

Approved for reprint 11th December, 1972.

WESTERN AUSTRALIA.

HOSPITALS.

18° Geo. V., No. XXIII.

No. 23 of 1927.

(Affected by Acts No. 39 of 1930, No. 36 of 1932, and No. 113 of 1965.)

[As amended by Acts:

No. 9 of 1948, assented to 11th November, 1948;

No. 16 of 1953, assented to 20th November, 1953;

No. 51 of 1955, assented to 9th December, 1955;

No. 89 of 1969, assented to 17th November, 1969;

No. 33 of 1972¹, assented to 16th June, 1972;

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

AN ACT to provide for the Establishment, Maintenance, and Management of Public Hospitals, and for incidental and other purposes.

Long title substituted by No. 33 of 1972, s.3.

[Assented to 23rd December, 1927.]

BE it enacted—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Hospitals Act, 1927-1972.*

Short title and commencement Amended by No. 33 of 1972, s.s.1 and 4.

2. In this Act, subject to the context—

“Advisory Council” means the Teaching Hospitals Advisory Council established under section six A of this Act;

Interpretation. Repealed and re-enacted by No. 33 of 1972, s.5.

“board” means a hospital board constituted under section fifteen of this Act, and includes the Minister in relation to any public hospital controlled by him under section seven of this Act;

“Department” means the Medical Department;

¹ Came into operation on 30th June, 1972. See Gazette 30/6/72, p.2098.

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“hospital” means an institution for the reception and treatment of persons suffering from illness or injury, or in need of medical, surgical or dental treatment or assistance, and includes a maternity hospital, nursing home or nursing post;

“hospital service” includes accommodation, maintenance, care, and all other services rendered, goods supplied or work done at, by or on behalf of a public hospital, other than the professional services of medical practitioners;

“infectious disease” has the meaning given to that expression in the Health Act, 1911;

“local authority” means the council of a municipality;

“nursing home” means premises in which persons who do not require constant medical attention are received as patients and lodged for the purpose of medical supervision and nursing care but does not include any premises declared by the Minister under section three of this Act not to be a nursing home for the purposes of this Act;

“nursing post” means a place at which a nurse is stationed and at which facilities exist for medical attention but which is not normally used for the accommodation of in-patients;

“practitioner” includes any person who is a medical practitioner within the meaning given to that expression in the Medical Act, 1894, and any other person practising in the field of health or medicine who is declared by the Minister under section three of this Act to be a practitioner for the purposes of this Act;

“private non-profit hospital” means a hospital which is maintained by a religious or charitable organisation and is not carried on for the purpose of private gain;

“public hospital” means—

(a) a hospital declared by the Minister to be a public hospital under section three of this Act; and

(b) any other hospital not maintained by a religious or charitable organisation and which is not carried on for the purpose of private gain;

“teaching hospital” means an institution declared by the Minister under section three of this Act to be a teaching hospital for the purposes of this Act.

3. (1) This Act applies to any public hospital howsoever founded or maintained (whether wholly or partly by or under governmental authority or otherwise), but does not apply to any institution which is an approved hospital within the meaning of, and subject to the Mental Health Act, 1962, or to any hospital used exclusively in connection with a prison.

Application
of Act.

Repealed and
re-enacted by
No. 33 of 1972,
s.6.

(2) The Minister, acting on the written recommendation of the Principal Medical Officer and with the consent of the governing body of the institution, may by notice published in the *Gazette* declare any institution to be a public hospital subject to and for the purposes of this Act.

(3) The Minister may by notice published in the *Gazette* declare that any institution is not a public hospital, or is not a nursing home, as the case may be, for the purposes of this Act.

(4) The Minister may by notice published in the *Gazette* declare that any institution is a teaching hospital for the purposes of this Act.

(5) The Minister may by notice published in the *Gazette* declare any person practising in the field of health or medicine to be a practitioner for the purposes of this Act.

4. [*Repealed by No. 33 of 1972, s.7.*]

PART II.—ADMINISTRATION.

Minister.

5. The general administration of this Act shall be under the control of the Minister.

Duties of
the Minister.
Added by No.
33 of 1972.
s.8.

5A. (1) It shall be the duty of the Minister to provide throughout the State, to such extent as he considers necessary to meet all reasonable requirements,—

(a) hospital accommodation; and

(b) hospital service, whether at a public hospital or, if necessary on medical grounds, elsewhere.

