



Western Australia

Hospitals (Administration of Public Hospitals) Regulations 1940

Compare between:

[01 Jul 2003, 02-b0-05] and [15 Dec 2006, 02-c0-09]

Western Australia

Hospitals and Health Services Act 1927

Hospitals (Administration of Public Hospitals) Regulations 1940

1. Citation

These regulations may be cited as the *Hospitals (Administration of Public Hospitals) Regulations 1940*¹.

*[Regulation 1 amended in Gazette 3 October 1980 p.3372;
23 January 1987 p.185.]*

2. Nomination of board members

- (1) Subject to the approval and directions of the Governor, persons to be appointed by the Governor as members of boards of management of public hospitals may first be nominated for such appointment in the manner hereinafter mentioned.
- (2) The Governor may, on the recommendation of the Minister, determine from time to time the public hospitals to which subregulation (1) shall apply, and direct the particular method of nomination which shall be adopted by those public hospitals, respectively.

[Regulation 2 amended in Gazette 23 January 1987 p.185.]

3. Who may make nominations

- (1) Subject to the direction of the Governor, the nomination may be made —

r. 3A

- (a) by persons enrolled as electors on the electoral roll of the municipality or road district in which the public hospital is situated; or
 - (b) by the persons registered in the register of subscribers to the public hospital;
 - (c) by the council of a municipality or the road board of a road district; or by both bodies;
 - (d) by the board of management of the public hospital; or
 - (e) by persons resident in the district and present at the annual general meeting of such persons convened by the board of management of the public hospital.
- (2) The Governor may direct that nominations may be made either wholly by one of the methods mentioned in paragraph (1), or partly by one such method and partly by another or others of the said methods.

[Regulation 3 amended in Gazette 23 January 1987 p.185.]

3A. Returning Officer

- (1) Subject to regulations 4(aa) and 5(aa), the secretary of a board of management shall perform the functions of the Returning Officer under regulation 4 or 5 in relation to an election or ballot involving that board.
- (2) Subject to regulation 8(aa), the chairman of a board of management shall perform the functions of the Returning Officer under regulation 8 in relation to a ballot involving that board.

[Regulation 3A inserted in Gazette 21 August 1992 p.4129.]

4. Procedure when nominations by electors

When, in accordance with the direction of the Governor, the nomination is to be made by the persons enrolled as electors on the electoral roll, of a municipality or road board, the following provisions shall apply, namely —

- (aa) The Minister may direct that the Returning Officer for every aspect of the nominating process shall be the Electoral Commissioner appointed under the *Electoral Act 1907*, or such other officer holding an appointment under that appointed by the Electoral Commissioner by notice to the Minister.
- (a) Upon receipt of a notice from the ~~Under Secretary² of the Department of Public Health³~~ ^{CEO} that a vacancy has occurred or is about to occur in the office of a member of the board of management of the public hospital, the chairman of the board shall direct the Returning Officer to fix —
 - (i) a day and time on or before which submission of candidates for nomination for appointment may be made; and
 - (ii) the day on which and the times between which a poll shall be taken (if necessary) to determine which of the candidates submitted for nomination shall be nominated.
- (b) The nomination day shall be not less than 14 days after the receipt of the notice aforesaid, and the election day shall not be less than 14 days or more than 30 days after the day fixed as the nomination day.
- (c) Full particulars of the day and time for nominations and the day and time for the election (if any) shall be published throughout the municipal or road district by newspaper advertisement and by such other means of publication as in the opinion of the board of management is reasonably sufficient to bring the said particulars to the knowledge of all persons interested or concerned.
- (d) Only persons who are enrolled as electors on the current electoral roll of the municipality or road board shall be eligible as candidates for submission for nomination for appointment; only persons who are so enrolled shall be

qualified to propose or second the nomination of any such candidate; and only persons so enrolled shall be eligible to vote at the election (if any) held to elect the candidate to be nominated for appointment as aforesaid.

