

*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 25 November, 1976.*

## **New South Wales**



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

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**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

*Public Hospitals (Amendment).*

rights of appeal on medical practitioners and dentists against certain decisions of hospital boards and recommendations of credentials committees; to validate certain matters; to repeal the Public Institutions Inspection Act, 1901, and certain other enactments; and to amend the Defamation Act, 1974, to provide a defence of absolute privilege in respect of certain decisions of hospital boards.

**B**E 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- (5) and (6), 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 (2) (b) and (14) (b) and (c) shall be deemed to have commenced on 3rd September, 1976.

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

(5)



*Public Hospitals (Amendment).*

(5) Section 8 and Schedules 2 and 6 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.

5 (6) Schedule 3 shall commence on such day, not being earlier than the day appointed and notified under subsection (5) in respect of section 8 and Schedules 2 and 6, as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

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

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

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

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

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

20 SCHEDULE 5.—REPEALS.

SCHEDULE 6.—AMENDMENT TO THE DEFAMATION ACT, 1974.

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

25 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 that Act, shall be deemed to be and always to have been  
30 validly incorporated under that Act. Validation  
—incor-  
poration of  
hospitals.

(2)



*Public Hospitals (Amendment).*

(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 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, 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 commencement of this section.

6. Subject to this Act, a person who, immediately before the date of assent to this Act, was a director of an incorporated hospital within the meaning of the Public Hospitals Act, 1929, 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

(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.

Repeals.



*Public Hospitals (Amendment).*

8. The Defamation Act, 1974, is amended in the manner set forth in Schedule 6. Amendment  
of Act No.  
18, 1974.

SCHEDULE 1.

Sec. 4.

MISCELLANEOUS AMENDMENTS TO THE PUBLIC HOSPITALS  
5 ACT, 1929.

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

After the definition of "Commission", insert :—

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

10 (2) (a) Section 11 (1) (a)–(b2)—

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

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

(i) patient care within hospitals;  
and

(ii) services provided by hospitals;

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

SCHEDULE

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*Public Hospitals (Amendment).*

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SCHEDULE 1—*continued.*

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

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

(i) administration and management  
of any hospital; and

(ii) services provided by hospitals;

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

(b) Section 11 (3)—

After “may”, insert “amalgamate or”.

(c) Section 11 (4)–(6)—

After section 11 (3), insert : —

15 (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 prescribed form.

20 (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  
25 carried out therein, produce the certificate of his  
authority to that person.

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

- 5 (6) A person authorised under subsection (4)  
may at any reasonable time—
- (a) enter and inspect a hospital or an  
associated organisation; and
- (b) without limiting the generality of  
paragraph (a)—
- 10 (i) make such examination and  
inquiry as he thinks necessary  
to assist the Commission in the  
performance of its powers,  
authorities, duties and  
functions under this section;
- 15 (ii) take copies of, or extracts or  
notes from, any accounts,  
records, books, documents or  
other things at a hospital or an  
associated organisation; and
- 20 (iii) require the chief executive  
officer of a hospital or an  
associated organisation or, in  
the absence of the chief  
executive officer, any person to  
produce any accounts, records,  
books, documents, goods or  
other things in the possession  
or under the control of the  
chief executive officer or that  
person which relate to, or  
which the person authorised  
under subsection (4) believes  
on reasonable grounds relate
- 25
- 30

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

5 to, the operation or administration of that hospital or associated organisation.

(3) (a) Section 14 (1) (a)—

Omit “the subscribers for the time being thereto”.

(b) Section 14 (1) (e)—

10 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  
15 member of the retiring board (if otherwise  
qualified) shall be eligible for re-election pursuant  
to the provisions of Part V”, insert instead  
“or the next appointment of members of the  
board of the new hospital in accordance with this  
20 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”.

(4) Section 18 (2)—

Omit the subsection, insert instead :—

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

(a) if the hospital is not a body corporate—the  
hospital shall thereby be constituted a body  
30 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:  
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- 25 “elected director” means a director elected by the  
subscribers of a hospital.

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

(9) (a) Section 22 (1A)—

5 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",  
10 insert instead "Each board of a hospital incor-  
porated under the provisions of this Act".

(b) Section 22 (1A)—

Omit "and appointed", insert instead ", appointed  
or partly elected and partly appointed".

(c) Section 22 (2)–(2B)—

15 Omit section 22 (2), insert instead :—

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

20 (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.

25 (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  
30 directors to be elected by the subscribers of any  
class.

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

(10) Section 23c (2), (3)—

5 At the end of section 23c, insert :—

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

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

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

15 (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)—

20 Omit the paragraphs.

(12) Sections 24A, 24B—

After section 24, insert :—

24A. (1) A director shall be deemed to have <sup>Vacation</sup>  
vacated his office—<sub>of</sub>  
office.

25 (a) if he dies;

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

- 5 (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;
- 10 (c) if he resigns his office by writing under his hand addressed to the Minister and the Minister accepts his resignation;
- 15 (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;
- 20 (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;
- 25 (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 a felony or a misdemeanour so punishable;
- 30 (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—

**SCHEDULE**



*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

- 5 (i) he fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting his interest in; or
- 10 (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;
- (h) if he is removed from office by the Governor; or
- 15 (i) on the day on which he attains the age of 70 years.
- (2) 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—
- 25 (i) a corporate body; or
- (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 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.

- 15 (13) Section 25—

Omit the section.

- (14) (a) Section 29J (b)—

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

- (b) Section 29J (b)—

- 20 Omit "or".

- (c) Section 29J (b1)—

After section 29J (b), insert :—

- 25 (b1) where the Commission has amalgamated 2 or more hospitals specified in that Schedule—

- (i) if the hospitals were amalgamated under a name which is different from the names of the hospitals amalgamated—by inserting the

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

5 name under which the hospitals  
were amalgamated and by remov-  
ing the names of the hospitals  
amalgamated; or

(ii) if the hospitals were amalgamated  
under the name of one of the  
10 hospitals amalgamated—by re-  
moving the name or names of the  
other hospital or hospitals  
amalgamated; or

(d) Section 29J (c)—

15 Omit “remove”, insert instead “by removing”.

(15) Section 33C—

Omit the section.

(16) Section 40 (4)—

Omit the subsection.

20

SCHEDULE 2.

Sec. 4.

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

(1) Section 1 (2)—

Before the matter relating to Part VII, insert :—

25

PART VIB.—APPEALS.

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

(2) Part VIB—

5 Before Part VII, insert :—

PART VIB.

APPEALS.

33G. In this Part—

Interpre-  
tation:  
Pt. VIB.

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

“board” includes, in relation to—

- 15 (a) a separate institution—the governing  
body of that separate institution; and  
(b) the hospital constituted under the Prince  
Alfred Hospital Act, 1902—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.

33H. (1) Where a board—

Board to  
notify  
certain  
decisions.

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

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

- 5 (b) decides not to re-appoint a person as a  
visiting practitioner; or  
(c) suspends or terminates the appointment of a  
person as a visiting practitioner,

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

- 10 (2) A person to whom notice is given under  
subsection (1) may request the board, in writing,  
within 14 days of the date of receipt of that notice,  
to notify him of the reasons for its decision.

- 15 (3) Where a board receives a request under  
subsection (2), it shall, within 7 days of the date of  
receipt of that request, notify the person making that  
request of the reasons for its decision.

- 20 33I. (1) Where a person who has been notified Appeals.  
under section 33H (3) of the reasons for a decision  
of a board is dissatisfied with that decision, he may  
appeal to the Commission.

- (2) Where a person is dissatisfied with—  
25 (a) 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

*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

- 5 (b) the failure or refusal of a board to notify  
that person in accordance with section 33H  
(3) of the reasons for a decision made by  
it referred to in section 33H (1),

he may appeal to the Commission.

- 10 33J. (1) An appellant shall, in the prescribed form Notice of  
and manner, give notice to the Commission of the appeal.  
grounds of his appeal.

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

- 15 (a) where the appeal is made under section 33I  
(1)—the date on which the board notified  
the appellant under section 33H (3) of the  
reasons for its decision;
- 20 (b) where the appeal is made under section 33I  
(2) (a)—the date of expiration of the  
period of 30 days referred to in section  
33I (2) (a); or
- 25 (c) where the appeal is made under section 33I  
(2) (b)—the date of expiration of a period  
of 14 days after the making of the request  
under section 33H (2).

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

- 30 (a) the Commission may determine the appeal;  
or

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

- 5 (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—

- 10 (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 appeal is made under section 33I (2) (a) or (b)—

- 15 (i) either 3 or 5 persons nominated by the Commission, one of whom shall be nominated by the Commission as the Chairman;
- (ii) a person nominated by the board concerned; and
- 20 (iii) a person nominated by the appellant; or

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

- 25 (i) a person nominated by the Commission who shall be the Chairman;
- (ii) a person nominated by the board concerned; and
- (iii) a person nominated by the appellant.

SCHEDULE

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*Public Hospitals (Amendment).*

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**SCHEDULE 2—continued.**

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**AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929,  
RELATING TO APPEALS—continued.****(2) A person shall not be appointed—**

- 5           (a) in pursuance of a nomination under sub-  
            section (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
- 10          (b) in pursuance of a nomination under sub-  
            section (1) (b) (ii) or (iii) unless the  
            Commission is satisfied that the person  
            nominated is sufficiently experienced in the  
15           conduct of hospitals to warrant his being  
            appointed.

- (3) If the board concerned 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 Commission may  
20           nominate a person who shall be a 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).

- 25           (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.

- 30           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.

**SCHEDULE**



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*Public Hospitals (Amendment).*

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

- 5 33M. (1) In any proceedings before the Commission 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 appearance.
- 10 (2) The proceedings may, at the discretion of the Commission or Committee, as the case may be, be conducted wholly or partly in camera.
- 15 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 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. Powers of and procedure before the Commission or a Committee.
- 20
- 25 (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.
- 30 33O. (1) The Commission or a Committee shall determine the appeal and may make such order with respect to the matter the subject of the appeal as to the Commission or Committee, as the case may be, seems proper. Determination of appeal.

**SCHEDULE**

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*Public Hospitals (Amendment).*

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**SCHEDULE 2—continued.**

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

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

33P. An order of the Commission or a Committee under section 33O—

Effect and  
implemen-  
tation of  
order.

- 10 (a) shall have effect from the date thereof; and  
(b) shall be deemed to be the final decision of the board concerned and shall be given effect to accordingly.

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**SCHEDULE 3.**

**Sec. 4.**

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

- (1) Section 1 (2)—

After the matter relating to Part V, insert :—

**DIVISION 1.—General.**

**DIVISION 2.—Privileges.**

**SCHEDULE**



*Public Hospitals (Amendment).*

SCHEDULE 3—*continued.*

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

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

5 After the definition of “Commission”, insert :—

“Credentials committee”, in relation to a  
hospital, means a committee estab-  
lished in accordance with the regulations  
made under this Act, being a committee  
10 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  
15 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.

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

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

“Privilege”, in relation to a medical prac-  
titioner or a dentist, means an  
25 accreditation granted by a board, on the  
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  
30 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.

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 3—*continued.*

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

- (3) Section 4 (1)—
- 5 Omit “Parts IV and V”, insert instead “Part IV and Division 1 of Part V”.
- (4) Part V, heading to Division 1—  
Before section 21A, insert :—  
DIVISION 1.—*General.*
- 10 (5) Section 21A—  
Omit “Part”, insert instead “Division”.
- (6) Section 23A—  
Omit “Part”, insert instead “Division”.
- (7) Part V, Division 2—
- 15 After section 29A, insert :—  
DIVISION 2.—*Privileges.*
- 20 29AA. In this Division, “board” includes, in relation to—
- (a) a separate institution—the governing body of that separate institution; and
- (b) the hospital constituted under the Prince Alfred Hospital Act, 1902—a board constituted in accordance with section 21 of that Act.
- 25 29AB. Where regulations have been made under section 29AC, a board may refuse to allow a medical practitioner or a dentist to perform any work as a

Interpreta-  
tion: Pt. V,  
Div. 2.

Board may  
refuse the  
perform-  
ance of  
certain  
work.

SCHEDULE



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*Public Hospitals (Amendment).*

---

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

5 medical practitioner or dentist, as the case may be,  
in the hospital governed and managed by that  
board—

- (a) if he is not the holder of a privilege granted  
in respect of that work under the regulations  
made under section 29AC; or
- 10 (b) if, in the opinion of the board, he is  
unsuitable to perform that work.

