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Crown Law Department,
Perth, 20th January, 1960.

THE undermentioned Regulations as amended from time to time prior to the 6th November, 1959, made by the Governor under the provisions of the Hospitals Act, 1927, as amended, are reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Attorney General.

R. C. GREEN,
Under Secretary for Law.

HOSPITALS ACT, 1927-1955.

REGULATIONS.

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HOSPITALS ACT, 1927-1955.

REGULATIONS.

1. Subject to the approval and directions of the Governor, persons to be appointed by the Governor as members of boards of management of 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 hospitals to which regulation 1 hereof shall apply, and direct the particular method of nomination which shall be adopted by those hospitals, respectively.

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

- (a) by persons enrolled as electors on the electoral roll of the municipality or road district in which the hospital is situated; or
- (b) by the persons registered in the register of subscribers to the 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 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 hospital.

(2) The Governor may direct that nominations may be made either wholly by one of the methods mentioned in paragraph (1) hereof, or partly by one such method and partly by another or others of the said methods.

4. 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:—

- (a) Upon receipt of a notice from the Under Secretary of the Department of Public Health that a vacancy has occurred or is about to occur in the office of a member of the board of management of the hospital, the chairman of the board shall 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 secretary of the board of management of the hospital 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 secretary of the board of management of the hospital shall, in writing under his hand, certify that fact to the Under Secretary of the Department of Public Health, 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 hospital. Forthwith, after issuing the certificate mentioned in this paragraph, the secretary of the said board 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 secretary of the said board 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) hereof—
 - (i) the secretary 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) hereof, the secretary 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 secretary indorsed 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) hereof, the secretary 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 secretary 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 secretary of the board 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) for the purpose of casting his vote at the election, the elector shall mark on the ballot paper a cross against the name or names of the candidate for whom he votes;
 - (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 secretary of the board of management of the hospital;

- (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 secretary of the board of management aforesaid, 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 secretary, the secretary, in the presence of scrutineers to be appointed by the candidates or by the secretary, 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—
 - (a) if the initials of the secretary of the board of management of the hospital are not endorsed on the back thereof;
 - (b) if the elector has marked thereon crosses against the names of candidates in excess of the number of candidates required to be nominated for appointment; or
 - (c) if the elector has not marked any cross at all on the ballot paper against the name of at least one candidate.
- (xii) In the event of two or more candidates receiving an equal number of votes, the secretary shall, if necessary, give a casting vote.
- (j) According to the number of candidates required to be nominated for appointment, the candidates receiving the highest number of votes shall be deemed to have been elected in the order of the number of votes which they have received respectively;
- (k) When the result of the election has been ascertained by the counting of the votes, the secretary of the board of management of the hospital shall, by writing under his hand sent to the Under Secretary of the Department of Public Health, 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 hospital.
- (l) Upon receipt from the secretary of the board of management of a hospital of a certificate under paragraph (g) or paragraph (k) hereof, the Under Secretary of the Department of Public Health shall transmit such certificate to the Minister for submission by him to the Governor in Council.

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

- (a) Upon receipt of a notice from the Under Secretary of the Department of Public Health that a vacancy has occurred or is about to occur in the office of a member of the board of management of the hospital, the chairman of the board shall 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 hospital.
- (d) Only persons who are registered as subscribers for a period of six 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 secretary of the board of management of the hospital not later than the time specified for the close of nominations on the nomination day.
- (f) The register of subscribers to the 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 secretary of the board of management of the hospital shall, in writing under his hand, certify that fact to the Under Secretary of the Department of Public Health, 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 hospital. Forthwith, after issuing the certificate mentioned in this paragraph, the secretary of the said board shall, by notice in writing to the subscribers to the 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 secretary of the said board shall forthwith, after the nomination day, make the necessary arrangements for and hold an election on the day fixed for such election.
- (i) In relation to the election mentioned in paragraph (h) hereof, all the provisions prescribed in paragraph (i) of regulation 4 of these regulations, with such adjustments as may be necessary, shall apply and shall be deemed to be incorporated in and form part of these regulations.
- (j) According to the number of candidates required to be nominated for appointment, the candidates receiving the highest number of votes shall be deemed to have been elected in the order of the number of votes which they have received respectively.