(2) Subject to the provisions of the University Medical School, Teaching Hospitals, Act, 1955, it shall be the duty of the Minister to ensure that such facilities as the Minister determines to be required for clinical teaching and research are provided at teaching hospitals, and that those facilities and the medical and teaching resources, and the services available, are co-ordinated and utilised effectively.

(3) The duty of the Minister under this section may be discharged by making arrangements, on such terms, which may include the payment of charges, as the Minister thinks fit for securing the performance of any service on behalf of the Minister by a voluntary organisation or private non-profit hospital.

(4) The duty of the Minister does not extend to any matter within the exclusive administrative competence of any institution other than a public hospital, unless by and with the consent of the governing body of that institution.

6. (1) To assist the Minister in the administration of this Act there shall be a Medical Department.

Medical Department.

Amended by No. 33 of 1972, s.9.

(2) The Governor may from time to time appoint a Principal Medical Officer, a Director of Administration, and such other officers as may be considered necessary for the efficient administration of this Act, and such officers may exercise such functions and powers in and for the Department as may be approved by the Minister.

(3) The Minister may from time to time appoint and remove such persons as he thinks requisite to assist in the management of the Department or otherwise in the execution of this Act.

6A. (1) To assist the Minister in the performance of his duty in relation to teaching hospitals there is hereby established a body by the name of the Teaching Hospitals Advisory Council.

Teaching Hospitals Advisory Council.

Added by No. 33 of 1972, s.10.

- (2) The Advisory Council shall consist of
- (a) two persons nominated by the Minister to represent the interests of the Department;
 - (b) two persons not being employed in the Department, nominated by the Minister;
 - (c) two persons nominated by the Senate of the University of Western Australia;
 - (d) one person nominated to represent the interests of that hospital by the managing body of each teaching hospital; and
 - (e) one person nominated by the Western Australian branch of the Australian Medical Association,

all of whom shall be appointed by the Governor.

(3) The Governor may, in respect of each member of the Advisory Council, appoint a person representative of the same interests as that member to be the deputy of the member.

(4) The Governor shall appoint the Chairman of the Advisory Council from amongst the members of that Council.

(5) It shall be the duty of the Advisory Council to advise the Minister upon such matters relating to the provision, co-ordination and utilisation of the clinical and teaching facilities, services and resources that are or ought to be available in the teaching hospitals for clinical teaching and research as the Minister determines, and upon such other matters as are referred to the Advisory Council by the Minister, but the Advisory Council may, if they think fit, recommend to the Minister that a matter should be referred to them for consideration.

(6) Before tendering any advice to the Minister it shall be the duty of the Advisory Council to consult with, and ascertain the opinions of, any hospital board or other institution likely to be materially affected by that advice; and to give consideration to the information so obtained.

(7) The constitutional provisions contained in the Schedule to this Act shall have effect in relation to the Advisory Council.

7. (1) Where in relation to any public hospital the Governor does not appoint any person to constitute a hospital board in accordance with the provisions of section fifteen of this Act, or where a board is abolished in accordance with the provisions of section eight of this Act the management and control of the hospital is vested in the Minister.

(2) Whilst the Minister is so controlling any hospital he shall be deemed to be the board thereof and to be incorporated under the name of such board, and shall have all the powers of a board, and all property which would vest in a board of such hospital shall vest in the Minister.

(3) [*Repealed by No. 33 of 1972, s. 12.*]¹

Minister
acting in
place of
board.

Amended by No.
33 of 1972,
s.s.11 and 12.

- 7A. The Minister shall have general power—
- (a) to establish depots and make contracts for the supply of equipment, stores, drugs and other hospital requisites to hospitals;
 - (b) to maintain an exchange through which hospitals may secure the services of staff;
 - (c) with the approval of the Treasurer of the State, to make payments to or on behalf of any religious or charitable organisation for the purpose of defraying the interest on moneys borrowed by that organisation and expended or intended to be expended by that organisation on a project approved by the Minister in connection with a private non-profit hospital or nursing home maintained by that organisation;
 - (d) to make payments by way of subsidy in respect of the accommodation of any frail aged person;
 - (e) to make payments by way of subsidy in respect of patients who are unable to afford the payment of reasonable fees.

General powers of the Minister.
Added by No. 33 of 1972, s.12.