29AC. (1) The Governor may, on the recommen- <sup>Regula-</sup>  
dation of the Commission, make regulations for or <sup>tions.</sup>  
with respect to—

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

## SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 3—*continued.*

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

- 5 (2) Regulations may be made so as to apply  
differently according to such factors as may be  
specified in the regulations.
- (8) (a) Section 33H (1) (b)—  
Omit “or”.
- (b) Section 33H (1) (c)—  
10 Omit “practitioner,” insert instead “practitioner;  
or”.
- (c) Section 33H (1) (d)—  
After section 33H (1) (c), insert :—
- 15 (d) decides not to grant a privilege to a  
person in accordance with a recommen-  
dation made to it with respect to that  
person by a credentials committee,
- (9) (a) Section 33I (2) (a)—  
Omit “or” where secondly occurring.
- 20 (b) Section 33I (2) (b)—  
Omit “section 33H (1),” insert instead “section  
33H (1);”.
- (c) Section 33I (2) (c), (d), (e)—  
After section 33I (2) (b), insert :—
- 25 (c) a recommendation of a credentials  
committee to a board;

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 3—*continued.*

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

- 5 (d) 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; or
- 10 (e) 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 con-  
cerning the granting of a privilege to him  
in accordance with a recommendation  
made to that board with respect to him  
by a credentials committee,

15 (10) (a) Section 33J (2) (b)—  
Omit “or”.

(b) Section 33J (2) (c)—  
Omit “section 33H (2).”, insert instead “section  
33H (2);”.

20 (c) Section 33J (2) (d), (e), (f)—

After section 33J (2) (c), insert :—

- (d) where the appeal is made under section  
33I (2) (c)—the date of the recom-  
mendation of the credentials committee;
- 25 (e) where the appeal is made under section  
33I (2) (d)—the date of expiration of  
the period of 30 days referred to in  
section 33I (2) (d); or

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 3—*continued.*

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

- 5 (f) where the appeal is made under section  
33I (2) (e)—the date of expiration of  
the period of 30 days referred to in  
section 33I (2) (e).

(11) (a) Section 33K (1) (a)—

- 10 After “appellant”, insert “, not being a reason  
relating to a matter referred to in section 33I  
(2) (c) or (d),”.

(b) Section 33K (1) (a) (iii)—

Omit “or”.

(c) Section 33K (1) (a1)—

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

- (a1) where the ground of the appeal relates  
solely to a ground referred to in section  
33I (2) (c) or (d)—either 3 or 5  
20 persons 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)—

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

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 3—*continued.*

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

(f) Section 33K (4)—

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

(12) Section 33P (b)—

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

10

SCHEDULE 4.

Sec. 4.

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

(1) Section 1 (2)—

After the matter relating to Part VI, insert :—

15

PART VIA.—PRINCE HENRY HOSPITAL.

(2) Section 17 (1)—

Omit “Colonial”.

(3) Section 19 (2) (c)—

Omit “, as amended from time to time”.

SCHEDULE

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*Public Hospitals (Amendment).*

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SCHEDULE 4—*continued.*

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

(4) Section 29B (3)—

5 Omit the subsection.

(5) Section 40 (3)—

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

(6) (a) Section 42 (2)—

10 Omit the subsection, insert instead :—

(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.

15

(b) Section 42 (5)—

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



*Public Hospitals (Amendment).*

## SCHEDULE 5.

Sec. 7.

## REPEALS.

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

## SCHEDULE 6.

Sec. 8.

## AMENDMENT TO THE DEFAMATION ACT, 1974.

## Section 17C—

20 After section 17B, insert :—

17C. There is a defence of absolute privilege for the publication under section 33H of the Public Hospitals Act, 1929, of a decision and the reasons for that decision of a board of directors of a hospital.

Certain decisions of hospital boards under Public Hospitals Act, 1929.

BY AUTHORITY

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

[32c]

Public Health (Licensing)

SCHEDULE 2

TABLE 1

1. Name of the person or persons who have been appointed as members of the committee.

2. Name of the person or persons who have been appointed as members of the committee.

3. Name of the person or persons who have been appointed as members of the committee.

4. Name of the person or persons who have been appointed as members of the committee.

5. Name of the person or persons who have been appointed as members of the committee.

SCHEDULE 3  
APPENDIX TO THE DURATION ACT 1974

Section 17C

20

After section 17B, insert:-

17C. There is a difference of opinion as to whether the Committee should be appointed under section 33A of the Public Health Act 1936, or whether it should be appointed under section 33B of the Public Health Act 1936, and the reasons for the difference of opinion are as follows:-

1. The Committee should be appointed under section 33A of the Public Health Act 1936, because it is the only body which has the power to appoint members of the Committee.

(2)



No. , 1976.

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## 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

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*Public Hospitals (Amendment).*

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rights of appeal on medical practitioners and dentists against certain decisions of hospital boards and recommendations of credentials committees; to validate certain matters; to repeal the Public Institutions Inspection Act, 1901, and certain other enactments; and to amend the Defamation Act, 1974, to provide a defence of absolute privilege in respect of certain decisions of hospital boards.

[MR K. J. STEWART—2 November, 1976.]

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**B**E 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-  
(5) and (6), 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 (2) (b) and (14) (b) and (c) shall be deemed to have commenced on 3rd September, 1976.

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

(5)



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*Public Hospitals (Amendment).*

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(5) Section 8 and Schedules 2 and 6 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.

- 5 (6) Schedule 3 shall commence on such day, not being earlier than the day appointed and notified under subsection (5) in respect of section 8 and Schedules 2 and 6, as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

- 10 3. This Act contains the following Schedules :— Schedules.

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

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

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

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

- 20 SCHEDULE 5.—REPEALS.

SCHEDULE 6.—AMENDMENT TO THE DEFAMATION ACT, 1974.

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

- 25 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 that Act, shall be deemed to be and always to have been  
30 validly incorporated under that Act. Validation  
—incor-  
poration of  
hospitals.

*Public Hospitals (Amendment).*

(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 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, 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 commencement of this section.

6. Subject to this Act, a person who, immediately before the date of assent to this Act, was a director of an incorporated hospital within the meaning of the Public Hospitals Act, 1929, 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
- (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.

Repeals.



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*Public Hospitals (Amendment).*

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8. The Defamation Act, 1974, is amended in the manner set forth in Schedule 6. Amendment  
of Act No.  
18, 1974.

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SCHEDULE 1.

Sec. 4.

5 MISCELLANEOUS AMENDMENTS TO THE PUBLIC HOSPITALS  
ACT, 1929.

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

After the definition of "Commission", insert :—

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

10 (2) (a) Section 11 (1) (a)–(b2)—

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

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

(i) patient care within hospitals;  
and

(ii) services provided by hospitals;

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

SCHEDULE

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*Public Hospitals (Amendment).*

---

SCHEDULE 1—*continued.*

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

- 5 (b1) to make or cause to be made careful  
inquiry into the standards of—
- (i) administration and management  
of any hospital; and
  - (ii) services provided by hospitals;
- 10 (b2) to cause hospitals to be inspected from  
time to time;

(b) Section 11 (3)—

After “may”, insert “amalgamate or”.

(c) Section 11 (4)–(6)—

After section 11 (3), insert : —

- 15 (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 prescribed form.
- 20 (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  
25 carried out therein, produce the certificate of his  
authority to that person.

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

- 5 (6) A person authorised under subsection (4)  
may at any reasonable time—
- (a) enter and inspect a hospital or an  
associated organisation; and
- (b) without limiting the generality of  
paragraph (a)—
- 10 (i) make such examination and  
inquiry as he thinks necessary  
to assist the Commission in the  
performance of its powers,  
15 authorities, duties and  
functions under this section;
- (ii) take copies of, or extracts or  
notes from, any accounts,  
records, books, documents or  
other things at a hospital or an  
20 associated organisation; and
- (iii) require the chief executive  
officer of a hospital or an  
associated organisation or, in  
the absence of the chief  
25 executive officer, any person to  
produce any accounts, records,  
books, documents, goods or  
other things in the possession  
or under the control of the  
30 chief executive officer or that  
person which relate to, or  
which the person authorised  
under subsection (4) believes  
on reasonable grounds relate

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

5 to, the operation or administra-  
tion of that hospital or  
associated organisation.

(3) (a) Section 14 (1) (a)—

Omit “the subscribers for the time being thereto”.

(b) Section 14 (1) (e)—

10 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  
15 member of the retiring board (if otherwise  
qualified) shall be eligible for re-election pur-  
suant to the provisions of Part V”, insert instead  
“or the next appointment of members of the  
board of the new hospital in accordance with this  
20 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”.

(4) Section 18 (2)—

Omit the subsection, insert instead :—

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

(a) if the hospital is not a body corporate—the  
hospital shall thereby be constituted a body  
30 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 corporate 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.

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

(9) (a) Section 22 (1A)—

5 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",  
10 insert instead "Each board of a hospital incor-  
porated under the provisions of this Act".

(b) Section 22 (1A)—

Omit "and appointed", insert instead ", appointed  
or partly elected and partly appointed".

(c) Section 22 (2)–(2B)—

15 Omit section 22 (2), insert instead :—

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

20 (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.

25 (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  
30 directors to be elected by the subscribers of any  
class.

SCHEDULE



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*Public Hospitals (Amendment).*

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SCHEDULE 1—*continued.*

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

(10) Section 23c (2), (3)—

5           At the end of section 23c, insert :—

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

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

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

15           (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)—

20           Omit the paragraphs.

(12) Sections 24A, 24B—

After section 24, insert :—

24A. (1) A director shall be deemed to have vacation  
vacated his office—  
of  
office.

25           (a) if he dies;

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

- 5 (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;
- 10 (c) if he resigns his office by writing under his hand addressed to the Minister and the Minister accepts his resignation;
- 15 (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;
- 20 (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;
- 25 (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 a felony or a misdemeanour so punishable;
- 30 (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—

SCHEDULE



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*Public Hospitals (Amendment).*

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SCHEDULE 1—*continued.*

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

- 5 (i) he fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting his interest in; or
- 10 (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;
- (h) if he is removed from office by the Governor; or
- 15 (i) on the day on which he attains the age of 70 years.
- 20 (2) 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—
  - (a) the interest is less than \$200 in any hospital year;
  - (b) the interest is an interest in common with the members of—
    - 25 (i) a corporate body; or
    - (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 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 in office of appointed director.

- 15 (13) Section 25—  
Omit the section.

- (14) (a) Section 29J (b)—  
Omit "alter", insert instead "by altering".

- 20 (b) Section 29J (b)—  
Omit "or".

- (c) Section 29J (b1)—  
After section 29J (b), insert :—  
(b1) where the Commission has amalgamated 2 or more hospitals specified in that Schedule—

- 25 (i) if the hospitals were amalgamated under a name which is different from the names of the hospitals amalgamated—by inserting the

SCHEDULE



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*Public Hospitals (Amendment).*

---

SCHEDULE 1—*continued.*

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

5 name under which the hospitals  
were amalgamated and by remov-  
ing the names of the hospitals  
amalgamated; or

(ii) if the hospitals were amalgamated  
under the name of one of the  
10 hospitals amalgamated—by re-  
moving the name or names of the  
other hospital or hospitals  
amalgamated; or

(d) Section 29J (c)—

15 Omit “remove”, insert instead “by removing”.

(15) Section 33C—

Omit the section.

(16) Section 40 (4)—

Omit the subsection.

---

20

SCHEDULE 2.

Sec. 4.

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

(1) Section 1 (2)—

Before the matter relating to Part VII, insert :—

25

PART VIB.—APPEALS.

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

(2) Part VIb—

5 Before Part VII, insert :—

PART VIb.

APPEALS.

33G. In this Part—

Interpre-  
tation:  
Pt. VIb.

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

“board” includes, in relation to—

- 15 (a) a separate institution—the governing  
body of that separate institution; and  
(b) the hospital constituted under the Prince  
Alfred Hospital Act, 1902—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.

33H. (1) Where a board—

Board to  
notify  
certain  
decisions.

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

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

- 5 (b) decides not to re-appoint a person as a  
visiting practitioner; or  
(c) suspends or terminates the appointment of a  
person as a visiting practitioner,

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

- 10 (2) A person to whom notice is given under  
subsection (1) may request the board, in writing,  
within 14 days of the date of receipt of that notice,  
to notify him of the reasons for its decision.