- (k) When the result of the election has been ascertained by the counting of the votes the secretary of the board of management of the hospital shall, by writing under his hand sent to the Under Secretary of the Department of Public Health, 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 hospital.
- (l) Upon receipt from the secretary of the board of management of a hospital of a certificate under paragraph (g) or paragraph (k) hereof, the Under Secretary of the Department of Public Health shall transmit such certificate to the Minister for submission by him to the Governor in Council.

6. When, in accordance with the direction of the Governor, the nomination of persons for appointment as members of the board of management of a 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 Secretary of the Department of Public Health that a vacancy has occurred or is about to occur in the office of a member of the board of management of a hospital, the chairman of such board of management shall forward copies of such notice to the municipal council or road board in which the hospital is situated or, where the 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) hereof, 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 Secretary of the Department of Public Health.
- (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) hereof the Under Secretary of the Department of Public Health shall transmit the same to the Minister for submission by him to the Governor in Council.

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

- (a) Upon receipt of a notice from the Under Secretary of the Department of Public Health that a vacancy has occurred or is about to occur in the office of a member of the board of management of

the 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 Secretary of the Department of Public Health, 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) hereof the Under Secretary of the Department of Public Health shall transmit the same to the Minister, for submission by him to the Governor in Council.

8. When, in accordance with the direction of the Governor, the nomination of persons for appointment as members of the board of management of a 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 hospital, the following provisions shall apply, namely:—

- (a) Upon receipt of a notice from the Under Secretary of the Department of Public Health that a vacancy has occurred or is about to occur in the office of a member of the board of management of the hospital, the chairman of the said board 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 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 chairman of the meeting 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 chairman 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 chairman 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) hereof, then, according to the number of candidates required to be nominated for appointment, the candidates receiving the highest number of votes shall be deemed to have been elected in the order of the number of votes which they have received respectively.
- (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) hereof, the chairman of the board 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 Secretary of the Department of Public Health, 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) hereof, the Under Secretary of the Department of Public Health shall transmit the same to the Minister for submission by him to the Governor in Council.

9. Any expenses incurred by the board of management of a 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. The following by-laws are hereby formulated under section 37 of the Hospitals Act, 1927, as model by-laws for the guidance of boards of management of 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 sub-committees.

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 two 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 three 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, two members shall be appointed as a visiting committee for one month. This committee shall visit the hospital at least once before the next ordinary meeting and report to the board.

6. (1) At its first meeting, the board shall appoint three 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 hospital appointed by the board shall, subject to the direction of the board, have full control of the internal administration of the hospital, and of things appertaining thereto.

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 hospital unless ordered by a medical practitioner. Provided that, in cases of emergency, the matron may admit any patient to the 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 hospital.

11. (1) No person whose admission is likely to cause danger to other patients, shall, except in cases of emergency, be admitted to the hospital.

(2) When any such patient is admitted to the hospital in a case of emergency, his case shall be referred to a medical practitioner as early as possible after admission.

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

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

14. Should a patient be dangerously ill, the matron shall at once notify some of the 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.

15. (1) Any patient, who desires to leave the hospital of his own desire before being discharged as cured of the complaint or disease for which he is being treated in the hospital, may be required by the matron to make a statutory declaration to the effect that he is leaving the hospital of his own desire.

(2) Where a patient referred to in paragraph (1) of this by-law is unable or refuses to make the said declaration, the matron may require the person who removes the patient from the hospital to make a statutory declaration that he is removing the patient from the hospital at the request of the patient.

16. Patients shall be liable to pay for their treatment at such rates as may be prescribed by the Board from time to time.

17. Except in the case of an indigent patient, or when the board of management of the hospital otherwise determines, no patient shall be permitted to leave the hospital until all 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.

18. (1) The public may be admitted to the 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.

19. No intoxicating liquors of any kind shall be brought into the 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.

20. (1) Ministers of religion visiting the 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 hospital staff.

By-law 21
added to
Regulation 10
by G.G.
26/11/43,
p. 1102.

21. (1) A person shall not bring or allow to accompany him any dog or cat into any ward or other portion of the 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 two pounds.

Regulation 11
added by G.G.
2/5/41,
p. 567.

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

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