- (e) Nominations shall be in writing, signed by the candidate himself and also by a proposer and seconder, and shall be delivered or sent to the Returning Officer not later than the time specified for the close of nominations on the nomination day.
- (f) A copy of the current electoral roll of the municipality or the road board, as the case may be, certified by the town clerk of the municipality or by the secretary of the road board, as the case may require, shall be used as the evidence of the qualification of candidates and electors and as the roll for the election.
- (g) Where the number of candidates submitted for nomination and appointment does not exceed the number of vacancies on the board to which members are required to be appointed, the Returning Officer shall, in writing under his hand, certify that fact to the ~~Under Secretary² of the Department of Public Health³~~ CEO, together with the names, addresses, and occupations of the candidates submitted, and such certificate shall be deemed to be, and shall constitute, the nomination of the persons named therein for appointment by the Governor as members of the board of management of the public hospital. Forthwith, after issuing the certificate mentioned in this paragraph, the Returning Officer shall give notice thereof by public advertisement, either in a newspaper or otherwise, and cancel the date fixed for the election which has become unnecessary.
- (h) When the number of candidates submitted for nomination exceeds the number of persons to be nominated for appointment as members of the board of management, the Returning Officer shall forthwith, after

the nomination day, make the necessary arrangement for and hold an election on the day fixed for such election.

- (i) In relation to the election mentioned in paragraph (h) —
 - (i) the Returning Officer shall, as soon as practicable, cause ballot papers to be printed or typed containing the names of all the candidates in alphabetical order;
 - (ii) the ballot paper shall state, in a space to be provided for the purpose, particulars of the day on which the election will take place and the time for the closing of the poll;
 - (iii) subject to subparagraph (iv), the Returning Officer shall send by prepaid letter post to each person whose name appears on the electoral roll for the election at his postal address on such roll, one ballot paper, with the initials of the Returning Officer endorsed on the back thereof, together with an envelope marked “Ballot Paper Envelope”;
 - (iv) instead of posting the ballot papers to the electors, as provided for in subparagraph (iii), the Returning Officer may arrange for a booth or booths at which electors may obtain ballot papers and vote on the day fixed for the election; (in such case the Returning Officer shall, by such reasonable means as are available, give public notice to the electors of the day on which the election is to be held and the times during which ballot papers may be obtained and votes may be recorded);
 - (v) the Returning Officer shall provide such sealed ballot boxes as may be necessary, and all ballot papers with votes recorded thereon, when received from the electors, shall be placed in

such ballot boxes and be left therein until the close of the poll;

- (vi) the manner of voting shall be by preferential ballot;
- (via) for the purpose of casting his vote at an election where only one candidate is to be elected and there are not more than 2 candidates —
 - (I) the elector shall mark his ballot paper by writing the numeral “1” opposite the name of the candidate for whom he votes; and
 - (II) the elector may mark his ballot paper by writing the numeral “2” opposite the name of the other candidate on the ballot paper,so as to indicate the order of his preference;
- (vib) for the purpose of casting his vote at an election where only one candidate is to be elected and there are more than 2 candidates, the elector shall mark his ballot paper —
 - (I) by writing the numeral “1” opposite the name of the candidate for whom he votes; and
 - (II) by writing the numerals “2”, “3” and so on (as the case requires) opposite the names of the other candidates on the ballot paper,so as to indicate the order of his preference;
- (vic) for the purpose of casting his vote at an election where 2 or more candidates are to be elected, the elector shall mark his ballot paper —
 - (I) mark his ballot paper by writing the numeral “1” opposite the name of the

- candidate for whom he votes as his first preference;
- (II) mark his ballot paper by writing the numeral “2” opposite the name of the candidate for whom he votes as his second preference; and
 - (III) give contingent votes for all the remaining candidates by writing the numerals “3”, “4” and so on (as the case requires) opposite the names of the other candidates on the ballot paper so as to indicate by numerical sequence the order of his preference;
- (vii) except where an elector votes in person at a booth, the elector shall place the ballot paper, with the vote marked thereon, in the ballot paper envelope, seal such envelope and then deliver or send (and if sent by post by prepaid post) such envelope to the Returning Officer;
- (viii) where an elector votes in person at a booth on the election day, and a ballot box is available at such booth, the elector shall place his ballot paper with his vote marked thereon in such ballot box, without enclosing the same in a ballot paper envelope;
- (ix) where an elector votes in person at a booth on the election day and a ballot box is not available at such booth, the elector shall be given a ballot paper envelope, in which he shall enclose the ballot paper on which he has marked his vote. The elector shall then deliver such envelope, with the ballot paper contained therein, to the person in charge of the booth, and such person shall, immediately after the close of the poll, deliver all the envelopes, with the ballot papers therein so received by him, to the Returning Officer, who

shall place the same unopened in the ballot box kept by him;

