

CONCURRENCE COPY

PUBLIC HOSPITALS (VISITING PRACTITIONERS) AMENDMENT BILL, 1984

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are to amend the Public Hospitals Act, 1929, so as—

- (a) to nullify notices of intention to resign as visiting practitioners given by medical practitioners on or after 26th May, 1984, and before the commencement of the amendment, except in a case where the resignation became effective before that commencement or the Minister grants an exemption (Schedule 1 (2)—proposed section 29U);
- (b) to provide that a medical practitioner is to be ineligible to be a visiting practitioner for up to 7 years if—
 - (i) the medical practitioner resigns as a visiting practitioner and the resignation becomes effective during the period of 12 months starting with the commencement of the amendment;
 - (ii) the medical practitioner has already resigned and the resignation became effective during the period commencing on 9th June, 1984, and ending immediately before the commencement of the amendment; or
 - (iii) the medical practitioner fails to provide medical services at the hospital concerned during the period mentioned in subparagraph (i) above, in circumstances amounting to resignation,unless the Minister grants an exemption (Schedule 1 (2)—proposed section 29v (1)–(7), (10));
- (c) to empower the publication of the names of medical practitioners who become ineligible to be visiting practitioners, as referred to in paragraph (b) above (Schedule 1 (2)—proposed section 29v (8), (9)); and
- (d) to amend the power to make regulations relating to the conduct of a visiting practitioner of a hospital so that it expressly applies to the performance of work at the hospital only, and not elsewhere (Schedule 1 (3)),

and to make other provisions of a minor, consequential or ancillary nature.

**PUBLIC HOSPITALS (VISITING PRACTITIONERS)
AMENDMENT BILL, 1984**

No. , 1984.

A BILL FOR

An Act to amend the Public Hospitals Act, 1929, in relation to the resignation of medical practitioners as visiting practitioners and in relation to the power to make regulations relating to visiting practitioners; and for other purposes.

[MR MULOCK—12 *June*, 1984.]

Public Hospitals (Visiting Practitioners) Amendment.

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

5 Short title.

1. This Act may be cited as the "Public Hospitals (Visiting Practitioners) Amendment Act, 1984".

Amendment of Act No. 8, 1929.

2. The Public Hospitals Act, 1929, is amended in the manner set forth 10 in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929.

(1) Section 1 (2)—

15 After the matter relating to Part VC, insert:—

PART VD.—SPECIAL PROVISIONS RELATING TO VISITING
PRACTITIONERS.

(2) Part VD—

After Part VC, insert:—

20 PART VD.

SPECIAL PROVISIONS RELATING TO VISITING PRACTITIONERS.

Commencement.

25 29s. (1) This section shall come into operation on the date of assent to the Public Hospitals (Visiting Practitioners) Amendment Act, 1984.

Public Hospitals (Visiting Practitioners) Amendment.

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

5 (2) Except as provided by subsection (1), the several sections of this Part shall come into operation on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Interpretation.

29T. (1) In this Part—

“appoint”, in relation to a visiting practitioner, includes re-appoint;

10 “appointed day”, appearing in a section of this Part, means the day on which that section comes into operation under section 29s;

15 “relevant hospital authority”, in relation to a medical practitioner who has been appointed as a visiting practitioner for an incorporated hospital or a separate institution, means that hospital or institution or the governing body of that institution.

(2) In this Part—

20 (a) a reference (however expressed) to appointment as a visiting practitioner includes a reference to appointment to perform work as a medical practitioner at an incorporated hospital or a separate institution; and

25 (b) a reference (however expressed) to resignation as a visiting practitioner includes a reference to resignation of such an appointment.

(3) Expressions defined in Part Vc have the same meanings when used in this Part.

Public Hospitals (Visiting Practitioners) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929—*continued.***Certain notices of resignation to be null and void.**

5 29U. (1) A notice of intention to resign as a visiting practitioner given by such a practitioner to the relevant hospital authority on or after 26th May, 1984, and before the appointed day is, by force of this section, rendered null and void and shall be deemed never to have been given.

10 (2) Subsection (1) applies to a notice whether or not it was actually received by the relevant hospital authority before the appointed day, but does not apply to a notice if the resignation to which the notice relates became effective before the appointed day.

15 (3) The Minister may, by instrument in writing, exempt a notice or a class or description of notices from the operation of subsection (1).

Certain medical practitioners to be ineligible to be visiting practitioners.

20 29v. (1) A medical practitioner whose resignation as a visiting practitioner becomes effective during the period of 12 months commencing on the appointed day is, by force of this section, ineligible to be a visiting practitioner for any incorporated hospital or any separate institution (whether or not as a visiting medical officer) for the prescribed period commencing on the day on which the resignation becomes effective.

