

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 24 March, 1976.*

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. , 1976.

An Act to amend the Public Hospitals Act, 1929, in relation to the incorporation of hospitals, the amalgamation of incorporated hospitals and the election and appointment of directors of hospitals; to enable the granting, amendment and revocation of privileges in respect of medical practitioners and dentists; to confer rights of appeal on medical practitioners and dentists against certain decisions of hospital boards and recommendations of credentials committees; to validate certain matters; and to repeal the Public Institutions Inspection Act, 1901, and certain other enactments.

BE

Public Hospitals (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Public Hospitals Short title.
(Amendment) Act, 1976".

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

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

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

(4) Schedule 2 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

20 (5) Schedule 3 shall commence on such day, not being earlier than the day appointed and notified under subsection (4) in respect of Schedule 2, as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

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

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

SCHEDULE

Public Hospitals (Amendment).

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

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

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

SCHEDULE 5.—REPEALS.

4. The Public Hospitals Act, 1929, is amended in the 10 manner set forth in Schedules 1–4. Amendment of Act No. 8, 1929.

5. (1) Each body known by a name set out under the heading “Corporate Name.” in the Second Schedule to the Public Hospitals Act, 1929, the name of which was included in the Second Schedule to that Act on the commencement of 15 that Act, shall be deemed to be and always to have been validly incorporated under that Act. Validation—incorporation of hospitals.

(2) Each body known by a name set out under the heading “Corporate Name.” in the Second Schedule to the Public Hospitals Act, 1929, the name of which was added to 20 the Second Schedule to that Act after the commencement of that Act and before the commencement of this section, shall be deemed to have been validly incorporated under section 18 (2) of the Public Hospitals Act, 1929, as amended by this Act, as if section 18 (2) of the Public Hospitals Act, 25 1929, as amended by this Act, had been in force on the date on which the name of that body was added to the Second Schedule to the Public Hospitals Act, 1929, but nothing in this subsection affects any power, authority, duty or function validly exercised or performed by such a body before the 30 commencement of this section.

Public Hospitals (Amendment).

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

Transitional provision—
directors.

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

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

whichever is the lesser.

7. Each Act specified in Column 1 of Schedule 5 is, to the extent specified opposite that Act in Column 2 of Schedule 15 5, repealed.

Repeals.

SCHEDULE 1.

Sec. 4.

MISCELLANEOUS AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929.

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

20 After the definition of "Commission", insert :—

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

(2) (a) Section 11 (1) (a)—(b2)—

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

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

10 (i) patient care within hospitals;
and

(ii) services provided by hospitals;

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

(b1) to make or cause to be made careful
inquiry into the standards of—

20 (i) administration and management
of any hospital; and

(ii) services provided by hospitals;

(b2) to cause hospitals to be inspected from
time to time;

(b) Section 11 (4)—(6)—

25 After section 11 (3), insert :—

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

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

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

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

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

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

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

(iii) require any person to produce
any accounts, records, books,
30 documents, goods or other
things in the possession or
under the control of that
person which relate to, or
which the person authorised

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

5 under subsection (4) believes
on reasonable grounds relate
to, the operation or administra-
tion of any hospital or
associated organisation.

(3) (a) Section 14 (1) (a)—

10 Omit “the subscribers for the time being thereto”.

(b) Section 14 (1) (e)—

15 Omit “of members of boards of the new hospital
to be held pursuant to this Act when they shall
all go out of office and a new board shall be
elected in accordance with this Act, and any
member of the retiring board (if otherwise
qualified) shall be eligible for re-election pur-
suant to the provisions of Part V”, insert instead
20 “or the next appointment of members of the
board of the new hospital in accordance with this
Act when they shall all go out of office and any
member of the retiring board shall, if otherwise
qualified, be eligible for re-election or re-
appointment in accordance with this Act”.

25 (4) Section 18 (2)—

Omit the subsection, insert instead :—

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

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

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

with the corporate name set out in the order.

(5) Section 19 (1) (b)—

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

(6) Section 20—

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

(7) Section 21—

Omit the section.

(8) Section 21A—

20 Before section 22, insert :—

21A. In this Part—

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

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

Interpre-
tation:
Pt. V.

(9) (a) Section 22 (1A)—

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

(b) Section 22 (1A)—

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

(c) Section 22 (2)—(2B)—

Omit section 22 (2), insert instead :—

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

15 (2A) Notwithstanding subsection (2), the
Minister may from time to time, by notification
published in the Gazette, fix, either generally
or with reference to a particular hospital, the
number of directors who shall be elected
directors.

20 (2B) The Commission may from time to
time, by order published in the Gazette, deter-
mine, with reference to a particular hospital,
classes of persons who shall be subscribers of
that hospital and may, by the same or a subse-
quent like order, determine the number of
25 directors to be elected by the subscribers of any
class.

(10) Section 23c (2), (3)—

At the end of section 23c, insert :—

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

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

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

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

(11) (a) Section 24 (2) (b)—

After “hospital;”, insert “or”.

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

Omit the paragraphs.

15 (12) Sections 24A, 24B—

After section 24, insert :—

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

(a) if he dies;

20 (b) if he is absent without the leave of the board
from 3 consecutive meetings or from 40 per
centum of the meetings of the board in any
hospital year ;

25 (c) if he resigns his office by writing under his
hand addressed to the Minister and the
Minister accepts his resignation ;

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

- 5 (d) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- 10 (e) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 15 (f) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be
- 20 a felony or a misdemeanour so punishable;
- 25 (g) if, at any meeting of the board at which he is present and at which any agreement or proposed agreement in which he has a direct or indirect pecuniary interest, or any other matter in which he has such an interest, is the subject of consideration or is included on the agenda for consideration—
- 30 (i) he fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting his interest in; or

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

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

the agreement, proposed agreement or other matter ;

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

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

15 (2) The Minister may, for any cause which to him seems sufficient, remove any director from office.

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

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

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

(i) a corporate body ; or

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

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

10 24B. On the occurrence of a vacancy in the office of a director otherwise than by the expiration of the term for which he was elected or appointed, the Minister may, by notification published in the Gazette, appoint a person to hold office as a director for the balance of his predecessor's term of office. ^{Filling casual vacancy.}

15 (13) Section 25—

Omit the section.

(14) (a) Section 29J (b)—

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

(b) Section 29J (c)—

20 Omit the paragraph, insert instead : —

(c) by removing the name of a hospital from that Schedule where—

(i) the Commission has closed that hospital; or

25 (ii) the name of that hospital is added to the Second Schedule.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

(15) Sections 29K, 29L—

5 After section 29J, insert :—

29K. (1) In this section—

10 “appointed day”, in relation to a hospital, means the day on which the Governor removes the name of that hospital from the Fifth Schedule and adds the name of that hospital to the Second Schedule;

Preservation of certain rights of members of transferred hospitals, etc.

“transferred hospital” means a hospital the name of which is removed from the Fifth Schedule and added to the Second Schedule.

15 (2) A person who, immediately before the appointed day, was an employee of a transferred hospital shall, on that day, be an employee of that hospital.

20 (3) A person referred to in subsection (2)—

25 (a) shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before the appointed day, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered pursuant to the award of a competent tribunal or an industrial agreement; and

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

5 (b) shall retain any rights which, immediately
before the appointed day, had accrued or
were accruing to him as an employee within
the meaning of the Superannuation Act,
1916, and shall continue to make contribu-
10 tions to any fund or account and shall be
entitled to receive any payment or pension
as if he had continued to be an employee
within the meaning of the Superannuation
Act, 1916.

15 (4) In respect of a person liable to make
contributions referred to in subsection (3) (b), the
transferred hospital shall pay to the State Super-
annuation Board such contributions and payments
as would have been payable by the Government of
20 New South Wales if that person had remained a
member of the public service and had been paid
salary or wages at the rate paid to him by the
transferred hospital.

