

PUBLIC HOSPITALS ACT.

Act No. 8, 1929.

George V.
No. 8, 1929.

An Act to incorporate, regulate, and otherwise promote the objects of public hospitals; to constitute a Hospitals Commission; to repeal the Public Hospitals Act, 1898, and certain other Acts; to amend the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith. [Assented to, 28th March, 1929.]

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:—

PART I.

PRELIMINARY.

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Public Hospitals Act, 1929," and shall come into operation on a date to be appointed by the Governor and notified by proclamation published in the Gazette.

Division of
Act.

(2) This Act is divided into Parts, as follows:—

PART I.—PRELIMINARY.

PART II.—HOSPITALS COMMISSION.

PART III.—HOSPITAL FUND.

PART IV.—INCORPORATION OF HOSPITALS.

PART V.—CONSTITUTION AND FUNCTIONS OF
BOARDS OF DIRECTORS.

PART

PART VI.—LIABILITY OF PATIENTS.

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PART VII.—MISCELLANEOUS.

PART VIII.—REGULATIONS.

FIRST SCHEDULE.

SECOND SCHEDULE.

THIRD SCHEDULE.

2. (1) The Acts mentioned in the First Schedule to this Act to the extent therein expressed are hereby repealed. Repeals and savings.

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Act shall, so far as the same are not inconsistent with the provisions of this Act, remain in force until altered or repealed by regulations or by-laws made under the provisions of this Act.

(3) All persons appointed or elected to any office under the Acts hereby repealed, and holding office at the time of the commencement of this Act shall, until such time as appointments and elections to the said offices are made in accordance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.

3. In this Act, unless the context otherwise requires,— Interpretation.

“Board” means the Board of Directors of a hospital.

“Commission” means the Hospitals Commission of New South Wales constituted under this Act.

“Director” means a person appointed or elected in accordance with the provisions of this Act as a director of a hospital.

“Hospital” means any institution established for the relief of persons to which any of the provisions of this Act have been applied, and subject to the provisions of this Act, includes any separate institution, and any institution for the care of the aged or infirm, or of convalescent or incurable persons, or persons suffering from a chronic ailment.

“Incorporated

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“Incorporated hospital” means a hospital mentioned in the Second Schedule.

“In-patient” means any person who receives relief from any hospital and resides in the premises of the hospital or any annexe to or dependency thereof.

“Out-patient” means any person who receives relief or assistance from any hospital other than as an in-patient.

“Patient” includes any in-patient and any out-patient.

“Prescribed” means prescribed by this Act or by the regulations made thereunder.

“Relief” includes treatment or cure of or attention to any disease or ailment or any injury consequent on any accident, and also the maintenance and the provision of medical and surgical attention, medicines, surgical appliances, and nursing of any patient.

“Separate institution” means any institution mentioned in the Third Schedule to this Act.

Application
of Act.

4. (1) This Act shall apply to all incorporated hospitals and separate institutions mentioned in the Second and Third Schedules save that Parts IV and V shall not apply to separate institutions mentioned in the Third Schedule.

(2) The Governor, on the recommendation of the Commission, may by order published in the Gazette add the name of any hospital to the Second Schedule, and add the name of any institution to the Third Schedule, and this Act shall, upon such publication, apply to such hospital in the like manner as it applies to incorporated hospitals, and to an institution so added in like manner as it applies to a separate institution.

(3) The name of any institution now in the Third Schedule shall not be added to the Second Schedule without the consent of the governing authority of such institution.

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PART II.

HOSPITALS COMMISSION.

5. (1) There shall be a hospitals commission, which shall consist of five members appointed by the Governor by Commission under the seal of the State. The five members so to be appointed shall be as follows:—

Appointment
of Hospitals
Commission.
cf. 1926, No.
15, s. 31.

- (a) one member who shall in and by his Commission be appointed chairman of the Commission;
- (b) one member who shall be a legally qualified medical practitioner;
- (c) one member who shall be a female;
- (d) one member who shall be the representative of the hospitals situated within the County of Cumberland;
- (e) one member who shall be the representative of the hospitals situated outside the County of Cumberland.

(2) The chairman—

- (a) shall be paid a salary of one thousand five hundred pounds per annum, and shall devote his whole time to the duties of his office;
- (b) shall, subject to this Act, hold office for a term of seven years, but shall be eligible for re-appointment;
- (c) shall be a “permanent head” within the meaning of the Public Service Act, 1902, and any Act amending the same.

(3) The fees of the members, other than the chairman, shall be fixed by the Governor.

(4) The members of the Commission, other than the chairman, shall be appointed for a term of five years, and shall be eligible for re-appointment.

On the occurrence of a vacancy an appointment shall be made for the remainder of the unexpired term of the vacant office.

(5) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to the appointment of the members of the Commission, and such members shall not be subject to the provisions of the said Act during their tenure of office.

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Disqualifica-
tion of
members.
cf. 1926, No.
15, s. 31.

6. (1) A member of the Commission may be suspended from his office by the Governor for misbehaviour or incompetence, or unsuitability for the position, but shall not be removed from office except as hereinafter provided.

The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven sitting days after such suspension if Parliament is in session, or if not, then within seven sitting days after the commencement of the next session.

(2) A member of the Commission suspended under this section shall be restored to office unless each House of Parliament within twenty-one days from the time when such statement has been laid before it, declares by resolution that the said member ought to be removed from office, and if each House of Parliament within the said time does so declare, the said member shall be removed by the Governor accordingly.

(3) A member of the Commission shall be deemed to have vacated his office if he—

- (a) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary or fees or estate for their benefit; or
- (b) absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Governor; or
- (c) becomes an insane person or patient, or an incapable person within the meaning of the Lunacy Act, 1898; or
- (d) being the chairman, engages in New South Wales during his term of office in any paid employment outside the Public Service; or
- (e) resigns his office, by writing under his hand addressed to the Governor

(4) Any chairman of the Commission who at the date of his appointment is an officer of the Public Service—

- (a) shall, in the event of his office on the Commission being discontinued, or in the event of the dissolution of the Commission, be eligible on the recommendation of the Public Service Board to be appointed to some office in the
Public

Members
eligible for
Public
Service.

