

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. 95, 1976.

An Act to amend the Public Hospitals Act, 1929, in relation to the incorporation of hospitals, the amalgamation of incorporated hospitals and the election and appointment of directors of hospitals; to enable the granting, amendment and revocation of privileges in respect of medical practitioners and dentists; to confer

rights

Public Hospitals (Amendment).

rights of appeal on medical practitioners and dentists against certain decisions of hospital boards and recommendations of credentials committees; to validate certain matters; to repeal the Public Institutions Inspection Act, 1901, and certain other enactments; and to amend the Defamation Act, 1974, to provide a defence of absolute privilege in respect of certain decisions of hospital boards. [Assented to, 8th December, 1976.]

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, 1976".

**Commence-
ment.** 2. (1) Except as provided in subsections (2), (3), (4), (5) and (6), this Act shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of Schedules 1–4, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

(3) Schedule 1 (2) (b) and (14) (b) and (c) shall be deemed to have commenced on 3rd September, 1976.

(4) Schedule 1 (9) (a) shall be deemed to have commenced on 1st March, 1935.

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(5) Section 8 and Schedules 2 and 6 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(6) Schedule 3 shall commence on such day, not being earlier than the day appointed and notified under subsection (5) in respect of section 8 and Schedules 2 and 6, as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules :— Schedules.

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

SCHEDULE 2.—AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929, RELATING TO APPEALS.

SCHEDULE 3.—AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929, RELATING TO PRIVILEGES.

SCHEDULE 4.—AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929, BY WAY OF STATUTE LAW REVISION.

SCHEDULE 5.—REPEALS.

SCHEDULE 6.—AMENDMENT TO THE DEFAMATION ACT, 1974.

4. The Public Hospitals Act, 1929, is amended in the manner set forth in Schedules 1-4. Amendment of Act No. 8, 1929.

5. (1) Each body known by a name set out under the heading "Corporate Name." in the Second Schedule to the Public Hospitals Act, 1929, the name of which was included in the Second Schedule to that Act on the commencement of that Act, shall be deemed to be and always to have been validly incorporated under that Act. Validation—incorporation of hospitals.

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(2) Each body known by a name set out under the heading "Corporate Name." in the Second Schedule to the Public Hospitals Act, 1929, the name of which was added to the Second Schedule to that Act after the commencement of that Act and before the commencement of this section, shall be deemed to have been validly incorporated under section 18 (2) of the Public Hospitals Act, 1929, as amended by this Act, as if section 18 (2) of the Public Hospitals Act, 1929, as amended by this Act, had been in force on the date on which the name of that body was added to the Second Schedule to the Public Hospitals Act, 1929, but nothing in this subsection affects any power, authority, duty or function validly exercised or performed by such a body before the commencement of this section.

Transitional
provision—
directors.

6. Subject to this Act, a person who, immediately before the date of assent to this Act, was a director of an incorporated hospital within the meaning of the Public Hospitals Act, 1929, shall continue to be a director and shall hold the office of director on the same terms and conditions as he held that office under the Public Hospitals Act, 1929, immediately before the date of assent to this Act—

(a) for the same period as he would have held that office under the Public Hospitals Act, 1929, had this Act not been enacted; or

(b) for a period of 5 years from the date of assent to this Act,

whichever is the lesser.

Repeals.

7. Each Act specified in Column 1 of Schedule 5 is, to the extent specified opposite that Act in Column 2 of Schedule 5, repealed.

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8. The Defamation Act, 1974, is amended in the manner set forth in Schedule 6. Amendment
of Act No.
18, 1974.

SCHEDULE 1.

Sec. 4.

MISCELLANEOUS AMENDMENTS TO THE PUBLIC HOSPITALS
ACT, 1929.

(1) Section 3, definition of "Dentist"—

After the definition of "Commission", insert :—

"Dentist" has the meaning ascribed thereto in the
Dentists Act, 1934.

(2) (a) Section 11 (1) (a)–(b2)—

Omit section 11 (1) (a) and (b), insert
instead :—

(a) to initiate, promote and facilitate the
achievement and maintenance of ade-
quate standards of—

(i) patient care within hospitals;
and

(ii) services provided by hospitals;

(b) to initiate, promote and facilitate the
efficient and economic operation of hos-
pitals consistent with the standards
referred to in paragraph (a);

SCHEDULE

Public Hospitals (Amendment).