- (x) as soon as reasonably may be after the close of the poll and after all the ballot boxes or all the ballot papers received from electors at booths have been received by the Returning Officer, the Returning Officer, in the presence of scrutineers to be appointed by the candidates or by the Returning Officer, as the case may require, shall —
 - (a) remove the ballot paper envelopes from the ballot boxes and remove the ballot papers therefrom;
 - (b) examine the ballot papers, and reject those which are informal; and
 - (c) count the votes as cast in the formal ballot papers.
- (xi) A ballot paper shall be informal —
 - (I) if the initials of the Returning Officer are not endorsed on the back of the ballot paper;
 - (II) if the voter has not marked it as prescribed by these regulations;
 - (III) if it has upon it any mark or writing not authorised by these regulations which, in the opinion of the Returning Officer, will enable any person to identify the elector;
 - (IV) if it does not indicate the elector's vote or, if there are more than 2 candidates, it is not marked so as effectively to indicate the elector's preference as regards all candidates; or
 - (V) if it is not marked.

- (j) Where only one candidate is to be elected, the successful candidate shall be ascertained in accordance with the method, prescribed under the *Electoral Act 1907*, for the counting of votes taken at an election of members of the Legislative Assembly.
- (ja) Where 2 or more candidates are to be elected, the following provisions apply —
 - (I) the count of votes shall proceed as provided by paragraph (j) until one candidate has received an absolute majority and the name of the person who receives such a majority shall be placed first on a list of persons ~~“(the list)”~~ for appointment to the Board;
 - (II) the ballot papers shall again be brought into operation and sorted according to the first preference votes of the remaining candidates, and the second preferences of the candidate whose name has been placed on the list shall be added to their first preference votes;
 - (III) the count shall then proceed in the manner provided by paragraph (j) in order to determine which of the remaining candidates has received an absolute majority on that count and the name of that candidate shall be placed second on the list;
 - (IV) until all the vacancies have been filled, the count shall then proceed in a similar manner for each of the remaining candidates but on each further count the third, fourth or next consecutive preference, as the case may be, of the candidates whose names have been entered on the list shall be added to the first preference votes received by the remaining candidates; and
 - (V) until all the vacancies have been filled, the names of the candidates shall be placed on the list in the

order in which they receive an absolute majority on the counts so undertaken.

- (jb) Where on any count 2 or more candidates have received the same number of votes, the Returning Officer shall determine by lot which candidate's preference votes shall be first distributed.
- (k) When the result of the election has been ascertained by the counting of the votes, the Returning Officer shall, by writing under his hand sent to the ~~Under Secretary² of the Department of Public Health³~~ [CEO](#), certify that such election has been duly held, together with the names, addresses, and occupations of the candidates who have been elected, and such certificate shall be deemed to be and shall constitute the nomination of the persons named therein for appointment by the Governor as members of the board of management of the public hospital.
- (l) Upon receipt from a Returning Officer of a certificate under paragraph (g) or paragraph (k), the ~~Under Secretary² of the Department of Public Health³~~ [CEO](#) shall transmit such certificate to the Minister for submission by him to the Governor in Council.

[Regulation 4 amended in Gazette 23 ~~January~~ [Jan](#) 1987 p.185; 21 ~~August~~ [Aug](#) 1992 pp.4129-31 and 4133; [15 Dec 2006 p. 5624.](#)]

5. Procedure when nominations by registered subscribers

When, in accordance with the direction of the Governor, the nomination of persons for appointment as members of the board of management of a public hospital is to be made by the persons registered in the register of subscribers to the public hospital, the following provisions shall apply, namely —

- (aa) The Minister may direct that the Returning Officer for every aspect of the nomination process shall be the Electoral Commissioner appointed under the *Electoral Act 1907*, or such other officer holding an appointment

under that Act appointed the Electoral Commissioner by notice to the Minister.

- (a) Upon receipt of a notice from the ~~Under Secretary² of the Department of Public Health³~~^{CEO} that a vacancy has occurred or is about to occur in the office of a member of the board of management of the public hospital, the chairman of the board shall direct the Returning Officer to fix —
- (i) a day and time on or before which submission of candidates for nomination for appointment may be made;
 - (ii) the day on which the times between which a poll shall be taken (if necessary) to determine which of the candidates submitted for nomination shall be nominated.
- (b) The nomination day shall not be less than 14 days after the receipt of the notice aforesaid and the election day shall not be less than 14 days or more than 30 days after the day fixed as the nomination day.
- (c) Full particulars of the day and time for nominations and the day and times for the election (if any) shall be notified to every subscriber whose name appears in the register of subscribers to the public hospital.
- (d) Only persons who are registered as subscribers for a period of 6 months in the register of subscribers aforesaid shall be eligible as candidates for submission for nomination or be qualified to propose or second the nomination of any such candidate, or be qualified to vote at the election (if any) held to elect the candidates to be nominated for appointment as aforesaid.
- (e) Nominations shall be in writing, signed by the candidate himself and also by a proposer and seconder, and shall be delivered or sent to the Returning Officer not later than the time specified for the close of nominations on the nomination day.