Public Service not lower in classification and salary, except with his consent, than that which he held at the date of his appointment to the Commission; and

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- (b) shall continue to contribute to the Superannuation Fund in accordance with the Superannuation Act, 1916, and be entitled to the benefits under that Act in respect of which he has contributed;
- (c) shall retain any leave of absence accrued under the Public Service Act, 1902.

(5) In case of the illness, suspension, or absence of any member of the Commission, a deputy may be appointed by the Governor, to act for such member during his illness, suspension, or absence; and every such deputy shall have the immunities, and shall during the time he acts as deputy have all the powers and authority of such member, and receive such salary or remuneration as the Governor may direct.

Appointment of deputy.

(6) No act or proceeding of the Commission shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken, or commenced, there was a vacancy in the office of any one member.

7. (1) The Commission shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of, or otherwise dealing with real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

Body corporate. cf. 1926, No. 15, s. 32.

The corporate name of the Commission shall be "The Hospitals Commission of New South Wales."

(2) The procedure for the calling of meetings of the Commission and for the conduct of business at such meetings shall, subject to any regulations in relation thereto, be as determined by the Commission.

(3) Three members of the Commission, one of whom shall be the chairman or the deputy-chairman, shall form a quorum, and any duly convened meeting

Quorum.

at

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at which a quorum is present shall be competent to transact any business of the Commission, and shall have all the powers and authority by this Act conferred upon the Commission.

Chairman or deputy to have deliberative and casting vote.

(4) At any meeting of the Commission the chairman or the deputy-chairman shall have a deliberative vote, and if the voting be equal a casting vote.

(5) The Commission may by resolution authorise the chairman to determine such matters as are specified in the resolution. Any such authority may from time to time be revoked or varied by resolution.

No action or suit against members of Commission.

(6) No action or suit shall be brought or maintained against any person who is, or at any time has been a member of the Commission, for anything done or omitted by him pursuant to the duties imposed upon him by this Act.

Minutes of meetings, &c.

(7) The Commission shall cause minutes of its decisions to be kept upon the official papers, and cause minutes to be kept of the proceedings at formal meetings, and an annual report of its work, and a statement of accounts to be prepared and presented to Parliament through the Minister.

(8) The Commission may refer any question of law for the advice of the Attorney-General or the Crown Solicitor in such manner as may be prescribed.

Appointment of officers and employees. cf. 1926, No. 15, s. 33.

8. (1) For the purposes of carrying out the powers, duties, authorities, and obligations conferred or imposed upon the Commission by this or any other Act, the Commission, with the approval of the Minister of the Department concerned and of the Public Service Board, may make use of the services of any of the officers and employees of the Public Service.

Staff under Public Service Act, 1902.

(2) The staff of the Commission shall be appointed under and be subject to the provisions of the Public Service Act, 1902.

Casual employees.

(3) The Commission may appoint, employ, and dismiss such casual employees as it deems necessary for the purposes of this Act.

Secrecy.

(4) Every person appointed under this Act who without lawful excuse reveals any matter or thing affecting any present or past patient of any hospital which has come to his knowledge in his official capacity shall

shall be guilty of a misdemeanour, and shall be liable to a fine not exceeding fifty pounds, or to imprisonment for any term not exceeding two years with or without hard labour.

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9. Any member of the Commission who—

- (a) is in any wise concerned or interested in any bargain or contract made by or on behalf of the Commission or any hospital, or
- (b) in any wise participates or claims to be entitled to participate in the profit thereof or in any benefit or emolument arising from the same—

Members not to be personally interested in contracts, &c. Vict. Act, No. 3260, s. 14.

shall thereby vacate his office as a member of the Commission and shall also be liable to a penalty not exceeding fifty pounds :

Provided that no member of the Commission shall be liable to vacate his office or be liable to any penalty as aforesaid by reason only of—

- (i) receiving or being entitled to receive any payment or expenses pursuant to this Act ;
- (ii) being beneficially interested in any newspaper in which the Commission or any hospital inserts advertisements ;
- (iii) being a shareholder or member (but not a director or manager) of any incorporated company of more than twenty persons which has entered into any contract with or done any work under the authority of the board of any hospital.

10. (1) The salaries of the chairman and officers of the Commission, the fees of the members, and the expenses incurred in the administration of this Act shall be paid out of the Hospital Fund.

Salaries and expenses paid out of Hospital Fund.

(2) Members and officers of the Commission shall be entitled to receive such amounts in reimbursement of expenses including travelling expenses incurred while on duty as may be prescribed.

11. It shall be the duty of the Commission—

- (a) to make or cause to be made careful inquiry into the administration and management of every hospital ;
- (b) to cause every hospital to be inspected from time to time and at least once in every financial year ;
- (c)

Duties of Commission as to inquiries and inspections. cf. Vict. Act, No. 3260, 1922.

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- (c) to report to the Minister as to the sums required to be provided from the Consolidated Revenue Fund to meet the needs of the hospitals;
- (d) to determine what hospitals should be subsidised;
- (e) to determine what sums of money should be paid from the Hospital Fund in any financial year to any hospital;
- (f) to attach to the payment of any subsidy such conditions in respect of the maintenance, equipment, management, capital expenditure, building, or repairs to existing buildings as it may think fit.
- (g) to consider and recommend any amendments of existing legislation and proposals for future legislation which are in its opinion desirable for carrying into effect any of the objects or purposes referred to in this Act or of any other object or purpose dealing with or affecting the prevention of disease or the relief of the sick, aged, or infirm:

Provided that the Commission shall not be entitled in any year to inquire into the administration or management of or to inspect any separate institution which does not apply for or receive in that year a subsidy from the Hospital Fund.

Application
of Royal
Commissions
Act, 1923.