- 15 (3) Where a board receives a request under  
subsection (2), it shall, within 7 days of the date of  
receipt of that request, notify the person making that  
request of the reasons for its decision.

- 20 33I. (1) Where a person who has been notified Appeals.  
under section 33H (3) of the reasons for a decision  
of a board is dissatisfied with that decision, he may  
appeal to the Commission.

- (2) Where a person is dissatisfied with—  
25 (a) 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

*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

- 5 (b) the failure or refusal of a board to notify  
that person in accordance with section 33H  
(3) of the reasons for a decision made by  
it referred to in section 33H (1),

he may appeal to the Commission.

- 10 33J. (1) An appellant shall, in the prescribed form Notice of  
and manner, give notice to the Commission of the appeal.  
grounds of his appeal.

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

- 15 (a) where the appeal is made under section 33I  
(1)—the date on which the board notified  
the appellant under section 33H (3) of the  
reasons for its decision ;
- 20 (b) where the appeal is made under section 33I  
(2) (a)—the date of expiration of the  
period of 30 days referred to in section  
33I (2) (a); or
- 25 (c) where the appeal is made under section 33I  
(2) (b)—the date of expiration of a period  
of 14 days after the making of the request  
under section 33H (2).

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

- 30 (a) the Commission may determine the appeal ;  
or

SCHEDULE



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*Public Hospitals (Amendment).*

---

SCHEDULE 2—*continued.*

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

- 5 (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  
Committee shall consist of— of Com-  
mittee.

- 10 (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 appeal is made under  
section 33I (2) (a) or (b)—

- 15 (i) either 3 or 5 persons nominated by  
the Commission, one of whom shall  
be nominated by the Commission as  
the Chairman;
- (ii) a person nominated by the board  
concerned; and
- 20 (iii) a person nominated by the  
appellant; or

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

- 25 (i) a person nominated by the  
Commission who shall be the  
Chairman;
- (ii) a person nominated by the board  
concerned; and
- (iii) a person nominated by the  
appellant.

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

(2) A person shall not be appointed—

- 5 (a) in pursuance of a nomination under sub-  
section (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
- 10 (b) in pursuance of a nomination under sub-  
section (1) (b) (ii) or (iii) unless the  
Commission is satisfied that the person  
nominated is sufficiently experienced in the  
conduct of hospitals to warrant his being  
15 appointed.

(3) If the board concerned 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 Commission may  
20 nominate a person who shall be a 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).

25 (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.

30 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.

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

5           33M. (1) In any proceedings before the Commis- Right of  
sion or a Committee, the parties to the proceedings appear-  
may appear in person or by an agent but no party ance.  
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.

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

15           33N. (1) The Commission or a Committee shall, Powers  
for the purposes of the appeal, have the powers, of and  
authorities, protections and immunities conferred by procedure  
the Royal Commissions Act, 1923, on a commissioner before the  
and the chairman of a commission respectively, Commission  
or a Com-  
appointed under Division 1 of Part II of that Act, and mittee.  
that Act, Division 2 of Part II excepted, shall apply to  
20 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.

25           (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.

30           33o. (1) The Commission or a Committee shall Determin-  
determine the appeal and may make such order with ation of  
respect to the matter the subject of the appeal as to appeal.  
the Commission or Committee, as the case may be,  
seems proper.

SCHEDULE

---

*Public Hospitals (Amendment).*

---

SCHEDULE 2—*continued.*

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

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

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
- 10 (b) shall be deemed to be the final decision of  
the board concerned and shall be given  
effect to accordingly.

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SCHEDULE 3.

Sec. 4.

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

- (1) Section 1 (2)—

After the matter relating to Part V, insert :—

DIVISION 1.—*General.*

DIVISION 2.—*Privileges.*

SCHEDULE



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*Public Hospitals (Amendment).*

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SCHEDULE 3—*continued.*

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

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

5           After the definition of “Commission”, insert :—

                  “Credentials committee”, in relation to a  
                  hospital, means a committee estab-  
                  lished in accordance with the regulations  
10               made under this Act, being a committee  
                  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  
15               board of a hospital of that group, as the  
                  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.

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

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

                  “Privilege”, in relation to a medical prac-  
                  titioner or a dentist, means an  
25               accreditation granted by a board, on the  
                  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  
30               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.

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 3—*continued.*

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

(3) Section 4 (1)—

5 Omit “Parts IV and V”, insert instead “Part IV and  
Division 1 of Part V”.

(4) Part V, heading to Division 1—

Before section 21A, insert :—

DIVISION 1.—*General.*

10 (5) Section 21A—

Omit “Part”, insert instead “Division”.

(6) Section 23A—

Omit “Part”, insert instead “Division”.

(7) Part V, Division 2—

15 After section 29A, insert :—

DIVISION 2.—*Privileges.*

20 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  
perform-  
ance of  
certain  
work.

25 (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—

- 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.

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 3—*continued.*

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

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

(8) (a) Section 33H (1) (b)—  
Omit “or”.

10 (b) Section 33H (1) (c)—  
Omit “practitioner,” insert instead “practitioner;  
or”.

(c) Section 33H (1) (d)—  
After section 33H (1) (c), insert :—  
15 (d) decides not to grant a privilege to a  
person in accordance with a recommen-  
dation made to it with respect to that  
person by a credentials committee,

(9) (a) Section 33I (2) (a)—  
Omit “or” where secondly occurring.

20 (b) Section 33I (2) (b)—  
Omit “section 33H (1),” insert instead “section  
33H (1);”.

(c) Section 33I (2) (c), (d), (e)—  
After section 33I (2) (b), insert :—  
25 (c) a recommendation of a credentials  
committee to a board;

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 3—*continued.*

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

- 5 (d) 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; or
- 10 (e) 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 con-  
cerning the granting of a privilege to him  
in accordance with a recommendation  
made to that board with respect to him  
by a credentials committee,

15 (10) (a) Section 33J (2) (b)—  
Omit “or”.

(b) Section 33J (2) (c)—  
Omit “section 33H (2).”, insert instead “section  
33H (2);”.

20 (c) Section 33J (2) (d), (e), (f)—

After section 33J (2) (c), insert :—

- (d) where the appeal is made under section  
33I (2) (c)—the date of the recom-  
mendation of the credentials committee;
- 25 (e) where the appeal is made under section  
33I (2) (d)—the date of expiration of  
the period of 30 days referred to in  
section 33I (2) (d); or

SCHEDULE

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*Public Hospitals (Amendment).*

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SCHEDULE 3—*continued.*

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

5 (f) where the appeal is made under section  
33i (2) (e)—the date of expiration of  
the period of 30 days referred to in  
section 33i (2) (e).

(11) (a) Section 33k (1) (a)—  
10 After “appellant”, insert “, not being a reason  
relating to a matter referred to in section 33i  
(2) (c) or (d),”.

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

(c) Section 33k (1) (a1)—  
15 After section 33k (1) (a), insert :—  
(a1) where the ground of the appeal relates  
solely to a ground referred to in section  
33i (2) (c) or (d)—either 3 or 5  
20 persons 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)—  
25 After “subsection (1) (a)”, insert “or (a1)”.

SCHEDULE



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*Public Hospitals (Amendment).*

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SCHEDULE 3—*continued.*

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

(f) Section 33K (4)—

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

(12) Section 33P (b)—

After “concerned”, insert “or the final recommendation of the credentials committee concerned, as the case may be,”.

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10

SCHEDULE 4.

Sec. 4.

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

(1) Section 1 (2)—

After the matter relating to Part VI, insert :—

15

PART VIA.—PRINCE HENRY HOSPITAL.

(2) Section 17 (1)—

Omit “Colonial”.

(3) Section 19 (2) (c)—

Omit “, as amended from time to time”.

SCHEDULE

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*Public Hospitals (Amendment).*

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SCHEDULE 4—*continued.*

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

(4) Section 29B (3)—

5 Omit the subsection.

(5) Section 40 (3)—

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

(6) (a) Section 42 (2)—

10 Omit the subsection, insert instead :—

(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  
15 (Amendment) Act, 1969.

(b) Section 42 (5)—

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

*Public Hospitals (Amendment).*

## SCHEDULE 5.

Sec. 7.

## REPEALS.

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

## SCHEDULE 6.

Sec. 8.

## AMENDMENT TO THE DEFAMATION ACT, 1974.

## Section 17C—

20 After section 17B, insert :—

17C. There is a defence of absolute privilege for the publication under section 33H of the Public Hospitals Act, 1929, of a decision and the reasons for that decision of a board of directors of a hospital.

Certain decisions of hospital boards under Public Hospitals Act, 1929.

BY AUTHORITY

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



1. The first part of the paper is devoted to a general discussion of the problem of the origin of life. It is shown that the problem is one of the most important and interesting in the history of science, and that it has been the subject of many different theories and hypotheses. The author then proceeds to discuss the various theories and hypotheses, and to show that the most plausible one is the one which assumes that life originated from non-living matter.

2. The second part of the paper is devoted to a discussion of the various theories and hypotheses which have been advanced to explain the origin of life. It is shown that the most plausible one is the one which assumes that life originated from non-living matter. The author then proceeds to discuss the various theories and hypotheses, and to show that the most plausible one is the one which assumes that life originated from non-living matter.

3. The third part of the paper is devoted to a discussion of the various theories and hypotheses which have been advanced to explain the origin of life. It is shown that the most plausible one is the one which assumes that life originated from non-living matter. The author then proceeds to discuss the various theories and hypotheses, and to show that the most plausible one is the one which assumes that life originated from non-living matter.

No. , 1976.

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## 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

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*Public Hospitals (Amendment).*

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rights of appeal on medical practitioners and dentists against certain decisions of hospital boards and recommendations of credentials committees; to validate certain matters; to repeal the Public Institutions Inspection Act, 1901, and certain other enactments; and to amend the Defamation Act, 1974, to provide a defence of absolute privilege in respect of certain decisions of hospital boards.

[MR K. J. STEWART—2 November, 1976.]

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**B**E 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-  
(5) and (6), 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 (2) (b) and (14) (b) and (c) shall be deemed to have commenced on 3rd September, 1976.

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

(5)



*Public Hospitals (Amendment).*

(5) Section 8 and Schedules 2 and 6 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.

5 (6) Schedule 3 shall commence on such day, not being earlier than the day appointed and notified under subsection (5) in respect of section 8 and Schedules 2 and 6, as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

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

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

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

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

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

20 SCHEDULE 5.—REPEALS.

SCHEDULE 6.—AMENDMENT TO THE DEFAMATION ACT, 1974.

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

25 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 that Act, shall be deemed to be and always to have been  
30 validly incorporated under that Act. Validation  
—incor-  
poration of  
hospitals.

*Public Hospitals (Amendment).*

(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 the Second Schedule to that Act after the commencement of  
5 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, 1929, as amended by this Act, had been in force on the date  
10 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 commencement of this section.

15 6. Subject to this Act, a person who, immediately before the date of assent to this Act, was a director of an incorporated hospital within the meaning of the Public Hospitals Act, 1929, shall continue to be a director and shall hold the office of  
20 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

25 (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  
30 5, repealed. Repeals.

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*Public Hospitals (Amendment).*

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8. The Defamation Act, 1974, is amended in the manner set forth in Schedule 6. Amendment  
of Act No.  
18, 1974.

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SCHEDULE 1.

Sec. 4.

5 MISCELLANEOUS AMENDMENTS TO THE PUBLIC HOSPITALS  
ACT, 1929.

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

After the definition of "Commission", insert :—

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

10 (2) (a) Section 11 (1) (a)–(b2)—

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

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

(i) patient care within hospitals;  
and

(ii) services provided by hospitals;

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

SCHEDULE



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*Public Hospitals (Amendment).*

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SCHEDULE 1—*continued.*

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

- 5 (b1) to make or cause to be made careful  
inquiry into the standards of—
- (i) administration and management  
of any hospital; and
  - (ii) services provided by hospitals;
- 10 (b2) to cause hospitals to be inspected from  
time to time;

(b) Section 11 (3)—

After “may”, insert “amalgamate or”.

(c) Section 11 (4)–(6)—

After section 11 (3), insert :—

- 15 (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 prescribed form.
- 20 (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  
25 carried out therein, produce the certificate of his  
authority to that person.

SCHEDULE

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*Public Hospitals (Amendment).*

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SCHEDULE 1—*continued.*

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

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

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

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

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

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

(iii) require the chief executive  
officer of a hospital or an  
associated organisation or, in  
the absence of the chief  
25 executive officer, any person to  
produce any accounts, records,  
books, documents, goods or  
other things in the possession  
or under the control of the  
30 chief executive officer or that  
person which relate to, or  
which the person authorised  
under subsection (4) believes  
on reasonable grounds relate

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

5 to, the operation or administra-  
tion of that hospital or  
associated organisation.

