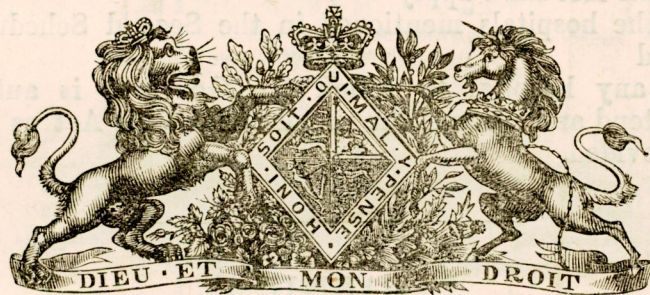


(1) The Acts mentioned in the First Schedule to this Act are to the extent therein expressed hereby repealed. (2) All persons appointed or elected under the Acts hereby repealed and holding office as the time of the passing of this Act shall be deemed to have been appointed or elected under the Acts hereby repealed.

# New South Wales.



ANNO SEXAGESIMO SECUNDO

# VICTORIÆ REGINÆ.

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## Act No. 16, 1898.

An Act to consolidate the Acts relating to Public Hospitals.  
[Assented to, 27th July, 1898.]

**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:—

### PART I.

#### *Preliminary.*

1. This Act may be cited as the "Public Hospitals Act, 1898," Short title, and is divided into Parts, as follows:—

PART I.—*Preliminary*—ss. 1-3.

PART II.—*Election and appointment of officers*—ss. 4-11.

PART III.—*Hospital property and legal proceedings*—ss. 12-18.

PART IV.—*Supplemental*—ss. 19-21.

*Public Hospitals.*

Repeal.  
First Schedule.  
Officers under Acts  
hereby repealed.

Rules, regulations,  
or by-laws under  
Acts hereby repealed.

Application of Act.  
11 Vic. No. 59,  
preamble, and s. 11.

**2.** (1) The Acts mentioned in the First Schedule to this Act are, to the extent therein expressed, hereby repealed.

(2) All persons appointed or elected under the Acts hereby repealed, and holding office at the time of the passing of this Act, shall be deemed to have been appointed or elected hereunder.

(3) All rules, regulations, or by-laws made under the authority of any Act hereby repealed, and being in force at the time of the passing of this Act, shall be deemed to have been made under the authority of this Act.

**3.** This Act shall apply—

(a) to the hospitals mentioned in the Second Schedule hereto; and

(b) to any hospital to which the Governor is authorised to extend and extends the provisions of this Act as hereinafter provided.

## PART II.

*Election and appointment of officers.*

Meeting for election  
of officers.  
11 Vic. No. 59,  
ss. 5, 6, 7.

**4.** The secretary, under the authority of the committee, of every hospital shall call an annual meeting, to be held in January, of the contributors to such hospital for the election of trustees (who shall not exceed five in number), committee, auditors, and other elective officers.

Contributors who  
may vote.  
*Ibid.* s. 6.  
58 Vic. No. 6, s. 4.

**5.** Any contributor shall be qualified to vote at any annual or special general meeting on any question brought before such meeting, or to vote for any elective officer nominated at such meeting, if—

(a) in the case of the first annual meeting after the extension of the provisions of this Act to such hospital, or in the case of any special general meeting he has paid to the hospital a contribution of one pound sterling at the least within twelve months before such meeting; or

(b) in the case of any subsequent annual meeting he has paid to the hospital a contribution of one pound sterling at the least between the commencing of business at such meeting and the commencing of business at the preceding annual meeting; or

(c) in any case he has paid to the hospital a contribution of ten pounds sterling at the least in one sum.

Qualification of  
officers.  
58 Vic. No. 6, s. 2.

**6.** (1) Any contributor to any hospital qualified to vote as aforesaid may be nominated for and elected to any elective office of such hospital, and any person, whether a contributor or not, may be nominated for and elected to the office of auditor.

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*Public Hospitals.*


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(2) No person shall be elected to any elective office unless Nomination. at a meeting for such election he is proposed and seconded by two contributors qualified to vote, and is with his own consent nominated in writing.

(3) Every meeting for election of elective officers shall be Advertisement. advertised in the nearest local paper at least a week before the day on which such meeting is to be held.

7. If at any annual or special general meeting at least ten Adjournment of annual or special general meeting if ten contributors qualified to vote shall not be present. contributors qualified to vote do not assemble and proceed to business within one hour from the time fixed for the meeting no election shall be made, nor shall any business be done at that time; but in such case there shall be another meeting at the same place, and at the same hour of the same day in the following week, and at such other meeting 11 Vic. No. 59, s. 8. any number of contributors more than three qualified to vote shall constitute a meeting.

8. If at any meeting the number of persons nominated for Adjournment of election—absent voting. any elective office is greater than the number to be elected, the meeting shall be adjourned to a day not less than seven nor more than fourteen days after such adjournment, and the secretary shall fix such day, and shall notify the same by advertisement in the nearest local paper, and shall also forthwith transmit by post or otherwise to every contributor qualified to vote a voting paper initialed by the secretary, containing the names of all the persons duly nominated. The said contributors shall strike out of such voting paper the names of the persons for whom they do not desire to vote and shall enclose the voting paper in an envelope endorsed "voting paper," and enclosed in another envelope bearing the voter's signature inside, and shall return the voting paper enclosed as aforesaid to the secretary not later than the day before the date of the adjourned meeting. All such envelopes endorsed "voting paper" as aforesaid shall be handed by the secretary to the scrutineers appointed at such meeting, who after counting the votes shall present a signed return to the adjourned meeting, showing how many votes were recorded for each person nominated, and the chairman of such meeting shall declare those persons elected who have received the majority of votes. 58 Vic. No. 6, s. 3.

9. If any trustee of any hospital dies, or is absent from New Vacancies how to be filled up. South Wales for more than twelve months, or resigns, or refuses, or becomes *non compos mentis*, or otherwise incapable to act as trustee, 11 Vic. No. 59, s. 10. a special general meeting shall be called by the secretary under the authority of the committee, and the election of a successor shall be made in the same manner as at an annual meeting, and the person so elected as trustee shall, to all intents and purposes, be vested with the same rights, powers, and authorities in law as the person in whose place he has been elected.

*Public Hospitals.*

Vacancies in committee—how filled.  
58 Vic. No. 6, s. 7.

**10.** When any member of the committee of any hospital dies, or resigns, or becomes *non compos mentis*, or refuses, or becomes otherwise unable to act as a member of such committee, the committee may declare that such person has ceased to be a member of such committee, and may appoint a qualified person in his place; and the person so appointed shall have the same rights, powers, and authorities as the person had in whose place he has been so appointed.

Committee to appoint officers.  
*Ibid.* ss. 5, 6.

**11.** The committee of any hospital shall annually appoint a treasurer, and shall also appoint a secretary, medical officer, warden, matron, and any other officer or servant they may deem necessary for the efficient working of such hospital.

## PART III.

*Hospital property and legal proceedings.*

Enabling treasurers of hospitals to sue.  
11 Vic. No. 59, s. 1.

**12.** (1) All proceedings at law or in equity, by or on behalf of any hospital, or wherein any hospital is interested or concerned, may be commenced and prosecuted in the name of the person who is treasurer of such hospital at the time any such proceeding is instituted as nominal plaintiff for and on behalf of such hospital, and such proceedings may be prosecuted and carried on in the name of such treasurer to their final termination, notwithstanding any change in the said office of treasurer during the progress of such proceedings.

Treasurer to recover fees from patients.  
45 Vic. No. 3, s. 2.

(2) The treasurer of any hospital may institute and prosecute in his own name, for and on behalf of the committee of such hospital and by their direction, proceedings against any person who has received medical or surgical treatment in such hospital, or against the executors or administrators or the curator of the estate of any such person, for the recovery of fees and remuneration for such treatment, and such proceedings may be taken either in the District Court or Court of Petty Sessions of the district in which the hospital is situated, or of the district in which the person resides.

Property may be laid in the treasurer.  
11 Vic. No. 59, s. 2.

**13.** In any information or indictment against any person for embezzling, stealing, or in any manner defrauding any hospital, any property of such hospital may be stated to be the property of the treasurer thereof for the time being; and no change in the office of such treasurer during the progress of any prosecution shall abate, or in any manner affect such prosecution.

Actions against any hospital to be prosecuted against the treasurer.  
*Ibid.* s. 3.

**14.** All proceedings at law or in equity against any hospital may be commenced and prosecuted against the treasurer thereof for the time being as the nominal defendant for and on behalf of the said hospital;

*Public Hospitals.*

hospital; and such proceedings may be prosecuted and carried on against such treasurer to their final termination, notwithstanding any change in the said office of treasurer during the progress of such proceedings.