- (f) The register of subscribers to the public hospital shall be used as the evidence of the qualifications of candidates and electors and as the roll for election.
- (g) Where the number of candidates submitted for nomination and appointment does not exceed the number of vacancies on the board to which members are required to be appointed, the Returning Officer shall, in writing under his hand, certify that fact to the ~~Under Secretary² of the Department of Public Health~~³ [CEO](#), together with the names, addresses, and occupations of the candidates submitted, and such certificate shall be deemed to be and shall constitute the nomination of the persons named therein for appointment by the Governor as members of the board of management of the public hospital. Forthwith, after issuing the certificate mentioned in this paragraph, the Returning Officer shall, by notice in writing to the subscribers to the public hospital, cancel the date fixed for the election which has become unnecessary.
- (h) When the number of candidates submitted for nomination exceeds the number of persons to be nominated for appointment as members of the board of management, the Returning Officer shall forthwith, after the nomination day, make the necessary arrangements for and hold an election on the day fixed for such election.
- (i) Regulations 4(i), 4(j), 4(ja) and 4(jb) apply, with such modifications as are necessary, to the election mentioned in paragraph (h).
- [(j) deleted.]*
- (k) When the result of the election has been ascertained by the counting of the votes the Returning Officer shall, by writing under his hand sent to the ~~Under Secretary² of the Department of Public Health~~³ [CEO](#), certify that such election has been duly held, together with the names, addresses, and occupations of the candidates who have

been elected, and such certificate shall be deemed to be and shall constitute the nomination of the persons named therein for appointment by the Governor as members of the board of management of the public hospital.

- (l) Upon receipt from a Returning Officer of a certificate under paragraph (g) or paragraph (k), the ~~Under Secretary² of the Department of Public Health³~~^{CEO} shall transmit such certificate to the Minister for submission by him to the Governor in Council.

[Regulation 5 amended in Gazette 23 ~~January~~^{Jan} 1987 p.185; 21 ~~August~~^{Aug} 1992 pp.4132-3; 15 Dec 2006 p. 5624.]

6. Procedure when nominations by council or road board

When, in accordance with the direction of the Governor, the nomination of persons for appointment as members of the board of management of a public hospital is to be made by the council of a municipality, or by the road board of a road district, or by such a council and such a road board acting as one body, the following provisions shall apply, namely —

- (a) Upon receipt of a notice from the ~~Under Secretary² of the Department of Public Health³~~^{CEO} that a vacancy has occurred or is about to occur in the office of a member of the board of management of a public hospital, the chairman of such board of management shall forward copies of such notice to the municipal council or road board in which the public hospital is situated or, where the public hospital has been established to serve more than one municipal council or more than one road board or one or more municipal councils, or one or more road boards, to every such municipal council and every such road board, with a request in writing under his hand that the municipal council or road board or the municipal councils and road boards nominate a person or persons for appointment as a member or members of the said board of management, to fill the said vacancy or vacancies.

- (b) Upon receipt of such request, the municipal council or the road board shall, in accordance with a method to be determined by it, or, where one or more municipal councils or one or more road boards, or one or more municipal councils and one or more road boards are required to make the necessary nominations, acting in conjunction as one body, in accordance with a method to be agreed upon mutually between them, proceed to nominate the required number of persons for appointment as members of the said board of management.
- (c) When, in accordance with the provisions of paragraph (b), the required number of persons have been nominated, the names, addresses, and occupations of such persons shall be certified in writing by the body or bodies by which they have been nominated, to the chairman of the board of management, who shall forthwith, on receipt of such certificate by writing under his hand, transmit such certificate to the ~~Under Secretary² of the Department of Public Health³~~ [CEO](#).
- (d) The said certificate and notification by the chairman of the board of management shall be deemed to be and shall constitute the nomination of the persons named in the certificate for appointment as members of such board.
- (e) Upon receipt of the said certificate and notification mentioned in paragraph (d) the ~~Under Secretary² of the Department of Public Health³~~ [CEO](#) shall transmit the same to the Minister for submission by him to the Governor in Council.