25 (5) Where any condition of employment
of a person referred to in subsection (2) was,
immediately before the appointed day, regulated by
an award or industrial agreement or agreement
made under or in pursuance of the Public Service
Act, 1902, that condition shall continue to be so
30 regulated until an award of a competent tribunal
by which the transferred hospital is bound or an
industrial agreement is made regulating that
condition.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

5 (6) Annual, sick and long service leave shall continue to accrue to a person referred to in subsection (2) on the same basis as they accrued to him as an officer or employee of the public service immediately before the appointed day until that basis is varied or altered by the board of the transferred hospital.

10

(7) For the purpose of calculating the entitlement to long service leave of a person referred to in subsection (2)—

15 (a) any service of that person which, by the terms of an Act or an award of a competent tribunal or an industrial agreement was, immediately before the appointed day, required to be taken into account for the purpose of determining his entitlement to that leave as a member of the public service shall be deemed to be service with the transferred hospital; and

20

(b) there shall be deducted from any long service leave to which that person becomes entitled as an employee of the transferred hospital, any long service leave already taken by him in respect of any period of service referred to in paragraph (a).

25

(8) A person referred to in subsection (2) shall be entitled, as an employee of the transferred hospital, to any annual leave or sick leave accrued to him as a member of the public service as at the appointed day.

30

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

5 (9) A person referred to in subsection (2) shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

10 (10) Nothing in this section affects the operation of any of the provisions of the Industrial Arbitration Act, 1940.

29L. (1) In this section—

“appointed day” has the meaning ascribed thereto in section 29K (1);

15 “date of amalgamation”, in relation to a new incorporated hospital, means the date referred to in section 14 (1) (a) relating to that hospital;

20 “new incorporated hospital” means a hospital incorporated as a consequence of the amalgamation of a transferred hospital with an incorporated hospital;

“transferred hospital” has the meaning ascribed thereto in section 29K (1).

Preservation of certain rights of members of new incorporated hospitals, etc.

25 (2) Where a transferred hospital is amalgamated with an incorporated hospital, a person who, immediately before the appointed day, was an employee of the transferred hospital and who, immediately before the date of amalgamation, remains an employee of the transferred hospital
30 shall, on the date of amalgamation, be an employee of the new incorporated hospital.

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

- 5 (3) Subsections (3), (4), (5), (6), (7),
(8) and (9) of section 29K apply to a person
referred to in subsection (2) in the same way as
they apply to a person referred to in section 29K
(2) and in so applying those subsections, a reference
to—
- 10 (a) section 29K (2) shall be construed as a
reference to subsection (2);
- (b) the appointed day shall be construed as a
reference to the date of amalgamation;
- 15 (c) a transferred hospital shall be construed as
a reference to the new incorporated hospital;
and
- (d) an officer or employee of the public service
or a member of the public service shall be
construed as a reference to an employee of
20 the transferred hospital.

(4) Nothing in this section affects the
operation of any of the provisions of the Industrial
Arbitration Act, 1940.

- (16) Section 33c—
- 25 Omit the section.

- (17) Section 40 (4)—
- Omit the subsection.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2.

Sec. 4.

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

(1) Section 1 (2)—

5 Before the matter relating to Part VII, insert :—

PART VI^B.—APPEALS.

(2) Part VI^B—

Before Part VII, insert :—

PART VI^B.

10

APPEALS.

33G. In this Part—

“appellant” means a person who appeals under section 33I; Interpre-
tation:
Pt. VI^B.

15

“board”, in relation to the hospital constituted under the Prince Alfred Hospital Act, 1902, includes a board constituted in accordance with section 21 of that Act;

“Chairman” means chairman of the Committee;

20

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

25

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2—*continued.*

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

- 33H. Where a board—
- 5 (a) appoints or re-appoints a person as a visiting practitioner subject to conditions;
 - (b) fails to re-appoint a person as a visiting practitioner; or
 - 10 (c) suspends or terminates the appointment of a person as a visiting practitioner,

Board to state reasons for certain decisions.

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

- 33I. Where a person is dissatisfied with—
- 15 (a) a decision of a board concerning a condition of his appointment as a visiting practitioner;
 - (b) a decision of a board or the failure or refusal of a board to make a decision within 30 days of the date of a request from that person to do so concerning his re-appointment as a visiting practitioner; or
 - 20 (c) a decision of a board concerning the suspension or termination of his appointment as a visiting practitioner,

Appeals.

25 he may appeal to the Commission.

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2—*continued.*

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

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

(a) the date of the decision of the board against which the appeal is made; or

10 (b) the date of expiration of the period of 30 days referred to in section 33I (b),

as the case may be.

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

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

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

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

20 (a) where any reason for the decision of the board appealed against relates to the professional standard or ability of the appellant or where the ground of the appeal is that a board has failed or refused to make a decision within 30
25 days of the date of a request from the appellant to do so concerning his re-appointment as a visiting practitioner—

30 (i) either 3 or 5 persons nominated by the Commission, one of whom shall be nominated by the Commission as the Chairman;

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2—*continued.*

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

5 (ii) a person nominated by the board against
whose decision or failure or refusal to make
a decision the appeal has been made; and

(iii) a person nominated by the appellant; or

(b) except as provided in paragraph (a)—

10 (i) a person nominated by the Commission who
shall be the Chairman;

(ii) a person nominated by the board against
whose decision or failure or refusal to make
a decision the appeal has been made; and

(iii) a person nominated by the appellant.

15 (2) A person shall not be appointed—

(a) in pursuance of a nomination under subsection
(1) (a) unless he is a medical practitioner
where the appellant is a medical practitioner
or a dentist where the appellant is a dentist; or

20 (b) in pursuance of a nomination under subsection
(1) (b) (ii) or (iii) unless the Commission
is satisfied that the person nominated is suffi-
ciently experienced in the conduct of hospitals
to warrant his being appointed.

25 (3) If the board against whose decision or
failure or refusal to make a decision the appeal has
been made or the appellant fails to nominate a person
for appointment to the Committee within such time
as may be notified to it or him by the Commission, the
30 Commission may nominate a person who shall be a

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2—*continued.*

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

5 medical practitioner, a dentist or a person sufficiently
experienced in the conduct of hospitals to warrant his
being appointed, as the case may be, as if it were the
party entitled to make the nomination under subsection
(1).

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

15 33L. The Commission or Chairman, as the case
may be, shall fix a date, being a date as soon as
practicable after the date on which the notice of
appeal was received by the Commission, and a place
for the hearing of the appeal and shall give 7 days'
notice thereof to the parties to the proceedings.

Date and
place of
hearing.

20 33M. (1) In any proceedings before the Commis-
sion or a Committee, the parties to the proceedings
may appear in person or by an agent but no party
shall be represented by counsel or a solicitor except
with the consent of all parties and by leave of the
Commission or Committee, as the case may be.

Right of
appear-
ance.

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

30 33N. (1) The Commission or a Committee shall,
for the purposes of the appeal, have the powers,
authorities, protections and immunities conferred by
the Royal Commissions Act, 1923, on a commissioner
and the chairman of a commission respectively,
appointed under Division 1 of Part II of that Act, and

Powers
of and
procedure
before the
Commission
or a Com-
mittee.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2—*continued.*

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

5 that Act, Division 2 of Part II excepted, shall apply to
any witness summoned by or appearing before the
Commission or a Committee, as the case may be, in
the same way as it applies to any witness summoned
by or appearing before a commission.

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

15 33o. (1) The Commission or a Committee shall determine the appeal and may make such order with
respect to the matters in section 33i as to the Commission or Committee, as the case may be, seems proper.
Determin-
ation of
appeal.

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

20 33p. An order of the Commission or a Committee under section 33o—
Effect and
implemen-
tation of
order.

(a) shall have effect from the date thereof; and

25 (b) shall be deemed to be the final decision of the
board against whose decision or failure or
refusal to make a decision the appeal has been
made and shall be given effect to accordingly.

Public Hospitals (Amendment).

SCHEDULE 3.

Sec. 4.

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

(1) Section 1 (2)—

5 After the matter relating to Part V, insert :—

DIVISION 1.—*General.*

DIVISION 2.—*Privileges.*

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

After the definition of “Commission”, insert :—

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

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

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

“Privilege”, in relation to a medical prac-
titioner or a dentist, means an
accreditation granted by a board, on the

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

5 recommendation of a credentials com-
mittee, accrediting that medical prac-
titioner or dentist, as the case may be, to
perform in the hospital governed and
managed by that board such work as a
10 medical practitioner or dentist, as the
case may be, as is specified in the
instrument by which that accreditation is
granted.