8. The Governor may close any public hospital or abolish any board, and may, by leave of the Supreme Court or any Judge thereof, make any necessary variation of any trusts affecting any property used or applicable for any of the purposes of any such public hospital.

Power to close a public hospital or to abolish the board.

9. (1) The Minister may, from time to time, hold such inquiries or investigations as he may deem necessary in relation to any matter concerning the public hospitals or any public hospital, or the administration of this Act, and may appoint one or more persons to conduct such inquiries or investigations as he may deem fit.

Holding of inquiries.
Amended by No. 33 of 1972, s.13.

(2) When an inquiry is being held the Minister or any such person shall have free access to all books, plans, maps, documents, and other things belonging to any board, and shall have in relation to witnesses and their examination, and the production of

Powers of persons holding inquiries.

documents, the powers conferred upon a Royal Commission or the chairman thereof by the Royal Commissions Act, 1968, and may enter and inspect any building, premises, or place, the entry or inspection whereof appears to be requisite for the purpose of such inquiry.

Power to
visit and
inspect
hospitals.

10. Any officer appointed under this Act may—
- (a) visit any public hospital;
 - (b) inspect every part of any such hospital, including any outbuildings or premises appurtenant thereto; and
 - (c) if the officer is a medical practitioner, medically examine any patient in any such hospital.

Obstruction.
Amended by
No. 33 of 1972,
s.14.

11. No person shall—
- (a) obstruct any officer in the performance of his duties, or the visitation or inspection of any public hospital; or
 - (b) wilfully mislead any officer in such a way as to be likely to interfere with the due discharge of the functions of such officer under this Act.

Penalty: Two hundred dollars.

Hospital
reserves.

12. (1) It shall be lawful for the Governor to set apart and proclaim any lands vested in the Crown as a reserve for the endowment of any public hospital.

(2) Any lands heretofore or hereafter set apart or proclaimed by the Governor as a reserve for a hospital site or for the endowment of any public hospital shall vest in the board of the hospital.

Superan-
nation and
other
retirement
benefits.

Added by No.
33 of 1972,
s.15.

12A. (1) The Minister, with the approval of the Treasurer of the State, may establish and maintain a scheme to make financial provision in respect of the retirement, invalidity or death of practitioners in the employment of the Department or on the staff of any hospital, not being persons who are contributors for the purposes of the Superannuation and Family Benefits Act, 1938.

(2) A scheme established under this section shall be administered by trustees appointed in writing by the Minister and in accordance with rules to be approved by the Treasurer of the State.

(3) The Minister, with the approval of the Treasurer of the State, may make agreements with other persons or institutions for the establishment of joint machinery to facilitate the transfer of members of a superannuation scheme, or of persons who hold other entitlements to benefit in the event of retirement, invalidity or death, from the provisions of that scheme or entitlement to the scheme established under this section or otherwise, and generally in relation to such matters.

(4) The Minister, with the approval of the Treasurer of the State, may amend the scheme established under this section, or any agreement made under subsection (2) of this section.

(5) Any act, matter or thing done or executed before the coming into operation of the Hospitals Act Amendment Act, 1972, which would have been lawful had this section been in force at the time such act, matter or thing was made, done or executed is hereby validated.

13. The Department shall, at the end of each financial year, submit to the Minister for presentation to Parliament a report of its operations under this Act.

Annual report.

Amended by No. 33 of 1972, s.16.

PART III.—LOCAL ADMINISTRATION.

14. [*Repealed by No. 33 of 1972, s. 17.*]

15. (1) The Governor may appoint such persons as he thinks fit to constitute a hospital board in relation to any public hospital.

Hospital boards.

Repealed and re-enacted by No. 33 of 1972, s.18.

(2) The management and control of a public hospital is vested in the hospital board constituted in relation to it.

(3) Every board shall be a body corporate with perpetual succession and a common seal and the corporate name of the board shall be the name assigned to it by the Governor.

(4) Every board shall be capable of suing and being sued in its corporate name.

(5) The Governor may appoint a deputy for any member of a hospital board.

(6) The members of a hospital board shall appoint one of their number to be the Chairman.

(7) The constitutional provisions contained in the Schedule to this Act shall have effect in relation to a hospital board.

Indemnity.

Substituted by
No. 33 of 1972,
s.19.