(3) (a) Section 14 (1) (a)—

Omit “the subscribers for the time being thereto”.

(b) Section 14 (1) (e)—

10 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  
15 member of the retiring board (if otherwise  
qualified) shall be eligible for re-election pur-  
suant to the provisions of Part V”, insert instead  
“or the next appointment of members of the  
board of the new hospital in accordance with this  
20 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”.

(4) Section 18 (2)—

Omit the subsection, insert instead :—

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

(a) if the hospital is not a body corporate—the  
hospital shall thereby be constituted a body  
30 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 corporate 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.

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

(9) (a) Section 22 (1A)—

5 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",  
10 insert instead "Each board of a hospital incor-  
porated under the provisions of this Act".

(b) Section 22 (1A)—

Omit "and appointed", insert instead ", appointed  
or partly elected and partly appointed".

(c) Section 22 (2)—(2B)—

15 Omit section 22 (2), insert instead :—

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

20 (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.

25 (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-  
30 quent like order, determine the number of  
directors to be elected by the subscribers of any  
class.

SCHEDULE

SCHEDULE 1—*continued.*

(10) Section 23C (2), (3)—

25 (a) if he dies;

## SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

- 5 (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 ;
- 10 (c) if he resigns his office by writing under his  
hand addressed to the Minister and the  
Minister accepts his resignation ;
- 15 (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 ;
- 20 (e) if he becomes a temporary patient, a con-  
tinued 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 ;
- 25 (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  
a felony or a misdemeanour so punishable ;
- 30 (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—

SCHEDULE

---

*Public Hospitals (Amendment).*

---

SCHEDULE 1—*continued.*

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

- 5 (i) he fails, as soon as practicable after  
the commencement of the meeting,  
to disclose to the meeting his interest  
in; or
- 10 (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;
- (h) if he is removed from office by the  
Governor; or
- 15 (i) on the day on which he attains the age of  
70 years.
- (2) A director shall, for the purposes of  
subsection (1) (g), be deemed not to have a pecuniary  
interest in an agreement, proposed agreement or  
20 other matter if—
- (a) the interest is less than \$200 in any hospital  
year;
- (b) the interest is an interest in common with  
the members of—
- 25 (i) a corporate body; or
- (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 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 in office of appointed director.

- 15 (13) Section 25—

Omit the section.

- (14) (a) Section 29J (b)—

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

- (b) Section 29J (b)—

- 20 Omit "or".

- (c) Section 29J (b1)—

After section 29J (b), insert :—

- 25 (b1) where the Commission has amalgamated 2 or more hospitals specified in that Schedule—

- (i) if the hospitals were amalgamated under a name which is different from the names of the hospitals amalgamated—by inserting the

**SCHEDULE**



---

*Public Hospitals (Amendment).*

---

SCHEDULE 1—*continued.*

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

5 name under which the hospitals  
were amalgamated and by remov-  
ing the names of the hospitals  
amalgamated; or

(ii) if the hospitals were amalgamated  
under the name of one of the  
10 hospitals amalgamated—by re-  
moving the name or names of the  
other hospital or hospitals  
amalgamated; or

(d) Section 29J (c)—

15 Omit “remove”, insert instead “by removing”.

(15) Section 33C—

Omit the section.

(16) Section 40 (4)—

Omit the subsection.

20

---

SCHEDULE 2.

Sec. 4.

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

(1) Section 1 (2)—

Before the matter relating to Part VII, insert :—

25

PART VIb.—APPEALS.

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

(2) Part VIb—

5 Before Part VII, insert :—

PART VIb.

APPEALS.

33G. In this Part—

Interpre-  
tation:  
Pt. VIb.

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

“board” includes, in relation to—

- 15 (a) a separate institution—the governing  
body of that separate institution; and  
(b) the hospital constituted under the Prince  
Alfred Hospital Act, 1902—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.

33H. (1) Where a board—

Board to  
notify  
certain  
decisions.

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

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

- 5 (b) decides not to re-appoint a person as a  
visiting practitioner; or
- (c) suspends or terminates the appointment of a  
person as a visiting practitioner,

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

- 10 (2) A person to whom notice is given under  
subsection (1) may request the board, in writing,  
within 14 days of the date of receipt of that notice,  
to notify him of the reasons for its decision.

- 15 (3) Where a board receives a request under  
subsection (2), it shall, within 7 days of the date of  
receipt of that request, notify the person making that  
request of the reasons for its decision.

- 20 33I. (1) Where a person who has been notified Appeals.  
under section 33H (3) of the reasons for a decision  
of a board is dissatisfied with that decision, he may  
appeal to the Commission.

- (2) Where a person is dissatisfied with—
- 25 (a) 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



*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

- 5 (b) the failure or refusal of a board to notify  
that person in accordance with section 33H  
(3) of the reasons for a decision made by  
it referred to in section 33H (1),  
he may appeal to the Commission.

10 33J. (1) An appellant shall, in the prescribed form Notice of  
and manner, give notice to the Commission of the appeal.  
grounds of his appeal.

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

- 15 (a) where the appeal is made under section 33I  
(1)—the date on which the board notified  
the appellant under section 33H (3) of the  
reasons for its decision ;  
20 (b) where the appeal is made under section 33I  
(2) (a)—the date of expiration of the  
period of 30 days referred to in section  
33I (2) (a); or  
25 (c) where the appeal is made under section 33I  
(2) (b)—the date of expiration of a period  
of 14 days after the making of the request  
under section 33H (2).

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

- 30 (a) the Commission may determine the appeal ;  
or

SCHEDULE

---

*Public Hospitals (Amendment).*

---

SCHEDULE 2—*continued.*

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

- 5 (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  
Committee shall consist of— of Com-  
mittee.

- 10 (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 appeal is made under  
section 33I (2) (a) or (b)—

- 15 (i) either 3 or 5 persons nominated by  
the Commission, one of whom shall  
be nominated by the Commission as  
the Chairman;
- (ii) a person nominated by the board  
concerned; and
- 20 (iii) a person nominated by the  
appellant; or

- (b) except as provided in paragraph (a)—
- 25 (i) a person nominated by the  
Commission who shall be the  
Chairman;
- (ii) a person nominated by the board  
concerned; and
- (iii) a person nominated by the  
appellant.

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

(2) A person shall not be appointed—

- 5 (a) in pursuance of a nomination under sub-  
section (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
- 10 (b) in pursuance of a nomination under sub-  
section (1) (b) (ii) or (iii) unless the  
Commission is satisfied that the person  
nominated is sufficiently experienced in the  
conduct of hospitals to warrant his being  
15 appointed.

(3) If the board concerned 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 Commission may  
20 nominate a person who shall be a 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).

25 (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.

30 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.

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

5 33M. (1) In any proceedings before the Commis- Right of  
sion or a Committee, the parties to the proceedings appear-  
may appear in person or by an agent but no party ance.  
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.

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

15 33N. (1) The Commission or a Committee shall, Powers  
for the purposes of the appeal, have the powers, of and  
authorities, protections and immunities conferred by procedure  
the Royal Commissions Act, 1923, on a commissioner before the  
and the chairman of a commission respectively, Commission  
appointed under Division 1 of Part II of that Act, and or a Com-  
that Act, Division 2 of Part II excepted, shall apply to mittee.  
20 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.

25 (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.

30 33O. (1) The Commission or a Committee shall Determin-  
determine the appeal and may make such order with ation of  
respect to the matter the subject of the appeal as to appeal.  
the Commission or Committee, as the case may be,  
seems proper.

SCHEDULE

---

*Public Hospitals (Amendment).*

---

SCHEDULE 2—*continued.*

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

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

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
- 10 (b) shall be deemed to be the final decision of  
the board concerned and shall be given  
effect to accordingly.

---

SCHEDULE 3.

Sec. 4.

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

- (1) Section 1 (2)—

After the matter relating to Part V, insert :—

DIVISION 1.—*General.*

DIVISION 2.—*Privileges.*

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 3—*continued.*

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

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

5           After the definition of “Commission”, insert :—

                  “Credentials committee”, in relation to a  
                  hospital, means a committee estab-  
                  lished in accordance with the regulations  
10               made under this Act, being a committee  
                  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  
15               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.

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

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

                  “Privilege”, in relation to a medical prac-  
                  titioner or a dentist, means an  
25               accreditation granted by a board, on the  
                  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  
30               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.

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 3—*continued.*

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

(3) Section 4 (1)—

5 Omit “Parts IV and V”, insert instead “Part IV and  
Division 1 of Part V”.

(4) Part V, heading to Division 1—

Before section 21A, insert :—

DIVISION 1.—*General.*

10 (5) Section 21A—

Omit “Part”, insert instead “Division”.

(6) Section 23A—

Omit “Part”, insert instead “Division”.

(7) Part V, Division 2—

15 After section 29A, insert :—

DIVISION 2.—*Privileges.*

20 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  
perform-  
ance of  
certain  
work.

25 (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—

- 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.

SCHEDULE

---

*Public Hospitals (Amendment).*

---

SCHEDULE 3—*continued.*

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

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

(8) (a) Section 33H (1) (b)—

Omit “or”.

(b) Section 33H (1) (c)—

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

(c) Section 33H (1) (d)—

After section 33H (1) (c), insert :—

15           (d) decides not to grant a privilege to a  
person in accordance with a recommen-  
dation made to it with respect to that  
person by a credentials committee,

(9) (a) Section 33I (2) (a)—

Omit “or” where secondly occurring.

20           (b) Section 33I (2) (b)—

Omit “section 33H (1),” insert instead “section  
33H (1);”.

(c) Section 33I (2) (c), (d), (e)—

After section 33I (2) (b), insert :—

25           (c) a recommendation of a credentials  
committee to a board;

SCHEDULE



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*Public Hospitals (Amendment).*

---

SCHEDULE 3—*continued.*

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

- 5 (d) 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; or
- 10 (e) 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 the granting of a privilege to him in accordance with a recommendation made to that board with respect to him by a credentials committee,
- 15 (10) (a) Section 33J (2) (b)—  
Omit “or”.
- (b) Section 33J (2) (c)—  
Omit “section 33H (2).”, insert instead “section 33H (2);”.
- 20 (c) Section 33J (2) (d), (e), (f)—  
After section 33J (2) (c), insert :—
  - (d) where the appeal is made under section 33I (2) (c)—the date of the recommendation of the credentials committee;
  - 25 (e) where the appeal is made under section 33I (2) (d)—the date of expiration of the period of 30 days referred to in section 33I (2) (d); or

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 3—*continued.*

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

5 (f) where the appeal is made under section  
33i (2) (e)—the date of expiration of  
the period of 30 days referred to in  
section 33i (2) (e).

(11) (a) Section 33k (1) (a)—

10 After “appellant”, insert “, not being a reason  
relating to a matter referred to in section 33i  
(2) (c) or (d),”.

(b) Section 33k (1) (a) (iii)—

Omit “or”.

(c) Section 33k (1) (a1)—

15 After section 33k (1) (a), insert :—

(a1) where the ground of the appeal relates  
solely to a ground referred to in section  
33i (2) (c) or (d)—either 3 or 5  
20 persons 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)—

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

SCHEDULE

---

*Public Hospitals (Amendment).*

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SCHEDULE 3—*continued.*

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

(f) Section 33K (4)—

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

(12) Section 33P (b)—

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

---

10

SCHEDULE 4.

Sec. 4.

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

(1) Section 1 (2)—

After the matter relating to Part VI, insert :—

15

PART VIA.—PRINCE HENRY HOSPITAL.

(2) Section 17 (1)—

Omit “Colonial”.

(3) Section 19 (2) (c)—

Omit “, as amended from time to time”.

SCHEDULE



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*Public Hospitals (Amendment).*

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SCHEDULE 4—*continued.*

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

(4) Section 29B (3)—

5 Omit the subsection.

(5) Section 40 (3)—

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

(6) (a) Section 42 (2)—

10 Omit the subsection, insert instead :—

(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.

15

(b) Section 42 (5)—

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

*Public Hospitals (Amendment).*

## SCHEDULE 5.

Sec. 7.

## REPEALS.

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

## SCHEDULE 6.

Sec. 8.