(3) Part V, heading to Division 1—

Before section 21A, insert :—

15 DIVISION 1.—*General.*

(4) Section 21A—

Omit “Part”, insert instead “Division”.

(5) Part V, Division 2—

After section 29A, insert :—

20 DIVISION 2.—*Privileges.*

25 29AA. Where regulations have been made under section 29AB, a board may refuse to allow a medical practitioner or a dentist to perform any work as a medical practitioner or dentist, as the case may be, in the hospital governed and managed by that board—

Board may refuse the performance of certain work.

(a) if he is not the holder of a privilege granted in respect of that work under the regulations made under section 29AB; or

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

5 (b) if, in the opinion of the board, he is
unsuitable to perform that work.

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

Regula-
tions.

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

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

(6) (a) Section 33H (b)—

5 Omit “or”.

(b) Section 33H (c)—

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

(c) Section 33H (d)—

10 After section 33H (c), insert :—

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

15 (7) (a) Section 33I (b)—

Omit “or” where thirdly occurring.

(b) Section 33I (c)—

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

20 (c) Section 33I (d), (e)—

After section 33I (c), insert :—

(d) a recommendation of a credentials
committee to a board; or

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

5 (e) the failure or refusal of a credentials
committee to make a recommendation to
a board within 30 days of the date of a
request from that person to do so,

(8) (a) Section 33J (2) (a)—

Omit “or”.

10 (b) Section 33J (2) (a1)—

After section 33J (2) (a), insert :—

(a1) the date of the recommendation of the
credentials committee against which the
appeal is made; or

15 (c) Section 33J (2) (b)—

After “section 33I (b)”, insert “or (e)”.

(9) (a) Section 33K (1) (a)—

20 After “appellant” where firstly occurring, insert
“, not being a reason relating to a matter referred
to in section 33I (d) or (e),”.

(b) Section 33K (1) (a) (iii)—

Omit “or”.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

(c) Section 33K (1) (a1)—

5 After section 33K (1) (a), insert :—

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

(d) Section 33K (1) (b)—

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

(e) Section 33K (2) (a)—

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

(f) Section 33K (4)—

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

(10) (a) Section 33P (b)—

20 After “board”, insert “or the final recommenda-
tion of the credentials committee, as the
case may be,”.

(b) Section 33P (b)—

After “decision” where secondly and thirdly
occurring, insert “or recommendation,”.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 4.

Sec. 4.

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

(1) Section 1 (2)—

5 After the matter relating to Part VI, insert :—

PART VIA.—PRINCE HENRY HOSPITAL.

(2) Section 17 (1)—

Omit “Colonial”.

(3) Section 19 (2) (c)—

10 Omit “, as amended from time to time”.

(4) Section 29B (3)—

Omit the subsection.

(5) Section 40 (3)—

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

(6) (a) Section 42 (2)—

Omit the subsection, insert instead :—

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

SCHEDULE

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

(b) Section 42 (5)—

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

SCHEDULE 5.

Sec. 7.

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1901, No. 29..	Public Institutions Inspection Act, 1901.	The whole Act.
15 1929, No. 8 ..	Public Hospitals Act, 1929.	Section 16 (1).
1930, No. 24..	Government Relief Administration Act, 1930.	Section 7 (1).
20 1972, No. 63..	Health Commission Act, 1972.	So much of Part 1 of the Schedule as amended Act No. 29, 1901.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

No. , 1976.

A BILL

To amend the Public Hospitals Act, 1929, in relation to the incorporation of hospitals, the amalgamation of incorporated hospitals and the election and appointment of directors of hospitals; to enable the granting, amendment and revocation of privileges in respect of medical practitioners and dentists; to confer rights of appeal on medical practitioners and dentists against certain decisions of hospital boards and recommendations of credentials committees; to validate certain matters; and to repeal the Public Institutions Inspection Act, 1901, and certain other enactments.

[MR HEALEY—10 *March*, 1976.]

BE

Public Hospitals (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Public Hospitals Short title. (Amendment) Act, 1976".

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

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

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

(4) Schedule 2 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

20 (5) Schedule 3 shall commence on such day, not being earlier than the day appointed and notified under subsection (4) in respect of Schedule 2, as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

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

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

SCHEDULE

Public Hospitals (Amendment).

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

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

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

SCHEDULE 5.—REPEALS.

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

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

(2) Each body known by a name set out under the
heading “Corporate Name.” in the Second Schedule to the
Public Hospitals Act, 1929, the name of which was added to
20 the Second Schedule to that Act after the commencement of
that Act and before the commencement of this section, shall
be deemed to have been validly incorporated under section
18 (2) of the Public Hospitals Act, 1929, as amended by
this Act, as if section 18 (2) of the Public Hospitals Act,
25 1929, as amended by this Act, had been in force on the date
on which the name of that body was added to the Second
Schedule to the Public Hospitals Act, 1929, but nothing in
this subsection affects any power, authority, duty or function
validly exercised or performed by such a body before the
30 commencement of this section.

Public Hospitals (Amendment).

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

Transitional provision—
directors.

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

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

whichever is the lesser.

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

SCHEDULE 1.

Sec. 4.

MISCELLANEOUS AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929.

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

20 After the definition of "Commission", insert :—

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

(2) (a) Section 11 (1) (a)—(b2)—

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

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

10 (i) patient care within hospitals;
and

(ii) services provided by hospitals;

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

(b1) to make or cause to be made careful
inquiry into the standards of—

20 (i) administration and management
of any hospital; and

(ii) services provided by hospitals;

(b2) to cause hospitals to be inspected from
time to time;

(b) Section 11 (4)—(6)—

25 After section 11 (3), insert :—

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

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

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

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

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

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

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

(iii) require any person to produce
30 any accounts, records, books,
documents, goods or other
things in the possession or
under the control of that
person which relate to, or
which the person authorised

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

- 5 under subsection (4) believes
on reasonable grounds relate
to, the operation or administra-
tion of any hospital or
associated organisation.
- (3) (a) Section 14 (1) (a)—
- 10 Omit “the subscribers for the time being thereto”.
- (b) Section 14 (1) (e)—
- 15 Omit “of members of boards of the new hospital
to be held pursuant to this Act when they shall
all go out of office and a new board shall be
elected in accordance with this Act, and any
member of the retiring board (if otherwise
qualified) shall be eligible for re-election pur-
suant to the provisions of Part V”, insert instead
- 20 “or the next appointment of members of the
board of the new hospital in accordance with this
Act when they shall all go out of office and any
member of the retiring board shall, if otherwise
qualified, be eligible for re-election or re-
appointment in accordance with this Act”.
- 25 (4) Section 18 (2)—
- Omit the subsection, insert instead :—
- (2) Upon the publication of an order in the
Gazette under section 4 (2) adding the name of a
hospital to the Second Schedule—
- 30 (a) if the hospital is not a body corporate—the
hospital shall thereby be constituted a body
corporate under this Part; or

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

5 (b) if the hospital is a body corporate—the
hospital shall cease to be that body cor-
porate and shall thereby be constituted a
body corporate under this Part,
with the corporate name set out in the order.

(5) Section 19 (1) (b)—

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

(6) Section 20—

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

(7) Section 21—

Omit the section.

(8) Section 21A—

20 Before section 22, insert :—

21A. In this Part—

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

Interpre-
tation:
Pt. V.

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

(9) (a) Section 22 (1A)—

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

(b) Section 22 (1A)—

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

(c) Section 22 (2)—(2B)—

Omit section 22 (2), insert instead :—

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

15 (2A) Notwithstanding subsection (2), the
Minister may from time to time, by notification
published in the Gazette, fix, either generally
or with reference to a particular hospital, the
number of directors who shall be elected
directors.

20 (2B) The Commission may from time to
time, by order published in the Gazette, deter-
mine, with reference to a particular hospital,
classes of persons who shall be subscribers of
that hospital and may, by the same or a subse-
quent like order, determine the number of
25 directors to be elected by the subscribers of any
class.