15. Any treasurer in whose name any such proceeding is commenced, prosecuted, carried on, or defended, shall, in all cases, be reimbursed and paid out of the funds of the said hospital.

Treasurer to be reimbursed.  
11 Vic. No. 59, s. 3.

16. A memorial containing the name of the treasurer for the time being of every hospital, in the form and to the effect set forth in the Third Schedule hereto, signed by such treasurer, and by a majority of the committee, and verified on oath by one or more credible witnesses, shall from time to time as occasion may require, be recorded in the office of the Registrar-General, and no action, suit, or other proceedings shall be brought by any hospital until such memorial has been so recorded by such hospital, and the treasurer named in such memorial shall be held to be the treasurer of the hospital recording the same.

Memorial of the name of the treasurer of hospital to be recorded in the office of the Registrar-General.  
*Ibid.* s. 4.

17. The trustees of any hospital and their successors shall be capable of taking and holding all lands granted, conveyed, or bequeathed to such hospital, and all such lands shall be vested in such trustees respectively; and such trustees may permit the committee of any such hospital to build on and use such lands in such manner as as the committee may deem expedient for carrying out the objects of such hospital.

Property of any hospital to be vested in trustees thereof.  
*Ibid.* s. 5.

18. The trustees of any hospital may invest any funds thereof which the committee direct the treasurer to hand over to such trustees from the funds in his hands or otherwise, and also any moneys given or bequeathed to, or arising from any donation of real or personal property to such hospital, at the discretion of such trustees, in any Government funds or debentures of any Australian colony, or in any debentures or debenture stock of any municipal corporation in the said colonies, or of any bank or incorporated company carrying on business therein, or by way of purchase of, or on first mortgage upon, any freehold estate within New South Wales, or in bank deposit receipts for fixed periods or otherwise, with power to pay and transfer any such investment for or unto any other investment authorised by this Act:

Trustees to invest funds of hospital.  
45 Vic. No. 3, s. 1.

Provided that the committee may with the consent of the said trustees in their absolute discretion at any time resort to any such investments and sell the same for the purpose of applying the moneys to arise from any such sale for the purposes of such hospital.

*Public Hospitals.*

## PART IV.

*Supplemental.*

Committee to make  
rules.  
58 Vic. No. 6, s. 6.

**19.** The committee of every hospital shall make rules for the conduct of business at meetings of the said committee, and generally for the management and control of such hospital.

Extension of Act.  
11 Vic. No. 59,  
preamble, s. 11.

**20.** The Governor may, by proclamation published in the Gazette, extend the provisions of this Act to any hospital to be maintained partly by private contributions and partly by aid from the public funds and not mentioned in the Second Schedule hereto.

Effect of extension of  
Act to any hospital.  
58 Vic. No. 6, s. 8.

**21.** Whenever the provisions of this Act are extended to any hospital, the elective officers of such hospital holding office at the date of the proclamation shall continue in office and have the same rights, powers, and duties as if duly elected under the provisions of this Act.

## SCHEDULES.

## FIRST SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal.
11 Vic. No. 59 ...	An Act to enable certain public hospitals to sue and be sued in the name of their treasurer, and to provide for the taking and holding of real property belonging to such hospitals respectively.	The unrepealed portion.
45 Vic. No. 3 ...	An Act to amend the Hospital Acts, and to enable trustees thereof to invest the funds of such hospitals.	The whole.
58 Vic. No. 6 ...	An Act to further amend the law relating to the management of hospitals.	The whole.

SECOND

*Public Hospitals.*

## SECOND SCHEDULE.

Section 3 (a).

*List of Hospitals.*

Hospital.	When brought under Act.	Hospital.	When brought under Act.
Adelong ... ..	12 April, 1861	Maitland ... ..	11 Vic. No. 59
Albury ... ..	16 Aug., 1860	Manly Cottage Hospital.	26 June, 1896
Armidale ... ..	4 Feb., 1879	Manning River ... ..	11 Jan., 1889
Bathurst ... ..	11 Vic. No. 59	Marrickville Cottage	17 Nov., 1896
Bega ... ..	17 Dec., 1886	Hospital.	
Berrima ... ..	17 Jan., 1890	Merriwa ... ..	10 Jan., 1893
Bingara ... ..	23 Aug., 1889	Moree ... ..	30 June, 1891
Bourke ... ..	30 Mar., 1865	Mudgee ... ..	8 Jan., 1857
Braidwood ... ..	14 May, 1858	Murrurundi ... ..	6 Mar., 1874
Brewarrina ... ..	24 Nov., 1896	Musclebrook ... ..	15 May, 1891
Broken Hill ... ..	22 Mar., 1892	Narrabri ... ..	7 Mar., 1882
Bulli Cottage Hospital ...	27 Oct., 1893	Narrandera ... ..	22 May, 1891
Carcoar ... ..	13 April, 1859	Nepean Cottage Hospital	13 Sept., 1892
Casino ... ..	1 April, 1887	Newcastle ... ..	11 Vic. No. 59
Clarence (Lower) Hospital,	23 Sept., 1887	North Shore ... ..	23 Aug., 1889
Maclean.		Nyngan Cottage Hospital	9 April, 1897
Cobar ... ..	7 Mar., 1882	Orange ... ..	28 July, 1874
Condobolin ... ..	6 Mar., 1891	Parramatta ... ..	11 Vic. No. 59
Cooma ... ..	3 June, 1881	Port Macquarie ... ..	11 Sept., 1848
Corowa ... ..	12 Aug., 1892	Prince Alfred Memorial	29 Aug., 1884
Cowra ... ..	9 Oct., 1882	Hospital, Tenterfield.	
Deniliquin ... ..	16 Dec., 1858	Queanbeyan ... ..	15 Jan., 1892
Dubbo ... ..	11 June, 1868	Scone ... ..	7 Feb., 1882
Dungog ... ..	18 Jan., 1898	Silverton ... ..	4 Dec., 1885
Emmaville ... ..	15 Feb., 1884	St. George's ... ..	15 July, 1892
Forbes ... ..	30 Aug., 1889	Tamworth ... ..	30 July, 1862
Goulburn ... ..	11 Vic. No. 59	Wagga Wagga ... ..	10 June, 1898
Grafton ... ..	11 Aug., 1862	Walgett ... ..	13 May, 1884
Grenfell ... ..	22 Oct., 1887	Warialda ... ..	4 Nov., 1882
Gulgong ... ..	24 Oct., 1873	Warren ... ..	28 June, 1892
Gundagai ... ..	20 Aug., 1863	Wellington ... ..	6 Mar., 1874
Gunnedah ... ..	23 Dec., 1881	Wentworth ... ..	10 May, 1887
Hay ... ..	16 Sept., 1867	Western Suburbs Cottage	15 July, 1892
Hillgrove ... ..	27 Feb., 1891	Hospital.	
Hillston ... ..	29 Aug., 1884	Windsor ... ..	11 Vic. No. 59
Inverell ... ..	15 Feb., 1882	Wollongong ... ..	5 Oct., 1864
Junee ... ..	7 Feb., 1890	Wyalong ... ..	12 June, 1894
Lismore ... ..	S.G.G. 29 Dec., 1886	Yass ... ..	11 Vic. No. 59
Lithgow ... ..	15 Sept., 1893		

Public Hospitals.

THIRD SCHEDULE.

Memorial.  
Section 16.

MEMORIAL of the name of the treasurer of the hospital at  
in New South Wales, to be recorded in the office of the Registrar-General at Sydney,  
in pursuance of the Public Hospitals Act, 1898. Be it known that on the  
day of 18 , A.B. was duly appointed treasurer of the hospital at

A. B., Treasurer.

E. F. ( Being a majority ) G. H.  
of the members of }  
I. K. ( the committee. ) L. M.

O. Q., of , gentleman, maketh oath and saith that he was present  
and did see the foregoing memorial signed by the above-named treasurer and  
members of the committee of the hospital at

Sworn this day of 18 .

By Authority : WILLIAM APPEGATE GULLICK, Government Printer, Sydney, 1898.

[6d ]

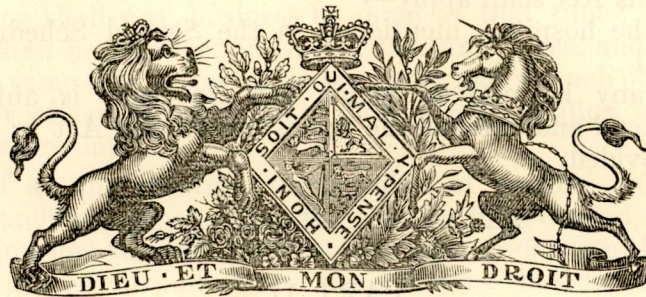


*I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Legislative Council Chamber,  
Sydney, 6th July, 1898. }*

JOHN J. CALVERT,  
*Clerk of the Parliaments.*

## New South Wales.



ANNO SEXAGESIMO SECUNDO

# VICTORIÆ REGINÆ.

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Act No. 16, 1898.