12. The Commission, for the purpose of conducting any inquiry, investigation, or hearing under this Act, shall have the same powers and authority to summon witnesses, and receive evidence as are conferred upon a Commissioner appointed under Division 1 of Part II of the Royal Commissions Act, 1923; and the said Act, section thirteen and Division 2 of Part II excepted shall, mutatis mutandis, apply to any witness or to any person to whom the powers of the Commission have been delegated under this Act.

Certain
special
powers of the
Commission.
cf. Vict. Act,
No. 3260,
s. 25, et seq.

13. (1) Subject to this Act the Governor, on the recommendation of the Commission, may by order published in the Gazette—

- (a) close any incorporated hospital;

(b)

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- (b) amalgamate any two or more incorporated hospitals or limit or extend the activities of any of them;
 - (c) authorise the board of any hospital, separately or jointly with the board of any other hospital, to establish and maintain institutions for the relief of—
 - (i) persons suffering from tuberculosis and such other infectious diseases as may be prescribed;
 - (ii) convalescent or incurable persons, or of persons suffering from chronic ailments.

Any such institution may be established in part of the buildings of an existing hospital, or in a separate building.

(2) No incorporated hospital shall be closed or amalgamated as aforesaid unless the Commission is of opinion after holding an inquiry at which the hospital may be represented—

- (i) that having regard to the administration, management, and operations of the hospital, its objects can be carried out as effectively and more economically by some other hospital, or by its amalgamation with some other hospital; or
- (ii) that the accommodation provided by the hospital is so defective, insanitary, or unsuitable that it cannot by any reasonable expenditure be made fit for the purposes for which it exists.

(3) The Commission may by order published in the Gazette—

- (a) authorise and direct the adoption of systems of preventive medicine and promote research and investigation and may utilise the staff and facilities of any hospital therefor;
- (b) authorise and direct arrangements between hospitals for the transfer of patients and nurses;
- (c) define the functions and activities of any hospital.

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Consequences
of amalgama-
tion of
hospitals.
Vict. Act,
No. 3260,
s. 30.

14. (1) Where the Governor orders that any two or more incorporated hospitals shall be amalgamated the following consequences shall follow upon such amalgamation:—

- (a) the said corporations shall on a date to be specified in the order be dissolved and cease to exist and the subscribers for the time being thereto shall as and from the date so specified by virtue of this Act become and be deemed and taken to be incorporated as an incorporated hospital with such name as the Governor specifies in the order, and such incorporated hospital shall be and be deemed to be the successor of each of the hospitals so amalgamated;
- (b) all real and personal property belonging to each of the hospitals so amalgamated or of which it is the trustee shall on the date so specified by virtue of this Act and without further or other conveyance, transfer, or assignment vest in the new incorporated hospital for all the estate and interest therein of the hospitals so amalgamated, subject to all liabilities, charges, obligations, or trusts affecting that property;
- (c) all contracts, debts, and liabilities of each of the hospitals amalgamated shall as and from the date so specified become the contracts, debts, and liabilities respectively of the new incorporated hospital;
- (d) subject to this Act the new incorporated hospital shall be deemed and taken to be the same corporation as each of the hospitals amalgamated, and of which it is hereby declared to be the successor; and
- (e) the board of the new incorporated hospital shall as and from the date so specified consist of the members of the boards of the several hospitals amalgamated, and they shall remain in office until immediately before the next annual election of members of boards of the new hospital to be held pursuant to this Act when they shall all go out of office and a new
board

board shall be elected in accordance with this Act, and any member of the retiring board (if otherwise qualified) shall be eligible for re-election pursuant to the provisions of Part V. No. 8, 1929.

(2) Every hospital so amalgamated and the board and the officers thereof, and every person by whom any real or personal property belonging to any such hospital is held, shall execute or concur in the execution of all such conveyances, transfers, assurances, instruments, and documents, and shall do and perform all such acts and things as are necessary or convenient to give effect to the conveyance or transfer of such property and the vesting thereof for the purposes of the amalgamation.

15. (1) Where the Governor makes an order that any incorporated hospital shall be closed (not being an order made for the purpose only of effecting an amalgamation with any other hospital)— Consequences of order that hospital be closed.

(a) the corporation of the hospital shall on the date specified in the order be dissolved and cease to exist; and Vict. Act, No. 3269, s. 31.

(b) all land granted or reserved or set apart by the Crown for the purposes of the hospital shall on the date so specified by virtue of this Act and, without further or other conveyance, transfer, or assignment, vest in the Crown freed and discharged from all trusts, conditions, and restrictions affecting the same, and any grant, reservation, or setting apart of such land shall by virtue of this Act be cancelled and the said land shall be deemed to be Crown lands and to be reserved from sale or lease until otherwise disposed of under the provisions of the Crown Lands Consolidation Act, 1913; and

(c) all other real and all personal property of the hospital shall be conveyed to and vested in the Crown and may be sold, alienated, or disposed of as the Minister directs, and the rents, issues, proceeds, and profits of the same (subject to the payment thereof of the debts and liabilities of the hospital) shall be devoted to such purpose or purposes as the Commission may decide.

(2)

Public Hospitals Act.

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(2) Every such hospital, and the board and the officers thereof, and every person by whom any real or personal property belonging to such hospital is held shall execute or concur in the execution of all such conveyances, transfers, assurances, instruments, and documents, and shall do and perform all such acts and things as are necessary or convenient to give effect to the conveyance or transfer of such property to and the vesting thereof in the Crown.

Amendment
of Act No. 29,
1901.

16. The Public Institutions Inspection Act, 1901, is amended by inserting in section six after the words "Colonial Secretary" the words "and in relation to hospitals or infirmaries only the Hospitals Commission of New South Wales or an officer duly authorised by it in that behalf under its seal either generally or in a particular case."

PART III.**HOSPITAL FUND.**

Hospital
Fund to be
established.

17. (1) There shall be opened within the Colonial Treasurer's accounts an account which shall be called the Hospital Fund.

Moneys to
be paid to
fund.

