, elect and appoint from their own body a house committee, and such and so many sub-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 of the hospital.

Board may  
appoint sub-  
committee.

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#### PART IV.

##### MISCELLANEOUS.

**19.** No irregularity, informality, or illegality in the election or appointment of any director or elective 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 by-laws of the hospital be determined to be good or bad, and if bad the vacancy may be filled in such mode 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, if made in accordance with the provisions of this Act, have the force and effect of law.

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



**20.** The Governor may from time to time appoint one or more persons, as he thinks fit, to be an inspector or inspectors of hospitals under this Act. Governor may appoint inspectors.

**21.** Any inspector may— Powers of inspector.

- (a) visit and inspect any hospital at any time the Minister thinks fit;
- (b) be present at any meeting of the board of a hospital and speak at any such meeting, but shall not take any other part in the proceedings thereat;
- (c) conduct such inquiries into the affairs of any hospital as the Minister may consider necessary, and examine upon oath any officer or servant of the hospital upon any matter relevant to such inquiry.

**22.** (1) All officers and servants employed in or in respect of any hospital shall furnish inspectors with all information required by them concerning the hospital and the management thereof, and all matters connected therewith. Officers and servants not to obstruct or hinder inspectors.

(2) Any person who obstructs or hinders an inspector in the execution of his duty or authority under this Act shall be liable to a penalty not exceeding *ten* pounds, which may be recovered in a summary way under the Justices Act, 1902.

**23.** Unless the contrary is expressly provided in any Act passed after the commencement of this Act hospitals shall not be chargeable with any stamp duties payable under any Act now or hereafter in force. Hospitals not chargeable with stamp duty.

**24.** (1) The Governor may make such regulations (not being inconsistent with the provisions of this Act) as he may deem necessary or expedient for carrying into effect the provisions of this Act, and in particular for and with respect to the following matters connected with a hospital :— Regulations.

- (a) registers, books, and accounts ;
- (b) disposal of funds ;

(c)

- (c) admission of patients, payment of fees by patients of any hospital for treatment at such hospital, and for the services of medical practitioners in respect of such treatment ;
- (d) buildings and additions, alterations and repairs thereto, accommodation and equipment ;
- (e) purchase of supplies ;
- (f) election of elective officers, and the appointment of medical and other officers and nursing staffs ;
- (g) working conditions and hours of duty of officers and servants ;
- (h) the classes into which members shall be divided ;
- (i) the preparation and submission to the Minister of an annual report and such annual returns • as may be prescribed by the board ;
- (j) any matter which may be the subject of by-laws or rules under this Act.

(2) All regulations made under this section shall be published in the Gazette, and take effect from the date of such publication or from a later date to be specified in such regulations.

**25.** No medical practitioner shall charge any patient who is under treatment by him in a hospital with any fees in respect of such treatment unless and until the sanction of the board of such hospital has been obtained, and the amount of such fees has been approved by the said board.

Medical practitioners not to charge fees for treatment without sanction of board.

**26.** (1) Every person who receives treatment in any hospital, and who is not a member thereof, shall be liable to contribute a reasonable sum towards such hospital according to his means.

Persons other than members receiving treatment liable to pay for same.

(2) The board, or any person authorised in that behalf by the board, may sue for and may recover in any court of competent jurisdiction such sum as the court thinks reasonable as a debt due to the board from the person so receiving treatment.

PART V.

COMPULSORY CONTRIBUTIONS.

**27.** (1) The Governor may, at the request of the board of any hospital which is incorporated under this Act, by proclamation published in the Government Gazette, extend the provisions of this part of this Act to such hospital; and thereupon the provisions of this part of this Act shall apply to such hospital.

Governor may extend provisions of this part to incorporated hospitals.

(2) Every such proclamation shall—

Contents of proclamation.

- (a) declare that a compulsory contribution scheme shall be adopted for the purpose of providing additional funds for the hospital;
- (b) specify the persons or classes of persons who shall contribute in respect of the said scheme, and the amount to be contributed in each case;
- (c) describe the boundaries of the area or district within which the said scheme is to take effect;
- (d) fix the number of additional directors who, in conjunction with the directors appointed and elected under Parts I to IV inclusive of this Act, shall constitute the board of the hospital, and the number of such additional directors to be elected by the various persons or classes of persons who contribute under the said scheme;
- (e) fix the number of votes to which the persons or classes of persons who contribute to the said scheme shall be entitled, having regard to their proportionate contributions;
- (f) declare that the corporate name of the hospital shall be changed, and specifying the new corporate name of the hospital.

(3) The Governor may, from time to time, by proclamation revoke or amend any proclamation made in pursuance of this section.

**28.** (1) Upon the issue of a proclamation under this Part of this Act, the persons or classes of persons as specified in such proclamation shall be liable to contribute to the hospital therein named, such amount as is specified in the proclamation.

Liability of persons specified in proclamation to contribute.

(2)

(2) The board or any person authorised in that behalf by the board is hereby authorised to sue for and may recover the said amount in any court of competent jurisdiction, as a debt due to the board by the person or class of persons, as the case may be, so liable to contribute the same.

**29.** The board of a hospital to which the provisions of this Part of this Act are applied by proclamation as aforesaid, shall be constituted of directors appointed and elected under Parts I to IV inclusive of this Act, together with such additional directors as are provided for in the said proclamation. Additional directors of the board.

The first elections of such additional directors shall take place within three months after the issue of the proclamation above referred to, and until such first elections are held and made, the board of directors as constituted at the date of the proclamation shall be deemed to be the lawfully constituted board of the hospital, and shall have power to take all necessary steps for the purpose of carrying out such elections.

**30.** Subject to the last preceding section the provisions of Parts I to IV inclusive of this Act shall continue to apply to any hospital to which the provisions of this Part of this Act are extended. Parts I to IV of Act to continue to apply.

**31.** From and after the issue of a proclamation extending the provisions of this Part of this Act to any hospital, the corporate name of such hospital shall be deemed to have been changed as specified in such proclamation. But no such change in the corporate name shall affect any rights or obligations of such hospital, or render defective any legal proceedings instituted or to be instituted by or against such hospital, and any legal proceedings may be continued or commenced against such hospital by its new corporate name that might have been continued or commenced against such hospital by its former corporate name. Change of corporate name.

**32.** The Truck Act, 1900, shall not apply to any compulsory contribution scheme under this Part of this Act. Truck Act, 1900, not to apply to compulsory contributions.

**33.** (1) In addition to the powers to make regulations elsewhere contained in this Act, the Governor may make all such regulations as appear to him to be necessary or expedient for carrying this Part of this Act into effect. Regulations.

(2)

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- (2) Regulations made under this section shall—
- (i) be published in the Gazette;
  - (ii) take effect from the date of publication or from a later date to be specified in such regulations; and
  - (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.
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