An Act to consolidate the Acts relating to Public Hospitals.  
[Assented to, 27th July, 1898.]

**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:—

### PART I.

#### *Preliminary.*

1. This Act may be cited as the "Public Hospitals Act, 1898," short title, and is divided into Parts, as follows:—

PART I.—*Preliminary*—ss. 1-3.

PART II.—*Election and appointment of officers*—ss. 4-11.

PART III.—*Hospital property and legal proceedings*—ss. 12-18.

PART IV.—*Supplemental*—ss. 19-21.

*Public Hospitals.*

Repeal.

First Schedule.

Officers under Acts  
hereby repealed.Rules, regulations,  
or by-laws under  
Acts hereby repealed.Application of Act.  
11 Vic. No. 59,  
preamble, and s. 11.

**2.** (1) The Acts mentioned in the First Schedule to this Act are, to the extent therein expressed, hereby repealed.

(2) All persons appointed or elected under the Acts hereby repealed, and holding office at the time of the passing of this Act, shall be deemed to have been appointed or elected hereunder.

(3) All rules, regulations, or by-laws made under the authority of any Act hereby repealed, and being in force at the time of the passing of this Act, shall be deemed to have been made under the authority of this Act.

**3.** This Act shall apply—

(a) to the hospitals mentioned in the Second Schedule hereto ;  
and

(b) to any hospital to which the Governor is authorised to extend and extends the provisions of this Act as hereinafter provided.

## PART II.

*Election and appointment of officers.*Meeting for election  
of officers.11 Vic. No. 59,  
ss. 5, 6, 7.

**4.** The secretary, under the authority of the committee, of every hospital shall call an annual meeting, to be held in January, of the contributors to such hospital for the election of trustees (who shall not exceed five in number), committee, auditors, and other elective officers.

Contributors who  
may vote.*Ibid.* s. 6.

58 Vic. No. 6, s. 4.

**5.** Any contributor shall be qualified to vote at any annual or special general meeting on any question brought before such meeting, or to vote for any elective officer nominated at such meeting, if—

(a) in the case of the first annual meeting after the extension of the provisions of this Act to such hospital, or in the case of any special general meeting he has paid to the hospital a contribution of one pound sterling at the least within twelve months before such meeting ; or

(b) in the case of any subsequent annual meeting he has paid to the hospital a contribution of one pound sterling at the least between the commencing of business at such meeting and the commencing of business at the preceding annual meeting ;  
or

(c) in any case he has paid to the hospital a contribution of ten pounds sterling at the least in one sum.

Qualification of  
officers.

58 Vic. No. 6, s. 2.

**6.** (1) Any contributor to any hospital qualified to vote as aforesaid may be nominated for and elected to any elective office of such hospital, and any person, whether a contributor or not, may be nominated for and elected to the office of auditor.

(2)

*Public Hospitals.*

(2) No person shall be elected to any elective office unless at a meeting for such election he is proposed and seconded by two contributors qualified to vote, and is with his own consent nominated in writing. Nomination.

(3) Every meeting for election of elective officers shall be advertised in the nearest local paper at least a week before the day on which such meeting is to be held. Advertisement.

7. If at any annual or special general meeting at least ten contributors qualified to vote do not assemble and proceed to business within one hour from the time fixed for the meeting no election shall be made, nor shall any business be done at that time; but in such case there shall be another meeting at the same place, and at the same hour of the same day in the following week, and at such other meeting any number of contributors more than three qualified to vote shall constitute a meeting. Adjournment of annual or special general meeting if ten contributors qualified to vote shall not be present. 11 Vic. No. 59, s. 8.

8. If at any meeting the number of persons nominated for any elective office is greater than the number to be elected, the meeting shall be adjourned to a day not less than seven nor more than fourteen days after such adjournment, and the secretary shall fix such day, and shall notify the same by advertisement in the nearest local paper, and shall also forthwith transmit by post or otherwise to every contributor qualified to vote a voting paper initialed by the secretary, containing the names of all the persons duly nominated. The said contributors shall strike out of such voting paper the names of the persons for whom they do not desire to vote and shall enclose the voting paper in an envelope endorsed "voting paper," and enclosed in another envelope bearing the voter's signature inside, and shall return the voting paper enclosed as aforesaid to the secretary not later than the day before the date of the adjourned meeting. All such envelopes endorsed "voting paper" as aforesaid shall be handed by the secretary to the scrutineers appointed at such meeting, who after counting the votes shall present a signed return to the adjourned meeting, showing how many votes were recorded for each person nominated, and the chairman of such meeting shall declare those persons elected who have received the majority of votes. Adjournment of election—absent voting. 58 Vic. No. 6, s. 3.

9. If any trustee of any hospital dies, or is absent from New South Wales for more than twelve months, or resigns, or refuses, or becomes *non compos mentis*, or otherwise incapable to act as trustee, a special general meeting shall be called by the secretary under the authority of the committee, and the election of a successor shall be made in the same manner as at an annual meeting, and the person so elected as trustee shall, to all intents and purposes, be vested with the same rights, powers, and authorities in law as the person in whose place he has been elected. Vacancies how to be filled up. 11 Vic. No. 59, s. 10.

*Public Hospitals.*

Vacancies in committee—how filled.  
58 Vic. No. 6, s. 7.

**10.** When any member of the committee of any hospital dies, or resigns, or becomes *non compos mentis*, or refuses, or becomes otherwise unable to act as a member of such committee, the committee may declare that such person has ceased to be a member of such committee, and may appoint a qualified person in his place; and the person so appointed shall have the same rights, powers, and authorities as the person had in whose place he has been so appointed.

Committee to appoint officers.  
*Ibid.* ss. 5, 6.

**11.** The committee of any hospital shall annually appoint a treasurer, and shall also appoint a secretary, medical officer, warden, matron, and any other officer or servant they may deem necessary for the efficient working of such hospital.

## PART III.

*Hospital property and legal proceedings.*

Enabling treasurers of hospitals to sue.  
11 Vic. No. 59, s. 1.

**12.** (1) All proceedings at law or in equity, by or on behalf of any hospital, or wherein any hospital is interested or concerned, may be commenced and prosecuted in the name of the person who is treasurer of such hospital at the time any such proceeding is instituted as nominal plaintiff for and on behalf of such hospital, and such proceedings may be prosecuted and carried on in the name of such treasurer to their final termination, notwithstanding any change in the said office of treasurer during the progress of such proceedings.

Treasurer to recover fees from patients.  
45 Vic. No. 3, s. 2.

(2) The treasurer of any hospital may institute and prosecute in his own name, for and on behalf of the committee of such hospital and by their direction, proceedings against any person who has received medical or surgical treatment in such hospital, or against the executors or administrators or the curator of the estate of any such person, for the recovery of fees and remuneration for such treatment, and such proceedings may be taken either in the District Court or Court of Petty Sessions of the district in which the hospital is situated, or of the district in which the person resides.

Property may be laid in the treasurer.  
11 Vic. No. 59, s. 2.

**13.** In any information or indictment against any person for embezzling, stealing, or in any manner defrauding any hospital, any property of such hospital may be stated to be the property of the treasurer thereof for the time being; and no change in the office of such treasurer during the progress of any prosecution shall abate, or in any manner affect such prosecution.

Actions against any hospital to be prosecuted against the treasurer.  
*Ibid.* s. 3.

**14.** All proceedings at law or in equity against any hospital may be commenced and prosecuted against the treasurer thereof for the time being as the nominal defendant for and on behalf of the said hospital;

*Public Hospitals.*

hospital; and such proceedings may be prosecuted and carried on against such treasurer to their final termination, notwithstanding any change in the said office of treasurer during the progress of such proceedings.

15. Any treasurer in whose name any such proceeding is commenced, prosecuted, carried on, or defended, shall, in all cases, be reimbursed and paid out of the funds of the said hospital.

Treasurer to be reimbursed.  
11 Vic. No. 59, s. 3.

16. A memorial containing the name of the treasurer for the time being of every hospital, in the form and to the effect set forth in the Third Schedule hereto, signed by such treasurer, and by a majority of the committee, and verified on oath by one or more credible witnesses, shall from time to time as occasion may require, be recorded in the office of the Registrar-General, and no action, suit, or other proceedings shall be brought by any hospital until such memorial has been so recorded by such hospital, and the treasurer named in such memorial shall be held to be the treasurer of the hospital recording the same.

Memorial of the name of the treasurer of hospital to be recorded in the office of the Registrar-General.  
*Ibid.* s. 4.