## AMENDMENT TO THE DEFAMATION ACT, 1974.

## Section 17C—

20 After section 17B, insert :—

17C. There is a defence of absolute privilege for the publication under section 33H of the Public Hospitals Act, 1929, of a decision and the reasons for that decision of a board of directors of a hospital.

Certain decisions of hospital boards under Public Hospitals Act, 1929.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976  
[32c]





## PUBLIC HOSPITALS (AMENDMENT) BILL, 1976

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### 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) (a)); 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) (a) and (c));
- (b) to enable the Commission to amalgamate hospitals operated by it (Schedule 1 (2) (b));
- (c) to provide for the election or appointment of directors on the amalgamation of incorporated hospitals (Schedule 1 (3));
- (d) to facilitate the incorporation of hospitals (Schedule 1 (4));
- (e) to provide that a hospital may acquire real property only with the consent of the Commission (Schedule 1 (6));
- (f) to provide, in such cases as are appropriate, for the persons who shall be subscribers of hospitals (Schedule 1 (7) and (9));
- (g) 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));
- (h) 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 (15));

- (i) 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);
  - (j) 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);
  - (k) 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);
  - (l) to validate the incorporation of certain hospitals (clause 5);
  - (m) to repeal the Public Institutions Inspection Act, 1901 (Schedule 5);
  - (n) to amend the Defamation Act, 1974, to provide a defence of absolute privilege in respect of the decisions of hospital boards referred to in paragraphs (j) (ii) and (k) (ii); 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**



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*Public Hospitals (Amendment).*

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rights of appeal on medical practitioners and dentists against certain decisions of hospital boards and recommendations of credentials committees; to validate certain matters; to repeal the Public Institutions Inspection Act, 1901, and certain other enactments; and to amend the Defamation Act, 1974, to provide a defence of absolute privilege in respect of certain decisions of hospital boards.

[MR K. J. STEWART—2 NOVEMBER, 1976]

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**B**E 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-  
(5) and (6), 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 (2) (b) and (14) (b) and (c) shall be deemed to have commenced on 3rd September, 1976.

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

(5)

*Public Hospitals (Amendment).*

(5) Section 8 and Schedules 2 and 6 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.

5 (6) Schedule 3 shall commence on such day, not being earlier than the day appointed and notified under subsection (5) in respect of section 8 and Schedules 2 and 6, as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

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

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

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

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

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

20 SCHEDULE 5.—REPEALS.

SCHEDULE 6.—AMENDMENT TO THE DEFAMATION ACT, 1974.

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

25 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 that Act, shall be deemed to be and always to have been  
30 validly incorporated under that Act. Validation  
—incor-  
poration of  
hospitals.

*Public Hospitals (Amendment).*

(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 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, 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 commencement of this section.

6. Subject to this Act, a person who, immediately before the date of assent to this Act, was a director of an incorporated hospital within the meaning of the Public Hospitals Act, 1929, 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

(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.

Repeals.



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*Public Hospitals (Amendment).*

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8. The Defamation Act, 1974, is amended in the manner set forth in Schedule 6. Amendment  
of Act No.  
18, 1974.

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SCHEDULE 1.

Sec. 4.

5 MISCELLANEOUS AMENDMENTS TO THE PUBLIC HOSPITALS  
ACT, 1929.

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

After the definition of "Commission", insert :—

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

10 (2) (a) Section 11 (1) (a)–(b2)—

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

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

(i) patient care within hospitals;  
and

(ii) services provided by hospitals;

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

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

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

(i) administration and management  
of any hospital; and

(ii) services provided by hospitals;

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

(b) Section 11 (3)—

After “may”, insert “amalgamate or”.

(c) Section 11 (4)–(6)—

After section 11 (3), insert :—

15 (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 prescribed form.

20 (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  
25 carried out therein, produce the certificate of his  
authority to that person.

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

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

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

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

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

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

(iii) require the chief executive  
officer of a hospital or an  
associated organisation or, in  
the absence of the chief  
25 executive officer, any person to  
produce any accounts, records,  
books, documents, goods or  
other things in the possession  
or under the control of the  
30 chief executive officer or that  
person which relate to, or  
which the person authorised  
under subsection (4) believes  
on reasonable grounds relate

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

5 to, the operation or administra-  
tion of that hospital or  
associated organisation.

(3) (a) Section 14 (1) (a)—

Omit “the subscribers for the time being thereto”.

(b) Section 14 (1) (e)—

10 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  
15 member of the retiring board (if otherwise  
qualified) shall be eligible for re-election pur-  
suant to the provisions of Part V”, insert instead  
“or the next appointment of members of the  
board of the new hospital in accordance with this  
20 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”.

(4) Section 18 (2)—

Omit the subsection, insert instead :—

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

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

SCHEDULE

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*Public Hospitals (Amendment).*

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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 corporate 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.

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

(9) (a) Section 22 (1A)—

5 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";  
10 insert instead "Each board of a hospital incor-  
porated under the provisions of this Act".

(b) Section 22 (1A)—

Omit "and appointed", insert instead ", appointed  
or partly elected and partly appointed".

(c) Section 22 (2)–(2B)—

15 Omit section 22 (2), insert instead :—

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

20 (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.

25 (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-  
30 quent like order, determine the number of  
directors to be elected by the subscribers of any  
class.

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

(10) Section 23c (2), (3)—

5 At the end of section 23c, insert :—

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

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

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

15 (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)—

20 Omit the paragraphs.

(12) Sections 24A, 24B—

After section 24, insert :—

24A. (1) A director shall be deemed to have vacation  
vacated his office— of  
office.

25 (a) if he dies;

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

- 5 (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;
- 10 (c) if he resigns his office by writing under his  
hand addressed to the Minister and the  
Minister accepts his resignation;
- 15 (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;
- 20 (e) if he becomes a temporary patient, a con-  
tinued 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;
- 25 (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  
a felony or a misdemeanour so punishable;
- 30 (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—

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

- 5 (i) he fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting his interest in; or
- 10 (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;
- (h) if he is removed from office by the Governor; or
- 15 (i) on the day on which he attains the age of 70 years.
- (2) 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—
- 25 (i) a corporate body; or
- (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 circum-  
stances 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 <sup>Filling</sup>  
of a director otherwise than by the expiration of the <sup>casual</sup>  
term for which he was appointed, the Minister may, <sup>vacancy</sup>  
by notification published in the Gazette, appoint a <sup>in office of</sup>  
person to hold office as a director for the balance of <sup>appointed</sup>  
his predecessor's term of office. <sup>director.</sup>

- 15 (13) Section 25—

Omit the section.

- (14) (a) Section 29J (b)—

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

- (b) Section 29J (b)—

- 20 Omit "or".

- (c) Section 29J (b1)—

After section 29J (b), insert :—

- 25 (b1) where the Commission has amalgamated  
2 or more hospitals specified in that  
Schedule—

- (i) if the hospitals were amalgamated  
under a name which is different  
from the names of the hospitals  
amalgamated—by inserting the

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 1—*continued.*

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

5 name under which the hospitals  
were amalgamated and by remov-  
ing the names of the hospitals  
amalgamated; or

10 (ii) if the hospitals were amalgamated  
under the name of one of the  
hospitals amalgamated—by re-  
moving the name or names of the  
other hospital or hospitals  
amalgamated; or

(d) Section 29J (c)—

15 Omit “remove”, insert instead “by removing”.

(15) Section 33c—

Omit the section.

(16) Section 40 (4)—

Omit the subsection.

20 SCHEDULE 2.

Sec. 4.

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

(1) Section 1 (2)—

Before the matter relating to Part VII, insert :—

25 PART VIB.—APPEALS.

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

(2) Part VIb—

5 Before Part VII, insert :—

PART VIb.

APPEALS.

33G. In this Part—

Interpre-  
tation:  
Pt. VIb.

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

“board” includes, in relation to—

- 15 (a) a separate institution—the governing  
body of that separate institution; and  
(b) the hospital constituted under the Prince  
Alfred Hospital Act, 1902—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.

33H. (1) Where a board—

Board to  
notify  
certain  
decisions.

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

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

5 (b) decides not to re-appoint a person as a  
visiting practitioner; or

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

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

10 (2) A person to whom notice is given under  
subsection (1) may request the board, in writing,  
within 14 days of the date of receipt of that notice,  
to notify him of the reasons for its decision.

15 (3) Where a board receives a request under  
subsection (2), it shall, within 7 days of the date of  
receipt of that request, notify the person making that  
request of the reasons for its decision.

20 33I. (1) Where a person who has been notified Appeals.  
under section 33H (3) of the reasons for a decision  
of a board is dissatisfied with that decision, he may  
appeal to the Commission.

(2) Where a person is dissatisfied with—

25 (a) 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

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*Public Hospitals (Amendment).*

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

- 5 (b) the failure or refusal of a board to notify  
that person in accordance with section 33H  
(3) of the reasons for a decision made by  
it referred to in section 33H (1),

he may appeal to the Commission.

- 10 33J. (1) An appellant shall, in the prescribed form Notice of  
and manner, give notice to the Commission of the appeal.  
grounds of his appeal.

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

- 15 (a) where the appeal is made under section 33I  
(1)—the date on which the board notified  
the appellant under section 33H (3) of the  
reasons for its decision;
- 20 (b) where the appeal is made under section 33I  
(2) (a)—the date of expiration of the  
period of 30 days referred to in section  
33I (2) (a); or
- 25 (c) where the appeal is made under section 33I  
(2) (b)—the date of expiration of a period  
of 14 days after the making of the request  
under section 33H (2).

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

- 30 (a) the Commission may determine the appeal;  
or

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

- 5 (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  
Committee shall consist of— of Com-  
mittee.

- 10 (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 appeal is made under  
section 33I (2) (a) or (b)—

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

- (ii) a person nominated by the board  
concerned; and

- 20 (iii) a person nominated by the  
appellant; or

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

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

- (ii) a person nominated by the board  
concerned; and

- (iii) a person nominated by the  
appellant.

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

(2) A person shall not be appointed—

- 5 (a) in pursuance of a nomination under sub-  
section (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
- 10 (b) in pursuance of a nomination under sub-  
section (1) (b) (ii) or (iii) unless the  
Commission is satisfied that the person  
nominated is sufficiently experienced in the  
conduct of hospitals to warrant his being  
15 appointed.

(3) If the board concerned 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 Commission may  
20 nominate a person who shall be a 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).

25 (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.

30 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.

SCHEDULE

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*Public Hospitals (Amendment).*

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

5        33M. (1) In any proceedings before the Commis- Right of  
sion or a Committee, the parties to the proceedings appear-  
may appear in person or by an agent but no party ance.  
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.

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

15        33N. (1) The Commission or a Committee shall, Powers  
for the purposes of the appeal, have the powers, of and  
authorities, protections and immunities conferred by procedure  
the Royal Commissions Act, 1923, on a commissioner before the  
and the chairman of a commission respectively, Commission  
appointed under Division 1 of Part II of that Act, and or a Com-  
that Act, Division 2 of Part II excepted, shall apply to mittee.  
20        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.

25        (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.

30        33O. (1) The Commission or a Committee shall Determine-  
determine the appeal and may make such order with ation of  
respect to the matter the subject of the appeal as to appeal.  
the Commission or Committee, as the case may be,  
seems proper.

## SCHEDULE

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*Public Hospitals (Amendment).*

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SCHEDULE 2—*continued.*

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

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

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
- 10 (b) shall be deemed to be the final decision of  
the board concerned and shall be given  
effect to accordingly.

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SCHEDULE 3.

Sec. 4.

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

- (1) Section 1 (2)—

After the matter relating to Part V, insert :—

DIVISION 1.—*General.*

DIVISION 2.—*Privileges.*

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 3—*continued.*

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

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

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

"Credentials committee", in relation to a hospital, means a committee established in accordance with the regulations made under this Act, being a committee  
10 so established in relation to that hospital or a group of hospitals to which that hospital belongs to make recommendations to the board of that hospital or a board of a hospital of that group, as the  
15 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.

20 (b) Section 3, definition of "Privilege"—

After the definition of "Private hospital", insert :—

"Privilege", in relation to a medical practitioner or a dentist, means an  
25 accreditation granted by a board, on the recommendation of a credentials committee, accrediting that medical practitioner or dentist, as the case may be, to perform in the hospital governed and  
30 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.