(2) There shall be paid to the credit of the Hospital Fund—

(a) all moneys appropriated by Parliament for the granting of subsidies or other assistance to hospitals or for the purposes of the administration of this Act;

(b) all other moneys paid into the fund under the authority of this or any other Act;

How funds
may be
operated.

(3) The Hospital Fund may be operated upon by the Commission for the purposes of this Act in the prescribed manner.

Commission
to prepare
and submit
a financial
statement

(4) As soon as practicable after the thirtieth day of June in each year the Commission shall prepare and submit to the Minister a full statement of the expenditure and revenue of the Hospital Fund for the twelve months preceding the said date.

Such

Such statement shall be audited by the Auditor-General and shall as soon as practicable be laid before Parliament together with a report of the operations of the Commission.

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(5) In determining what hospitals shall be subsidised and what amount of money shall be paid out of the Hospital Fund to each hospital the Commission shall with regard to each such hospital take into consideration—

Distribution
of fund and
consideration
thereof.

- (a) the financial position of such hospital and the amount likely to be contributed to it during the financial year otherwise than from the Hospital Fund;
- (b) the probable requirements for capital and maintenance expenditure;
- (c) the probable net receipts and expenditure for the financial year;
- (d) the actual number of persons who received relief during the preceding financial year;
- (e) the average number of beds occupied during the preceding financial year, and the average cost per bed;
- (f) the average length of stay of each in-patient during the preceding financial year;
- (g) the general conditions and management of the hospital;
- (h) any exceptional circumstances with regard to it or its geographical position; and
- (i) such other matters as are prescribed or as the Commission thinks fit.

PART IV.

INCORPORATION OF HOSPITALS.

Incorporation.

18. (1) Upon the commencement of this Act, the subscribers of each hospital mentioned in the Second Schedule shall be a body corporate with the corporate name therein indicated.

(2) Upon the publication of an order in the Gazette in pursuance of subsection two of section four adding the name of a hospital to the Second Schedule the subscribers of the hospital shall be a body corporate with the corporate name set out in the order.

(3) Each 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.

(4) Any reference in any Act, rule, regulation, by-law, or instrument to any hospital mentioned in the Second Schedule or any addition to that Schedule shall be construed as a reference to the body corporate into which such hospital is constituted by this section.

Vesting of property.

19. Upon the constitution of a hospital as a body corporate by or under this Act—

- (a) all real and personal property which is vested in or held by any person in trust for or on behalf of the hospital shall become vested in the said body corporate, subject to any trusts affecting the same;
- (b) any Crown land set apart for purposes of the hospital or land resumed for the like purposes and vested in the Minister for Public Works or other constructing authority and held, used, or occupied in connection with the hospital shall become vested in the body corporate;
- (c) the persons in whom any such property is vested shall take all steps and execute any documents necessary to completely vest in the hospital all the property vested in them, and if trustees of the hospital shall vacate their office.

20. Each body corporate constituted by or under this Part of this Act 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 wheresoever situate, and may also take, purchase, receive, hold, and enjoy any chattels and personal property; and may sell, grant, convey, demise, or otherwise dispose of either absolutely or by way of mortgage any of its property :

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Power to hold property.

It shall not be lawful for the body corporate to sell, grant, convey, demise, mortgage, or dispose of any lands, buildings, or hereditaments unless with the approval of the Commission.

21. (1) The following persons shall be deemed subscribers to a hospital :—

Subscribers.

- (a) Any life member : A person who becomes a life member after the passing of this Act shall be deemed to be a subscriber as and from the date on which he becomes a life member. A person who at the date of the commencement of this Act is a life member of any hospital incorporated by this Act shall be deemed to be a life member of the hospital so incorporated.
- (b) Any person who in any year between the first day of July and the thirtieth day of June next following has contributed to the funds of the hospital otherwise than by way of payment for the relief received by him or his dependents a sum of not less than ten shillings in one sum.

Such person shall be deemed to be a subscriber for twelve months from the first day of July preceding the payment of his subscription.

- (c) Any person nominated in the manner prescribed by any firm or corporation or association of persons which contributes to the funds of a hospital.

Nominations shall be made in accordance with the following provisions :—

- (i) Where the sum contributed exceeds two pounds and does not exceed fifty pounds, one person may be nominated ;

(ii)

- (ii) where the sum contributed exceeds fifty pounds, but does not exceed one hundred pounds, two persons may be nominated ;
 - (iii) where the sum contributed exceeds one hundred pounds, but does not exceed two hundred pounds, three persons may be nominated ;
 - (iv) for every one hundred pounds, or part thereof in excess of two hundred pounds contributed, one additional person may be nominated.
- (d) Any person nominated in the manner prescribed by the promoters of any entertainment, sports meeting, carnival, or the like, held for raising funds for the hospital.

Nominations shall be made in accordance with the following provisions:—

- (i) Where the sum contributed exceeds fifty pounds and does not exceed one hundred pounds, one person may be nominated ;
- (ii) where the sum contributed exceeds one hundred pounds, but does not exceed two hundred pounds, two persons may be nominated ;
- (iii) where the sum contributed exceeds two hundred pounds, three persons may be nominated.

(2) Nominations may be made only in respect of sums contributed in any year between the first day of July and the thirtieth day of June next following.

Any person so nominated shall be deemed to be a subscriber for the period of twelve months from the first day of July preceding the date of his nomination.

(3) For the purpose of any elections held in the first year after the constitution of an incorporated hospital by or under this Act a person who was at the date of such constitution a contributor shall be deemed to be a subscriber to the hospital so constituted.

(4) (a) A life member of any hospital dissolved by or under this Act shall be deemed to be a life member and subscriber of the new body corporate constituted by or under this Act in lieu of the hospital so dissolved.

(b)

(b) Any person may become a life member of a hospital if he contributes to the funds of the hospital otherwise than by way of payment for the relief received by him or his dependents of ten pounds sterling at the least in one sum.

(c) The board may appoint as a life member of the hospital any person who has rendered meritorious service to or in connection with the hospital either before or after the commencement of this Act.