17. The trustees of any hospital and their successors shall be capable of taking and holding all lands granted, conveyed, or bequeathed to such hospital, and all such lands shall be vested in such trustees respectively; and such trustees may permit the committee of any such hospital to build on and use such lands in such manner as as the committee may deem expedient for carrying out the objects of such hospital.

Property of any hospital to be vested in trustees thereof.  
*Ibid.* s. 5.

18. The trustees of any hospital may invest any funds thereof which the committee direct the treasurer to hand over to such trustees from the funds in his hands or otherwise, and also any moneys given or bequeathed to, or arising from any donation of real or personal property to such hospital, at the discretion of such trustees, in any Government funds or debentures of any Australian colony, or in any debentures or debenture stock of any municipal corporation in the said colonies, or of any bank or incorporated company carrying on business therein, or by way of purchase of, or on first mortgage upon, any freehold estate within New South Wales, or in bank deposit receipts for fixed periods or otherwise, with power to pay and transfer any such investment for or unto any other investment authorised by this Act:

Trustees to invest funds of hospital.  
45 Vic. No. 3, s. 1.

Provided that the committee may with the consent of the said trustees in their absolute discretion at any time resort to any such investments and sell the same for the purpose of applying the moneys to arise from any such sale for the purposes of such hospital.

*Public Hospitals.*

## PART IV.

*Supplemental.*

Committee to make  
rules.  
58 Vic. No. 6, s. 6.

**19.** The committee of every hospital shall make rules for the conduct of business at meetings of the said committee, and generally for the management and control of such hospital.

Extension of Act.  
11 Vic. No. 59,  
preamble, s. 11.

**20.** The Governor may, by proclamation published in the Gazette, extend the provisions of this Act to any hospital to be maintained partly by private contributions and partly by aid from the public funds and not mentioned in the Second Schedule hereto.

Effect of extension of  
Act to any hospital.  
58 Vic. No. 6, s. 8.

**21.** Whenever the provisions of this Act are extended to any hospital, the elective officers of such hospital holding office at the date of the proclamation shall continue in office and have the same rights, powers, and duties as if duly elected under the provisions of this Act.

## SCHEDULES.

## FIRST SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal.
11 Vic. No. 59 ...	An Act to enable certain public hospitals to sue and be sued in the name of their treasurer, and to provide for the taking and holding of real property belonging to such hospitals respectively.	The unrepealed portion.
45 Vic. No. 3 ...	An Act to amend the Hospital Acts, and to enable trustees thereof to invest the funds of such hospitals.	The whole.
58 Vic. No. 6 ...	An Act to further amend the law relating to the management of hospitals.	The whole.

SECOND

*Public Hospitals.*

## SECOND SCHEDULE.

Section 3 (a).

*List of Hospitals.*

Hospital.	When brought under Act.	Hospital.	When brought under Act.
Adelong ... ..	12 April, 1861	Maitland ... ..	11 Vic. No. 59
Albury ... ..	16 Aug., 1860	Manly Cottage Hospital.	26 June, 1896
Armidale ... ..	4 Feb., 1879	Manning River ... ..	11 Jan., 1889
Bathurst ... ..	11 Vic. No. 59	Marrickville Cottage	17 Nov., 1896
Bega ... ..	17 Dec., 1886	Hospital.	
Berrima ... ..	17 Jan., 1890	Merriwa ... ..	10 Jan., 1893
Bingara ... ..	23 Aug., 1889	Moree ... ..	30 June, 1891
Bourke ... ..	30 Mar., 1865	Mudgee ... ..	8 Jan., 1857
Braidwood ... ..	14 May, 1858	Murrurundi ... ..	6 Mar., 1874
Brewarrina ... ..	24 Nov., 1896	Musclebrook ... ..	15 May, 1891
Broken Hill ... ..	22 Mar., 1892	Narrabri... ..	7 Mar., 1882
Bulli Cottage Hospital ...	27 Oct., 1893	Narrandera ... ..	22 May, 1891
Carcoar ... ..	13 April, 1859	Nepean Cottage Hospital	13 Sept., 1892
Casino ... ..	1 April, 1887	Newcastle ... ..	11 Vic. No. 59
Clarence (Lower) Hospital,	23 Sept., 1887	North Shore ... ..	23 Aug., 1889
Maclean.		Nyngan Cottage Hospital	9 April, 1897
Cobar ... ..	7 Mar., 1882	Orange ... ..	28 July, 1874
Condobolin ... ..	6 Mar., 1891	Parramatta ... ..	11 Vic. No. 59
Cooma ... ..	3 June, 1881	Port Macquarie... ..	11 Sept., 1848
Corowa ... ..	12 Aug., 1892	Prince Alfred Memorial	29 Aug., 1884
Cowra ... ..	9 Oct., 1882	Hospital, Tenterfield.	
Deniliquin ... ..	16 Dec., 1858	Queanbeyan ... ..	15 Jan., 1892
Dubbo ... ..	11 June, 1868	Scone ... ..	7 Feb., 1882
Dungog ... ..	18 Jan., 1898	Silverton ... ..	4 Dec., 1885
Emmaville ... ..	15 Feb., 1884	St. George's ... ..	15 July, 1892
Forbes ... ..	30 Aug., 1889	Tamworth ... ..	30 July, 1862
Goulburn... ..	11 Vic. No. 59	Wagga Wagga ... ..	10 June, 1898
Grafton ... ..	11 Aug., 1862	Walgett ... ..	13 May, 1884
Grenfell ... ..	22 Oct., 1887	Warialda ... ..	4 Nov., 1882
Gulgong ... ..	24 Oct., 1873	Warren ... ..	28 June, 1892
Gundagai... ..	20 Aug., 1863	Wellington ... ..	6 Mar., 1874
Gunnedah ... ..	23 Dec., 1881	Wentworth ... ..	10 May, 1887
Hay ... ..	16 Sept., 1867	Western Suburbs Cottage	15 July, 1892
Hillgrove ... ..	27 Feb., 1891	Hospital.	
Hillston ... ..	29 Aug., 1884	Windsor ... ..	11 Vic. No. 59
Inverell ... ..	15 Feb., 1882	Wollongong ... ..	5 Oct., 1864
Junee ... ..	7 Feb., 1890	Wyalong ... ..	12 June, 1894
Lismore ... ..	S.G.G. 29 Dec., 1886	Yass ... ..	11 Vic. No. 59
Lithgow ... ..	15 Sept., 1893		

*Public Hospitals.*

## THIRD SCHEDULE.

Memorial.  
Section 16.

MEMORIAL of the name of the treasurer of the hospital at  
in New South Wales, to be recorded in the office of the Registrar-General at Sydney,  
in pursuance of the Public Hospitals Act, 1898. Be it known that on the  
day of 18 , A.B. was duly appointed treasurer of the hospital at

A. B., Treasurer.

E. F. { Being a majority } G. H.  
          { of the members of }  
I. K. { the committee. } L. M.

O. Q., of , gentleman, maketh oath and saith that he was present  
and did see the foregoing memorial signed by the above-named treasurer and  
members of the committee of the hospital at

Sworn this                      day of                      18 .

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

*Government House,  
Sydney, 27th July, 1898.*

HAMPDEN,  
Governor.



## Memo. and Certificate to accompany the Public Hospitals Bill.

THIS Bill consolidates the following Acts :—

11 Vic. No. 59;

45 Vic. No. 3 ;

58 Vic. No. 6.

A list of all the hospitals to which the Acts have been applied up to the present time, has been obtained and inserted in a Schedule.

*Clause 3 (b).*—A very strict reading of the original Acts would apparently throw doubt on the Governor's power to proclaim more than one hospital in any town. This has been cleared up.

*Clause 4.*—Under the original Act, 11 Vic. No. 59, the trustees were to be elected, once for all, as permanent officials. The draftsman of 58 Vic. No. 6 apparently failed to perceive this, and has in so many sections referred to their annual election that it has been found necessary to treat the earlier Act as being, in this particular, impliedly repealed.

*Clause 5.*—Section 8 (11) of 58 Vic. No. 6 provided only for the voting, at first annual meetings, for trustees and committee-men,—this omission has been cured by extending the voting to *all* elective officers.

*Clause 8.*—It was not quite clear, under the old section, whether the voter was himself to strike out the name on the voting-paper before posting it, and some abuses are understood to have resulted. The doubt has been removed.

*Clause 18. Proviso.*—It is hard to say whose "absolute discretion" is here meant, but the proviso is left in its original ambiguous state to be interpreted by the Courts if occasion should ever arise.

*Clause 21.*—An obvious omission in section 8 of 58 Vic. No. 6, which makes no mention of trustees, is here supplied.