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

- (b1) to make or cause to be made careful inquiry into the standards of—
- (i) administration and management of any hospital; and
 - (ii) services provided by hospitals;
- (b2) to cause hospitals to be inspected from time to time;

(b) Section 11 (3)—

After “may”, insert “amalgamate or”.

(c) Section 11 (4)–(6)—

After section 11 (3), insert :—

(4) The Commission may authorise a person to carry out inspections for the purposes of this section and a person so authorised shall be provided by the Commission with a certificate of his authority in the prescribed form.

(5) A person authorised under subsection (4) in exercising or performing in any place any power, authority, duty or function under this section shall, if so required by a person apparently in charge of that place or of any work carried out therein, produce the certificate of his authority to that person.

SCHEDULE

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SCHEDULE 1—*continued.*

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

(6) A person authorised under subsection (4)
may at any reasonable time—

(a) enter and inspect a hospital or an
associated organisation; and

(b) without limiting the generality of
paragraph (a)—

(i) make such examination and
inquiry as he thinks necessary
to assist the Commission in the
performance of its powers,
authorities, duties and
functions under this section;

(ii) take copies of, or extracts or
notes from, any accounts,
records, books, documents or
other things at a hospital or an
associated organisation; and

(iii) require the chief executive
officer of a hospital or an
associated organisation or, in
the absence of the chief
executive officer, any person to
produce any accounts, records,
books, documents, goods or
other things in the possession
or under the control of the
chief executive officer or that
person which relate to, or
which the person authorised
under subsection (4) believes
on reasonable grounds relate

SCHEDULE

Public Hospitals (Amendment).

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

to, the operation or administration of that hospital or associated organisation.

(3) (a) Section 14 (1) (a)—

Omit “the subscribers for the time being thereto”.

(b) Section 14 (1) (e)—

Omit “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 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”, insert instead “or the next appointment of members of the board of the new hospital in accordance with this Act when they shall all go out of office and any member of the retiring board shall, if otherwise qualified, be eligible for re-election or re-appointment in accordance with this Act”.

(4) Section 18 (2)—

Omit the subsection, insert instead :—

(2) Upon the publication of an order in the Gazette under section 4 (2) adding the name of a hospital to the Second Schedule—

- (a) if the hospital is not a body corporate—the hospital shall thereby be constituted a body corporate under this Part; or

SCHEDULE

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SCHEDULE 1—*continued.*

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

(b) if the hospital is a body corporate—the hospital shall cease to be that body corporate and shall thereby be constituted a body corporate under this Part,

with the corporate name set out in the order.

(5) Section 19 (1) (b)—

After “body corporate”, insert “but land vested in the Commission shall not become vested in the body corporate”.

(6) Section 20—

After “body corporate” where secondly occurring, insert “to acquire land by purchase, lease or exchange or”.

(7) Section 21—

Omit the section.

(8) Section 21A—

Before section 22, insert :—

21A. In this Part—

“appointed director” means a director appointed by the Minister under section 22 (2) ;

“elected director” means a director elected by the subscribers of a hospital.

Interpre-
tation:
Pt. V.

Public Hospitals (Amendment).

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

(9) (a) Section 22 (1A)—

Omit “On and from the first day of March, one thousand nine hundred and thirty-five, each board of a hospital incorporated under the provisions of this Act shall be reconstituted and”, insert instead “Each board of a hospital incorporated under the provisions of this Act”.

(b) Section 22 (1A)—

Omit “and appointed”, insert instead “, appointed or partly elected and partly appointed”.

(c) Section 22 (2)—(2B)—

Omit section 22 (2), insert instead :—

(2) The Minister may, by notification published in the Gazette, appoint the directors of the board.

(2A) Notwithstanding subsection (2), the Minister may from time to time, by notification published in the Gazette, fix, either generally or with reference to a particular hospital, the number of directors who shall be elected directors.

(2B) The Commission may from time to time, by order published in the Gazette, determine, with reference to a particular hospital, classes of persons who shall be subscribers of that hospital and may, by the same or a subsequent like order, determine the number of directors to be elected by the subscribers of any class.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

(10) Section 23C (2), (3)—

At the end of section 23C, insert :—

(2) Subject to this Act, the term of office of a director shall be—

(a) in the case of an elected director—such term as may be prescribed ; and

(b) in the case of an appointed director—such term, not exceeding 5 years, as may be specified in the notification of his appointment.