[Regulation 6 amended in Gazette 23 ~~January~~ [Jan](#) 1987 p.185; [15 Dec 2006 p. 5624](#).]

7. Procedure when nominations by hospital board of management

When, in accordance with the direction of the Governor, the nomination of persons for appointment as members of the board

of management of a public hospital is to be made by the board of management of a public hospital, the following provisions shall apply, namely —

- (a) Upon receipt of a notice from the ~~Under Secretary² of the Department of Public Health³~~ [CEO](#) that a vacancy has occurred or is about to occur in the office of a member of the board of management of the public hospital, the chairman, at the next ordinary meeting of the board, or at a meeting of the board expressly called for the purpose, shall submit such notice to the board and request the board to make the necessary nomination.
- (b) Such nomination shall be made in accordance with such method as the board may from time to time by its own resolution determine.
- (c) When the board has made the required nomination of persons for appointment as aforesaid, the chairman of the board shall, by writing under his hand, certify that fact together with the names, addresses, and occupations of the persons so nominated to the ~~Under Secretary² of the Department of Public Health³~~ [CEO](#), and such certificate shall be deemed to be and shall constitute the nomination of the persons named therein for appointment as members of the said board of management.
- (d) On receipt of the certificate mentioned in paragraph (c) the ~~Under Secretary² of the Department of Public Health³~~ [CEO](#) shall transmit the same to the Minister, for submission by him to the Governor in Council.

[Regulation 7 amended in Gazette 23 ~~January~~ [Jan](#) 1987 p.185; [15 Dec 2006 p. 5624](#).]

8. Procedure when nominations by persons at AGM

When, in accordance with the direction of the Governor, the nomination of persons for appointment as members of the board of management of a public hospital is to be made by the persons

resident in the district and present at the annual general meeting of such persons convened by the board of management of a public hospital, the following provisions shall apply, namely —

- (aa) The Minister may direct that the Returning Officer for every aspect of the ballot process under this regulation shall be the Electoral Commissioner appointed under the *Electoral Act 1907*, or such other officer holding an appointment under that Act appointed by the Electoral Commissioner by notice to the Minister.
- (a) Upon receipt of a notice from the ~~Under Secretary² of the Department of Public Health³~~ ^{CEO} that a vacancy has occurred or is about to occur in the office of a member of the board of management of the public hospital, the Returning Officer shall cause the matter of the nomination of a person for appointment to fill such vacancy to be included in the agenda paper for and the notice of the next following annual general meeting of persons resident in the district convened by the board of management of the public hospital.
- (b) At such next annual general meeting the matter of the said nomination shall be dealt with in the order of the business of the meeting.
- (c) The Returning Officer shall call for the submission of candidates by the persons present at the meeting.
- (d) Every person whose name is submitted as a candidate shall consent, either in person or in writing, to such submission, which shall be proposed and seconded by persons who are present at the meeting.
- (e) When the number of candidates submitted at the meeting does not exceed the number of persons required to be nominated for appointment, the Returning Officer shall declare the candidates submitted to have been nominated for appointment as members of the board of management.
- (f) When the number of candidates submitted at the meeting exceeds the number of persons required to be nominated

for appointment, the Returning Officer shall cause a ballot to be taken of the persons present at the meeting.

- (g) When a ballot is taken, as provided for in paragraph (f), regulations 4(i), 4(j), 4(ja) and 4(jb) apply, with such modifications as are necessary, to the method by which the ballot is held and the successful candidate or candidates are determined.
- (h) When the nomination of candidates for appointment as members of the board of management has been determined as provided in paragraph (e) or paragraph (g), the Returning Officer shall by writing under his hand certify that fact, together with the names, addresses, and occupations of the candidates who have been nominated to the ~~Under Secretary² of the Department of Public Health~~³ [CEO](#), and such certificate shall be deemed to be and shall constitute the nomination of the persons named therein for appointment as members of the said board.
- (i) On receipt of the certificate mentioned in paragraph (h), the ~~Under Secretary² of the Department of Public Health~~³ [CEO](#) shall transmit the same to the Minister for submission by him to the Governor in Council.

[Regulation 8 amended in Gazette 23 ~~January~~^{Jan} 1987 p.185; 21 ~~August~~^{Aug} 1992 ~~pp.4132~~^{p.4132}-3; 15 Dec 2006 p. 5624.]

9. Expenses

Any expenses incurred by the board of management of a public hospital in connection with the nomination of persons for appointment as members of such board under any of the foregoing regulations may be borne and paid out of the funds of such board.