(10) Section 23c (2), (3)—

At the end of section 23c, insert :—

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

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

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

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

(11) (a) Section 24 (2) (b)—

After “hospital;”, insert “or”.

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

Omit the paragraphs.

15 (12) Sections 24A, 24B—

After section 24, insert :—

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

(a) if he dies;

20 (b) if he is absent without the leave of the board from 3 consecutive meetings or from 40 per centum of the meetings of the board in any hospital year;

25 (c) if he resigns his office by writing under his hand addressed to the Minister and the Minister accepts his resignation;

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

- 5 (d) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- 10 (e) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 15 (f) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be
- 20 a felony or a misdemeanour so punishable;
- 25 (g) if, at any meeting of the board at which he is present and at which any agreement or proposed agreement in which he has a direct or indirect pecuniary interest, or any other matter in which he has such an interest, is the subject of consideration or is included on the agenda for consideration—
- 30 (i) he fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting his interest in; or

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

- (ii) he takes part in the consideration or discussion of, or votes on any question with respect to,
the agreement, proposed agreement or other matter;
- 10 (h) if he is removed from office by the Minister;
or
- (i) on the day on which he attains the age of 70 years.
- 15 (2) The Minister may, for any cause which to him seems sufficient, remove any director from office.
- (3) A director shall, for the purposes of subsection (1) (g), be deemed not to have a pecuniary interest in an agreement, proposed agreement or other matter if—
- 20 (a) the interest is less than \$200 in any hospital year;
- (b) the interest is an interest in common with the members of—
- (i) a corporate body; or
- 25 (ii) an unincorporate body, consisting of more than 20 persons and of which he is neither a director, manager nor partner; or

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

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

10 24B. On the occurrence of a vacancy in the office of a director otherwise than by the expiration of the term for which he was elected or appointed, the Minister may, by notification published in the Gazette, appoint a person to hold office as a director for the balance of his predecessor's term of office. ^{Filling casual vacancy.}

15 (13) Section 25—

Omit the section.

(14) (a) Section 29J (b)—

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

(b) Section 29J (c)—

20 Omit the paragraph, insert instead : —

(c) by removing the name of a hospital from that Schedule where—

(i) the Commission has closed that hospital ; or

25 (ii) the name of that hospital is added to the Second Schedule.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

(15) Sections 29K, 29L—

5 After section 29J, insert :—

29K. (1) In this section—

10 “appointed day”, in relation to a hospital, means the day on which the Governor removes the name of that hospital from the Fifth Schedule and adds the name of that hospital to the Second Schedule ;

Preservation of certain rights of members of transferred hospitals, etc.

“transferred hospital” means a hospital the name of which is removed from the Fifth Schedule and added to the Second Schedule.

15 (2) A person who, immediately before the appointed day, was an employee of a transferred hospital shall, on that day, be an employee of that hospital.

20 (3) A person referred to in subsection (2)—

25 (a) shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before the appointed day, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered pursuant to the award of a competent tribunal or an industrial agreement ;
30 and

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

5 (b) shall retain any rights which, immediately
before the appointed day, had accrued or
were accruing to him as an employee within
the meaning of the Superannuation Act,
1916, and shall continue to make contribu-
10 tions to any fund or account and shall be
entitled to receive any payment or pension
as if he had continued to be an employee
within the meaning of the Superannuation
Act, 1916.

15 (4) In respect of a person liable to make
contributions referred to in subsection (3) (b), the
transferred hospital shall pay to the State Super-
annuation Board such contributions and payments
as would have been payable by the Government of
20 New South Wales if that person had remained a
member of the public service and had been paid
salary or wages at the rate paid to him by the
transferred hospital.

25 (5) Where any condition of employment
of a person referred to in subsection (2) was,
immediately before the appointed day, regulated by
an award or industrial agreement or agreement
made under or in pursuance of the Public Service
Act, 1902, that condition shall continue to be so
30 regulated until an award of a competent tribunal
by which the transferred hospital is bound or an
industrial agreement is made regulating that
condition.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

5 (6) Annual, sick and long service leave shall continue to accrue to a person referred to in subsection (2) on the same basis as they accrued to him as an officer or employee of the public service immediately before the appointed day until that basis is varied or altered by the board of the
10 transferred hospital.

(7) For the purpose of calculating the entitlement to long service leave of a person referred to in subsection (2)—

15 (a) any service of that person which, by the terms of an Act or an award of a competent tribunal or an industrial agreement was, immediately before the appointed day, required to be taken into account for the purpose of determining his entitlement to that leave as a member of the public service
20 shall be deemed to be service with the transferred hospital; and

(b) there shall be deducted from any long
25 service leave to which that person becomes entitled as an employee of the transferred hospital, any long service leave already taken by him in respect of any period of service referred to in paragraph (a).

30 (8) A person referred to in subsection (2) shall be entitled, as an employee of the transferred hospital, to any annual leave or sick leave accrued to him as a member of the public service as at the appointed day.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

5 (9) A person referred to in subsection (2) shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

10 (10) Nothing in this section affects the operation of any of the provisions of the Industrial Arbitration Act, 1940.

29L. (1) In this section—

“appointed day” has the meaning ascribed thereto in section 29K (1);

15 “date of amalgamation”, in relation to a new incorporated hospital, means the date referred to in section 14 (1) (a) relating to that hospital;

20 “new incorporated hospital” means a hospital incorporated as a consequence of the amalgamation of a transferred hospital with an incorporated hospital;

“transferred hospital” has the meaning ascribed thereto in section 29K (1).

25 (2) Where a transferred hospital is amalgamated with an incorporated hospital, a person who, immediately before the appointed day, was an employee of the transferred hospital and who, immediately before the date of amalgamation, remains an employee of the transferred hospital shall, on the date of amalgamation, be an employee of the new incorporated hospital.

Preservation of certain rights of members of new incorporated hospitals, etc.

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

5 (3) Subsections (3), (4), (5), (6), (7),
(8) and (9) of section 29K apply to a person
referred to in subsection (2) in the same way as
they apply to a person referred to in section 29K
(2) and in so applying those subsections, a reference
to—

10 (a) section 29K (2) shall be construed as a
reference to subsection (2);

 (b) the appointed day shall be construed as a
reference to the date of amalgamation;

15 (c) a transferred hospital shall be construed as
a reference to the new incorporated hospital;
and

 (d) an officer or employee of the public service
or a member of the public service shall be
20 construed as a reference to an employee of
the transferred hospital.

(4) Nothing in this section affects the
operation of any of the provisions of the Industrial
Arbitration Act, 1940.

(16) Section 33C—

25 Omit the section.

(17) Section 40 (4)—

Omit the subsection.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2.

Sec. 4.

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

(1) Section 1 (2)—

5 Before the matter relating to Part VII, insert :—

PART VI^B.—APPEALS.

(2) Part VI^B—

Before Part VII, insert :—

PART VI^B.

10

APPEALS.

33G. In this Part—

“appellant” means a person who appeals under section 33I; Interpretation:
Pt. VI^B.

15

“board”, in relation to the hospital constituted under the Prince Alfred Hospital Act, 1902, includes a board constituted in accordance with section 21 of that Act;

“Chairman” means chairman of the Committee;

20

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

25

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2—*continued.*

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

33H. Where a board—

5

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

Board to state reasons for certain decisions.

(b) fails to re-appoint a person as a visiting practitioner; or

10

(c) suspends or terminates the appointment of a person as a visiting practitioner,

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

33I. Where a person is dissatisfied with—

15

(a) a decision of a board concerning a condition of his appointment as a visiting practitioner;

Appeals.

20

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

(c) a decision of a board concerning the suspension or termination of his appointment as a visiting practitioner,

25

he may appeal to the Commission.

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2—*continued.*

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

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

- (a) the date of the decision of the board against which the appeal is made; or
- 10 (b) the date of expiration of the period of 30 days referred to in section 33I (b),

as the case may be.