(3) A director shall, if otherwise qualified, be eligible for re-election or re-appointment from time to time.

(11) (a) Section 24 (2) (b)—

After “hospital;”, insert “or”.

(b) Section 24 (2) (d), (e), (f), (g), (h), (i)—

Omit the paragraphs.

(12) Sections 24A, 24B—

After section 24, insert :—

24A. (1) A director shall be deemed to have ^{Vacation} vacated his office—
of
office.

(a) if he dies;

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

- (b) if he is absent without the leave of the board from 3 consecutive meetings or from 40 per centum of the meetings of the board in any hospital year;
- (c) if he resigns his office by writing under his hand addressed to the Minister and the Minister accepts his resignation;
- (d) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (e) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (f) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or a misdemeanour so punishable;
- (g) if, at any meeting of the board at which he is present and at which any agreement or proposed agreement in which he has a direct or indirect pecuniary interest, or any other matter in which he has such an interest, is the subject of consideration or is included on the agenda for consideration—

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

(i) he fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting his interest in; or

(ii) he takes part in the consideration or discussion of, or votes on any question with respect to,

the agreement, proposed agreement or other matter;

(h) if he is removed from office by the Governor; or

(i) on the day on which he attains the age of 70 years.

(2) A director shall, for the purposes of subsection (1) (g), be deemed not to have a pecuniary interest in an agreement, proposed agreement or other matter if—

(a) the interest is less than \$200 in any hospital year;

(b) the interest is an interest in common with the members of—

(i) a corporate body; or

(ii) an unincorporate body, consisting of more than 20 persons and of which he is neither a director, manager nor partner; or

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

- (c) the Commission, having regard to the interests of the hospital and the circumstances of the case, declares by resolution that the interest is not an interest to which subsection (1) (g) applies.

Filling
casual
vacancy
in office of
appointed
director.

24B. On the occurrence of a vacancy in the office of a director otherwise than by the expiration of the term for which he was appointed, the Minister may, by notification published in the Gazette, appoint a person to hold office as a director for the balance of his predecessor's term of office.

(13) Section 25—

Omit the section.

(14) (a) Section 29J (b)—

Omit "alter", insert instead "by altering".

(b) Section 29J (b)—

Omit "or".

(c) Section 29J (b1)—

After section 29J (b), insert :—

(b1) where the Commission has amalgamated 2 or more hospitals specified in that Schedule—

- (i) if the hospitals were amalgamated under a name which is different from the names of the hospitals amalgamated—by inserting the

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

name under which the hospitals
were amalgamated and by remov-
ing the names of the hospitals
amalgamated; or

- (ii) if the hospitals were amalgamated
under the name of one of the
hospitals amalgamated—by re-
moving the name or names of the
other hospital or hospitals
amalgamated; or

(d) Section 29J (c)—

Omit “remove”, insert instead “by removing”.

(15) Section 33C—

Omit the section.

(16) Section 40 (4)—

Omit the subsection.

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929,
RELATING TO APPEALS.

(1) Section 1 (2)—

Before the matter relating to Part VII, insert :—

PART VIB.—APPEALS.

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SCHEDULE 2—continued.
**AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929,
RELATING TO APPEALS—continued.**
(2) Part VIB—

Before Part VII, insert :—

PART VIB.
APPEALS.

**Interpre-
tation:
Pt. VIB.**

33G. In this Part—

“appellant” means a person who appeals under section 33I;

“board” includes, in relation to—

- (a) a separate institution—the governing body of that separate institution; and
- (b) the hospital constituted under the Prince Alfred Hospital Act, 1902—a board constituted in accordance with section 21 of that Act;

“Chairman” means chairman of the Committee;

“Committee” means Committee of Review appointed by the Commission under section 33J (3);

“visiting practitioner”, in relation to a hospital, means a medical practitioner or dentist appointed to perform work as a medical practitioner or dentist, as the case may be, at that hospital otherwise than as an employee.

**Board to
notify
certain
decisions.**

33H. (1) Where a board—

- (a) appoints or re-appoints a person as a visiting practitioner subject to conditions;

SCHEDULE

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SCHEDULE 2—*continued.*

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

- (b) decides not to re-appoint a person as a visiting practitioner; or
- (c) suspends or terminates the appointment of a person as a visiting practitioner,

that board shall give notice in writing to that person of its decision within 7 days of the date of that decision.