25 (2) A medical practitioner whose resignation as a visiting practitioner became effective during the period commencing on 9th June, 1984, and ending on the day before the appointed day is, by force of this section, ineligible to be a visiting practitioner for any incorporated hospital or any separate institution (whether or not as a visiting medical officer) for the prescribed period commencing on the appointed day.

Public Hospitals (Visiting Practitioners) Amendment.

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

5 (3) A medical practitioner who is the subject of an order under subsection (4), is, by force of this section, ineligible to be a visiting practitioner for any incorporated hospital or any separate institution (whether or not as a visiting medical officer) for the prescribed period commencing on the day on which the order takes effect.

10 (4) The Minister may, by order in writing, declare that a specified medical practitioner is a medical practitioner who ought to be regarded as having resigned as a visiting practitioner, if the Minister is of the opinion that—

- 15 (a) the medical practitioner has wholly or substantially failed to provide medical services under a fee-for-service contract or a sessional contract, or under any other contract or arrangement relating to the performance of medical services at an incorporated hospital or a separate institution, during the whole or any part of the period of 12 months commencing on the appointed day;
- 20 (b) the medical practitioner does not appear to have formally resigned as a visiting practitioner in relation to the provision of those services or, if the medical practitioner has so resigned, the resignation has not become effective; and
- 25 (c) the medical practitioner ought to be regarded as having effectively resigned as a visiting practitioner.

(5) An order under subsection (4) may be made at any time during the period of 2 years commencing on the appointed day, and shall take effect from the date it is made or a later date specified in the order (but not later than 3 months after it is made).

30 (6) If a medical practitioner to whom subsection (1), (2) or (3) applies is a party to or enters, or purports to enter, into a fee-for-service contract or a sessional contract, or any other contract or arrangement relating to the performance of medical services at an

Public Hospitals (Visiting Practitioners) Amendment.

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

5 incorporated hospital or a separate institution, while ineligible under this section to be a visiting practitioner for any incorporated hospital or any separate institution, the contract or arrangement is, by force of this section, rendered null and void.

(7) The Minister may, by instrument in writing, exempt a medical practitioner or a class or description of medical practitioners from the operation of any of the foregoing provisions of this section.

10 (8) The Minister may cause a notice to be published in the Gazette and in one or more newspapers circulating in any part of the State specifying the name and address of any medical practitioner to whom subsection (1), (2) or (3) applies and containing such other information as appears to be relevant or is prescribed.

15 (9) No person is liable to any civil or criminal proceedings in respect of the publication in good faith of a notice referred to in subsection (8).

(10) In this section, "prescribed period" means—

(a) the period of 7 years; or

20 (b) such lesser period as the Minister may, in relation to a medical practitioner or a class or description of medical practitioners, determine by order in writing.

(3) Section 42 (1A) (a)—

Omit the paragraph, insert instead:—

25 (a) the conduct of a visiting practitioner of a hospital in relation to the performance of work at the hospital by the visiting practitioner; and

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984

**PUBLIC HOSPITALS (VISITING PRACTITIONERS)
AMENDMENT ACT, 1984, No. 51**

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 51, 1984.

An Act to amend the Public Hospitals Act, 1929, in relation to the resignation of medical practitioners as visiting practitioners and in relation to the power to make regulations relating to visiting practitioners; and for other purposes. [Assented to, 15th June, 1984.]

Public Hospitals (Visiting Practitioners) Amendment.

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

Short title.

1. This Act may be cited as the "Public Hospitals (Visiting Practitioners) Amendment Act, 1984".

Amendment of Act No. 8, 1929.

2. The Public Hospitals Act, 1929, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929.

(1) Section 1 (2)—

After the matter relating to Part VC, insert:—

PART VD.—SPECIAL PROVISIONS RELATING TO VISITING PRACTITIONERS.

(2) Part VD—

After Part VC, insert:—

PART VD.

SPECIAL PROVISIONS RELATING TO VISITING PRACTITIONERS.

Commencement.

29s. (1) This section shall come into operation on the date of assent to the Public Hospitals (Visiting Practitioners) Amendment Act, 1984.

Public Hospitals (Visiting Practitioners) Amendment.

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

(2) Except as provided by subsection (1), the several sections of this Part shall come into operation on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Interpretation.

