



Western Australia

# **University Medical School, Teaching Hospitals, Act 1955**

Compare between:

[30 Nov 2015, 02-d0-00] and [26 May 2016, 02-e0-01]



## University Medical School, Teaching Hospitals, Act 1955

**An Act to provide facilities in certain hospitals for the teaching of medical students of the University of Western Australia Medical School.**

**1. Short title**

This Act may be cited as the *University Medical School, Teaching Hospitals, Act 1955* <sup>1</sup>.

**2. Interpretation**

In this Act unless the context requires otherwise —

***managing body*** means a board as defined by section 2 of the *Hospitals and Health Services Act 1927*, but does not include the Minister to whom the administration of that Act is committed in relation to any public hospital controlled by him under section 7 of that Act;

***medical student*** means a person who studies medicine;

***medicine*** means all or any of the branches of medicine or surgery or both;

***mental health hospital*** means a public hospital that the regulations provide is to be regarded as a mental health hospital for the purposes of this Act;

***public hospital*** has the same meaning as in section 2 of the *Hospitals and Health Services Act 1927*, and includes —

- (a) a hospital established under Part X of the *Health Act 1911*; and

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- (b) a mental health hospital;

**Senate** means the Senate constituted pursuant to the *University of Western Australia Act 1911*;

**teaching hospital** means a public hospital which —

- (a) has been declared under section 3(1); and  
(b) has not ceased by reason of a declaration made under section 3(2),

to be a teaching hospital to which the provisions of this Act apply.

[Section 2 amended by No. 21 of 1985 s. 2; No. 103 of 1994 s. 18; No. 69 of 1996 s. 92.]

**3. Declaration of teaching hospitals**

- (1) Where the Senate is of opinion that a public hospital is suitable for the teaching of medicine, the Senate may give written notification to that effect to the Minister who shall, as soon after receiving it as is practicable, present the notification to the Governor who may by proclamation declare the public hospital to be a teaching hospital to which the provisions of this Act apply.
- (2) If the Senate is of opinion that a public hospital that is declared to be a teaching hospital under subsection (1) should no longer be a teaching hospital to which the provisions of this Act apply, the Senate shall give written notification to that effect to the Minister who shall, as soon after receiving it as is practicable, present that notification to the Governor who may by proclamation declare that that public hospital ceases with effect from the date specified in that proclamation to be a teaching hospital to which the provisions of this Act apply.
- (3) The Minister may, if the name of a public hospital that is declared to be a teaching hospital under subsection (1) (in this subsection called **the public hospital name**) has been changed, recommend to the Governor that the name of the teaching hospital (in this subsection called **the teaching hospital name**)

be changed to accord with the public hospital name as changed, and the Governor may by proclamation change the teaching hospital name in accordance with that recommendation with effect from the date specified in that proclamation, being a date not earlier than the date on which the change to the public hospital name to which that recommendation relates took place.

- (4) The identity and rights and obligations of a teaching hospital the name of which is changed under subsection (3) are not affected by that change and a reference to that teaching hospital as a teaching hospital in a written law or a document or instrument by its name as it was prior to that change shall be construed as a reference to that teaching hospital by its name as so changed.

*[Section 3 amended by No. 21 of 1985 s. 3.]*

**4. Power of managing body or Minister to enter into agreement with Senate**

- (1) Subject to subsection (2) and to section 5 —
- (a) if a teaching hospital has a managing body, its managing body; or
  - (b) if a teaching hospital does not have a managing body, the Minister,

may —

- (c) enter into an agreement with the Senate in relation to —
  - (i) the provision in the teaching hospital of facilities for research and for the teaching of medicine, including the use of land under the control of the teaching hospital and the erection of buildings thereon;
  - (ii) the admission of medical students to the practice, referred to in that agreement, of the teaching hospital;
  - (iii) except in the case of a teaching hospital which is on the reserve within the meaning of the *Queen Elizabeth II Medical Centre Act 1966*, the

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formation of an electoral committee for the teaching hospital charged with the responsibility of making recommendations to the managing body of the teaching hospital or the Minister, as the case requires, concerning the appointment of persons who are concerned with teaching duties to the consultant clinical staff of the teaching hospital;