(2) A person to whom notice is given under subsection (1) may request the board, in writing, within 14 days of the date of receipt of that notice, to notify him of the reasons for its decision.

(3) Where a board receives a request under subsection (2), it shall, within 7 days of the date of receipt of that request, notify the person making that request of the reasons for its decision.

33I. (1) Where a person who has been notified Appeals.
under section 33H (3) of the reasons for a decision of a board is dissatisfied with that decision, he may appeal to the Commission.

(2) Where a person is dissatisfied with—

- (a) the failure or refusal of a board to make a decision within 30 days of the date of a request from that person to do so concerning his re-appointment as a visiting practitioner;
or

SCHEDULE

Public Hospitals (Amendment).

 SCHEDULE 2—*continued.*

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

- (b) the failure or refusal of a board to notify that person in accordance with section 33H (3) of the reasons for a decision made by it referred to in section 33H (1),

he may appeal to the Commission.

Notice of appeal.

33J. (1) An appellant shall, in the prescribed form and manner, give notice to the Commission of the grounds of his appeal.

(2) A notice under subsection (1) shall be given within 1 month, or within such longer period as the Commission may allow, of—

- (a) where the appeal is made under section 33i (1)—the date on which the board notified the appellant under section 33H (3) of the reasons for its decision;
- (b) where the appeal is made under section 33i (2) (a)—the date of expiration of the period of 30 days referred to in section 33i (2) (a); or
- (c) where the appeal is made under section 33i (2) (b)—the date of expiration of a period of 14 days after the making of the request under section 33H (2).

(3) On receipt of a notice under subsection (1)—

- (a) the Commission may determine the appeal;
 or

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2—*continued.*

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

- (b) the Commission may, by resolution, decide to appoint a Committee of Review to determine the appeal.

33K. (1) Subject to subsections (2) and (3), a **Constitution of Committee** shall consist of—

- (a) where any reason for the decision of the board appealed against relates to the professional standard or ability of the appellant or where the appeal is made under section 33I (2) (a) or (b)—
- (i) either 3 or 5 persons nominated by the Commission, one of whom shall be nominated by the Commission as the Chairman;
 - (ii) a person nominated by the board concerned; and
 - (iii) a person nominated by the appellant; or
- (b) except as provided in paragraph (a)—
- (i) a person nominated by the Commission who shall be the Chairman;
 - (ii) a person nominated by the board concerned; and
 - (iii) a person nominated by the appellant.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929,
RELATING TO APPEALS—*continued.*

(2) A person shall not be appointed—

- (a) in pursuance of a nomination under subsection (1) (a) unless he is a medical practitioner where the appellant is a medical practitioner or a dentist where the appellant is a dentist; or
- (b) in pursuance of a nomination under subsection (1) (b) (ii) or (iii) unless the Commission is satisfied that the person nominated is sufficiently experienced in the conduct of hospitals to warrant his being appointed.

(3) If the board concerned or the appellant fails to nominate a person for appointment to the Committee within such time as may be notified to it or him by the Commission, the Commission may nominate a person who shall be a medical practitioner, a dentist or a person sufficiently experienced in the conduct of hospitals to warrant his being appointed, as the case may be, as if it were the party entitled to make the nomination under subsection (1).

(4) A decision of the Commission as to whether a Committee should be constituted as provided by subsection (1) (a) or (b) shall be final.

Date and
place of
hearing.

33L. The Commission or Chairman, as the case may be, shall fix a date, being a date as soon as practicable after the date on which the notice of appeal was received by the Commission, and a place for the hearing of the appeal and shall give 7 days' notice thereof to the parties to the proceedings.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2—*continued.*

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

33M. (1) In any proceedings before the Commission or a Committee, the parties to the proceedings may appear in person or by an agent but no party shall be represented by counsel or a solicitor except with the consent of all parties and by leave of the Commission or Committee, as the case may be. Right of appearance.

(2) The proceedings may, at the discretion of the Commission or Committee, as the case may be, be conducted wholly or partly in camera.