I certify that, except in the above particulars, this Bill solely consolidates and in no way alters, adds to, or amends the law contained in the Acts thereby consolidated.

CHAS. G. HEYDON,  
Commissioner for the Consolidation of the Statute Law.

Memorandum and Critique to accompany the Public  
Hospital Bill

The following is the Public Hospital Bill

The bill is intended to provide for the establishment of a public hospital in the city of New York, and to provide for the management and control of the same.

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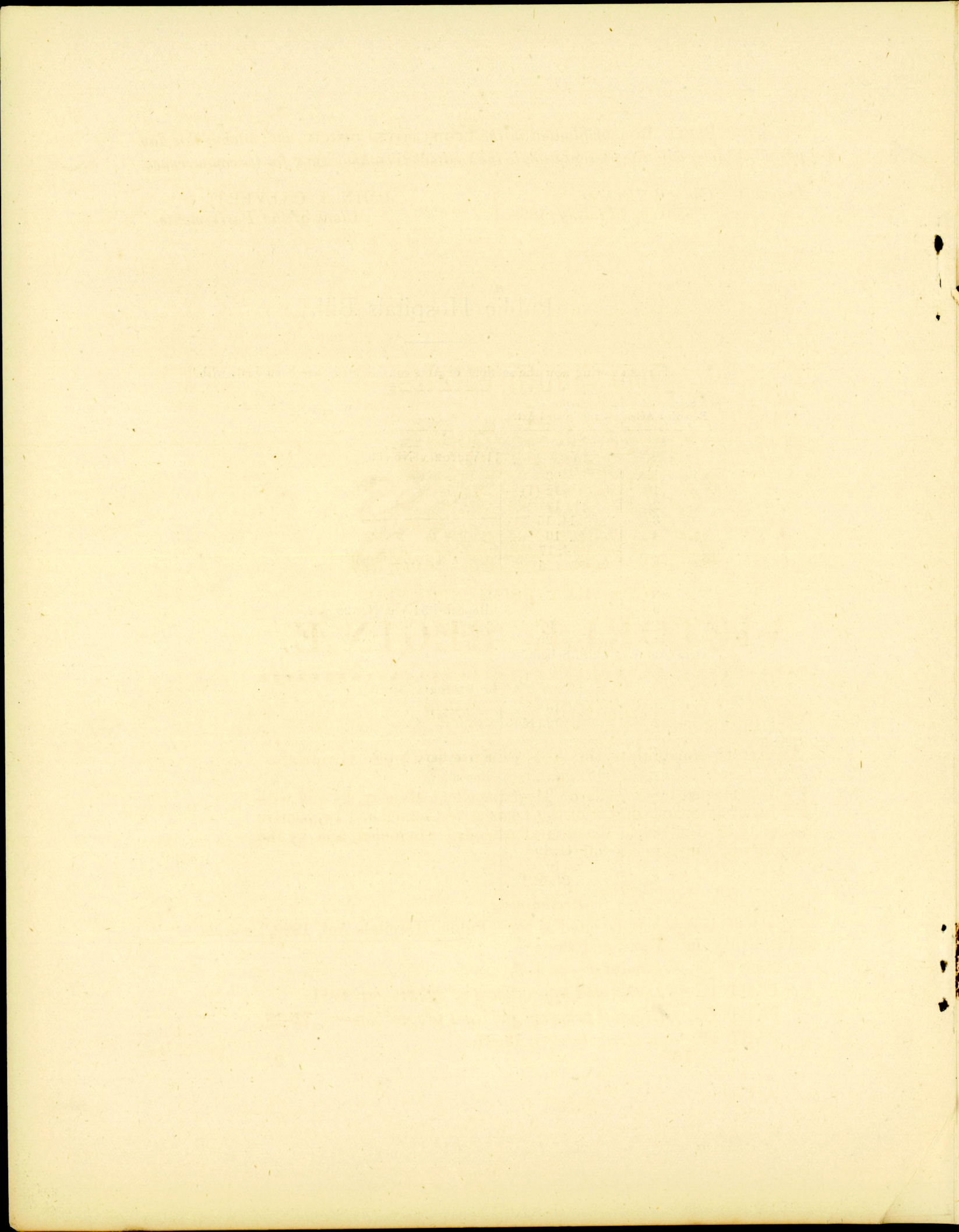
The bill is intended to provide for the establishment of a public hospital in the city of New York, and to provide for the management and control of the same.

The bill is intended to provide for the establishment of a public hospital in the city of New York, and to provide for the management and control of the same.

# Public Hospitals Bill.

TABLE showing how the sections of Acts consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
11 VICTORIA No. 59.		
Preamble.	3	
1	12 (1)	
2	13	
3	14, 15	
4	16	
5	4, 17	
6	4, 5	
7	4	
8	7	
9	.....	Repealed 54 Vic. No. 28, s. 2.
10	9	
11	3, 20	
Schedule A.	Third Schedule.	
45 VICTORIA No. 3.		
1	18	
2	12 (11)	
58 VICTORIA No. 6.		
1	.....	Repeal.
2	6	
3	8	
4	5	
5	11	
6	11, 19	
7	10	
8	21, 5	

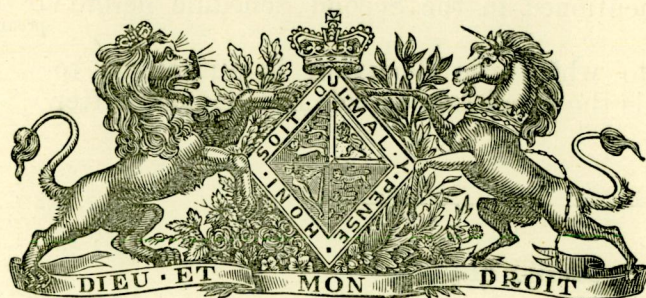


*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council Chamber,  
Sydney, 5th July, 1898.* }

JOHN J. CALVERT,  
*Clerk of the Parliaments.*

## New South Wales.



ANNO SEXAGESIMO SECUNDO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

Act No. , 1898.

An Act to consolidate the Acts relating to Public Hospitals.

**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:—

### PART I.

#### *Preliminary.*

1. This Act may be cited as the "Public Hospitals Act, 1898," Short title. and is divided into Parts, as follows:—

PART I.—*Preliminary*—ss. 1–3.

PART II.—*Election and appointment of officers*—ss. 4–11.

PART III.—*Hospital property and legal proceedings*—ss. 12–18.

PART IV.—*Supplemental*—ss. 19–21.

*Public Hospitals.*

2. (1) The Acts mentioned in the First Schedule to this Act are, to the extent therein expressed, hereby repealed. Repeal.  
First Schedule.
- (2) All persons appointed or elected under the Acts hereby repealed, and holding office at the time of the passing of this Act, shall be deemed to have been appointed or elected hereunder. Officers under Acts  
hereby repealed.
- (3) All rules, regulations, or by-laws made under the authority of any Act hereby repealed, and being in force at the time of the passing of this Act, shall be deemed to have been made under the authority of this Act. Rules, regulations,  
or by-laws under  
Acts hereby repealed.
3. This Act shall apply— Application of Act.
- (a) to the hospitals mentioned in the Second Schedule hereto; 11 Vic. No. 59,  
preamble, and s. 11.  
and
- (b) to any hospital to which the Governor is authorised to extend and extends the provisions of this Act as hereinafter provided.

## PART II.

*Election and appointment of officers.*

4. The secretary, under the authority of the committee, of every hospital shall call an annual meeting, to be held in January, of the contributors to such hospital for the election of trustees (who shall not exceed five in number), committee, auditors, and other elective officers. Meeting for election  
of officers.  
11 Vic. No. 59,  
ss. 5, 6, 7.
5. Any contributor shall be qualified to vote at any annual or special general meeting on any question brought before such meeting, or to vote for any elective officer nominated at such meeting, if— Contributors who  
may vote.  
Ibid. s. 6.  
58 Vic. No. 6, s. 4.
- (a) in the case of the first annual meeting after the extension of the provisions of this Act to such hospital, or in the case of any special general meeting he has paid to the hospital a contribution of one pound sterling at the least within twelve months before such meeting; or
- (b) in the case of any subsequent annual meeting he has paid to the hospital a contribution of one pound sterling at the least between the commencing of business at such meeting and the commencing of business at the preceding annual meeting; or
- (c) in any case he has paid to the hospital a contribution of ten pounds sterling at the least in one sum.
6. (1) Any contributor to any hospital qualified to vote as aforesaid may be nominated for and elected to any elective office of such hospital, and any person, whether a contributor or not, may be nominated for and elected to the office of auditor. Qualification of  
officers.  
58 Vic. No. 6, s. 2.

*Public Hospitals.*

(2) No person shall be elected to any elective office unless Nomination. at a meeting for such election he is proposed and seconded by two contributors qualified to vote, and is with his own consent nominated in writing.