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

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

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

- 20 (a) where any reason for the decision of the board appealed against relates to the professional standard or ability of the appellant or where the ground of the appeal is that a board has failed or refused to make a decision within 30
- 25 days of the date of a request from the appellant to do so concerning his re-appointment as a visiting practitioner—

- (i) either 3 or 5 persons nominated by the Commission, one of whom shall be nominated by the Commission as the
- 30 Chairman;

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2—*continued.*

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

5 (ii) a person nominated by the board against
whose decision or failure or refusal to make
a decision the appeal has been made; and

(iii) a person nominated by the appellant; or

(b) except as provided in paragraph (a)—

10 (i) a person nominated by the Commission who
shall be the Chairman;

(ii) a person nominated by the board against
whose decision or failure or refusal to make
a decision the appeal has been made; and

(iii) a person nominated by the appellant.

15 (2) A person shall not be appointed—

(a) in pursuance of a nomination under subsection
(1) (a) unless he is a medical practitioner
where the appellant is a medical practitioner
or a dentist where the appellant is a dentist; or

20 (b) in pursuance of a nomination under subsection
(1) (b) (ii) or (iii) unless the Commission
is satisfied that the person nominated is suffi-
ciently experienced in the conduct of hospitals
to warrant his being appointed.

25 (3) If the board against whose decision or
failure or refusal to make a decision the appeal has
been made or the appellant fails to nominate a person
for appointment to the Committee within such time
as may be notified to it or him by the Commission, the
30 Commission may nominate a person who shall be a

*Public Hospitals (Amendment).*SCHEDULE 2—*continued.*AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929,
RELATING TO APPEALS—*continued.*

5 medical practitioner, a dentist or a person sufficiently
experienced in the conduct of hospitals to warrant his
being appointed, as the case may be, as if it were the
party entitled to make the nomination under subsection
(1).

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

15 33L. The Commission or Chairman, as the case
may be, shall fix a date, being a date as soon as
practicable after the date on which the notice of
appeal was received by the Commission, and a place
for the hearing of the appeal and shall give 7 days'
notice thereof to the parties to the proceedings.

20 33M. (1) In any proceedings before the Commis-
sion or a Committee, the parties to the proceedings
may appear in person or by an agent but no party
shall be represented by counsel or a solicitor except
with the consent of all parties and by leave of the
Commission or Committee, as the case may be.

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

30 33N. (1) The Commission or a Committee shall,
for the purposes of the appeal, have the powers,
authorities, protections and immunities conferred by
the Royal Commissions Act, 1923, on a commissioner
and the chairman of a commission respectively,
appointed under Division 1 of Part II of that Act, and

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2—*continued.*

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

5 that Act, Division 2 of Part II excepted, shall apply to
any witness summoned by or appearing before the
Commission or a Committee, as the case may be, in
the same way as it applies to any witness summoned
by or appearing before a commission.

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

15 33o. (1) The Commission or a Committee shall
determine the appeal and may make such order with
respect to the matters in section 33i as to the Com-
mission or Committee, as the case may be, seems
proper. Determin-
ation of
appeal.

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

20 33p. An order of the Commission or a Committee
under section 33o— Effect and
implemen-
tation of
order.

(a) shall have effect from the date thereof; and

25 (b) shall be deemed to be the final decision of the
board against whose decision or failure or
refusal to make a decision the appeal has been
made and shall be given effect to accordingly.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3.

Sec. 4.

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

(1) Section 1 (2)—

5 After the matter relating to Part V, insert :—

DIVISION 1.—*General.*

DIVISION 2.—*Privileges.*

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

After the definition of “Commission”, insert :—

10 “Credentials committee”, in relation to a
hospital, means a committee estab-
lished in accordance with the regula-
tions made under this Act, being a committee
15 so established in relation to that hospital
or a group of hospitals to which that
hospital belongs to make recommenda-
tions to the board of that hospital or a
board of a hospital of that group, as the
20 case may be, that a privilege be granted
to a medical practitioner or a dentist or
that a privilege granted to a medical
practitioner or a dentist be amended or
revoked.

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

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

“Privilege”, in relation to a medical prac-
titioner or a dentist, means an
accreditation granted by a board, on the

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

5 recommendation of a credentials com-
mittee, accrediting that medical prac-
titioner or dentist, as the case may be, to
perform in the hospital governed and
10 managed by that board such work as a
medical practitioner or dentist, as the
case may be, as is specified in the
instrument by which that accreditation is
granted.

(3) Part V, heading to Division 1—

Before section 21A, insert :—

15 DIVISION 1.—*General.*

(4) Section 21A—

Omit “Part”, insert instead “Division”.

(5) Part V, Division 2—

After section 29A, insert :—

20 DIVISION 2.—*Privileges.*

25 29AA. Where regulations have been made under section 29AB, a board may refuse to allow a medical practitioner or a dentist to perform any work as a medical practitioner or dentist, as the case may be, in the hospital governed and managed by that board—

Board may refuse the performance of certain work.

(a) if he is not the holder of a privilege granted in respect of that work under the regulations made under section 29AB; or

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

5 (b) if, in the opinion of the board, he is
unsuitable to perform that work.

29AB. (1) The Governor may, on the recommen-^{Regula-}
tation of the Commission, make regulations for or ^{tions.}
with respect to—

10 (a) the granting of privileges to medical
practitioners and dentists, whether or not as
employees of hospitals;

(b) the establishment of credentials committees;

(c) the qualification, appointment and term of
office of members of credentials committees;

15 (d) the proceedings of credentials committees;

(e) the powers, authorities, duties and functions
of credentials committees;

(f) the delineation of privileges;

(g) the amendment and revocation of privileges;

20 (h) the persons by whom an application for the
granting, amendment or revocation of
privileges may be made;

(i) the making of applications for the granting,
amendment or revocation of privileges; and

25 (j) the forms to be used for the purposes of any
application to or proceedings before a
credentials committee or a board.

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

(6) (a) Section 33H (b)—

5 Omit “or”.

(b) Section 33H (c)—

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

(c) Section 33H (d)—

10 After section 33H (c), insert :—

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

15 (7) (a) Section 33I (b)—

Omit “or” where thirdly occurring.

(b) Section 33I (c)—

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

20 (c) Section 33I (d), (e)—

After section 33I (c), insert :—

(d) a recommendation of a credentials
committee to a board; or

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

5 (e) the failure or refusal of a credentials committee to make a recommendation to a board within 30 days of the date of a request from that person to do so,

(8) (a) Section 33J (2) (a)—
Omit “or”.

10 (b) Section 33J (2) (a1)—
After section 33J (2) (a), insert :—
(a1) the date of the recommendation of the credentials committee against which the appeal is made; or

15 (c) Section 33J (2) (b)—
After “section 33I (b)”, insert “or (e)”.

(9) (a) Section 33K (1) (a)—
After “appellant” where firstly occurring, insert
20 “, not being a reason relating to a matter referred to in section 33I (d) or (e),”.

(b) Section 33K (1) (a) (iii)—
Omit “or”.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

(c) Section 33K (1) (a1)—

5 After section 33K (1) (a), insert :—

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

(d) Section 33K (1) (b)—

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

(e) Section 33K (2) (a)—

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

(f) Section 33K (4)—

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

(10) (a) Section 33P (b)—

20 After “board”, insert “or the final recommenda-
 tion of the credentials committee, as the
 case may be,”.

(b) Section 33P (b)—

 After “decision” where secondly and thirdly
 occurring, insert “or recommendation,”.

Public Hospitals (Amendment).

SCHEDULE 4.

Sec. 4.

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

(1) Section 1 (2)—

5 After the matter relating to Part VI, insert :—

PART VIA.—PRINCE HENRY HOSPITAL.

(2) Section 17 (1)—

Omit “Colonial”.

(3) Section 19 (2) (c)—

10 Omit “, as amended from time to time”.

(4) Section 29B (3)—

Omit the subsection.

(5) Section 40 (3)—

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

(6) (a) Section 42 (2)—

Omit the subsection, insert instead :—

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 4—*continued.*

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

(b) Section 42 (5)—

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

SCHEDULE 5.

Sec. 7.

REPEALS.