10. Model by-laws (section 37)

The following by-laws are hereby formulated under section 37 of the *Hospitals and Health Services Act 1927*, as model

by-laws for the guidance of boards of management of public hospitals in respect of the matters regarding which such boards may make by-laws and which are provided for in such model by-laws, that is to say —

1. (1) The Board shall, after it has been duly appointed, and at its first meeting after such appointment, elect one of its members to be chairman.
(2) The chairman shall, when present, preside at all meetings of the board, and shall be ex officio member of all subcommittees.
2. (1) The Board shall meet at times and places as may be decided upon.
(2) The order of business at board meetings shall be —
 - (i) minutes, confirmation and business arising therefrom;
 - (ii) correspondence, business arising therefrom;
 - (iii) finance, statement, and accounts;
 - (iv) reports;
 - (v) motions of which notice has been given;
 - (vi) general and other business.
3. A special meeting of the board may be called at any time and place by the chairman or 2 members of the board, in writing, through the secretary. Each member of the board shall receive 24 hours' written notice of any ordinary or special meeting of the board.
4. In case of any member of the board of management being absent from 3 consecutive monthly meetings without leave of absence, the board may recommend to the Governor that his or her seat be declared vacant, and that another person be appointed to fill the vacancy.

5. At each ordinary meeting of the board, 2 members shall be appointed as a visiting committee for one month. This committee shall visit the public hospital at least once before the next ordinary meeting and report to the board.
6.
 - (1) At its first meeting, the board shall appoint 3 of its members as a finance committee for the year.
 - (2) Before each meeting this committee shall examine all accounts that are to be presented and shall satisfy itself that they are in order before recommending them for payment. At the end of each quarter the committee shall examine the debtors ledger and shall direct the secretary thereon, as may be necessary.
 - (3) In cases where it is impossible for accounts to be brought before a board meeting, the finance committee shall have authority to pass ordinary maintenance accounts for payment.
7. The annual public general meeting shall be held in the month of July in each year and not less than 14 days' notice shall be given of such meeting. The order of business at the annual meeting shall be and includes —
 - (a) confirmation of the minutes of the previous annual meeting;
 - (b) report of the board for the previous year;
 - (c) balance sheet, and statement;
 - (d) business of which due notice has been given;
 - (e) any other business allowed.
8. The matron of the public hospital appointed by the board shall, subject to the direction of the board, have full control of the internal administration of the public hospital, and of things appertaining thereto.

[By-law 8 amended in Gazette 23 January 1987 p.185.]

9. The secretary appointed by the board shall receive such remuneration as shall be decided upon by the board from time to time. He shall carry out all the lawful orders and instructions of the board. He shall conduct the correspondence and keep the books as required by the board.
10. (1) No patient, except maternity cases, shall be admitted to the public hospital unless ordered by a medical practitioner. Provided that, in cases of emergency, the matron may admit any patient to the public hospital, but such cases shall be referred to a medical practitioner as early as possible after admission.
- (2) Maternity patients shall give to the matron as long a notice as possible of their intention to enter and use the public hospital.

[By-law 10 amended in Gazette 23 January 1987 p.185.]

11. (1) No person whose admission is likely to cause danger to other patients, shall, except in cases of emergency, be admitted to the public hospital.
- (2) When any such patient is admitted to the public hospital in a case of emergency, his case shall be referred to a medical practitioner as early as possible after admission.

[By-law 11 amended in Gazette 23 January 1987 p.185.]

12. No patient shall be absent from the public hospital without leave from a medical practitioner or the matron.

[By-law 12 amended in Gazette 23 January 1987 p.185.]

13. Any person gambling, swearing, or using abusive language or in any other way behaving indecently in any part of the public hospital or grounds, or who shall fail to comply with any of these rules, shall be liable to be discharged or expelled from the public hospital.

[By-law 13 amended in Gazette 23 January 1987 p.185.]

14. Should a patient be dangerously ill, the matron shall at once notify the spouse, de facto partner or some of the other relatives of such patient, and should the patient desire that a clergyman be sent for, his or her wishes in this respect are to be immediately attended to.

[By-law 14 amended in Gazette 30 June 2003 p. 2605.]

15. (1) Any patient, who desires to leave the public hospital of his own desire before being discharged as cured of the complaint or disease for which he is being treated in the public hospital, may be required by the matron to make a statutory declaration to the effect that he is leaving the public hospital of his own desire.
- (2) Where a patient referred to in paragraph (1) is unable or refuses to make the said declaration, the matron may require the person who removes the patient from the public hospital to make a statutory declaration that he is removing the patient from the public hospital at the request of the patient.