(3) Every meeting for election of elective officers shall be Advertisement. advertised in the nearest local paper at least a week before the day on which such meeting is to be held.

7. If at any annual or special general meeting at least ten Adjournment of annual or special general meeting if ten contributors qualified to vote shall not be present. contributors qualified to vote do not assemble and proceed to business within one hour from the time fixed for the meeting no election shall be made, nor shall any business be done at that time; but in such case there shall be another meeting at the same place, and at the same hour of the same day in the following week, and at such other meeting any number of contributors more than three qualified to vote shall constitute a meeting. 11 Vic. No. 59, s. 8.

8. If at any meeting the number of persons nominated for Adjournment of election—absent voting. any elective office is greater than the number to be elected, the meeting shall be adjourned to a day not less than seven nor more than fourteen days after such adjournment, and the secretary shall fix such day, and shall notify the same by advertisement in the nearest local paper, and shall also forthwith transmit by post or otherwise to every contributor qualified to vote a voting paper initialed by the secretary, containing the names of all the persons duly nominated. The said contributors shall strike out of such voting paper the names of the persons for whom they do not desire to vote and shall enclose the voting paper in an envelope endorsed "voting paper," and enclosed in another envelope bearing the voter's signature inside, and shall return the voting paper enclosed as aforesaid to the secretary not later than the day before the date of the adjourned meeting. All such envelopes endorsed "voting paper" as aforesaid shall be handed by the secretary to the scrutineers appointed at such meeting, who after counting the votes shall present a signed return to the adjourned meeting, showing how many votes were recorded for each person nominated, and the chairman of such meeting shall declare those persons elected who have received the majority of votes. 58 Vic. No. 6, s. 3.

9. If any trustee of any hospital dies, or is absent from New Vacancies how to be filled up. South Wales for more than twelve months, or resigns, or refuses, or becomes *non compos mentis*, or otherwise incapable to act as trustee, 11 Vic. No. 59, s. 10. a special general meeting shall be called by the secretary under the authority of the committee, and the election of a successor shall be made in the same manner as at an annual meeting, and the person so elected as trustee shall, to all intents and purposes, be vested with the same rights, powers, and authorities in law as the person in whose place he has been elected.

*Public Hospitals.*

10. When any member of the committee of any hospital dies, or resigns, or becomes *non compos mentis*, or refuses, or becomes otherwise unable to act as a member of such committee, the committee may declare that such person has ceased to be a member of such committee, and may appoint a qualified person in his place; and the person so appointed shall have the same rights, powers, and authorities as the person had in whose place he has been so appointed.

Vacancies in committee—how filled.  
58 Vic. No. 6, s. 7.

11. The committee of any hospital shall annually appoint a treasurer, and shall also appoint a secretary, medical officer, warden, matron, and any other officer or servant they may deem necessary for the efficient working of such hospital.

Committee to appoint officers.  
*Ibid.* ss. 5, 6.

## PART III.

*Hospital property and legal proceedings.*

12. (1) All proceedings at law or in equity, by or on behalf of any hospital, or wherein any hospital is interested or concerned, may be commenced and prosecuted in the name of the person who is treasurer of such hospital at the time any such proceeding is instituted as nominal plaintiff for and on behalf of such hospital, and such proceedings may be prosecuted and carried on in the name of such treasurer to their final termination, notwithstanding any change in the said office of treasurer during the progress of such proceedings.

Enabling treasurers of hospitals to sue.  
11 Vic. No. 59, s. 1.

(2) The treasurer of any hospital may institute and prosecute in his own name, for and on behalf of the committee of such hospital and by their direction, proceedings against any person who has received medical or surgical treatment in such hospital, or against the executors or administrators or the curator of the estate of any such person, for the recovery of fees and remuneration for such treatment, and such proceedings may be taken either in the District Court or Court of Petty Sessions of the district in which the hospital is situated, or of the district in which the person resides.

Treasurer to recover fees from patients.  
45 Vic. No. 3, s. 2.

13. In any information or indictment against any person for embezzling, stealing, or in any manner defrauding any hospital, any property of such hospital may be stated to be the property of the treasurer thereof for the time being; and no change in the office of such treasurer during the progress of any prosecution shall abate, or in any manner affect such prosecution.

Property may be laid in the treasurer.  
11 Vic. No. 59, s. 2.

14. All proceedings at law or in equity against any hospital may be commenced and prosecuted against the treasurer thereof for the time being as the nominal defendant for and on behalf of the said

Actions against any hospital to be prosecuted against the treasurer.  
*Ibid.* s. 3.

hospital; *Ibid.* s. 3.



*Public Hospitals.*

hospital; and such proceedings may be prosecuted and carried on against such treasurer to their final termination, notwithstanding any change in the said office of treasurer during the progress of such proceedings.

15. Any treasurer in whose name any such proceeding is commenced, prosecuted, carried on, or defended, shall, in all cases, be reimbursed and paid out of the funds of the said hospital.

Treasurer to be reimbursed.  
11 Vic. No. 59, s.

16. A memorial containing the name of the treasurer for the time being of every hospital, in the form and to the effect set forth in the Third Schedule hereto, signed by such treasurer, and by a majority of the committee, and verified on oath by one or more credible witnesses, shall from time to time as occasion may require, be recorded in the office of the Registrar-General, and no action, suit, or other proceedings shall be brought by any hospital until such memorial has been so recorded by such hospital, and the treasurer named in such memorial shall be held to be the treasurer of the hospital recording the same.

Memorial of the name of the treasurer of hospital to be recorded in the office of the Registrar-General.  
*Ibid.* s. 4.

17. The trustees of any hospital and their successors shall be capable of taking and holding all lands granted, conveyed, or bequeathed to such hospital, and all such lands shall be vested in such trustees respectively; and such trustees may permit the committee of any such hospital to build on and use such lands in such manner as as the committee may deem expedient for carrying out the objects of such hospital.

Property of any hospital to be vested in trustees thereof.  
*Ibid.* s. 5.

18. The trustees of any hospital may invest any funds thereof which the committee direct the treasurer to hand over to such trustees from the funds in his hands or otherwise, and also any moneys given or bequeathed to, or arising from any donation of real or personal property to such hospital, at the discretion of such trustees, in any Government funds or debentures of any Australian colony, or in any debentures or debenture stock of any municipal corporation in the said colonies, or of any bank or incorporated company carrying on business therein, or by way of purchase of, or on first mortgage upon, any freehold estate within New South Wales, or in bank deposit receipts for fixed periods or otherwise, with power to pay and transfer any such investment for or unto any other investment authorised by this Act:

Trustees to invest funds of hospital.  
45 Vic. No. 3, s. 1.

Provided that the committee may with the consent of the said trustees in their absolute discretion at any time resort to any such investments and sell the same for the purpose of applying the moneys to arise from any such sale for the purposes of such hospital.

*Public Hospitals.*

## PART IV.

*Supplemental.*

19. The committee of every hospital shall make rules for the conduct of business at meetings of the said committee, and generally for the management and control of such hospital. Committee to make rules. 58 Vic. No. 6, s. 6.

20. The Governor may, by proclamation published in the Gazette, extend the provisions of this Act to any hospital to be maintained partly by private contributions and partly by aid from the public funds and not mentioned in the Second Schedule hereto. Extension of Act. 11 Vic. No. 59, preamble, s. 11.

21. Whenever the provisions of this Act are extended to any hospital, the elective officers of such hospital holding office at the date of the proclamation shall continue in office and have the same rights, powers, and duties as if duly elected under the provisions of this Act. Effect of extension of Act to any hospital. 58 Vic. No. 6, s. 8.

## SCHEDULES.

## FIRST SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal.
11 Vic. No. 59 ...	An Act to enable certain public hospitals to sue and be sued in the name of their treasurer, and to provide for the taking and holding of real property belonging to such hospitals respectively.	The unrepealed portion.
45 Vic. No. 3 ...	An Act to amend the Hospital Acts, and to enable trustees thereof to invest the funds of such hospitals.	The whole.
58 Vic. No. 6 ...	An Act to further amend the law relating to the management of hospitals.	The whole.