SCHEDULE

*Public Hospitals (Amendment).*

**SCHEDULE 3—continued.**

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

- (3) Section 4 (1)—
- 5 Omit “Parts IV and V”, insert instead “Part IV and Division 1 of Part V”.
- (4) Part V, heading to Division 1—  
Before section 21A, insert :—
- DIVISION 1.—General.**
- 10 (5) Section 21A—  
Omit “Part”, insert instead “Division”.
- (6) Section 23A—  
Omit “Part”, insert instead “Division”.
- (7) Part V, Division 2—
- 15 After section 29A, insert :—
- DIVISION 2.—Privileges.**
- 20 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—
- 25 (a) if he is not the holder of a privilege granted in respect of that work under the regulations made under section 29AB; or

Board may  
refuse the  
perform-  
ance of  
certain  
work.

**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—

- 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.

SCHEDULE



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*Public Hospitals (Amendment).*

---

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

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

(8) (a) Section 33H (1) (b)—  
Omit “or”.

10 (b) Section 33H (1) (c)—  
Omit “practitioner,” insert instead “practitioner;  
or”.

(c) Section 33H (1) (d)—  
After section 33H (1) (c), insert :—

15 (d) decides not to grant a privilege to a  
person in accordance with a recommen-  
dation made to it with respect to that  
person by a credentials committee,

(9) (a) Section 33I (2) (a)—  
Omit “or” where secondly occurring.

20 (b) Section 33I (2) (b)—  
Omit “section 33H (1),” insert instead “section  
33H (1);”.

(c) Section 33I (2) (c), (d), (e)—  
After section 33I (2) (b), insert :—

25 (c) a recommendation of a credentials  
committee to a board;

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 3—*continued.*

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

- 5 (d) 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; or
- 10 (e) 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 the granting of a privilege to him in accordance with a recommendation made to that board with respect to him by a credentials committee,
- 15 (10) (a) Section 33J (2) (b)—  
Omit “or”.
- (b) Section 33J (2) (c)—  
Omit “section 33H (2).”, insert instead “section 33H (2);”.
- 20 (c) Section 33J (2) (d), (e), (f)—  
After section 33J (2) (c), insert :—
- (d) where the appeal is made under section 33I (2) (c)—the date of the recommendation of the credentials committee;
- 25 (e) where the appeal is made under section 33I (2) (d)—the date of expiration of the period of 30 days referred to in section 33I (2) (d); or

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 3—*continued.*

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

5 (f) where the appeal is made under section  
33I (2) (e)—the date of expiration of  
the period of 30 days referred to in  
section 33I (2) (e).

(11) (a) Section 33K (1) (a)—

10 After “appellant”, insert “, not being a reason  
relating to a matter referred to in section 33I  
(2) (c) or (d),”.

(b) Section 33K (1) (a) (iii)—

Omit “or”.

(c) Section 33K (1) (a1)—

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

(a1) where the ground of the appeal relates  
solely to a ground referred to in section  
33I (2) (c) or (d)—either 3 or 5  
20 persons 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)—

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

SCHEDULE



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*Public Hospitals (Amendment).*

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SCHEDULE 3—*continued.*

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

(f) Section 33k (4)—

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

(12) Section 33p (b)—

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

10

SCHEDULE 4.

Sec. 4.

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

(1) Section 1 (2)—

After the matter relating to Part VI, insert :—

15

PART VIA.—PRINCE HENRY HOSPITAL.

(2) Section 17 (1)—

Omit “Colonial”.

(3) Section 19 (2) (c)—

Omit “, as amended from time to time”.

SCHEDULE

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*Public Hospitals (Amendment).*

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SCHEDULE 4—*continued.*

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

(4) Section 29B (3)—

5 Omit the subsection.

(5) Section 40 (3)—

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

(6) (a) Section 42 (2)—

10 Omit the subsection, insert instead :—

(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  
15 (Amendment) Act, 1969.

(b) Section 42 (5)—

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

*Public Hospitals (Amendment).*

## SCHEDULE 5.

Sec. 7.

## REPEALS.

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

## SCHEDULE 6.

Sec. 8.

## AMENDMENT TO THE DEFAMATION ACT, 1974.

## Section 17C—

20 After section 17B, insert :—

17C. There is a defence of absolute privilege for the publication under section 33H of the Public Hospitals Act, 1929, of a decision and the reasons for that decision of a board of directors of a hospital.

Certain decisions of hospital boards under Public Hospitals Act, 1929.

BY AUTHORITY

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



Public Hospital (Management)

SCHEIDT & CO.

REPORT

Column 1

Column 2

Section 1

Section 2

1. The Public Hospital (Management) Act, 1970, is a law which provides for the management of public hospitals in the State of New South Wales.

2. The Public Hospital (Management) Act, 1970, is a law which provides for the management of public hospitals in the State of New South Wales.

3. The Public Hospital (Management) Act, 1970, is a law which provides for the management of public hospitals in the State of New South Wales.

12. The Public Hospital (Management) Act, 1970, is a law which provides for the management of public hospitals in the State of New South Wales.

SCHEIDT & CO.

REPORT TO THE DEPARTMENT OF HEALTH, 1970

Section 1

Section 2

1. The Public Hospital (Management) Act, 1970, is a law which provides for the management of public hospitals in the State of New South Wales. The purpose of this report is to provide a detailed analysis of the provisions of the Act and to recommend changes to the Act which are necessary to ensure that the Act is effective in its operation.

## New South Wales



ANNO VICESIMO QUINTO

## ELIZABETHÆ II REGINÆ

\*\*\*\*\*

### Act No. 95, 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

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*Public Hospitals (Amendment).*

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rights of appeal on medical practitioners and dentists against certain decisions of hospital boards and recommendations of credentials committees; to validate certain matters; to repeal the Public Institutions Inspection Act, 1901, and certain other enactments; and to amend the Defamation Act, 1974, to provide a defence of absolute privilege in respect of certain decisions of hospital boards. [Assented to, 8th December, 1976.]

**B**E 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:—

Short title.

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

Commence-  
ment.

**2.** (1) Except as provided in subsections (2), (3), (4), (5) and (6), this Act shall commence on the date of assent to 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.

(3) Schedule 1 (2) (b) and (14) (b) and (c) shall be deemed to have commenced on 3rd September, 1976.

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

(5)



*Public Hospitals (Amendment).*

(5) Section 8 and Schedules 2 and 6 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.

(6) Schedule 3 shall commence on such day, not being earlier than the day appointed and notified under subsection (5) in respect of section 8 and Schedules 2 and 6, as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

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

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

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

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

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

SCHEDULE 5.—REPEALS.

SCHEDULE 6.—AMENDMENT TO THE DEFAMATION ACT, 1974.

4. The Public Hospitals Act, 1929, is amended in the 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 that Act, shall be deemed to be and always to have been validly incorporated under that Act. Validation —incorporation of hospitals.

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*Public Hospitals (Amendment).*

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(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 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, 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 commencement of this section.

Transitional  
provision—  
directors.

6. Subject to this Act, a person who, immediately before the date of assent to this Act, was a director of an incorporated hospital within the meaning of the Public Hospitals Act, 1929, 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—

(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

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

whichever is the lesser.

Repeals.

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.

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*Public Hospitals (Amendment).*

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8. The Defamation Act, 1974, is amended in the manner set forth in Schedule 6. Amendment  
of Act No.  
18, 1974.

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SCHEDULE 1.

Sec. 4.

MISCELLANEOUS AMENDMENTS TO THE PUBLIC HOSPITALS  
ACT, 1929.

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

After the definition of "Commission", insert :—

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

- (2) (a) Section 11 (1) (a)–(b2)—

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

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

(i) patient care within hospitals;  
and

(ii) services provided by hospitals;

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

SCHEDULE



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*Public Hospitals (Amendment).*

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

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

(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 (3)—

After “may”, insert “amalgamate or”.

(c) Section 11 (4)–(6)—

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 prescribed form.

(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, produce the certificate of his authority to that person.

SCHEDULE

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*Public Hospitals (Amendment).*

---

SCHEDULE 1—*continued.*

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

- (6) A person authorised under subsection (4) may at any reasonable time—
- (a) enter and inspect a hospital or an associated organisation; and
  - (b) without limiting the generality of paragraph (a)—
    - (i) make such examination and 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 notes from, any accounts, records, books, documents or other things at a hospital or an associated organisation; and
    - (iii) require the chief executive officer of a hospital or an associated organisation or, in the absence of the chief executive officer, any person to produce any accounts, records, books, documents, goods or other things in the possession or under the control of the chief executive officer or that person which relate to, or which the person authorised under subsection (4) believes on reasonable grounds relate

SCHEDULE

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*Public Hospitals (Amendment).*

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

to, the operation or administration of that hospital or associated organisation.

## (3) (a) Section 14 (1) (a)—

Omit “the subscribers for the time being thereto”.

## (b) Section 14 (1) (e)—

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 pursuant to the provisions of Part V”, insert instead “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”.

## (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—

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

## SCHEDULE



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*Public Hospitals (Amendment).*

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SCHEDULE 1—*continued.*

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

- (b) if the hospital is a body corporate—the hospital shall cease to be that body corporate 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)—

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

(6) Section 20—

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—

Before section 22, insert :—

21A. In this Part—

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

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

Interpre-  
tation:  
Pt. V.

SCHEDULE

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*Public Hospitals (Amendment).*

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

## (9) (a) Section 22 (1A)—

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

## (b) Section 22 (1A)—

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

## (c) Section 22 (2)—(2B)—

Omit section 22 (2), insert instead :—

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

(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.

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

## SCHEDULE

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*Public Hospitals (Amendment).*

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SCHEDULE 1—*continued.*

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

(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—

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

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

(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.

(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;

SCHEDULE



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*Public Hospitals (Amendment).*

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

- (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;
- (c) if he resigns his office by writing under his hand addressed to the Minister and the Minister accepts his resignation;
- (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;
- (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;
- (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 a felony or a misdemeanour so punishable;
- (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—

## SCHEDULE

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*Public Hospitals (Amendment).*

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SCHEDULE 1—*continued.*

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

- (i) he fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting his interest in; or
- (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;
- (h) if he is removed from office by the Governor; or
- (i) on the day on which he attains the age of 70 years.

(2) 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—

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

**SCHEDULE**

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*Public Hospitals (Amendment).*


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

- (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.

Filling  
casual  
vacancy  
in office of  
appointed  
director.

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 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.

## (13) Section 25—

Omit the section.

## (14) (a) Section 29J (b)—

Omit “alter”, insert instead “by altering”.

## (b) Section 29J (b)—

Omit “or”.

## (c) Section 29J (b1)—

After section 29J (b), insert :—

(b1) where the Commission has amalgamated 2 or more hospitals specified in that Schedule—

- (i) if the hospitals were amalgamated under a name which is different from the names of the hospitals amalgamated—by inserting the

SCHEDULE



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*Public Hospitals (Amendment).*

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SCHEDULE 1—*continued.*

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

name under which the hospitals  
were amalgamated and by remov-  
ing the names of the hospitals  
amalgamated; or

- (ii) if the hospitals were amalgamated  
under the name of one of the  
hospitals amalgamated—by re-  
moving the name or names of the  
other hospital or hospitals  
amalgamated; or

- (d) Section 29J (c)—

Omit “remove”, insert instead “by removing”.

- (15) Section 33c—

Omit the section.

- (16) Section 40 (4)—

Omit the subsection.

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SCHEDULE 2.

Sec. 4.

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

- (1) Section 1 (2)—

Before the matter relating to Part VII, insert :—

PART VIb.—APPEALS.

SCHEDULE

---

*Public Hospitals (Amendment).*

---

SCHEDULE 2—*continued.*

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

(2) Part VIB—

Before Part VII, insert :—

PART VIB.

APPEALS.

33G. In this Part—

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

“board” includes, in relation to—

- (a) a separate institution—the governing body of that separate institution; and
- (b) the hospital constituted under the Prince Alfred Hospital Act, 1902—a board constituted in accordance with section 21 of that Act;

“Chairman” means chairman of the Committee;

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

“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.

33H. (1) Where a board—

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

Interpre-  
tation:  
Pt. VIB.

Board to  
notify  
certain  
decisions.

SCHEDULE

---

*Public Hospitals (Amendment).*

---

SCHEDULE 2—*continued.*

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

- (b) decides not to re-appoint a person as a visiting practitioner; or
- (c) suspends or terminates the appointment of a person as a visiting practitioner,

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

(2) A person to whom notice is given under subsection (1) may request the board, in writing, within 14 days of the date of receipt of that notice, to notify him of the reasons for its decision.