16.¹ (1) No action, claim or demand lies, or shall be commenced or allowed, by or in favour of any person against any member of a hospital board or in respect of any act, matter or thing done by any such member in good faith in the exercise or purported exercise of any powers or functions under this Act or for the purpose of giving effect to the provisions or objects of this Act.

Powers of boards over lands vested in them.

Amended by
No. 16 of
1953, s.2;
No. 51 of 1955,
s.2.

17. (1) The board of any public hospital shall be deemed to have the powers of an institution within the meaning of the Public Institutions and Friendly Societies Lands Improvement Act, 1892, and may exercise in respect of lands vested in it such powers as are thereby given to institutions: Provided that the portions of the Act requiring the concurrence of three-fourths of the members of an institution shall for the purposes of this Act be deemed to be eliminated.

(2) A board shall also, with the consent of the Governor, have power to sell, lease, or exchange any lands vested in it, and to pay or receive money by way of equality of exchange, and to acquire land and other property, and to borrow money on such security as the Governor thinks fit.

¹ Former section 16 re-enacted with amendments as s.15. See Act No. 33 of 1972, s.18.

(3) The powers of selling, exchanging, mortgaging, or leasing lands which are conferred upon a board by this Act shall extend to land held in trust for any special purpose, notwithstanding the terms of the trust; but the proceeds of any such sale, and the land or money obtained by any such exchange, shall be subject to the like trusts, so far as may be, as the land so disposed of.

(4) No power conferred by this section shall be exercised without the consent of the Governor.

(5) Where a Board borrows money under the powers conferred by this section, the Treasurer of the State may guarantee the repayment of the amount so borrowed from time to time.

17A. (1) The payment of all moneys payable by the Treasurer of the State under a guarantee given by him under the authority of this Act, is hereby guaranteed by the State.

Payments guaranteed by State.

Added by No. 16 of 1953, s.3

(2) All sums required by the Treasurer for fulfilling a guarantee so given, shall be paid out of the Consolidated Revenue Fund, which is hereby to the necessary extent appropriated accordingly.

18. (1) A board shall be responsible for the control, management, and maintenance of the public hospital or hospitals for which it is or has been appointed, and may exercise such other duties and functions for the purposes of this Act, as may from time to time be prescribed.

Functions of hospital boards

Amended by No. 33 of 1972, s.20

(2) The Minister may, after consultation with a hospital board, give to it directions as to the exercise of its functions.

(3) A hospital board shall give effect to any directions given to it under this section.

18A. Where the Minister gives a direction requiring the board of a public hospital to furnish to him or persons nominated by him statistical or other returns or information on matters relating to the hospital and arising there or elsewhere and he

Returns or information.

Added by No. 89 of 1969, s.2.

fixes a reasonable time within which the returns are or the information is to be furnished, the board shall, within that time, comply with the direction.

Board may appoint officers and servants.

19. (1) A board may from time to time appoint and remove a secretary, a treasurer, and such other medical and other officers, matrons, nurses, attendants, and servants as it thinks requisite to assist in the management of any public hospital under the control of the board, or otherwise in the execution of this Act.

(2) A board may also from time to time appoint and remove such medical officers and district nurses as it thinks fit for the purpose of attending sick persons elsewhere than in a public hospital; provided the circumstances of such persons are such as to bring them within the provisions of the first paragraph of section thirty-one.

(3) All persons so appointed may be paid out of the revenues of the board such salaries, wages, or other remuneration as the board thinks fit.

(4) No officer who is entrusted or is intended to be entrusted with moneys shall be appointed or continued in office by a board until and unless he shall have given adequate security for the faithful discharge of his duties, and it shall be the duty of such officer to keep and maintain such security in full force and effect.

Boards may appoint collectors of voluntary contributions.

20. A board may authorise any person to collect voluntary contributions and donations from the public for the purpose of the maintenance of the public hospital under its control, or for any other special purpose within the powers of the board, or for the general purposes of the administration of this Act by the board.

Expenditure by boards of moneys under their control.

21. A board may apply any moneys in its hands in such proportions and in such manner as it thinks fit for any of the purposes following:—

(a) The maintenance of the public hospital under its control.

Amended by No. 113 of 1965, s.8; No. 33 of 1972, s.21.