SECOND

*Public Hospitals.*

## SECOND SCHEDULE.

*List of Hospitals.*

Hospital.	When brought under Act.	Hospital.	When brought under Act.
Adelong ... ..	12 April, 1861	Maitland ... ..	11 Vic. No. 59
Albury ... ..	16 Aug., 1860	Manly Cottage Hospital.	26 June, 1896
Armidale ... ..	4 Feb., 1879	Manning River ... ..	11 Jan., 1889
Bathurst ... ..	11 Vic. No. 59	Marrickville Cottage	17 Nov., 1896
Bega ... ..	17 Dec., 1886	Hospital.	
Berrima ... ..	17 Jan., 1890	Merriwa ... ..	10 Jan., 1893
Bingara ... ..	23 Aug., 1889	Moree ... ..	30 June, 1891
Bourke ... ..	30 Mar., 1865	Mudgee ... ..	8 Jan., 1857
Braidwood ... ..	14 May, 1858	Murrurundi ... ..	6 Mar., 1874
Brewarrina ... ..	24 Nov., 1896	Musclebrook ... ..	15 May, 1891
Broken Hill ... ..	22 Mar., 1892	Narrabri... ..	7 Mar., 1882
Bulli Cottage Hospital	27 Oct., 1893	Narrandera ... ..	22 May, 1891
Carcoar ... ..	13 April, 1859	Nepean Cottage Hospital	13 Sept., 1892
Casino ... ..	1 April, 1887	Newcastle ... ..	11 Vic. No. 59
Clarence (Lower) Hospital,	23 Sept., 1887	North Shore ... ..	23 Aug., 1889
Macleay.		Nyngan Cottage Hospital	9 April, 1897
Cobar ... ..	7 Mar., 1882	Orange ... ..	28 July, 1874
Condoblin ... ..	6 Mar., 1891	Parramatta ... ..	11 Vic. No. 59
Cooma ... ..	3 June, 1881	Port Macquarie... ..	11 Sept., 1848
Corowa ... ..	12 Aug., 1892	Prince Alfred Memorial	29 Aug., 1884
Cowra ... ..	9 Oct., 1882	Hospital, Tenterfield.	
Deniliquin ... ..	16 Dec., 1858	Queanbeyan ... ..	15 Jan., 1892
Dubbo ... ..	11 June, 1868	Scone ... ..	7 Feb., 1882
Dungog ... ..	18 Jan., 1898	Silverton ... ..	4 Dec., 1885
Emmaville ... ..	15 Feb., 1884	St. George's ... ..	15 July, 1892
Forbes ... ..	30 Aug., 1889	Tamworth ... ..	30 July, 1862
Goulburn... ..	11 Vic. No. 59	Wagga Wagga ... ..	10 June, 1898
Grafton ... ..	11 Aug., 1862	Walgett ... ..	13 May, 1884
Grenfell ... ..	22 Oct., 1887	Warialda ... ..	4 Nov., 1882
Gulgong ... ..	24 Oct., 1873	Warren ... ..	28 June, 1892
Gundagai... ..	20 Aug., 1863	Wellington ... ..	6 Mar., 1874
Gunnedah ... ..	23 Dec., 1881	Wentworth ... ..	10 May, 1887
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Hillston ... ..	29 Aug., 1884	Windsor... ..	11 Vic. No. 59
Inverell ... ..	15 Feb., 1882	Wollongong ... ..	5 Oct., 1864
Juneee ... ..	7 Feb., 1890	Wyalong ... ..	12 June, 1894
Lismore ... ..	S.G.G. 29 Dec., 1886	Yass ... ..	11 Vic. No. 59
Lithgow ... ..	15 Sept., 1893		

*Public Hospitals.*

THIRD SCHEDULE.

MEMORIAL of the name of the treasurer of the hospital at \_\_\_\_\_ Memorial.  
in New South Wales, to be recorded in the office of the Registrar-General at Sydney, Section 16.  
in pursuance of the Public Hospitals Act, 1898. Be it known that on the \_\_\_\_\_  
day of \_\_\_\_\_ 18 \_\_\_\_\_, A.B. was duly appointed treasurer of the hospital at \_\_\_\_\_

A. B., Treasurer.

E. F. { Being a majority } G. H.  
          { of the members of }  
I. K. { the committee. } L. M.

O. Q., of \_\_\_\_\_, gentleman, maketh oath and saith that he was present  
and did see the foregoing memorial signed by the above-named treasurer and  
members of the committee of the hospital at \_\_\_\_\_

Sworn this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

## Memo. and Certificate to accompany the Public Hospitals Bill.

THIS Bill consolidates the following Acts :—

11 Vic. No. 59 ;

45 Vic. No. 3 ;

58 Vic. No. 6.

A list of all the hospitals to which the Acts have been applied up to the present time, has been obtained and inserted in a Schedule.

*Clause 3 (b).*—A very strict reading of the original Acts would apparently throw doubt on the Governor's power to proclaim more than one hospital in any town. This has been cleared up.

*Clause 4.*—Under the original Act, 11 Vic. No. 59, the trustees were to be elected, once for all, as permanent officials. The draftsman of 58 Vic. No. 6 apparently failed to perceive this, and has in so many sections referred to their annual election that it has been found necessary to treat the earlier Act as being, in this particular, impliedly repealed.

*Clause 5.*—Section 8 (11) of 58 Vic. No. 6 provided only for the voting, at first annual meetings, for trustees and committee-men,—this omission has been cured by extending the voting to *all* elective officers.

*Clause 8.*—It was not quite clear, under the old section, whether the voter was himself to strike out the name on the voting-paper before posting it, and some abuses are understood to have resulted. The doubt has been removed.

*Clause 18. Proviso.*—It is hard to say whose "absolute discretion" is here meant, but the proviso is left in its original ambiguous state to be interpreted by the Courts if occasion should ever arise.

*Clause 21.*—An obvious omission in section 8 of 58 Vic. No. 6, which makes no mention of trustees, is here supplied.

I certify that, except in the above particulars, this Bill solely consolidates and in no way alters, adds to, or amends the law contained in the Acts thereby consolidated.

CHAS. G. HEYDON,  
Commissioner for the Consolidation of the Statute Law.



## Public Hospitals Bill.

TABLE showing how the sections of Acts consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
11 VICTORIA No. 59.		
Preamble.	3	
1	12 (1)	
2	13	
3	14, 15	
4	16	
5	4, 17	
6	4, 5	
7	4	
8	7	
9	.....	Repealed 54 Vic. No. 28, s. 2.
10	9	
11	3, 20	
Schedule A.	Third Schedule.	
45 VICTORIA No. 3.		
1	18	
2	12 (11)	
58 VICTORIA No. 6.		
1	.....	Repeal.
2	6	
3	8	
4	5	
5	11	
6	11, 19	
7	10	
8	21, 5	





Legislative Council.

No. , 1898.

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# A BILL

To consolidate the Acts relating to Public Hospitals.

[MR. WANT;—30 June, 1898.]

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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:—

PART I.

*Preliminary.*

1. This Act may be cited as the "Public Hospitals Act, 1898," and is divided into Parts, as follows:—

PART I.—*Preliminary*—ss. 1-3.

PART II.—*Election and appointment of officers*—ss. 4-11.

PART III.—*Hospital property and legal proceedings*—ss. 12-18.

PART IV.—*Supplemental*—ss. 19-21.

Repeal.  
First Schedule.  
Officers under Acts  
hereby repealed.

Rules, regulations,  
or by-laws under  
Acts hereby repealed.

Application of Act.  
11 Vic. No. 59,  
preamble, and s. 11.

2. (1) The Acts mentioned in the First Schedule to this Act are, to the extent therein expressed, hereby repealed.

(2) All persons appointed or elected under the Acts hereby repealed, and holding office at the time of the passing of this Act, shall be deemed to have been appointed or elected hereunder.

(3) All rules, regulations, or by-laws made under the authority of any Act hereby repealed, and being in force at the time of the passing of this Act, shall be deemed to have been made under the authority of this Act.

3. This Act shall apply—

(a) to the hospitals mentioned in the Second Schedule hereto ;  
and

(b) to any hospital to which the Governor is authorised to extend and extends the provisions of this Act as hereinafter provided.

## PART II.

### *Election and appointment of officers.*

Meeting for election  
of officers.  
11 Vic. No. 59,  
ss. 5, 6, 7.

4. The secretary, under the authority of the committee, of every hospital shall call an annual meeting, to be held in January, of the contributors to such hospital for the election of trustees (who shall not exceed five in number), committee, auditors, and other elective officers.

Contributors who  
may vote.  
*Ibid.* s. 6.  
58 Vic. No. 6, s. 4.

5. Any contributor shall be qualified to vote at any annual or special general meeting on any question brought before such meeting, or to vote for any elective officer nominated at such meeting, if—

(a) in the case of the first annual meeting after the extension of the provisions of this Act to such hospital, or in the case of any special general meeting he has paid to the hospital a contribution of one pound sterling at the least within twelve months before such meeting ; or

(b) in the case of any subsequent annual meeting he has paid to the hospital a contribution of one pound sterling at the least between the commencing of business at such meeting and the commencing of business at the preceding annual meeting ;  
or

(c) in any case he has paid to the hospital a contribution of ten pounds sterling at the least in one sum.