(3) Where a board receives a request under subsection (2), it shall, within 7 days of the date of receipt of that request, notify the person making that request of the reasons for its decision.

33I. (1) Where a person who has been notified Appeals.  
under section 33H (3) of the reasons for a decision of a board is dissatisfied with that decision, he may appeal to the Commission.

(2) Where a person is dissatisfied with—

- (a) 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

SCHEDULE



---

*Public Hospitals (Amendment).*


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SCHEDULE 2—*continued.*


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

- (b) the failure or refusal of a board to notify that person in accordance with section 33H (3) of the reasons for a decision made by it referred to in section 33H (1),

he may appeal to the Commission.

**Notice of  
appeal.**

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

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

- (a) where the appeal is made under section 33i (1)—the date on which the board notified the appellant under section 33H (3) of the reasons for its decision;
- (b) where the appeal is made under section 33i (2) (a)—the date of expiration of the period of 30 days referred to in section 33i (2) (a); or
- (c) where the appeal is made under section 33i (2) (b)—the date of expiration of a period of 14 days after the making of the request under section 33H (2).

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

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

SCHEDULE

*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

- (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—

- (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 appeal is made under section 33i (2) (a) or (b)—
  - (i) either 3 or 5 persons nominated by the Commission, one of whom shall be nominated by the Commission as the Chairman;
  - (ii) a person nominated by the board concerned; and
  - (iii) a person nominated by the appellant; or
- (b) except as provided in paragraph (a)—
  - (i) a person nominated by the Commission who shall be the Chairman;
  - (ii) a person nominated by the board concerned; and
  - (iii) a person nominated by the appellant.

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*Public Hospitals (Amendment).*

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

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

(3) If the board concerned 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 Commission may nominate a person who shall be a 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).

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

Date and  
place of  
hearing.

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.

SCHEDULE



*Public Hospitals (Amendment).*

SCHEDULE 2—*continued.*

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

33M. (1) In any proceedings before the Commission 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.

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

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 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.

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

(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.

33O. (1) The Commission or a Committee shall determine the appeal and may make such order with respect to the matter the subject of the appeal as to the Commission or Committee, as the case may be, seems proper.

Determin-  
ation of  
appeal.

SCHEDULE

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*Public Hospitals (Amendment).*


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

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

Effect and  
implemen-  
tation of  
order.

33P. An order of the Commission or a Committee under section 33o—

- (a) shall have effect from the date thereof; and
- (b) shall be deemed to be the final decision of the board concerned and shall be given effect to accordingly.

**Sec. 4.**

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

(1) Section 1 (2)—

After the matter relating to Part V, insert :—

**DIVISION 1.—General.**

**DIVISION 2.—Privileges.**

**SCHEDULE**

---

*Public Hospitals (Amendment).*

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SCHEDULE 3—*continued.*

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

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

After the definition of “Commission”, insert :—

“Credentials committee”, in relation to a hospital, means a committee established in accordance with the regulations made under this Act, being a committee so established in relation to that hospital or a group of hospitals to which that hospital belongs to make recommendations 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 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”—

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

“Privilege”, in relation to a medical practitioner or a dentist, means an accreditation granted by a board, on the 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 medical practitioner or dentist, as the case may be, as is specified in the instrument by which that accreditation is granted.

SCHEDULE



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*Public Hospitals (Amendment).*


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**SCHEDULE 3—continued.**


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**AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929,  
RELATING TO PRIVILEGES—continued.**
**(3) Section 4 (1)—**

Omit “Parts IV and V”, insert instead “Part IV and Division 1 of Part V”.

**(4) Part V, heading to Division 1—**

Before section 21A, insert :—

**DIVISION 1.—General.**

**(5) Section 21A—**

Omit “Part”, insert instead “Division”.

**(6) Section 23A—**

Omit “Part”, insert instead “Division”.

**(7) Part V, Division 2—**

After section 29A, insert :—

**DIVISION 2.—Privileges.**

Interpreta-  
tion: Pt. V,  
Div. 2.

29AA. In this Division, “board” includes, in relation to—

- (a) a separate institution—the governing body of that separate institution; and
- (b) the hospital constituted under the Prince Alfred Hospital Act, 1902—a board constituted in accordance with section 21 of that Act.

Board may  
refuse the  
perform-  
ance of  
certain  
work.

29AB. Where regulations have been made under section 29AC, a board may refuse to allow a medical practitioner or a dentist to perform any work as a

**SCHEDULE**

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*Public Hospitals (Amendment).*

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

medical practitioner or dentist, as the case may be, in the hospital governed and managed by that board—

- (a) if he is not the holder of a privilege granted in respect of that work under the regulations made under section 29AC; or
- (b) if, in the opinion of the board, he is unsuitable to perform that work.

29AC. (1) The Governor may, on the recommendation of the Commission, make regulations for or with respect to—

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

## SCHEDULE

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*Public Hospitals (Amendment).*


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**SCHEDULE 3—continued.**


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

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

(8) (a) Section 33H (1) (b)—

Omit “or”.

(b) Section 33H (1) (c)—

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

(c) Section 33H (1) (d)—

After section 33H (1) (c), insert :—

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

(9) (a) Section 33I (2) (a)—

Omit “or” where secondly occurring.

(b) Section 33I (2) (b)—

Omit “section 33H (1),”, insert instead “section 33H (1) ;”.

(c) Section 33I (2) (c), (d), (e)—

After section 33I (2) (b), insert :—

(c) a recommendation of a credentials committee to a board ;

**SCHEDULE**



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*Public Hospitals (Amendment).*

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SCHEDULE 3—*continued.*

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

- (d) 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; or
- (e) 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 the granting of a privilege to him in accordance with a recommendation made to that board with respect to him by a credentials committee,

(10) (a) Section 33J (2) (b)—

Omit “or”.

(b) Section 33J (2) (c)—

Omit “section 33H (2).”, insert instead “section 33H (2);”.

(c) Section 33J (2) (d), (e), (f)—

After section 33J (2) (c), insert :—

- (d) where the appeal is made under section 33I (2) (c)—the date of the recommendation of the credentials committee;
- (e) where the appeal is made under section 33I (2) (d)—the date of expiration of the period of 30 days referred to in section 33I (2) (d); or

SCHEDULE

---

*Public Hospitals (Amendment).*

---

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

(f) where the appeal is made under section 33I (2) (e)—the date of expiration of the period of 30 days referred to in section 33I (2) (e).

## (11) (a) Section 33K (1) (a)—

After “appellant”, insert “, not being a reason relating to a matter referred to in section 33I (2) (c) or (d),”.

## (b) Section 33K (1) (a) (iii)—

Omit “or”.

## (c) Section 33K (1) (a1)—

After section 33K (1) (a), insert :—

(a1) where the ground of the appeal relates solely to a ground referred to in section 33I (2) (c) or (d)—either 3 or 5 persons 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)—

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

## SCHEDULE

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*Public Hospitals (Amendment).*

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SCHEDULE 3—*continued.*

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

(f) Section 33K (4)—

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

(12) Section 33P (b)—

After “concerned”, insert “or the final recommendation of the credentials committee concerned, as the case may be,”.

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SCHEDULE 4.

Sec. 4.

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

(1) Section 1 (2)—

After the matter relating to Part VI, insert :—

PART VIA.—PRINCE HENRY HOSPITAL.

(2) Section 17 (1)—

Omit “Colonial”.

(3) Section 19 (2) (c)—

Omit “, as amended from time to time”.

SCHEDULE



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*Public Hospitals (Amendment).*

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

## (4) Section 29B (3)—

Omit the subsection.

## (5) Section 40 (3)—

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

## (6) (a) Section 42 (2)—

Omit the subsection, insert instead :—

(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.

## (b) Section 42 (5)—

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

*Public Hospitals (Amendment).*

## 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.
1929, No. 8 ..	Public Hospitals Act, 1929.	Section 16 (1).
1930, No. 24..	Government Relief Administration Act, 1930.	Section 7 (1).
1972, No. 63..	Health Commission Act, 1972.	So much of Part 1 of the Schedule as amended Act No. 29, 1901.

## SCHEDULE 6.

Sec. 8.

## AMENDMENT TO THE DEFAMATION ACT, 1974.

## Section 17C—

After section 17B, insert :—

17C. There is a defence of absolute privilege for the publication under section 33H of the Public Hospitals Act, 1929, of a decision and the reasons for that decision of a board of directors of a hospital.

Certain decisions of hospital boards under Public Hospitals Act, 1929.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

1900

1901

1902

1903

1904

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1925



*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

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

*Legislative Assembly Chamber,  
Sydney, 30 November, 1976.*

## **New South Wales**



ANNO VICESIMO QUINTO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 95, 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

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

**T. J. CAHILL,**  
*Chairman of Committees of the Legislative Assembly.*



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*Public Hospitals (Amendment).*

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rights of appeal on medical practitioners and dentists against certain decisions of hospital boards and recommendations of credentials committees; to validate certain matters; to repeal the Public Institutions Inspection Act, 1901, and certain other enactments; and to amend the Defamation Act, 1974, to provide a defence of absolute privilege in respect of certain decisions of hospital boards. [Assented to, 8th December, 1976.]

**B**E 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:—

Short title.

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

Commence-  
ment.

**2.** (1) Except as provided in subsections (2), (3), (4), (5) and (6), this Act shall commence on the date of assent to 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.

(3) Schedule 1 (2) (b) and (14) (b) and (c) shall be deemed to have commenced on 3rd September, 1976.

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

(5)



*Public Hospitals (Amendment).*

(5) Section 8 and Schedules 2 and 6 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.

(6) Schedule 3 shall commence on such day, not being earlier than the day appointed and notified under subsection (5) in respect of section 8 and Schedules 2 and 6, as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

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

**Schedules.**

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

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

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

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

**SCHEDULE 5.—REPEALS.**

**SCHEDULE 6.—AMENDMENT TO THE DEFAMATION ACT, 1974.**

**4. The Public Hospitals Act, 1929, is amended in the 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 that Act, shall be deemed to be and always to have been validly incorporated under that Act.**

**Validation  
—incor-  
poration of  
hospitals.**



---

*Public Hospitals (Amendment).*

---

(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 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, 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 commencement of this section.

Transitional  
provision—  
directors.

6. Subject to this Act, a person who, immediately before the date of assent to this Act, was a director of an incorporated hospital within the meaning of the Public Hospitals Act, 1929, 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—

(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

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

whichever is the lesser.

Repeals.

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.

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*Public Hospitals (Amendment).*

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8. The Defamation Act, 1974, is amended in the manner set forth in Schedule 6. Amendment  
of Act No.  
18, 1974.

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SCHEDULE 1.

Sec. 4.

MISCELLANEOUS AMENDMENTS TO THE PUBLIC HOSPITALS  
ACT, 1929.

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

After the definition of "Commission", insert :—

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

(2) (a) Section 11 (1) (a)–(b2)—

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

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

(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  
referred to in paragraph (a) ;

SCHEDULE



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*Public Hospitals (Amendment).*

---

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

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

(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 (3)—

After “may”, insert “amalgamate or”.

(c) Section 11 (4)–(6)—

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 prescribed form.

(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, produce the certificate of his authority to that person.

SCHEDULE



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*Public Hospitals (Amendment).*

---

SCHEDULE 1—*continued.*

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

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

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

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

(i) make such examination and  
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  
notes from, any accounts,  
records, books, documents or  
other things at a hospital or an  
associated organisation; and

(iii) require the chief executive  
officer of a hospital or an  
associated organisation or, in  
the absence of the chief  
executive officer, any person to  
produce any accounts, records,  
books, documents, goods or  
other things in the possession  
or under the control of the  
chief executive officer or that  
person which relate to, or  
which the person authorised  
under subsection (4) believes  
on reasonable grounds relate

SCHEDULE

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*Public Hospitals (Amendment).*

---

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

to, the operation or administration of that hospital or associated organisation.

## (3) (a) Section 14 (1) (a)—

Omit “the subscribers for the time being thereto”.

## (b) Section 14 (1) (e)—

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 pursuant to the provisions of Part V”, insert instead “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”.

## (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—

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

## SCHEDULE



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*Public Hospitals (Amendment).*

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SCHEDULE 1—*continued.*

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

- (b) if the hospital is a body corporate—the hospital shall cease to be that body corporate 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)—

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

(6) Section 20—

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—

Before section 22, insert :—

21A. In this Part—

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

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

Interpre-  
tation:  
Pt. V.