29T. (1) In this Part—

“appoint”, in relation to a visiting practitioner, includes re-appoint;

“appointed day”, appearing in a section of this Part, means the day on which that section comes into operation under section 29s;

“relevant hospital authority”, in relation to a medical practitioner who has been appointed as a visiting practitioner for an incorporated hospital or a separate institution, means that hospital or institution or the governing body of that institution.

(2) In this Part—

- (a) a reference (however expressed) to appointment as a visiting practitioner includes a reference to appointment to perform work as a medical practitioner at an incorporated hospital or a separate institution; and
- (b) a reference (however expressed) to resignation as a visiting practitioner includes a reference to resignation of such an appointment.

(3) Expressions defined in Part VC have the same meanings when used in this Part.

Public Hospitals (Visiting Practitioners) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PUBLIC HOSPITALS ACT, 1929—*continued.***Certain notices of resignation to be null and void.**

29u. (1) A notice of intention to resign as a visiting practitioner given by such a practitioner to the relevant hospital authority on or after 26th May, 1984, and before the appointed day is, by force of this section, rendered null and void and shall be deemed never to have been given.

(2) Subsection (1) applies to a notice whether or not it was actually received by the relevant hospital authority before the appointed day, but does not apply to a notice if the resignation to which the notice relates became effective before the appointed day.

(3) The Minister may, by instrument in writing, exempt a notice or a class or description of notices from the operation of subsection (1).

Certain medical practitioners to be ineligible to be visiting practitioners.

29v. (1) A medical practitioner whose resignation as a visiting practitioner becomes effective during the period of 12 months commencing on the appointed day is, by force of this section, ineligible to be a visiting practitioner for any incorporated hospital or any separate institution (whether or not as a visiting medical officer) for the prescribed period commencing on the day on which the resignation becomes effective.

(2) A medical practitioner whose resignation as a visiting practitioner became effective during the period commencing on 9th June, 1984, and ending on the day before the appointed day is, by force of this section, ineligible to be a visiting practitioner for any incorporated hospital or any separate institution (whether or not as a visiting medical officer) for the prescribed period commencing on the appointed day.

Public Hospitals (Visiting Practitioners) Amendment.

SCHEDULE 1—*continued.*

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

(3) A medical practitioner who is the subject of an order under subsection (4), is, by force of this section, ineligible to be a visiting practitioner for any incorporated hospital or any separate institution (whether or not as a visiting medical officer) for the prescribed period commencing on the day on which the order takes effect.

(4) The Minister may, by order in writing, declare that a specified medical practitioner is a medical practitioner who ought to be regarded as having resigned as a visiting practitioner, if the Minister is of the opinion that—

- (a) the medical practitioner has wholly or substantially failed to provide medical services under a fee-for-service contract or a sessional contract, or under any other contract or arrangement relating to the performance of medical services at an incorporated hospital or a separate institution, during the whole or any part of the period of 12 months commencing on the appointed day;
- (b) the medical practitioner does not appear to have formally resigned as a visiting practitioner in relation to the provision of those services or, if the medical practitioner has so resigned, the resignation has not become effective; and
- (c) the medical practitioner ought to be regarded as having effectively resigned as a visiting practitioner.

(5) An order under subsection (4) may be made at any time during the period of 2 years commencing on the appointed day, and shall take effect from the date it is made or a later date specified in the order (but not later than 3 months after it is made).

(6) If a medical practitioner to whom subsection (1), (2) or (3) applies is a party to or enters, or purports to enter, into a fee-for-service contract or a sessional contract, or any other contract or arrangement relating to the performance of medical services at an

Public Hospitals (Visiting Practitioners) Amendment.

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

incorporated hospital or a separate institution, while ineligible under this section to be a visiting practitioner for any incorporated hospital or any separate institution, the contract or arrangement is, by force of this section, rendered null and void.

(7) The Minister may, by instrument in writing, exempt a medical practitioner or a class or description of medical practitioners from the operation of any of the foregoing provisions of this section.

(8) The Minister may cause a notice to be published in the Gazette and in one or more newspapers circulating in any part of the State specifying the name and address of any medical practitioner to whom subsection (1), (2) or (3) applies and containing such other information as appears to be relevant or is prescribed.

(9) No person is liable to any civil or criminal proceedings in respect of the publication in good faith of a notice referred to in subsection (8).

(10) In this section, "prescribed period" means—

- (a) the period of 7 years; or
- (b) such lesser period as the Minister may, in relation to a medical practitioner or a class or description of medical practitioners, determine by order in writing.

(3) Section 42 (1A) (a)—

Omit the paragraph, insert instead:—

- (a) the conduct of a visiting practitioner of a hospital in relation to the performance of work at the hospital by the visiting practitioner; and

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 15th June, 1984.*