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PART V.

CONSTITUTION AND FUNCTIONS OF BOARDS OF DIRECTORS.

22. (1) Each hospital incorporated under the provisions of this Act and its property shall be governed and managed by a Board of Directors.

(2) The Commission may from time to time by order published in the Gazette, fix either generally or with reference to a particular hospital—

- (i) the classes of subscribers;
- (ii) the number of directors.

In no case shall the number of directors be less than ten or more than twenty-five.

- (iii) the number of directors to be elected by the subscribers or any class thereof;
- (iv) the number of directors who shall constitute a quorum for transacting the business of the board.

(3) Subject to this Act the board shall consist of the number of directors fixed by the order and shall be elected annually by the subscribers in the manner prescribed.

(4) The board shall, for all purposes connected with the hospital, represent the body corporate.

23. (1) The first election of directors shall be held—

- (a) in the case of the hospitals mentioned in the Second Schedule within three calendar months after the commencement of this Act;

(b)

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(b) in the case of a hospital whose name is added to the Second Schedule by an order made in pursuance of subsection two of section four on or before a date to be fixed by the order.

(2) The election of directors in subsequent years shall be held at the times and in the manner prescribed.

Disqualifica-
tion of
directors.

24. (1) Subject to subsection two of this section any subscriber shall be eligible to hold office as a director.

(2) A subscriber shall be disqualified from holding office as a director if he is—

- (a) a minor;
- (b) a paid officer or employee of the hospital;
- (c) an officer, member, or employee of the Commission;
- (d) A person having any direct or indirect pecuniary interest in any agreement or trading to the extent of more than twenty pounds in any one year with the hospital, other than one in common with the members of an incorporated company or society consisting of more than twenty persons, and of which he is neither a director or manager:

Provided that the Commission may, if in its opinion the circumstances of the case and the interests of a hospital so require, declare by resolution that the disqualification provided in this paragraph shall not apply to a person specified in the resolution.

- (e) an insane or incapable person within the meaning of the Lunacy Act, 1898;
- (f) a person who has within the preceding ten years been convicted of any felony or misdemeanour;
- (g) an uncertificated bankrupt.

(3) The Governor may, on the recommendation of the Commission, appoint any person to be a director, whether such person is a subscriber of the hospital or not.

Governor
may appoint
directors.

25. Notwithstanding the foregoing provisions of this Part, the Governor, on the recommendation of the Commission, may by order published in the Gazette appoint all the directors of the board of any hospital.

26. (1) The Governor may, on the recommendation of the Commission, by order published in the Gazette—

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Governor
may remove
directors.

- (a) remove all or any of the directors of a hospital;
- (b) direct that the management and administration of the hospital be carried out and controlled by the Commission, or by such person as may be, on the recommendation of the Commission, nominated in the order, for such time as may be therein stated.

(2) The order may vest in the Commission or in the person so nominated all or any of the powers of the board of the hospital.

27. No vacancy in the office of a director nor any irregularity, informality, or illegality in his election or appointment shall render illegal or invalid any act, deed, matter, or thing done or executed or suffered to be done or executed by the board.

Acts of
directors not-
withstanding
irregularities.

28. (1) The board of any hospital may, with the approval of the Commission, make by-laws not inconsistent with the provisions of this Act and of the regulations—

Board of
Directors
may make
by-laws.

- (a) regulating the times and modes of meeting and transacting business; and
- (b) providing for the appointment of a chairman, secretary, medical officers, auditors, and other officers, nursing staff and sub-committees of the hospital; and
- (c) fixing the amounts to be demanded for maintenance, attendance, or relief; and
- (d) generally for the management and government of all officers, servants, visitors, and patients; and
- (e) fixing penalties not exceeding two pounds for any breach thereof.

(2) A copy of the 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, saving all just exceptions, be received in all courts as conclusive evidence of the by-laws in force at the date of the certificate.

No. 8, 1929.

Board may
invest funds.

29. (1) The board may invest, in manner prescribed in the Trustee Act, 1925, or by regulation, any funds of the hospital and any moneys given or bequeathed to or arising from any gift of real or personal property to the hospital, and from time to time vary the investments.

(2) The board may, subject to any trust to the contrary, at any time dispose of any of its investments and apply the proceeds for the purposes of the hospital.

PART VI.

LIABILITY OF PATIENTS.

Liability of
patients.
cf. Vict. Act
No. 3260,
s. 73.

30. (1) Subject to this Act, every patient who receives relief from any hospital shall be liable to contribute towards the funds of the hospital according to his means such sum in respect of such relief as the board demands, in accordance with the by-laws, or where there is no by-law fixing such amount, a sum not exceeding the cost to the hospital of such relief calculated in a manner prescribed by the regulations.

(2) Such sum shall be a debt due by such person and may be recovered in any court of competent jurisdiction.

(3) A written statement of the amount due, in the prescribed form, purporting to be signed by the secretary of a hospital, shall be prima facie evidence of such amount being due.

(4) The board of any hospital may remit or postpone payment of all or any sums of money due to the hospital under the provisions of this section or the corresponding section of any Act hereby repealed.

(5) In addition to the amount so due such person shall, if he receives any remission or postponement upon any false statement made by him, or with his authority, regarding his circumstances, be liable to pay to the hospital a sum of not more than twenty pounds recoverable as a debt summarily.

(6)

(6) No destitute person shall be refused relief at any hospital by reason only of his inability to pay therefor. No. 8, 1929.

(7) In determining the amount due by a subscriber in respect of relief afforded to himself, his spouse, or any of his children under the age of fourteen years, credit shall be given for the amount subscribed by him during the financial year in which the relief is afforded.

31. (1) A court in which judgment has been recovered by a hospital against a patient may at any time order that a specified portion of the pay, half-pay, salary, wages, annuity, emolument, pension (not being an old-age, invalid, widows', or war-service pension), superannuation, or other income of any such patient be paid to the secretary of the hospital to be applied by him in payment of the judgment debt. Pensions, salaries, &c. of Vict. Act, No. 3260, s. 75.