- (b) The equipment of buildings to be used as such a public hospital.
- (c) Repairing, altering, or adding to any buildings used for the purposes of such a public hospital; provided that expenditure exceeding one hundred dollars on any alteration or addition shall first receive the approval of the Minister.
- (d) The provision or subsidising of ambulances or other facilities for the transport of the sick or injured.
- (e) The provision of medicines, disinfectants, surgical requisites, and medical, surgical, and nursing attendance for sick or injured persons.
- (f) Making such provision as is deemed requisite for the isolation of persons suffering from any infectious disease, or who have been in contact with persons so suffering.
- (g) The on-lending to the Minister or any person or organisation of moneys borrowed in accordance with the provisions of section seventeen of this Act where those moneys are required to finance a service which, in the opinion of the Minister, can more effectively or economically be provided to the hospital by the Minister or that person or organisation rather than by the board.

22. (1) A board, in respect of any public hospital under its control, may from time to time make by-laws, not inconsistent with this Act, as to any of the following matters:—

Boards may make by-laws in respect of institutions.

Amended by No. 33 of 1972, s.22.

- (a) Regulating the admission or discharge of patients and other persons entitled to the benefits of the public hospital.
- (b) Maintaining order, discipline, decency, and cleanliness among the inmates of the public hospital.

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- (c) Prescribing the duties of the officers, nurses, attendants, and servants of the public hospital.
- (d) Preventing trespass upon the premises of the public hospital or the ground attached or belonging thereto.
- (e) Prohibiting the introduction of any specified articles into the public hospital.
- (f) Regulating the provision of hospital service by the public hospital to patients or other persons not being inmates of the public hospital.
- (g) Prescribing in what circumstances fees other than fees specified in accordance with the provisions of section thirty-seven of this Act, shall be chargeable for the provision of hospital service in, by or on behalf of any public hospital under the control of the board.
- (ga) Prescribing that fees prescribed under paragraph (g) of this subsection shall be chargeable in accordance with a scale to be determined from time to time by the board.
- (h) Generally making provision for all matters affecting the management, care, control, and superintendence of the public hospital and the fulfilment of the purposes thereof.
- (i) Providing for a breach of any such by-law a fine not exceeding fifty dollars.

(2) Every such fine shall be recoverable on summary conviction.

(3) All by-laws, rules, or regulations in force with respect to any public hospital at the commencement of this Act shall, so far as they are consistent with this Act, remain in force with respect to that public hospital, and may be revoked, varied, proved, and enforced in the same manner as if they had been made by the board controlling the particular hospital.

(4) In case there is any conflict between a by-law made under this section and a regulation made by the Governor, the latter shall prevail and the former shall, to the extent of the inconsistency, be invalid.

(5) A board may, of its own motion, by resolution adopt the whole or any portion of any model by-law published for the guidance of boards under the provisions of section thirty-seven of this Act.

(6) A resolution made pursuant to subsection (5) of this section shall be published in the *Gazette* and thereupon shall operate with the same legal effect for all purposes as if the by-laws or portion so adopted had been passed by the board and duly brought into effect as provided in this Act.

23. (1) A board may itself establish and manage a medical fund the object of which shall be to secure for its subscribers medical attendance, hospital treatment, or other similar benefits; and may by by-laws provide for the regulation and control of such fund. Medical Funds.

(2) Such by-laws shall provide, *inter alia*, for—

- (a) the rates of subscription of such fund, and the benefits to be received by subscribers;
- (b) the administration of such fund, and the keeping of proper accounts thereof, and the provision by any person handling any moneys of such guarantee of fidelity as the board may decide or the department may require.

24. Every board shall as soon as possible after the close of each financial year forward to the department a report of its operations during the year, together with a statement of its accounts, and of its receipts and expenditure in the prescribed form. Annual report.

25. (1) In respect of any public hospital controlled by the Minister, the Governor may appoint a visiting and advisory committee. Local visiting and advisory committees.

(2) Any such committee may—

- (a) visit and inspect the hospital premises;
- (b) solicit and receive donations and subscriptions, and expend the same on the welfare and comfort of the patients and staff, and any other object of benefit to the hospital;
- (c) submit reports and recommendations to the department.

(3) Every such committee shall submit a report to the department as soon as possible after the close of the financial year, together with a statement in the prescribed form of any moneys received and expended during the year.

Accounts.
Amended by
No. 33 of
1972. s.23.