- (iv) the making of arrangements whereby —
  - (A) members of the medical staff of the Faculty of Medicine of; and
  - (B) other staff of, or persons nominated by, The University of Western Australia who are recommended by —
    - (C) the electoral committee of the teaching hospital referred to in subparagraph (iii); or
    - (D) in the case of a teaching hospital which is on the reserve within the meaning of the *Queen Elizabeth II Medical Centre Act 1966*, the appointments committee of that teaching hospital referred to in section 16 of that Act,

may practise within the teaching hospital and participate in the teaching of medical students; and

- (v) any other matter necessary or convenient for the establishment or carrying on of the research, practice and teaching function, referred to in that agreement, of the teaching hospital;

and

- (d) make by-laws —
  - (i) regulating the admission, duties and discipline of medical students; and

- (ii) fixing clinical fees for medical students admitted to the practice of the teaching hospital.
- (2) The managing body of a teaching hospital shall not without the prior approval of the Minister enter into an agreement under subsection (1) in relation to the provision in the teaching hospital of facilities for research or for the teaching of medicine, being facilities which consist of —
  - (a) the use of land under the control of the teaching hospital or the erection of buildings thereon; or
  - (b) the acquisition of equipment of a type (however described or identified), or of more than a value, or of both —
    - (i) determined by the Minister; and
    - (ii) notified in writing to that managing body.

*[Section 4 inserted by No. 21 of 1985 s. 4.]*

**5. Advisory Committees to advise Minister**

- (1) Where in respect of a teaching hospital for which there is not a managing body the Minister proposes exercising any power conferred upon him under section 4, the Minister shall before exercising the power, give written notification of the proposal to the appropriate Advisory Committee mentioned in subsection (2) or (3), and consider the advice of the Committee on the proposal.
- (2) If a teaching hospital referred to in subsection (1) is a mental health hospital, the Advisory Committee shall consist of —
  - (a) a person nominated by the Senate;
  - (b) a person nominated by the Faculty of Medicine of The University of Western Australia;
  - (c) the Chief Psychiatrist (as defined in the *Mental Health Act 2014* section 4) or a person nominated by the Chief Psychiatrist; and

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- (d) a medical practitioner nominated by the Minister charged with the administration of the *Mental Health Act 2014*.
- (3) If a teaching hospital referred to in subsection (1) is not a mental health hospital, the Advisory Committee shall consist of —
  - (a) a person nominated by the Senate;
  - (b) a person well versed in hospital administration (not being a medical practitioner) nominated by the Minister;
  - (c) a person nominated by the Faculty of Medicine of The University of Western Australia;
  - (d) the Executive Director, Personal Health Services, in the department of the Public Service of the State principally assisting the Minister charged with the administration of the *Hospitals and Health Services Act 1927*<sup>2</sup> or a person nominated by him; and
  - (e) a medical practitioner nominated by the Minister.
- (4) The Advisory Committee shall, as soon as is practicable after receiving notification of the proposal from the Minister, consider the proposal and give to the Minister a written report of their advice on the proposal.
- (5) The Minister may request the advice of the appropriate Advisory Committee on any other matter related to the provisions or operations of this Act and thereupon the Committee shall consider the matter and give to the Minister a written report of their advice upon it.

*[Section 5 amended by No. 28 of 1984 s. 99; No. 21 of 1985 s. 5; No. 69 of 1996 s. 93; No. 25 of 2014 s. 88.]*

**6. Provisions as to Advisory Committees**

The members of the respective Advisory Committees —

- (a) are entitled to such remuneration, leave of absence, travelling and other allowances as are prescribed by the regulations;



- (b) shall keep proper minutes of their proceedings and cause the minutes to be available for inspection by the Minister or any person nominated by him; and
- (c) may —
  - (i) appoint deputies to act for them when they are unable to act;
  - (ii) convene meetings;
  - (iii) appoint their chairman;
  - (iv) fix a quorum;
  - (v) determine voting rights; and
  - (vi) otherwise regulate their proceedings,in such manner as they think fit, or if the regulations relating to those matters or any of them are made, in accordance with the regulations.