[By-law 15 amended in Gazette 23 January 1987 p.185.]

16. The fees payable for treatment of patients at the public hospital shall be at the following rates —

(a) **Inpatients**

Patients to whom the *Workers' Compensation Act 1912*⁴ (as amended) applies — \$66.00 per day.

Patients to whom the *Motor Vehicle (Third Party Insurance) Act 1943* (as amended) applies — \$66.00 per day.

Patients to whom section 31A of the *Hospitals and Health Services Act 1927* applies — \$66.00 per day.

Hospital patients — No charge.

Private patients:

Single bed wards — \$75.00 per day.

All other beds — \$50.00 per day.

Nursing Home Type Patients

(a) A Nursing Home Type Patient who is a hospital insured person or a person other than a public hospital insured person who elects to be treated as a private patient —

(i) where receiving extensive care — \$29.65 per day.

(ii) where not receiving extensive care — \$23.65 per day.

(b) Any other Nursing Home Type Patient — \$7.65 per day.

(b) **Outpatients**

Compensable (Statute) Cases:

Attendance fee — \$10.00 per day.

Minor operation — \$12.00 per day.

Other items — At cost.

All other patients — No charge.

*[By-law 16 inserted in Gazette 17 August 1979 p.2487;
amended in Gazette 3 October 1980 p.3372;
16 January 1981 p.110; 29 May 1981 p.1605;
23 January 1987 p.185.]*

- 17.** Except in the case of an indigent patient, or when the board of management of the public hospital otherwise determines, no patient shall be permitted to leave the public hospital until all public hospital fees payable by him or on his behalf have been paid or a guarantee for such payment satisfactory to the said board of management has been received by such board.

[By-law 17 amended in Gazette 23 January 1987 p.185.]

- 18.** (1) The public may be admitted to the public hospital between such hours as the board shall from time to time direct.
- (2) All visitors must obey the directions of the matron or nurse on duty.
- (3) No visitors shall enter any ward without first obtaining permission from the matron or nurse in charge.

[By-law 18 amended in Gazette 23 January 1987 p.185.]

- 19.** No intoxicating liquors of any kind shall be brought into the public hospital, except by the direction of a medical practitioner, nor shall any fruit or food be brought into the wards or be received by patients without the sanction of the matron.

[By-law 19 amended in Gazette 23 January 1987 p.185.]

- 20.** (1) Ministers of religion visiting the public hospital for the purpose of ministering to the patients shall visit only those patients who desire their

ministrations, and shall not interfere with the repose and quiet of the other patients.

- (2) Ministers of religion may attend special or urgent cases, at any time, by arrangement with the matron, but in other cases they must arrange their visits so as to suit the convenience of the public hospital staff.

- 21. (1) A person shall not bring or allow to accompany him any dog or cat into any ward or other portion of the public hospital occupied or intended to be occupied by patients.

- (2) Any person who contravenes this by-law shall be liable to a penalty not exceeding \$4.

[By-law 21 inserted in Gazette 26 November 1943 p.1102; amended in Gazette 23 January 1987 p.185.]

- 22. (1) A person shall not smoke in any area of the public hospital which is open to the public, including out-patients waiting areas.

- (2) The board may set apart —

- (a) non-smoking areas in wards or non-smoking wards or rooms in the public hospital;
- (b) special smoking areas, wards or rooms where smoking is permitted by all persons or by classes of persons,

and a person shall not smoke —

- (c) in an area, ward or room set apart in accordance with paragraph (a); or
- (d) in an area, ward or room set apart in accordance with paragraph (b) if that person is not a person so permitted by the board.

- (3) Any person who contravenes this by-law shall be liable to a penalty not exceeding \$50.

[By-law 22 inserted in Gazette 2 November 1979 p.3451; amended in Gazette 23 January 1987 p.185.]

11. Powers of Principal Medical Officer

The Principal Medical Officer may transfer any public hospital patient to a home for the aged or infirm if he considers such transfer necessary, and provided the home receiving such patient is better equipped for dealing with such patient.

The Principal Medical Officer may transfer any inmate of a home for the aged and infirm to any public hospital, if he considers such transfer necessary, and provided such public hospital has special facilities or equipment for treating such inmate.