26. (1) Every board shall cause books to be provided and kept in the prescribed form, and true and regular accounts to be entered therein of all sums received and paid by the board and of the several purposes for which those sums were received and paid.

(2) A separate account shall be kept of every trust fund or trust property under the control of the board.

(3) Such books shall at all reasonable times be open to the inspection of any member of the board.

(4) The accounts of such board shall be audited annually by an officer approved by the Auditor General.

PART IV.—GENERAL.

Power of
local
authorities
to expend
revenues on,
and borrow
money for,
public
hospitals.

Amended by
No. 33 of
1972. s.24.

27. (1) A local authority shall have power to expend and apply or, with the approval of the Minister, to give a binding undertaking to expend and apply for any number of years any portion of its general rates in subsidising any hospital scheme, and in or towards the construction or acquisition, establishment, and maintenance of any public hospital, and in subsidising any district nursing

scheme, and in contributing towards a subsidy or providing a subsidy to secure the services of a medical practitioner:

Provided that no portion of the general rates shall be expended or applied as aforesaid, and no such undertaking as aforesaid shall be valid in so far as it purports to bind the local authority to expend or apply in any year a sum exceeding ten per centum of the average annual amount received by it from general rates during the last two financial years preceding the year in which the undertaking was given.

Provided also, that no such agreement shall have effect for more than five years, but any such agreement may be renewed during the last year thereof (with or without modification) from time to time for any period not exceeding five years.

(2) It shall be lawful for any local authority to borrow money for all or any of the following objects, that is to say—the construction, enlargement, improvement, and equipment of any hospital within the area of such local authority, and such objects shall be deemed to be works and undertakings within the meaning of Part XXVI. of the Local Government Act, 1960, as though the same had been included therein respectively, and the powers and provisions contained in that Act relating to the borrowing of money shall apply to the objects abovementioned.

(3) It shall not be lawful for any local authority to make any contribution under this section, whether out of revenue or loan moneys towards the capital cost of the construction, enlargement, improvement, or equipment of a hospital unless the Minister shall have previously given a valid undertaking to provide at least one-half of such capital cost.

(4) The provisions of this section are without prejudice to any power vested in a local authority by or under any other Act and the powers of a local authority vested in it by or under the Local Government Act, 1960, are deemed to be extended in so far as is necessary to give effect to those provisions.

(5) Any two or more local authorities, whose boundaries are adjacent, may enter into an agreement between themselves and the Minister for the purposes of this section.

28. [*Repealed by No. 33 of 1972, s.25.*]

Effect of closing of hospitals.

29. In the case of a public hospital which is closed under section eight hereof, the following provisions shall apply:—

The buildings and equipment may be utilised by the Minister as he deems best in the interests of other public hospitals, and for carrying out the purposes of this Act.

Any money in the hands of the board, and all debts owing to the board, shall vest in the Minister who, after paying the liabilities of the board, shall dispose of any balance remaining for the benefit of existing hospitals as he may think fit.

30. [*Repealed by No. 33 of 1972, s.26.*]

Qualifications of person for admission to hospital.

31. (1) The qualifications of any person for admission to any hospital maintained under the provisions of this Act shall be sickness of such a nature as in the opinion of the medical or other officer in charge warrants hospital treatment:

Provided that any person receiving such treatment shall, if he is able to pay the fees for medical or surgical attention by the medical practitioner bestowing such attention, be liable to such practitioner accordingly, in addition to the payment for hospital service under section thirty-three.

(2) In the case of any hospital where the medical and surgical work is largely performed by an honorary medical staff, then the patients admitted to those wards which are served by such honorary staff shall be such as are unable to pay the ordinary fees of medical practitioners:

Provided that nothing shall prevent the admission of any person in urgent need of medical, surgical, or nursing attention.

31A. (1) Notwithstanding section thirty-three of this Act, where a master, seaman, apprentice or other member of the crew of a ship—

Liability for treatment of seamen.

Added by No. 16 of 1953, s. 4.

- (a) who has received a hurt or injury or contracted disease in the service of the ship; or
- (b) who is suffering from any illness, not being venereal disease or an illness due to his own wilful act or default or to his own misbehaviour,

is by reason thereof admitted to a public hospital, and the owner of the ship is by law required to defray the expense of providing hospital service for him in respect of the hurt, injury, disease, or illness, the owner and the agent of the owner are jointly and severally liable to pay to the Board the prescribed fees for any hospital service granted in or by the hospital to the master, seaman, apprentice, or member in respect of the hurt, injury, disease or illness.