(2) The court may at any time revoke or vary the order on due cause being shown.

32. (1) No order shall be made in pursuance of this Part in any case in which the court is satisfied that (having regard to the means, estate, or property of the patient in respect of whom the order is sought or to the circumstances of the case) such an order would be unreasonable. Order not to be made in certain circumstances.

(2) Nothing in this Part contained shall derogate from any rights which may exist for the recovery of money due.

33. (1) In the application of this Part to a separate institution a reference to the "board" or to the "secretary" shall be construed as a reference to the governing body and to the person prescribed by the regulations in that behalf. Application to separate institutions.

(2) The provisions of this Part shall in the manner and to the extent prescribed by the regulations apply to patients in respect of relief received at a hospital or institution in the nature of a hospital conducted by or on behalf of the State. Application to State institutions.

PART VII.

MISCELLANEOUS.

Obstructing
Commission,
&c.
Vict. Act,
No. 3260,
s. 41.

34. Every person who obstructs or hinders the Commission or any member thereof or any officer in the performance of any duty imposed or the exercise of any power conferred by this Act for the purposes of any inquiry, investigation, inspection, or report shall be guilty of an offence against this Act.

Paying
patients.

35. (1) The Commission may, and at the request of any hospital, shall hold an inquiry as to whether it is desirable that any portion of a hospital should be set apart for the admission and treatment of persons able to pay for, and who may contract with the hospital for private or intermediate accommodation.

(2) The Commission may after inquiry authorise the setting apart of any such portion.

Fees for
medical
attendance.

36. (1) No medical practitioner shall, except in the circumstances and under the conditions prescribed, charge a patient who is under treatment by him in a hospital with any fees in respect of the treatment.

(2) Save in circumstances prescribed by the regulations no contract between a patient and a medical practitioner for payment for such treatment shall be enforceable.

Raising or
borrowing
money.

37. (1) The board of a hospital may, if the Commission so recommends and the Governor approves, issue debentures or bonds secured upon the revenues of the hospital at such rate of interest for such currency and upon such terms and conditions as are specified in the Gazette notice signifying the approval of the Governor.

(2) The proceeds of the sale of such debentures or bonds shall be applied by the board to the purpose specified in the said Gazette notice.

(3) The purposes for which such debentures or bonds may be issued may include the repayment of moneys advanced to the hospital by or upon the guarantee of the State either before or after the commencement of this Act; the execution of any works which prior to such commencement have been approved

approved by the Governor and authorised to be constructed under the Public Works Act, 1912, or which have been favourably reported upon by the Public Works Committee, or which after the said commencement may be approved by the Governor upon the recommendation of the Commission whether in connection with the provision of accommodation for paying patients or otherwise or the enlargement, repair, or equipment of the hospital.

No. 8. 1929.

(4) Where debentures or bonds are issued in pursuance of this section they shall be deemed to be securities guaranteed by the Government of the State of New South Wales within the meaning of the Trustee Act, 1925, and the Colonial Treasurer is hereby authorised to pay any interest or principal which remains due and unpaid upon any such debenture or bond for a period of three months after demand for such payment has been made upon the Board, and the Commission shall repay out of the Hospital Fund any amount so paid by the Colonial Treasurer and take any amount so paid into consideration when determining the subsidy to be paid to the hospital.

(5) The regulations may prescribe all matters necessary or convenient to be prescribed in relation to debentures or bonds issued under the authority of this section.

38. The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Amendment
of Act 1919,
No. 41,
s. 208.
(Subsidies.)

(a) by inserting at the end of subsection two of section two hundred and ninety-eight the following words: "and may also subsidise any hospital within or without its area where the hospital is subject to the provisions of the Public Hospitals Act, 1929";

(b) by inserting at the end of section two hundred and ninety-nine the following paragraph:—

Sec. 209.
(Temporary
hospitals.)

"Any such hospital shall be subject to the supervision and control of the Hospitals Commission of New South Wales constituted under the Public Hospitals Act, 1929, to the extent prescribed in the regulations made under that Act."

39.

No. 8, 1929.

Establishment of new institutions.

39. (1) No person shall establish an institution in the nature of an incorporated hospital for the relief of persons requiring medical attention without the consent in writing of the Commission.

(2) Nothing in this section shall affect any private hospital within the meaning of the Private Hospitals Act, 1908.

Industrial contribution schemes.

40. (1) The regulations may provide for the establishment by agreement between employers and employees of industrial contribution schemes.

(2) Where an industrial contribution scheme is in operation in connection with any hospital or in connection with the Hospital Saturday Fund, at the commencement of this Act, such scheme may continue and shall be deemed to have been provided in pursuance of subsection one of this section but may be varied from time to time in accordance with the regulations.

(3) The provisions of the Truck Act, 1900, and of section forty-nine of the Industrial Arbitration Act, 1912, or of any Act amending or replacing such provisions, shall not apply in respect of deductions from the remuneration of an employee made under any such industrial contribution scheme.

(4) Persons who contribute to a hospital under any such industrial contribution scheme shall be deemed to be subscribers to the hospital and may be constituted by the regulations as additional classes of subscribers.

Offences and penalties.

41. (1) Any person who contravenes any provision of this Act shall be guilty of an offence and be liable on summary conviction to a penalty not exceeding fifty pounds.

(2) Any person who contravenes the provision of any by-law made under the authority of this Act shall be guilty of an offence and be liable on summary conviction to a penalty not exceeding five pounds.

PART VIII.

REGULATIONS.