SCHEDULE



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*Public Hospitals (Amendment).*

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SCHEDULE 1—*continued.*

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

## (9) (a) Section 22 (1A)—

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

## (b) Section 22 (1A)—

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

## (c) Section 22 (2)—(2B)—

Omit section 22 (2), insert instead :—

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

(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.

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

## SCHEDULE



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*Public Hospitals (Amendment).*

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SCHEDULE 1—*continued.*

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

(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—

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

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

(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.

(12) Sections 24A, 24B—

After section 24, insert :—

24A. (1) A director shall be deemed to have <sup>Vacation</sup> vacated his office <sup>of</sup> office.

(a) if he dies;

SCHEDULE



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*Public Hospitals (Amendment).*

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

- (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;
- (c) if he resigns his office by writing under his hand addressed to the Minister and the Minister accepts his resignation;
- (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;
- (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;
- (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 a felony or a misdemeanour so punishable;
- (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—

## SCHEDULE



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*Public Hospitals (Amendment).*

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SCHEDULE 1—*continued.*

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

- (i) he fails, as soon as practicable after the commencement of the meeting, to disclose to the meeting his interest in; or
- (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;
- (h) if he is removed from office by the Governor; or
- (i) on the day on which he attains the age of 70 years.

(2) 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—

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

SCHEDULE

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*Public Hospitals (Amendment).*


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

- (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.

Filling  
casual  
vacancy  
in office of  
appointed  
director.

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 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.

## (13) Section 25—

Omit the section.

## (14) (a) Section 29J (b)—

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

## (b) Section 29J (b)—

Omit "or".

## (c) Section 29J (b1)—

After section 29J (b), insert :—

- (b1) where the Commission has amalgamated 2 or more hospitals specified in that Schedule—

- (i) if the hospitals were amalgamated under a name which is different from the names of the hospitals amalgamated—by inserting the

SCHEDULE



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*Public Hospitals (Amendment).*

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SCHEDULE 1—*continued.*

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

name under which the hospitals  
were amalgamated and by remov-  
ing the names of the hospitals  
amalgamated; or

- (ii) if the hospitals were amalgamated  
under the name of one of the  
hospitals amalgamated—by re-  
moving the name or names of the  
other hospital or hospitals  
amalgamated; or

- (d) Section 29J (c)—

Omit “remove”, insert instead “by removing”.

- (15) Section 33C—

Omit the section.

- (16) Section 40 (4)—

Omit the subsection.

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SCHEDULE 2.

Sec. 4.

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

- (1) Section 1 (2)—

Before the matter relating to Part VII, insert :—

PART VIb.—APPEALS.

SCHEDULE



---

*Public Hospitals (Amendment).*


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**SCHEDULE 2—continued.**


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**AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929,  
RELATING TO APPEALS—continued.**
**(2) Part VIB—**

Before Part VII, insert :—

**PART VIB.****APPEALS.**Interpre-  
tation:  
Pt. VIB.**33G. In this Part—**

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

“board” includes, in relation to—

- (a) a separate institution—the governing body of that separate institution; and
- (b) the hospital constituted under the Prince Alfred Hospital Act, 1902—a board constituted in accordance with section 21 of that Act;

“Chairman” means chairman of the Committee;

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

“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.

Board to  
notify  
certain  
decisions.**33H. (1) Where a board—**

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

**SCHEDULE**



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*Public Hospitals (Amendment).*

---

**SCHEDULE 2—continued.**

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

- (b) decides not to re-appoint a person as a visiting practitioner; or
- (c) suspends or terminates the appointment of a person as a visiting practitioner,

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

(2) A person to whom notice is given under subsection (1) may request the board, in writing, within 14 days of the date of receipt of that notice, to notify him of the reasons for its decision.

(3) Where a board receives a request under subsection (2), it shall, within 7 days of the date of receipt of that request, notify the person making that request of the reasons for its decision.

33i. (1) Where a person who has been notified Appeals. under section 33H (3) of the reasons for a decision of a board is dissatisfied with that decision, he may appeal to the Commission.

(2) Where a person is dissatisfied with—

- (a) 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

**SCHEDULE**



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*Public Hospitals (Amendment).*


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**SCHEDULE 2—continued.**


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

- (b) the failure or refusal of a board to notify that person in accordance with section 33H (3) of the reasons for a decision made by it referred to in section 33H (1),

he may appeal to the Commission.

**Notice of  
appeal.**

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

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

- (a) where the appeal is made under section 33I (1)—the date on which the board notified the appellant under section 33H (3) of the reasons for its decision;
- (b) where the appeal is made under section 33I (2) (a)—the date of expiration of the period of 30 days referred to in section 33I (2) (a); or
- (c) where the appeal is made under section 33I (2) (b)—the date of expiration of a period of 14 days after the making of the request under section 33H (2).

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

- (a) the Commission may determine the appeal;  
**or**

**SCHEDULE**



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*Public Hospitals (Amendment).*

---

SCHEDULE 2—*continued.*

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

- (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—

- (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 appeal is made under section 33I (2) (a) or (b)—

- (i) either 3 or 5 persons nominated by the Commission, one of whom shall be nominated by the Commission as the Chairman;
- (ii) a person nominated by the board concerned; and
- (iii) a person nominated by the appellant; or

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

- (i) a person nominated by the Commission who shall be the Chairman;
- (ii) a person nominated by the board concerned; and
- (iii) a person nominated by the appellant.

SCHEDULE



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*Public Hospitals (Amendment).*

---

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

- (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
  - (b) in pursuance of a nomination under subsection (1) (b) (ii) or (iii) unless the Commission is satisfied that the person nominated is sufficiently experienced in the conduct of hospitals to warrant his being appointed.
- (3) If the board concerned 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 Commission may nominate a person who shall be a 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).
- (4) A decision of the Commission as to whether a Committee should be constituted as provided by subsection (1) (a) or (b) shall be final.

Date and  
place of  
hearing.

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.

## SCHEDULE

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*Public Hospitals (Amendment).*

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SCHEDULE 2—*continued.*

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

33M. (1) In any proceedings before the Commission 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.

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

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 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.

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

(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.

33O. (1) The Commission or a Committee shall determine the appeal and may make such order with respect to the matter the subject of the appeal as to the Commission or Committee, as the case may be, seems proper.

Determin-  
ation of  
appeal.

SCHEDULE



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*Public Hospitals (Amendment).*

---

SCHEDULE 2—*continued.*

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

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

Effect and  
implemen-  
tation of  
order.

33P. An order of the Commission or a Committee under section 33o—

- (a) shall have effect from the date thereof; and
- (b) shall be deemed to be the final decision of the board concerned and shall be given effect to accordingly.

Sec. 4.

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SCHEDULE 3.

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

(1) Section 1 (2)—

After the matter relating to Part V, insert :—

DIVISION 1.—*General.*

DIVISION 2.—*Privileges.*

SCHEDULE

---

*Public Hospitals (Amendment).*

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SCHEDULE 3—*continued.*

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

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

After the definition of "Commission", insert :—

"Credentials committee", in relation to a hospital, means a committee established in accordance with the regulations made under this Act, being a committee so established in relation to that hospital or a group of hospitals to which that hospital belongs to make recommendations 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 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"—

After the definition of "Private hospital", insert :—

"Privilege", in relation to a medical practitioner or a dentist, means an accreditation granted by a board, on the 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 medical practitioner or dentist, as the case may be, as is specified in the instrument by which that accreditation is granted.

SCHEDULE



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*Public Hospitals (Amendment).*


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

## (3) Section 4 (1)—

Omit "Parts IV and V", insert instead "Part IV and Division 1 of Part V".

## (4) Part V, heading to Division 1—

Before section 21A, insert :—

DIVISION 1.—*General.*

## (5) Section 21A—

Omit "Part", insert instead "Division".

## (6) Section 23A—

Omit "Part", insert instead "Division".

## (7) Part V, Division 2—

After section 29A, insert :—

DIVISION 2.—*Privileges.*

29AA. In this Division, "board" includes, in relation to—

- (a) a separate institution—the governing body of that separate institution; and
- (b) the hospital constituted under the Prince Alfred Hospital Act, 1902—a board constituted in accordance with section 21 of that Act.

29AB. Where regulations have been made under section 29AC, a board may refuse to allow a medical practitioner or a dentist to perform any work as a

Interpreta-  
tion: Pt. V,  
Div. 2.

Board may  
refuse the  
perform-  
ance of  
certain  
work.

## SCHEDULE



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*Public Hospitals (Amendment).*

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

medical practitioner or dentist, as the case may be, in the hospital governed and managed by that board—

- (a) if he is not the holder of a privilege granted in respect of that work under the regulations made under section 29AC; or
- (b) if, in the opinion of the board, he is unsuitable to perform that work.

29AC. (1) The Governor may, on the recommendation of the Commission, make regulations for or with respect to—

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

## SCHEDULE

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*Public Hospitals (Amendment).*

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

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

## (8) (a) Section 33H (1) (b)—

Omit “or”.

## (b) Section 33H (1) (c)—

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

## (c) Section 33H (1) (d)—

After section 33H (1) (c), insert :—

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

## (9) (a) Section 33I (2) (a)—

Omit “or” where secondly occurring.

## (b) Section 33I (2) (b)—

Omit “section 33H (1),” insert instead “section 33H (1);”.

## (c) Section 33I (2) (c), (d), (e)—

After section 33I (2) (b), insert :—

(c) a recommendation of a credentials committee to a board;

SCHEDULE



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*Public Hospitals (Amendment).*

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SCHEDULE 3—*continued.*

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

- (d) 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; or
- (e) 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 the granting of a privilege to him in accordance with a recommendation made to that board with respect to him by a credentials committee,

(10) (a) Section 33J (2) (b)—

Omit “or”.

(b) Section 33J (2) (c)—

Omit “section 33H (2).”, insert instead “section 33H (2);”.

(c) Section 33J (2) (d), (e), (f)—

After section 33J (2) (c), insert :—

- (d) where the appeal is made under section 33I (2) (c)—the date of the recommendation of the credentials committee;
- (e) where the appeal is made under section 33I (2) (d)—the date of expiration of the period of 30 days referred to in section 33I (2) (d); or

SCHEDULE



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*Public Hospitals (Amendment).*

---

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

(f) where the appeal is made under section 33i (2) (e)—the date of expiration of the period of 30 days referred to in section 33i (2) (e).

## (11) (a) Section 33k (1) (a)—

After “appellant”, insert “, not being a reason relating to a matter referred to in section 33i (2) (c) or (d),”.

## (b) Section 33k (1) (a) (iii)—

Omit “or”.

## (c) Section 33k (1) (a1)—

After section 33k (1) (a), insert :—

(a1) where the ground of the appeal relates solely to a ground referred to in section 33i (2) (c) or (d)—either 3 or 5 persons 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)—

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

## SCHEDULE

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*Public Hospitals (Amendment).*

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SCHEDULE 3—*continued.*

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

(f) Section 33K (4)—

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

(12) Section 33P (b)—

After “concerned”, insert “or the final recommendation of the credentials committee concerned, as the case may be,”.

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SCHEDULE 4.

Sec. 4.

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

(1) Section 1 (2)—

After the matter relating to Part VI, insert :—

PART VIA.—PRINCE HENRY HOSPITAL.

(2) Section 17 (1)—

Omit “Colonial”.

(3) Section 19 (2) (c)—

Omit “, as amended from time to time”.

SCHEDULE



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*Public Hospitals (Amendment).*

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SCHEDULE 4—*continued.*

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

## (4) Section 29B (3)—

Omit the subsection.

## (5) Section 40 (3)—

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

## (6) (a) Section 42 (2)—

Omit the subsection, insert instead :—

(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.

## (b) Section 42 (5)—

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



*Public Hospitals (Amendment).*

## 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.
1929, No. 8 ..	Public Hospitals Act, 1929.	Section 16 (1).
1930, No. 24..	Government Relief Administration Act, 1930.	Section 7 (1).
1972, No. 63..	Health Commission Act, 1972.	So much of Part 1 of the Schedule as amended Act No. 29, 1901.

## SCHEDULE 6.

Sec. 8.

## AMENDMENT TO THE DEFAMATION ACT, 1974.

## Section 17C—

After section 17B, insert :—

17C. There is a defence of absolute privilege for the publication under section 33H of the Public Hospitals Act, 1929, of a decision and the reasons for that decision of a board of directors of a hospital.

Certain decisions of hospital boards under Public Hospitals Act, 1929.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
Governor.

*Government House,  
Sydney, 8th December, 1976.*