(2) Notwithstanding subsection (1) of this section, where the master, seaman, apprentice, or other member of the crew of a ship is admitted to a public hospital by reason of a personal injury by accident for which he is entitled to compensation under the provisions of the Workers' Compensation Act, 1912-1952,¹ the provisions of that Act apply to the fees for the hospital service granted in or by the hospital in respect of the personal injury.

32. The Minister may, with the approval of the Governor, set apart wards in certain hospitals, for the reception and treatment of patients able and liable to pay the fees of the medical practitioners attending them as well as the fees for hospital treatment, maintenance, and nursing.

Hospitals for paying patients

33. (1) The cost of hospital service granted by or at the expense of a board to any person shall constitute a debt due by that person to the board, and may be recovered by action in any court of competent jurisdiction.

Cost of relief to constitute a debt

Amended by No. 34 of 1952, s. 27

¹ Now Workers' Compensation Act, 1912-1970

(2) The cost of hospital service granted to a married woman not living apart from her husband or a minor shall, without excluding the liability of the person so relieved, constitute a debt due by the husband of the married woman, and each of the parents or the sole surviving parent of the minor, as the case may be, and may be recovered by action in any court of competent jurisdiction.

(3) Without prejudice to the liability of any other person, the board which has granted any such service as aforesaid to any person whomsoever is hereby empowered to enforce payment of the cost thereof against any adult child of such person.

(4) The cost so recoverable shall be the sum payable in accordance with the relative by-laws, or such lesser sum as the court in which any action for the recovery thereof is brought thinks reasonable, having regard to the means of the defendant and the circumstances of the case, and in the absence of such by-law it shall be such sum as such court so thinks reasonable as aforesaid.

(5) A board may contract for the payment to it, by any body corporate, registered friendly society, registered branch of a friendly society, or other society or person, of the cost of hospital service to be afforded by the board to any person, and the amount so agreed to be paid, or a reasonable sum if no specific amount is so agreed upon, shall be a debt recoverable in any court of competent jurisdiction.

(6) Notwithstanding any other provision of this Act, where a board thinks it reasonable to do so, having regard to the means of the person indebted and the circumstances of the case, the board may reduce or waive payment of any fees for hospital service that would otherwise be payable to the board.

35. All receipts given by and on behalf of the department or a board, and all declarations required or authorised by this Act, and any agreement entered into under and for the purposes of this Act, shall be exempt from stamp duty.

Receipts exempt from stamp duty.

36. Every person failing to observe any provision of this Act which he ought to have observed, or to do any act directed by this Act to be done, or doing any act forbidden to be done by this Act, shall be guilty of an offence and liable on summary conviction, if there is no other penalty provided under this Act for such offence, to a penalty not exceeding one hundred dollars.

General penalty.
Amended by No. 33 of 1972, s. 29.

37. (1) The Governor may make regulations for or with respect to any matter, whether general or to meet a particular case, that is requisite or expedient to give effect to the purposes of this Act.

Regulations and by-laws. Repealed and re-enacted by No. 33 of 1972, s. 30.

(2) Without prejudice to the generality of subsection (1) of this section the Governor may by regulation—

- (a) publish model by-laws for the guidance of boards in respect of all or any of the matters regarding which boards may make by-laws;
- (b) enable the Principal Medical Officer to transfer patients, or inmates of homes for aged or infirm people, from any hospital or home to any other hospital or home having special facilities, skill or equipment;
- (c) prescribe the fees that shall be chargeable for the provision of hospital service in, by or on behalf of any public hospital; and
- (d) prescribe the fees that shall be chargeable in relation to any other matter under this Act but this power shall not extend to any fees charged in respect of the professional services of a medical practitioner.

(3) Regulations may be made under this section—

- (a) so as to apply—
 - (i) at all times or at a specified time or at specified times; and
 - (ii) throughout the State or in a specified part or specified parts of the State;
- (b) so as to require a matter affected by them to be—
 - (i) in accordance with a specified standard or specified requirement; or
 - (ii) as approved by, or to the satisfaction of, a specified person or body or a specified class of person or body;
- (c) so as to confer on a specified person or body or a specified class of person or body a discretionary authority;
- (d) so as to provide that, whether on specified conditions or unconditionally, persons or things or a class or classes of persons or things may be exempted from the provisions of the regulations, either wholly or to such extent as is specified; and
- (e) so as to impose a penalty not exceeding fifty dollars for any breach of the regulations.