[Regulation 11 inserted in Gazette 2 May 1941 p.567; erratum in Gazette 28 September 1961 p.2747; amended in Gazette 23 January 1987 p.185.]

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Notes

- ¹ This is a compilation of the *Hospitals (Administration of Public Hospitals) Regulations 1940* and includes the amendments included in the reprint published in the *Gazette* 2 February 1960 and the other amendments effected by the regulations referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement	Miscellaneous Deleted Cells
<i>Hospitals Regulations 1940</i>	6 December <u>Dec</u> 1940 pp. 2141-7	6 December <u>Dec</u> 1940	Citation subsequently amended. See footnote to regulation 1.
(Regulations effecting amendments in the previous reprint are not referred to in this Table)	<u>17 Jul 1961</u> p. 2209-10	<u>17 Jul 1961</u>	Previous reprint published in <i>Gazette</i> 2 February 1960 pp. 215-24
	17 July 1961 pp. 2209-10 <u>30 Oct 1963</u> p. 3305	17 July 1961 <u>30 Oct 1963</u>	
	30 October 1963 <u>26 Oct 1965</u> p. 3305	30 October 1963 <u>26 Oct 1965</u>	
	26 October 1965 <u>14 Apr 1966</u> p. 3757	26 October 1965 <u>14 Apr 1966</u>	
	14 April 1966 <u>21 Dec 1966</u> pp. 3377-8	14 April 1966 <u>21 Dec 1966</u>	
	21 December 1966 <u>11 Jun 1969</u> pp. 3377-8	21 December 1966 <u>11 Jun 1969</u>	
	11 June 1969 <u>1 May 1970</u> p. 1232	11 June 1969 <u>1 May 1970</u>	

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Citation	Gazettal	Commencement	Miscellaneous	Deleted Cells
	1 May 1970 21 Sep 1971 p. 423 3504	1 May 1970 21 Sep 1971		
	21 September 1971 26 Jul 1974 p. 3504 2817	21 September 1971 26 Jul 1974		
	26 July 1974 31 Oct 1975 p. 2817 4029	26 July 1974 31 Oct 1975		
	31 October 1975 1 Oct 1976 p. 4029 3566	31 October 1975 1 Oct 1976		
	1 October 1976 17 Aug 1979 p. 3566 2487	1 October 1976 Sep 1979		
	17 August 1979 2 Nov 1979 p. 2487 3451	1 September 1979 2 Nov 1979		
Hospitals Amendment Regulations 1980	2 November 1979 3 Oct 1980 p. 3451 3372	2 November 1979 3 Oct 1980 (see r. 2)		
Hospitals Amendment Regulations- (No. 2) 1980	3 October 1980 16 Jan 1981 p. 3372 110	3 October 1980 (see regulation 2) 16 Jan 1981		
Hospitals Amendment Regulations (No. 2 1980 3) 1981	16 January 1981 29 May 1981 p. 110 1605	16 January 1981 29 May 1981		
Hospitals Amendment Regulations (No. 3) 1981 1987	23 Jan 1987 pp. 184-5	29 May 1981 p. 1605 23 Jan 1987 (see r. 2 and <i>Gazette</i> 23 Jan 1987 p.179)	29 May	Inserted Cells Deleted Cells
Hospitals (Administration of Public Hospitals) Amendment Regulations 1987 1992	23 January 1987 21 Aug 1992 pp. 184-5 4129-33	23 January 1987 (see regulation 2 and <i>Gazette</i> 23 January 1987 p.179) 21 Aug 1992		

Hospitals (Administration of Public Hospitals) Regulations 1940

Citation	Gazettal	Commencement	Miscellaneous Deleted Cells
<i>Hospitals (Administration of Public Hospitals) Status Subsidiary Legislation Amendment Regulations 1992</i> <i>Equality of Public Hospitals (Administration of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 15)</i>	21 August 1992 <i>30 Jun 2003</i> pp. 4129-33 p. 2581-638	21 August 1992 <i>1 Jul 2003 (see r. 2 and Gazette 30 Jun 2003 p. 2579)</i> <i>1 Jul 2003 (see r. 2 and Gazette 30 Jun 2003 p. 2579)</i> <i>15 Dec 2006</i>	

² ~~The relevant office is now the Executive Director, Public Health.~~

³ ~~At the time of this reprint the former Department of Public Health is called the Health Department of Western Australia.~~

²⁻³ ~~Footnote no longer applicable.~~

⁴ Repealed and replaced by the *Workers' Compensation and Rehabilitation Act 1981* (No. 84 of 1981).