Column 1.		Column 2.
10 Year and number of Act.	Short title of Act.	Extent of repeal.
1901, No. 29..	Public Institutions Inspection Act, 1901.	The whole Act.
15 1929, No. 8 ..	Public Hospitals Act, 1929.	Section 16 (1).
1930, No. 24..	Government Relief Administration Act, 1930.	Section 7 (1).
20 1972, No. 63..	Health Commission Act, 1972.	So much of Part 1 of the Schedule as amended Act No. 29, 1901.

PUBLIC HOSPITALS (AMENDMENT) BILL, 1976**EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to enable the Health Commission of New South Wales (hereinafter called "the Commission")—
 - (i) to facilitate further the achievement and maintenance of adequate standards of patient care within hospitals and services provided by hospitals (Schedule 1 (2)); and
 - (ii) in consequence of the repeal of the Public Institutions Inspection Act, 1901, to provide for the inspection of hospitals and for this purpose to authorise certain persons to carry out inspections and to confer certain powers of inspection upon them (Schedule 1 (2));
- (b) to provide for the election or appointment of directors on the amalgamation of incorporated hospitals (Schedule 1 (3));
- (c) to facilitate the incorporation of hospitals (Schedule 1 (4));
- (d) to provide that a hospital may acquire real property only with the consent of the Commission (Schedule 1 (6));
- (e) to provide, in such cases as are appropriate, for the persons who shall be subscribers of hospitals (Schedule 1 (7) and (9));
- (f) to provide for the election or appointment of directors to boards of hospitals, the terms of office of directors, the circumstances in which a casual vacancy in the office of a director shall occur and the appointment of persons to fill casual vacancies (Schedule 1 (8), (9), (10), (11) and (12));
- (g) to enable a hospital conducted by the Commission to be governed and managed by a board of directors (Schedule 1 (14) (b));
- (h) to preserve the rights of members of the staff of a hospital conducted by the Commission if that hospital is governed and managed by a board of directors (Schedule 1 (15));
- (i) to remove certain restrictions on the power of the Board of Directors of the Prince Henry Hospital to make appointments to the medical staff of that hospital (Schedule 1 (16));

- (j) to enable the granting of privileges to medical practitioners and dentists who perform work in hospitals, whether or not as employees, and the amendment and revocation of those privileges by providing for, inter alia—
 - (i) the establishment of credentials committees having power to recommend to hospital boards the granting, amendment or revocation of privileges by those boards in respect of those medical practitioners or dentists; and
 - (ii) the delineation of the privileges which may be granted (Schedule 3);
 - (k) to enable a hospital board to refuse to allow a medical practitioner or dentist to perform medical or dental work, as the case may be, in the hospital governed by that board—
 - (i) if he is not the holder of a privilege granted in respect of that work; or
 - (ii) if, in the opinion of that board, he is unsuitable to perform that work (Schedule 3);
 - (l) to enable a person dissatisfied with—
 - (i) a recommendation of a credentials committee; or
 - (ii) a decision of a hospital board concerning his appointment or re-appointment as a visiting practitioner,to appeal to the Commission or to a Committee of Review, and to provide for the hearing and determination of the appeal (Schedules 2 and 3);
 - (m) to validate the incorporation of certain hospitals (clause 5);
 - (n) to repeal the Public Institutions Inspection Act, 1901 (Schedule 5); and
 - (o) to make other provisions of a minor, consequential or ancillary character.
-

PROOF

No. , 1976.

A BILL

To amend the Public Hospitals Act, 1929, in relation to the incorporation of hospitals, the amalgamation of incorporated hospitals and the election and appointment of directors of hospitals; to enable the granting, amendment and revocation of privileges in respect of medical practitioners and dentists; to confer rights of appeal on medical practitioners and dentists against certain decisions of hospital boards and recommendations of credentials committees; to validate certain matters; and to repeal the Public Institutions Inspection Act, 1901, and certain other enactments.

[MR HEALEY—10 March, 1976.]

BE

Public Hospitals (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by
and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
5 follows:—

1. This Act may be cited as the "Public Hospitals Short title.
(Amendment) Act, 1976".

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

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

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

(4) Schedule 2 shall commence on such day as may
be appointed by the Governor in respect thereof and as may
be notified by proclamation published in the Gazette.

20 (5) Schedule 3 shall commence on such day, not
being earlier than the day appointed and notified under
subsection (4) in respect of Schedule 2, as may be appointed
by the Governor in respect thereof and as may be notified by
proclamation published in the Gazette.

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

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

SCHEDULE

Public Hospitals (Amendment).

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

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

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

SCHEDULE 5.—REPEALS.

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

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

(2) Each body known by a name set out under the
heading “Corporate Name.” in the Second Schedule to the
Public Hospitals Act, 1929, the name of which was added to
20 the Second Schedule to that Act after the commencement of
that Act and before the commencement of this section, shall
be deemed to have been validly incorporated under section
18 (2) of the Public Hospitals Act, 1929, as amended by
this Act, as if section 18 (2) of the Public Hospitals Act,
25 1929, as amended by this Act, had been in force on the date
on which the name of that body was added to the Second
Schedule to the Public Hospitals Act, 1929, but nothing in
this subsection affects any power, authority, duty or function
validly exercised or performed by such a body before the
30 commencement of this section.

Public Hospitals (Amendment).

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

Transitional provision—
directors.

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

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

whichever is the lesser.

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

SCHEDULE 1.

Sec. 4.

MISCELLANEOUS AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929.

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

20 After the definition of "Commission", insert :—

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

(2) (a) Section 11 (1) (a)—(b2)—

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

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

10 (i) patient care within hospitals;
and

(ii) services provided by hospitals ;

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

(b1) to make or cause to be made careful
inquiry into the standards of—

20 (i) administration and management
of any hospital ; and

(ii) services provided by hospitals ;

(b2) to cause hospitals to be inspected from
time to time ;

(b) Section 11 (4)—(6)—

25 After section 11 (3), insert :—

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

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

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

(a) enter and inspect a hospital or
associated organisation; and
15 (b) without limiting the generality of
paragraph (a)—

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

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

(iii) require any person to produce
30 any accounts, records, books,
documents, goods or other
things in the possession or
under the control of that
person which relate to, or
which the person authorised

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

5 under subsection (4) believes
on reasonable grounds relate
to, the operation or administra-
tion of any hospital or
associated organisation.

(3) (a) Section 14 (1) (a)—

10 Omit “the subscribers for the time being thereto”.

(b) Section 14 (1) (e)—

15 Omit “of members of boards of the new hospital
to be held pursuant to this Act when they shall
all go out of office and a new board shall be
elected in accordance with this Act, and any
member of the retiring board (if otherwise
qualified) shall be eligible for re-election pur-
suant to the provisions of Part V”, insert instead
20 “or the next appointment of members of the
board of the new hospital in accordance with this
Act when they shall all go out of office and any
member of the retiring board shall, if otherwise
qualified, be eligible for re-election or re-
appointment in accordance with this Act”.

25 (4) Section 18 (2)—

Omit the subsection, insert instead :—

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

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

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

with the corporate name set out in the order.

(5) Section 19 (1) (b)—

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

(6) Section 20—

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

(7) Section 21—

Omit the section.

(8) Section 21A—

20 Before section 22, insert :—

21A. In this Part—

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

Interpre-
tation:
Pt. V.

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

(9) (a) Section 22 (1A)—

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

(b) Section 22 (1A)—

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

(c) Section 22 (2)—(2B)—

Omit section 22 (2), insert instead :—

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

15 (2A) Notwithstanding subsection (2), the
Minister may from time to time, by notification
published in the Gazette, fix, either generally
or with reference to a particular hospital, the
number of directors who shall be elected
directors.

20 (2B) The Commission may from time to
time, by order published in the Gazette, deter-
mine, with reference to a particular hospital,
classes of persons who shall be subscribers of
that hospital and may, by the same or a subse-
quent like order, determine the number of
25 directors to be elected by the subscribers of any
class.

(10) Section 23c (2), (3)—

At the end of section 23c, insert :—

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

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

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

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

(11) (a) Section 24 (2) (b)—

After “hospital;”, insert “or”.

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

Omit the paragraphs.