**7. Regulations**

The Governor may make such regulations as are required, or as appear to him to be necessary or convenient for effecting the operation and purposes of this Act.

## Notes

- <sup>1</sup> This is a compilation of the *University Medical School, Teaching Hospitals, Act 1955* and includes the amendments made by the other written laws referred to in the following table [1a](#). The table also contains information about any reprint.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>University Medical School, Teaching Hospitals, Act 1955</i>	31 of 1955	24 Nov 1955	24 Nov 1955
<i>Health Legislation Amendment Act 1984</i> Pt. XXIII	28 of 1984	31 May 1984	1 Jul 1984 (see s. 2 and <i>Gazette</i> 15 Jun 1984 p. 1629)
<i>University Medical School, Teaching Hospitals, Amendment Act 1985</i>	21 of 1985	19 Apr 1985	17 May 1985
<b>Reprint of the <i>University Medical School, Teaching Hospitals, Act 1955</i> as at 2 Jan 1991</b> (includes amendments listed above)			
<i>Hospitals Amendment Act 1994</i> s. 18	103 of 1994	11 Jan 1995	3 Feb 1995 (see s. 2 and <i>Gazette</i> 3 Feb 1995 p. 333)
<i>Mental Health (Consequential Provisions) Act 1996</i> Pt. 21	69 of 1996	13 Nov 1996	13 Nov 1997 (see s. 2)
<b>Reprint 2: The <i>University Medical School, Teaching Hospitals, Act 1955</i> as at 7 May 2004</b> (includes amendments listed above)			
<i>Mental Health Legislation Amendment Act 2014</i> Pt. 4 Div. 4 Subdiv. 23	25 of 2014	3 Nov 2014	30 Nov 2015 (see s. 2(b) and <i>Gazette</i> 13 Nov 2015 p. 4632)

<sup>1a</sup> [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

### Provisions that have not come into operation

<u>Short title</u>	<u>Number and year</u>	<u>Assent</u>	<u>Commencement</u>
<a href="#">Health Services Act 2016</a> <a href="#">s. 305</a> <sup>3</sup>	<a href="#">11 of 2016</a>	<a href="#">26 May 2016</a>	<a href="#">To be proclaimed (see s. 2(b))</a>

<sup>2</sup> Formerly referred to the *Hospitals Act 1927* the short title of which was changed to the *Hospitals and Health Services Act 1927* by the *Hospitals Amendment Act 1994* s. 5. Reference changed under the *Reprints Act 1984* s. 7(5)(a).

<sup>3</sup> On the date as at which this compilation was prepared, the *Health Services Act 2016* s. 305 had not come into operation. It reads as follows:

**305. University Medical School, Teaching Hospitals, Act 1955**

(1) This section amends the *University Medical School, Teaching Hospitals, Act 1955*.

(2) In section 2 delete the definition of *managing body* and insert:

*managing body*, in relation to a hospital, means the health service provider that has control or management of the hospital;

(3) In section 2 insert in alphabetical order:

*health service provider* has the meaning given in the *Health Services Act 2016* section 6;

(4) In section 2 in the definition of *public hospital* delete “same meaning as in section 2 of the *Hospitals and Health Services Act 1927*,” and insert:

meaning given in the *Health Services Act 2016* section 6,

(5) Delete section 4(1) and insert:

(1) Subject to subsection (2) and section 5, a health service provider that has control or management of a teaching hospital may enter into an agreement with the State in relation to —

(a) the provision in the teaching hospital of facilities for research and for the teaching of medicine, including the use of land under the control of the teaching hospital and the erection of buildings thereon; and

(b) the admission of medical students to the practice, referred to in that agreement, of the teaching hospital; and

(c) except in the case of a teaching hospital which is on the reserve within the meaning of the *Queen Elizabeth II Medical Centre Act 1966*, the formation of an electoral committee for the teaching hospital charged with the responsibility of making recommendations to the managing body of the teaching hospital or the Minister, as the case requires, concerning the appointment of persons who are concerned with teaching duties to the consultant clinical staff of the teaching hospital.

(6) Delete sections 5 and 6.