42. (1) The Governor may, on the recommendation of the Commission, make regulations for or with respect to—

- (a) the particulars to be shown in returns to be furnished to the Commission by hospitals;
- (b) any conditions for the payment to hospitals of any sums out of the fund;
- (c) any matters (other than those expressly provided for in this Act) to be considered by the Commission in making any recommendations as to what sums shall be paid to hospitals out of the fund;
- (d) forms of books of accounts to be used by hospitals, and any other forms, including clinical histories and records, to be used by hospitals;
- (e) the incorporation of hospitals under Part IV;
- (f) the furnishing and compilation of statistical information for the purposes of this Act.
- (g) the disposal and investment of funds of incorporated hospitals;
- (h) the purchase of supplies or equipment and the contracts in relation thereto of incorporated hospitals;
- (i) in the case of incorporated hospitals the admission and discharge of patients, payment and collection of fees payable by patients for relief, and for the services of medical practitioners;
- (j) in the case of incorporated hospitals the construction, use, and management, including insurance of buildings, and the carrying out of additions, alterations, and repairs thereto, the regulation of accommodation, and the provision and use of plant, appliances, and equipment;
- (k) the preparation and submission to the Commission of reports and returns;

(1)

Public Hospitals Act.

- (l) the regulation of the use of particular hospitals by particular classes of patients ;
- (m) the establishment of laboratories for the investigation of disease, and the records to be kept in connection therewith ;
- (n) the disposal of unclaimed property of patients ;
- (o) the authorisation, prohibition, and control of the raising of funds by public appeal for hospital purposes ;
- (p) the use, administration, and management of any portion of a hospital set apart in pursuance of section thirty-five ;
- (q) any matter which by this Act is required or permitted to be prescribed or is necessary or convenient to be prescribed for carrying this Act into effect.

(2) The regulations shall—

- (a) be published in the Gazette ;
- (b) take effect from the date of publication or from a later date to be specified in the regulations ; and
- (c) be laid upon the table of both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting 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 the regulations have been laid before such House disallowing any regulation or part thereof, the regulation or part shall thereupon cease to have effect.

(3) A regulation may apply to hospitals generally or to any particular hospital or class of hospitals specified in the regulation, or to hospitals situated in any specified portion of the State.

(4) The regulations may—

No. 8, 1929.

- (a) impose a penalty for any breach thereof, and also distinct penalties in case of successive breaches thereof, but no such penalty shall exceed fifty pounds; Penalties.
- (b) impose also a daily penalty for any continuing breach thereof not exceeding five pounds per day;
- (c) fix a minimum as well as a maximum penalty.

(5) Any penalty may be recovered in a summary manner before two justices.

SCHEDULES.

Sec. 2

FIRST SCHEDULE.

No. of Act.	Title of Act.	Extent of repeal.
1898, No. 16 ...	Public Hospitals Act, 1898 ...	The whole.
1900, No. 15 ...	Public Hospitals (Voting) Act, 1900.	The whole.

SECOND SCHEDULE.

Sec. 4.

Hospital Incorporated.	Corporate Name.
Balmain District ...	The Balmain District Hospital.
Manly Cottage ...	The Manly District Hospital.
Marrickville District ...	The Marrickville District Hospital.
Royal South Sydney (Zetland)	The Royal South Sydney Hospital.
St. George District ...	The St. George District Hospital.
Sydney Homœopathic ...	The Sydney Homœopathic Hospital.
Western Suburbs ...	The Western Suburbs Hospital.
Albury District ...	The Albury District Hospital.
Angledool ...	The Angledool Hospital.
Armidale and New England Hospital.	The Armidale and New England Hospital.
Auburn District ...	The Auburn District Hospital.

SECOND

SECOND SCHEDULE—*continued.*

Hospital Incorporated.	Corporate Name.
Ballina District	The Ballina District Hospital.
Balranald District	The Balranald District Hospital.
Barraba	The Barraba Hospital.
Bathurst District	The Bathurst District Hospital.
Bega District	The Bega District Hospital.
Bellingen	The Raleigh District Hospital.
Bingara District	The Bingara District Hospital.
Blayney Cottage	The Blayney Cottage Hospital.
Boggabri District	The Boggabri District Hospital.
Bombala District	The Bombala District Hospital.
Bourke District	The Bourke District Hospital.
Bowral	The Berrima District Hospital.
Braidwood	The Braidwood District Hospital.
Brewarrina	The Brewarrina District Hospital.
Broken Hill	The Broken Hill and District Hospital.
Bulli	The Bulli Hospital.
Bundarra District	The Bundarra District Hospital.
Burrowa District	The Burrowa District Hospital.
Camden Cottage	The Camden Cottage Hospital.
Canowindra(Soldiers' Memorial)	The Canowindra Soldiers' Memorial Hospital.
Carcoar District	The Carcoar District Hospital.
Casino District	The Casino District Hospital.
Cessnock District Hospital ...	The Cessnock District Hospital.
Cobar District	The Cobar District Hospital.
Coff's Harbour and District ...	The Coff's Harbour and District Hospital.
Collarenebri District	The Collarenebri District Hospital.
Condobolin District	The Condobolin District Hospital.
Coolah District	The Coolah District Hospital.
Cooma District	The Cooma District Hospital.
Coonabarabran District	The Coonabarabran District Hospital.
Coonamble District	The Coonamble District Hospital.
Cootamundra District	The Cootamundra District Hospital.
Coraki	The Campbell Hospital, Coraki.
Corowa	The Corowa Hospital.
Cowra District	The Cowra District Hospital.
Crookwell and District Cottage	The Crookwell and District Cottage Hospital.
Delegate Cottage	The Delegate Cottage Hospital.
Dendiquin	The Deniliquin Hospital.
Dubbo District	The Dubbo District Hospital.
Dungog Cottage	The Dungog Cottage Hospital.
Gilgandra District	The Gilgandra District Hospital.
Glen Innes District	The Glen Innes District Hospital.
Goodooga District	The Goodooga District Hospital.
Goulburn District	The Goulburn District Hospital.
Grafton District	The Grafton District Hospital.
Grenfell District	The Grenfell District Hospital.
Griffith	The Griffith Hospital.

SECOND SCHEDULE—*continued.*

No. 8, 1929.