15 (12) Sections 24A, 24B—

After section 24, insert :—

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

(a) if he dies;

20 (b) if he is absent without the leave of the board
from 3 consecutive meetings or from 40 per
centum of the meetings of the board in any
hospital year;

25 (c) if he resigns his office by writing under his
hand addressed to the Minister and the
Minister accepts his resignation;

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

- 5 (d) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- 10 (e) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 15 (f) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be
- 20 a felony or a misdemeanour so punishable;
- 25 (g) if, at any meeting of the board at which he is present and at which any agreement or proposed agreement in which he has a direct or indirect pecuniary interest, or any other matter in which he has such an interest, is the subject of consideration or is included on the agenda for consideration—
- 30 (i) he fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting his interest in; or

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

- (ii) he takes part in the consideration or discussion of, or votes on any question with respect to,
the agreement, proposed agreement or other matter ;
- 10 (h) if he is removed from office by the Minister ;
or
- (i) on the day on which he attains the age of 70 years.
- 15 (2) The Minister may, for any cause which to him seems sufficient, remove any director from office.
- (3) A director shall, for the purposes of subsection (1) (g), be deemed not to have a pecuniary interest in an agreement, proposed agreement or other matter if—
- 20 (a) the interest is less than \$200 in any hospital year ;
- (b) the interest is an interest in common with the members of—
- (i) a corporate body ; or
- 25 (ii) an unincorporate body, consisting of more than 20 persons and of which he is neither a director, manager nor partner ; or

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

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

10 24B. On the occurrence of a vacancy in the office of a director otherwise than by the expiration of the term for which he was elected or appointed, the Minister may, by notification published in the Gazette, appoint a person to hold office as a director for the balance of his predecessor's term of office. ^{Filling casual vacancy.}

15 (13) Section 25—

Omit the section.

(14) (a) Section 29J (b)—

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

(b) Section 29J (c)—

20 Omit the paragraph, insert instead :—

(c) by removing the name of a hospital from that Schedule where—

(i) the Commission has closed that hospital ; or

25 (ii) the name of that hospital is added to the Second Schedule.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

(15) Sections 29K, 29L—

5 After section 29J, insert :—

29K. (1) In this section—

10 “appointed day”, in relation to a hospital, means the day on which the Governor removes the name of that hospital from the Fifth Schedule and adds the name of that hospital to the Second Schedule;

Preservation of certain rights of members of transferred hospitals, etc.

“transferred hospital” means a hospital the name of which is removed from the Fifth Schedule and added to the Second Schedule.

15 (2) A person who, immediately before the appointed day, was an employee of a transferred hospital shall, on that day, be an employee of that hospital.

20 (3) A person referred to in subsection (2)—

25 (a) shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before the appointed day, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him is or are varied or altered pursuant to the award of a competent tribunal or an industrial agreement; and

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

5 (b) shall retain any rights which, immediately
before the appointed day, had accrued or
were accruing to him as an employee within
the meaning of the Superannuation Act,
1916, and shall continue to make contribu-
10 tions to any fund or account and shall be
entitled to receive any payment or pension
as if he had continued to be an employee
within the meaning of the Superannuation
Act, 1916.

15 (4) In respect of a person liable to make
contributions referred to in subsection (3) (b), the
transferred hospital shall pay to the State Super-
annuation Board such contributions and payments
as would have been payable by the Government of
20 New South Wales if that person had remained a
member of the public service and had been paid
salary or wages at the rate paid to him by the
transferred hospital.

25 (5) Where any condition of employment
of a person referred to in subsection (2) was,
immediately before the appointed day, regulated by
an award or industrial agreement or agreement
made under or in pursuance of the Public Service
Act, 1902, that condition shall continue to be so
30 regulated until an award of a competent tribunal
by which the transferred hospital is bound or an
industrial agreement is made regulating that
condition.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

5 (6) Annual, sick and long service leave shall continue to accrue to a person referred to in subsection (2) on the same basis as they accrued to him as an officer or employee of the public service immediately before the appointed day until that basis is varied or altered by the board of the transferred hospital.

10

(7) For the purpose of calculating the entitlement to long service leave of a person referred to in subsection (2)—

15 (a) any service of that person which, by the terms of an Act or an award of a competent tribunal or an industrial agreement was, immediately before the appointed day, required to be taken into account for the purpose of determining his entitlement to that leave as a member of the public service shall be deemed to be service with the transferred hospital; and

20

25 (b) there shall be deducted from any long service leave to which that person becomes entitled as an employee of the transferred hospital, any long service leave already taken by him in respect of any period of service referred to in paragraph (a).

30 (8) A person referred to in subsection (2) shall be entitled, as an employee of the transferred hospital, to any annual leave or sick leave accrued to him as a member of the public service as at the appointed day.

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

5 (9) A person referred to in subsection (2) shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

10 (10) Nothing in this section affects the operation of any of the provisions of the Industrial Arbitration Act, 1940.

29L. (1) In this section—

“appointed day” has the meaning ascribed thereto in section 29K (1);

15 “date of amalgamation”, in relation to a new incorporated hospital, means the date referred to in section 14 (1) (a) relating to that hospital;

20 “new incorporated hospital” means a hospital incorporated as a consequence of the amalgamation of a transferred hospital with an incorporated hospital;

“transferred hospital” has the meaning ascribed thereto in section 29K (1).

Preservation of certain rights of members of new incorporated hospitals, etc.

25 (2) Where a transferred hospital is amalgamated with an incorporated hospital, a person who, immediately before the appointed day, was an employee of the transferred hospital and who, immediately before the date of amalgamation, remains an employee of the transferred hospital
30 shall, on the date of amalgamation, be an employee of the new incorporated hospital.

Public Hospitals (Amendment).

SCHEDULE 1—*continued.*

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

5 (3) Subsections (3), (4), (5), (6), (7),
(8) and (9) of section 29K apply to a person
referred to in subsection (2) in the same way as
they apply to a person referred to in section 29K
(2) and in so applying those subsections, a reference
to—

10 (a) section 29K (2) shall be construed as a
reference to subsection (2);

(b) the appointed day shall be construed as a
reference to the date of amalgamation;

15 (c) a transferred hospital shall be construed as
a reference to the new incorporated hospital;
and

(d) an officer or employee of the public service
or a member of the public service shall be
20 construed as a reference to an employee of
the transferred hospital.

(4) Nothing in this section affects the
operation of any of the provisions of the Industrial
Arbitration Act, 1940.

(16) Section 33c—

25 Omit the section.

(17) Section 40 (4)—

Omit the subsection.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2.

Sec. 4.

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

(1) Section 1 (2)—

5 Before the matter relating to Part VII, insert :—

PART VI_B.—APPEALS.

(2) Part VI_B—

Before Part VII, insert :—

PART VI_B.

10

APPEALS.

33G. In this Part—

Interpre-
tation:
Pt. VI_B.

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

15

“board”, in relation to the hospital constituted under the Prince Alfred Hospital Act, 1902, includes a board constituted in accordance with section 21 of that Act;

“Chairman” means chairman of the Committee;

20

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

25

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2—*continued.*

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

- 33H. Where a board—
- 5 (a) appoints or re-appoints a person as a visiting practitioner subject to conditions; Board to state reasons for certain decisions.
- (b) fails to re-appoint a person as a visiting practitioner; or
- 10 (c) suspends or terminates the appointment of a person as a visiting practitioner,
- that board shall give notice in writing to that person within 7 days of the date of its decision stating the reasons for its decision.

- 33I. Where a person is dissatisfied with— Appeals.
- 15 (a) a decision of a board concerning a condition of his appointment as a visiting practitioner;
- (b) a decision of a board or the failure or refusal of a board to make a decision within 30 days of the date of a request from that person to do so concerning his re-appointment as a visiting practitioner; or
- 20 (c) a decision of a board concerning the suspension or termination of his appointment as a visiting practitioner,
- 25 he may appeal to the Commission.

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2—*continued.*

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

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

(a) the date of the decision of the board against which the appeal is made; or

10 (b) the date of expiration of the period of 30 days referred to in section 33I (b),

as the case may be.