33N. (1) The Commission or a Committee shall, for the purposes of the appeal, have the powers, authorities, protections and immunities conferred by the Royal Commissions Act, 1923, on a commissioner and the chairman of a commission respectively, appointed under Division 1 of Part II of that Act, and that Act, Division 2 of Part II excepted, shall apply to any witness summoned by or appearing before the Commission or a Committee, as the case may be, in the same way as it applies to any witness summoned by or appearing before a commission. Powers of and procedure before the Commission or a Committee.

(2) The decision of the Chairman upon any question of law or procedure which may arise before a Committee shall be the decision of the Committee.

33O. (1) The Commission or a Committee shall determine the appeal and may make such order with respect to the matter the subject of the appeal as to the Commission or Committee, as the case may be, seems proper. Determination of appeal.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929,
RELATING TO APPEALS—*continued.*

(2) Where a Committee is appointed to hear an appeal, the Chairman shall notify the Commission in writing of the Committee's order.

Effect and
implemen-
tation of
order.

33P. An order of the Commission or a Committee under section 33O—

- (a) shall have effect from the date thereof; and
 - (b) shall be deemed to be the final decision of the board concerned and shall be given effect to accordingly.
-

Sec. 4.

SCHEDULE 3.

AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929,
RELATING TO PRIVILEGES.

(1) Section 1 (2)—

After the matter relating to Part V, insert :—

DIVISION 1.—*General.*

DIVISION 2.—*Privileges.*

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

(2) (a) Section 3, definition of “Credentials committee”—

After the definition of “Commission”, insert :—

“Credentials committee”, in relation to a hospital, means a committee established in accordance with the regulations made under this Act, being a committee so established in relation to that hospital or a group of hospitals to which that hospital belongs to make recommendations to the board of that hospital or a board of a hospital of that group, as the case may be, that a privilege be granted to a medical practitioner or a dentist or that a privilege granted to a medical practitioner or a dentist be amended or revoked.

(b) Section 3, definition of “Privilege”—

After the definition of “Private hospital”, insert :—

“Privilege”, in relation to a medical practitioner or a dentist, means an accreditation granted by a board, on the recommendation of a credentials committee, accrediting that medical practitioner or dentist, as the case may be, to perform in the hospital governed and managed by that board such work as a medical practitioner or dentist, as the case may be, as is specified in the instrument by which that accreditation is granted.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*
**AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929,
RELATING TO PRIVILEGES—*continued.***

(3) Section 4 (1)—

Omit “Parts IV and V”, insert instead “Part IV and Division 1 of Part V”.

(4) Part V, heading to Division 1—

Before section 21A, insert :—

DIVISION 1.—*General.*

(5) Section 21A—

Omit “Part”, insert instead “Division”.

(6) Section 23A—

Omit “Part”, insert instead “Division”.

(7) Part V, Division 2—

After section 29A, insert :—

DIVISION 2.—*Privileges.*

29AA. In this Division, “board” includes, in relation to—

- (a) a separate institution—the governing body of that separate institution; and
- (b) the hospital constituted under the Prince Alfred Hospital Act, 1902—a board constituted in accordance with section 21 of that Act.

Interpreta-
tion: Pt. V,
Div. 2.

Board may
refuse the
perform-
ance of
certain
work.

29AB. Where regulations have been made under section 29AC, a board may refuse to allow a medical practitioner or a dentist to perform any work as a

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

medical practitioner or dentist, as the case may be,
in the hospital governed and managed by that
board—

- (a) if he is not the holder of a privilege granted
in respect of that work under the regulations
made under section 29AC; or
- (b) if, in the opinion of the board, he is
unsuitable to perform that work.

29AC. (1) The Governor may, on the recommen-
dation of the Commission, make regulations for or
with respect to—

- (a) the granting of privileges to medical
practitioners and dentists, whether or not as
employees of hospitals;
- (b) the establishment of credentials committees;
- (c) the qualification, appointment and term of
office of members of credentials committees;
- (d) the proceedings of credentials committees;
- (e) the powers, authorities, duties and functions
of credentials committees;
- (f) the delineation of privileges;
- (g) the amendment and revocation of privileges;
- (h) the persons by whom an application for the
granting, amendment or revocation of
privileges may be made;
- (i) the making of applications for the granting,
amendment or revocation of privileges; and
- (j) the forms to be used for the purposes of any
application to or proceedings before a
credentials committee or a board.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929,
RELATING TO PRIVILEGES—*continued.*

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

(8) (a) Section 33H (1) (b)—

Omit “or”.