Hospital Incorporated.	Corporate Name.
Gulgong District	The Gulgong District Hospital.
Gunnedah District	The Gunnedah District Hospital.
Gundagai District	The Gundagai District Hospital.
Hay	The Hay Hospital.
Hill End and Tambaroora District.	The Hill End and Tambaroora District Hospital.
Hillston	The Hillston Hospital.
Inverell District	The Inverell District Hospital.
Jerilderie District	The Jerilderie District Hospital.
Junee District	The Junee District Hospital.
Katoomba	The Blue Mountains District Anzac Memorial Hospital.
Kempsey (Macleay)	The Macleay District Hospital, Kempsey.
Kiama District	The Kiama District Hospital.
Kurri Kurri District	The Kurri Kurri District Hospital.
Kyogle Memorial	The Kyogle Memorial Hospital.
Leeton District	The Leeton District Hospital.
Lismore District	The Lismore District Hospital.
Lithgow District	The Lithgow District Hospital.
Macleay (Lower Clarence)	The Macleay (Lower Clarence) Hospital.
Maitland	The Maitland Hospital.
Manilla District	The Manilla District Hospital.
Merriwa District	The Merriwa District Hospital.
Molong Cottage	The Molong Cottage Hospital.
Moree District... ..	The Moree District Hospital.
Moruya District	The Moruya District Hospital.
Mossgiel Cottage	The Mossgiel Cottage Hospital.
Mount Boppy District (Canbelego).	The Mount Boppy District (Canbelego) Hospital.
Mudgee District	The Mudgee District Hospital.
Murrumburra-Harden District	The Murrumburra-Harden District Hospital.
Murrurundi (The Wilson Memorial).	The Wilson Memorial Hospital, Murrurundi.
Murwillumbah (Tweed District)	The Tweed District Hospital, Murwillumbah.
Muswellbrook (Brentwood Hospital).	The Brentwood Hospital, Muswellbrook.
Narrabri District	The Narrabri District Hospital.
Narandera Public Hospital ...	The Narandera Public Hospital.
Nyngan District	The Nyngan District Hospital.
Orange District	The Orange District Hospital.
Pambula District	The Pambula District Hospital.
Parkes District	The Parkes District Hospital.
Parramatta District	The Parramatta District Hospital;
Peak Hill and District	The Peak Hill and District Hospital;
Penrith (Nepean) District ...	The Nepean District Hospital, Penrith;
Portland District	The Portland District Hospital.

SECOND

SECOND SCHEDULE—*continued.*

Hospital Incorporated.	Corporate Name.
Port Macquarie (The Hastings District Cottage Hospital).	The Hastings District Cottage Hospital, Port Macquarie.
Queanbeyan District ...	The Queanbeyan District Hospital.
Quirindi District ...	The Quirindi District Hospital.
Manning River District ...	The Manning River District Hospital.
Rylstone District ...	The Rylstone District Hospital.
Scone (Scott Memorial) ...	The Scott Memorial Hospital, Scone.
Singleton (Dangar Cottage) ...	The Dangar Cottage Hospital, Singleton.
Sofala ...	The Sofala Hospital.
Tamworth District ...	The Tamworth District Hospital.
Temora and District ...	The Temora and District Hospital.
Tenterfield ...	The Prince Albert Memorial Hospital, Tenterfield.
Tibooburra ...	The Tibooburra District Hospital.
Tingha Cottage ...	The Tingha Cottage Hospital.
Tumbarumba District ...	The Tumbarumba District Hospital.
Tumut ...	The Tumut Hospital.
Urana District ...	The Urana District Hospital.
Wagga Wagga District ...	The Wagga Wagga District Hospital.
Walcha Cottage ...	The Walcha Cottage Hospital.
Walgett ...	The Walgett Hospital.
Warialda District ...	The Warialda District Hospital.
Warren District ...	The Warren District Hospital.
Wee Waa District ...	The Wee Waa District Hospital.
Wellington District ...	The Wellington District Hospital.
Wentworth District ...	The Wentworth District Hospital.
Wilcannia and District ...	The Wilcannia and District Hospital.
Wollongong District ...	The Wollongong District Hospital.
Wyalong and District ...	The Wyalong and District Hospital.
Yass District ...	The Yass District Hospital.
Young (Burrangong District)	The Burrangong District Hospital, Young.

THIRD SCHEDULE.

No. 8, 1929.

SEPARATE INSTITUTIONS.

Secs. 3, 4.

The Royal Alexandra Hospital for Children.
 The Benevolent Society of New South Wales in respect of The Renwick
 Hospital for Infants ; The Royal Hospital for Women ; Scarba.
 The Royal Prince Alfred Hospital.
 The Wallsend Mining District Hospital.
 The Newcastle Hospital.
 The Illawarra Cottage Hospital.
 The Vegetable Creek Hospital.
 The Hawkesbury Benevolent Society and Hospital.
 The Sydney Hospital.
 The Royal North Shore Hospital of Sydney.
 Home of Peace for the Dying.
 Sacred Heart Hospice for the Dying.
 Home for Incurables (Ryde).
 Lewisham Hospital conducted by the Little Company of Mary.
 Mater Misericordiae Hospital (North Sydney).
 Mater Misericordiae Hospital (Waratah).
 St. Margaret's Hospital for Women (Sydney).
 St. Vincent's Hospital (Darlinghurst).
 St. Vincent's Hospital (Bathurst).
 St. Joseph's Hospital (Auburn).
 St. John of God Hospital (Goulburn).
 Sacred Heart Hospital (Cootamundra).
 Sacred Heart Hospital (Young).
 Red Cross Hospital for Consumptives (Bodington).
 United Dental Hospital.
 The Rachel Forster Hospital for Women.
 The Carrington Centennial Homes for Convalescents.
 The Crown-street Women's Hospital.
 The South Sydney Women's Hospital.
 The Queen Victoria Homes for Consumptives at Thirlmere and King's
 Tableland.
 The Australian Red Cross Society (B.R.C.S.) in respect of The Boding-
 ton Red Cross Hospital, Wentworth Falls ; The Malahide Red
 Cross Hospital, Pennant Hills ; The Southern Red Cross Hospital
 Exeter.