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

(a) the Commission may determine the appeal; or

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

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

20 (a) where any reason for the decision of the board appealed against relates to the professional standard or ability of the appellant or where the ground of the appeal is that a board has failed or refused to make a decision within 30 days of the date of a request from the appellant to do so concerning his re-appointment as a visiting practitioner—

25 (i) either 3 or 5 persons nominated by the Commission, one of whom shall be nominated by the Commission as the Chairman;

30

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2—*continued.*

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

- 5 (ii) a person nominated by the board against
 whose decision or failure or refusal to make
 a decision the appeal has been made; and
- (iii) a person nominated by the appellant; or
- (b) except as provided in paragraph (a)—
- 10 (i) a person nominated by the Commission who
 shall be the Chairman;
- (ii) a person nominated by the board against
 whose decision or failure or refusal to make
 a decision the appeal has been made; and
- (iii) a person nominated by the appellant.
- 15 (2) A person shall not be appointed—
- (a) in pursuance of a nomination under subsection
 (1) (a) unless he is a medical practitioner
 where the appellant is a medical practitioner
 or a dentist where the appellant is a dentist; or
- 20 (b) in pursuance of a nomination under subsection
 (1) (b) (ii) or (iii) unless the Commission
 is satisfied that the person nominated is suffi-
 ciently experienced in the conduct of hospitals
 to warrant his being appointed.
- 25 (3) If the board against whose decision or
 failure or refusal to make a decision the appeal has
 been made or the appellant fails to nominate a person
 for appointment to the Committee within such time
 as may be notified to it or him by the Commission, the
- 30 Commission may nominate a person who shall be a

SCHEDULE

*Public Hospitals (Amendment).*SCHEDULE 2—*continued.*AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929,
RELATING TO APPEALS—*continued.*

5 medical practitioner, a dentist or a person sufficiently
experienced in the conduct of hospitals to warrant his
being appointed, as the case may be, as if it were the
party entitled to make the nomination under subsection
(1).

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

15 33L. The Commission or Chairman, as the case
may be, shall fix a date, being a date as soon as
practicable after the date on which the notice of
appeal was received by the Commission, and a place
for the hearing of the appeal and shall give 7 days'
notice thereof to the parties to the proceedings.

20 33M. (1) In any proceedings before the Commis-
sion or a Committee, the parties to the proceedings
may appear in person or by an agent but no party
shall be represented by counsel or a solicitor except
with the consent of all parties and by leave of the
Commission or Committee, as the case may be.

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

30 33N. (1) The Commission or a Committee shall,
for the purposes of the appeal, have the powers,
authorities, protections and immunities conferred by
the Royal Commissions Act, 1923, on a commissioner
and the chairman of a commission respectively,
appointed under Division 1 of Part II of that Act, and

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 2—*continued.*

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

5 that Act, Division 2 of Part II excepted, shall apply to
any witness summoned by or appearing before the
Commission or a Committee, as the case may be, in
the same way as it applies to any witness summoned
by or appearing before a commission.

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

15 33o. (1) The Commission or a Committee shall determine the appeal and may make such order with
respect to the matters in section 33i as to the Com-
mission or Committee, as the case may be, seems
proper. Determin-
ation of
appeal.

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

20 33p. An order of the Commission or a Committee under section 33o— Effect and
implemen-
tation of
order.

(a) shall have effect from the date thereof; and

25 (b) shall be deemed to be the final decision of the
board against whose decision or failure or
refusal to make a decision the appeal has been
made and shall be given effect to accordingly.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3.

Sec. 4.

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

(1) Section 1 (2)—

5 After the matter relating to Part V, insert :—

DIVISION 1.—*General.*

DIVISION 2.—*Privileges.*

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

After the definition of “Commission”, insert :—

10 “Credentials committee”, in relation to a
hospital, means a committee estab-
lished in accordance with the regula-
tions made under this Act, being a committee
15 so established in relation to that hospital
or a group of hospitals to which that
hospital belongs to make recommenda-
tions to the board of that hospital or a
board of a hospital of that group, as the
20 case may be, that a privilege be granted
to a medical practitioner or a dentist or
that a privilege granted to a medical
practitioner or a dentist be amended or
revoked.

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

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

“Privilege”, in relation to a medical prac-
titioner or a dentist, means an
accreditation granted by a board, on the

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

5 recommendation of a credentials committee, accrediting that medical practitioner or dentist, as the case may be, to perform in the hospital governed and managed by that board such work as a
10 medical practitioner or dentist, as the case may be, as is specified in the instrument by which that accreditation is granted.

(3) Part V, heading to Division 1—

Before section 21A, insert :—

15 DIVISION 1.—*General.*

(4) Section 21A—

Omit “Part”, insert instead “Division”.

(5) Part V, Division 2—

After section 29A, insert :—

20 DIVISION 2.—*Privileges.*

25 29AA. Where regulations have been made under section 29AB, a board may refuse to allow a medical practitioner or a dentist to perform any work as a medical practitioner or dentist, as the case may be, in the hospital governed and managed by that board—
Board may refuse the performance of certain work.

(a) if he is not the holder of a privilege granted in respect of that work under the regulations made under section 29AB; or

SCHEDULE

Public Hospitals (Amendment).

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

5 (b) if, in the opinion of the board, he is
unsuitable to perform that work.

29AB. (1) The Governor may, on the recommen-^{Regula-}
dation of the Commission, make regulations for or ^{tions.}
with respect to—

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

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

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

(6) (a) Section 33H (b)—

5 Omit “or”.

(b) Section 33H (c)—

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

(c) Section 33H (d)—

10 After section 33H (c), insert :—

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

15 (7) (a) Section 33I (b)—

Omit “or” where thirdly occurring.

(b) Section 33I (c)—

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

20 (c) Section 33I (d), (e)—

After section 33I (c), insert :—

(d) a recommendation of a credentials
committee to a board; or

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

5 (e) the failure or refusal of a credentials committee to make a recommendation to a board within 30 days of the date of a request from that person to do so,

(8) (a) Section 33J (2) (a)—

Omit “or”.

10 (b) Section 33J (2) (a1)—

After section 33J (2) (a), insert :—

(a1) the date of the recommendation of the credentials committee against which the appeal is made; or

15 (c) Section 33J (2) (b)—

After “section 33I (b)”, insert “or (e)”.

(9) (a) Section 33K (1) (a)—

20 After “appellant” where firstly occurring, insert “, not being a reason relating to a matter referred to in section 33I (d) or (e),”.

(b) Section 33K (1) (a) (iii)—

Omit “or”.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 3—*continued.*

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

(c) Section 33K (1) (a1)—

5 After section 33K (1) (a), insert :—

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

(d) Section 33K (1) (b)—

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

(e) Section 33K (2) (a)—

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

(f) Section 33K (4)—

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

(10) (a) Section 33P (b)—

20 After “board”, insert “or the final recommenda-
 tion of the credentials committee, as the
 case may be,”.

(b) Section 33P (b)—

 After “decision” where secondly and thirdly
 occurring, insert “or recommendation,”.

SCHEDULE

Public Hospitals (Amendment).

SCHEDULE 4.

Sec. 4.

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

(1) Section 1 (2)—

5 After the matter relating to Part VI, insert :—

PART VIA.—PRINCE HENRY HOSPITAL.

(2) Section 17 (1)—

Omit "Colonial".

(3) Section 19 (2) (c)—

10 Omit ", as amended from time to time".

(4) Section 29B (3)—

Omit the subsection.

(5) Section 40 (3)—

15 Omit "or of any Act amending or replacing such provisions,".

(6) (a) Section 42 (2)—

Omit the subsection, insert instead :—

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

SCHEDULE

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

(b) Section 42 (5)—

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

SCHEDULE 5.

Sec. 7.

REPEALS.

Column 1.		Column 2.
10 Year and number of Act.	Short title of Act.	Extent of repeal.
1901, No. 29..	Public Institutions Inspection Act, 1901.	The whole Act.
15 1929, No. 8 ..	Public Hospitals Act, 1929.	Section 16 (1).
1930, No. 24..	Government Relief Administration Act, 1930.	Section 7 (1).
20 1972, No. 63..	Health Commission Act, 1972.	So much of Part 1 of the Schedule as amended Act No. 29, 1901.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976