(b) Section 33H (1) (c)—

Omit “practitioner,” insert instead “practitioner; or”.

(c) Section 33H (1) (d)—

After section 33H (1) (c), insert :—

(d) decides not to grant a privilege to a person in accordance with a recommendation made to it with respect to that person by a credentials committee,

(9) (a) Section 33I (2) (a)—

Omit “or” where secondly occurring.

(b) Section 33I (2) (b)—

Omit “section 33H (1),” insert instead “section 33H (1);”.

(c) Section 33I (2) (c), (d), (e)—

After section 33I (2) (b), insert :—

(c) a recommendation of a credentials committee to a board;

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

- (d) the failure or refusal of a credentials committee to make a recommendation to a board within 30 days of the date of a request from that person to do so; or
 - (e) the failure or refusal of a board to make a decision within 30 days of the date of a request from that person to do so concerning the granting of a privilege to him in accordance with a recommendation made to that board with respect to him by a credentials committee,
- (10) (a) Section 33J (2) (b)—
Omit “or”.
- (b) Section 33J (2) (c)—
Omit “section 33H (2).”, insert instead “section 33H (2);”.
- (c) Section 33J (2) (d), (e), (f)—
After section 33J (2) (c), insert :—
- (d) where the appeal is made under section 33I (2) (c)—the date of the recommendation of the credentials committee;
 - (e) where the appeal is made under section 33I (2) (d)—the date of expiration of the period of 30 days referred to in section 33I (2) (d); or

SCHEDULE

Public Hospitals (Amendment).

 SCHEDULE 3—*continued.*

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

(f) where the appeal is made under section 33I (2) (e)—the date of expiration of the period of 30 days referred to in section 33I (2) (e).

(11) (a) Section 33K (1) (a)—

After “appellant”, insert “, not being a reason relating to a matter referred to in section 33I (2) (c) or (d),”.

(b) Section 33K (1) (a) (iii)—

Omit “or”.

(c) Section 33K (1) (a1)—

After section 33K (1) (a), insert :—

(a1) where the ground of the appeal relates solely to a ground referred to in section 33I (2) (c) or (d)—either 3 or 5 persons nominated by the Commission, one of whom shall be nominated by the Commission as the Chairman; or

(d) Section 33K (1) (b)—

After “paragraph (a)”, insert “or (a1)”.

(e) Section 33K (2) (a)—

After “subsection (1) (a)”, insert “or (a1)”.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

(f) Section 33K (4)—

After “subsection (1) (a)”, insert “, (a1)”.

(12) Section 33P (b)—

After “concerned”, insert “or the final recommendation of the credentials committee concerned, as the case may be.”.

SCHEDULE 4.

Sec. 4.

AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929, BY
WAY OF STATUTE LAW REVISION.

(1) Section 1 (2)—

After the matter relating to Part VI, insert :—

PART VIA.—PRINCE HENRY HOSPITAL.

(2) Section 17 (1)—

Omit “Colonial”.

(3) Section 19 (2) (c)—

Omit “, as amended from time to time”.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929, BY
WAY OF STATUTE LAW REVISION—*continued.*

(4) Section 29B (3)—

Omit the subsection.

(5) Section 40 (3)—

Omit “or of any Act amending or replacing such provisions,”.

(6) (a) Section 42 (2)—

Omit the subsection, insert instead :—

(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(b) Section 42 (5)—

After “justices”, insert “of the peace”.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 5.

Sec. 7.

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1901, No. 29..	Public Institutions Inspection Act, 1901.	The whole Act.
1929, No. 8 ..	Public Hospitals Act, 1929.	Section 16 (1).
1930, No. 24..	Government Relief Administration Act, 1930.	Section 7 (1).
1972, No. 63..	Health Commission Act, 1972.	So much of Part 1 of the Schedule as amended Act No. 29, 1901.

SCHEDULE 6.

Sec. 8.

AMENDMENT TO THE DEFAMATION ACT, 1974.

Section 17C—

After section 17B, insert :—

17C. There is a defence of absolute privilege for the publication under section 33H of the Public Hospitals Act, 1929, of a decision and the reasons for that decision of a board of directors of a hospital.

Certain decisions of hospital boards under Public Hospitals Act, 1929.