(4) In subsection (3) of this section “specified” means specified in the regulations.

SCHEDULE.

Constitutional provisions common to the Advisory Council and Hospital Boards.

1. (1) A member shall hold and vacate office in accordance with the terms of the instrument under which he is appointed, or until his term of tenure is terminated by the Governor.

(2) A member may resign his office by a written notice given under his hand to, and accepted by, the Minister.

(3) A member who ceases to hold office shall, unless otherwise disqualified, be eligible for reappointment.

2. If a member—

Disqualification.

(a) is an incapable person within the meaning of section five of the Mental Health Act, 1962;

(b) is an undischarged bankrupt or has his affairs under liquidation by arrangement with his creditors;

(c) is convicted of an indictable offence; or

(d) has his appointment terminated by the Governor for inability, inefficiency or misbehaviour,

his office becomes vacant and he is not eligible for reappointment.

3. (1) While taking the place of a member a deputy has all the powers and entitlements of, and all the protection given to, the member under this Act.

Deputies.

(2) Any reference in this Act to a member shall be construed as including a reference to a deputy taking the place of that member.

4. (1) A vacancy among the membership shall not invalidate the proceedings of any meeting.

Validity of proceedings.

(2) All acts done at any meeting shall, notwithstanding it is afterwards discovered that there was some defect in the appointment or qualification of a person purporting to be a member, be as valid as if that defect had not existed.

5. To constitute a meeting there must be not less than one half of the members present.

Quorum.

6. (1) The Chairman shall when present, preside at all meetings.

Chairman.

(2) Where the Chairman is expected to be absent from two or more consecutive meetings or if he is ill or otherwise incapacitated, the members present at any meeting may elect one of their number acting Chairman during such absence, illness or incapacity.

(3) In the absence of the Chairman, and where no acting Chairman has been elected, the Deputy Chairman or Vice Chairman, if any, shall preside and in default the members who are present at the meeting may elect one of their number to preside at that meeting.

Interest. 7. (1) A member who has a direct or indirect pecuniary interest in any matter that is before the meeting for consideration shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest to the members present at the meeting and such disclosure shall be recorded in the record of the meeting.

(2) A member who has disclosed his interest in any matter may take part in the consideration or discussion, but shall not vote.

Undisclosed interests.

8. (1) Where a member in the opinion of the Chairman has a material pecuniary interest in any matter, the Chairman may call upon the member to disclose the nature of his interest and, in default of any such disclosure, may thereupon determine that such an interest exists.

(2) Every determination that a member is interested in any matter shall be recorded in the record of proceedings of the meeting at which it is made.

(3) Where the Chairman determines that a member has an undisclosed interest in any matter before the meeting for consideration that member may take part in the consideration or discussion but shall not vote.

Voting.

9. (1) At any meeting all members present who have not declared an interest shall vote on any question submitted.

(2) All questions shall be decided by a majority.

(3) Each member, including the member presiding, shall have a deliberative vote only.

(4) In the case of an equality of votes the question shall be declared to be negatived.

Records.

10. A record of the proceedings of every meeting shall be kept in such manner as the Minister may direct or approve, and shall be certified as correct by the member presiding at that or the next succeeding meeting.

Meetings.

11. The Minister or the Chairman may at any time convene a meeting, and a meeting shall be convened by the Chairman within seven days of the receipt by him of a written request signed by two or more members specifying the business in respect of which the meeting is to be convened.

Committees and co-option.

12. (1) Committees, which may consist of persons who are not members, and any person having relevant experience, may be invited to act in an advisory capacity, but the delegation of any matter to such a committee or person does not relieve the members of responsibility.

(2) The provisions of this Schedule, except in so far as the resolution establishing the Committee may otherwise direct, shall have effect in relation to a committee.

13. In all cases of dispute, doubt or difficulty respecting or arising out of matters of procedure or order, or as to the determination of an interest, then the decision of the Chairman shall be final and conclusive. Disputes.

14. Subject to this Act the proceedings may be regulated in such manner as the members think fit. Conduct of proceedings.