Qualification of  
officers.  
58 Vic. No. 6, s. 2.

6. (1) Any contributor to any hospital qualified to vote as aforesaid may be nominated for and elected to any elective office of such hospital, and any person, whether a contributor or not, may be nominated for and elected to the office of auditor.

(2)

(2) No person shall be elected to any elective office unless at a meeting for such election he is proposed and seconded by two contributors qualified to vote, and is with his own consent nominated in writing. Nomination.

(3) Every meeting for election of elective officers shall be advertised in the nearest local paper at least a week before the day on which such meeting is to be held. Advertisement.

7. If at any annual or special general meeting at least ten contributors qualified to vote do not assemble and proceed to business within one hour from the time fixed for the meeting no election shall be made, nor shall any business be done at that time; but in such case there shall be another meeting at the same place, and at the same hour of the same day in the following week, and at such other meeting any number of contributors more than three qualified to vote shall constitute a meeting. Adjournment of annual or special general meeting if ten contributors qualified to vote shall not be present. 11 Vic. No. 59, s. 8.

8. If at any meeting the number of persons nominated for any elective office is greater than the number to be elected, the meeting shall be adjourned to a day not less than seven nor more than fourteen days after such adjournment, and the secretary shall fix such day, and shall notify the same by advertisement in the nearest local paper, and shall also forthwith transmit by post or otherwise to every contributor qualified to vote a voting paper initialed by the secretary, containing the names of all the persons duly nominated. The said contributors shall strike out of such voting paper the names of the persons for whom they do not desire to vote and shall enclose the voting paper in an envelope endorsed "voting paper," and enclosed in another envelope bearing the voter's signature inside, and shall return the voting paper enclosed as aforesaid to the secretary not later than the day before the date of the adjourned meeting. All such envelopes endorsed "voting paper" as aforesaid shall be handed by the secretary to the scrutineers appointed at such meeting, who after counting the votes shall present a signed return to the adjourned meeting, showing how many votes were recorded for each person nominated, and the chairman of such meeting shall declare those persons elected who have received the majority of votes. Adjournment of election—absent voting. 58 Vic. No. 6, s. 3.

9. If any trustee of any hospital dies, or is absent from New South Wales for more than twelve months, or resigns, or refuses, or becomes *non compos mentis*, or otherwise incapable to act as trustee, a special general meeting shall be called by the secretary under the authority of the committee, and the election of a successor shall be made in the same manner as at an annual meeting, and the person so elected as trustee shall, to all intents and purposes, be vested with the same rights, powers, and authorities in law as the person in whose place he has been elected. Vacancies how to be filled up. 11 Vic. No. 59, s. 10.

Vacancies in committee—how filled.  
58 Vic. No. 6, s. 7.

**10.** When any member of the committee of any hospital dies, or resigns, or becomes *non compos mentis*, or refuses, or becomes otherwise unable to act as a member of such committee, the committee may declare that such person has ceased to be a member of such committee, and may appoint a qualified person in his place; and the person so appointed shall have the same rights, powers, and authorities as the person had in whose place he has been so appointed.

Committee to appoint officers.  
*Ibid.* ss. 5, 6.

**11.** The committee of any hospital shall annually appoint a treasurer, and shall also appoint a secretary, medical officer, warden, matron, and any other officer or servant they may deem necessary for the efficient working of such hospital.

### PART III.

#### *Hospital property and legal proceedings.*

Enabling treasurers of hospitals to sue.  
11 Vic. No. 59, s. 1.

**12.** (1) All proceedings at law or in equity, by or on behalf of any hospital, or wherein any hospital is interested or concerned, may be commenced and prosecuted in the name of the person who is treasurer of such hospital at the time any such proceeding is instituted as nominal plaintiff for and on behalf of such hospital, and such proceedings may be prosecuted and carried on in the name of such treasurer to their final termination, notwithstanding any change in the said office of treasurer during the progress of such proceedings.

Treasurer to recover fees from patients.  
45 Vic. No. 3, s. 2.

(2) The treasurer of any hospital may institute and prosecute in his own name, for and on behalf of the committee of such hospital and by their direction, proceedings against any person who has received medical or surgical treatment in such hospital, or against the executors or administrators or the curator of the estate of any such person, for the recovery of fees and remuneration for such treatment, and such proceedings may be taken either in the District Court or Court of Petty Sessions of the district in which the hospital is situated, or of the district in which the person resides.

Property may be laid in the treasurer.  
11 Vic. No. 59, s. 2.

**13.** In any information or indictment against any person for embezzling, stealing, or in any manner defrauding any hospital, any property of such hospital may be stated to be the property of the treasurer thereof for the time being; and no change in the office of such treasurer during the progress of any prosecution shall abate, or in any manner affect such prosecution.

Actions against any hospital to be prosecuted against the treasurer.  
*Ibid.* s. 3.

**14.** All proceedings at law or in equity against any hospital may be commenced and prosecuted against the treasurer thereof for the time being as the nominal defendant for and on behalf of the said hospital;

hospital; and such proceedings may be prosecuted and carried on against such treasurer to their final termination, notwithstanding any change in the said office of treasurer during the progress of such proceedings.

15. Any treasurer in whose name any such proceeding is commenced, prosecuted, carried on, or defended, shall, in all cases, be reimbursed and paid out of the funds of the said hospital.

Treasurer to be reimbursed.  
11 Vic. No. 59, s.

16. A memorial containing the name of the treasurer for the time being of every hospital, in the form and to the effect set forth in the Third Schedule hereto, signed by such treasurer, and by a majority of the committee, and verified on oath by one or more credible witnesses, shall from time to time as occasion may require, be recorded in the office of the Registrar-General, and no action, suit, or other proceedings shall be brought by any hospital until such memorial has been so recorded by such hospital, and the treasurer named in such memorial shall be held to be the treasurer of the hospital recording the same.

Memorial of the name of the treasurer of hospital to be recorded in the office of the Registrar-General.  
*Ibid.* s. 4.

17. The trustees of any hospital and their successors shall be capable of taking and holding all lands granted, conveyed, or bequeathed to such hospital, and all such lands shall be vested in such trustees respectively; and such trustees may permit the committee of any such hospital to build on and use such lands in such manner as as the committee may deem expedient for carrying out the objects of such hospital.

Property of any hospital to be vested in trustees thereof.  
*Ibid.* s. 5.

18. The trustees of any hospital may invest any funds thereof which the committee direct the treasurer to hand over to such trustees from the funds in his hands or otherwise, and also any moneys given or bequeathed to, or arising from any donation of real or personal property to such hospital, at the discretion of such trustees, in any Government funds or debentures of any Australian colony, or in any debentures or debenture stock of any municipal corporation in the said colonies, or of any bank or incorporated company carrying on business therein, or by way of purchase of, or on first mortgage upon, any freehold estate within New South Wales, or in bank deposit receipts for fixed periods or otherwise, with power to pay and transfer any such investment for or unto any other investment authorised by this Act:

Trustees to invest funds of hospital.  
45 Vic. No. 3, s. 1.

Provided that the committee may with the consent of the said trustees in their absolute discretion at any time resort to any such investments and sell the same for the purpose of applying the moneys to arise from any such sale for the purposes of such hospital.

## PART IV.

*Supplemental.*

Committee to make  
rules.  
58 Vic. No. 6, s. 6.

Extension of Act.  
11 Vic. No. 59,  
Preamble, s. 11.

Effect of extension of  
Act to any hospital.  
58 Vic. No. 6, s. 8.

**19.** The committee of every hospital shall make rules for the conduct of business at meetings of the said committee, and generally for the management and control of such hospital.

**20.** The Governor may, by proclamation published in the Gazette, extend the provisions of this Act to any hospital to be maintained partly by private contributions and partly by aid from the public funds and not mentioned in the Second Schedule hereto.

**21.** Whenever the provisions of this Act are extended to any hospital, the elective officers of such hospital holding office at the date of the proclamation shall continue in office and have the same rights, powers, and duties as if duly elected under the provisions of this Act.

## SCHEDULES.

## FIRST SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal.
11 Vic. No. 59 ...	An Act to enable certain public hospitals to sue and be sued in the name of their treasurer, and to provide for the taking and holding of real property belonging to such hospitals respectively.	The unrepealed portion.
45 Vic. No. 3 ...	An Act to amend the Hospital Acts, and to enable trustees thereof to invest the funds of such hospitals.	The whole.
58 Vic. No. 6 ...	An Act to further amend the law relating to the management of hospitals.	The whole.

SECOND

## SECOND SCHEDULE.

## List of Hospitals.

Section 3 (a).

Hospital.	When brought under Act.	Hospital.	When brought under Act.
Adelong ... ..	12 April, 1861	Maitland ... ..	11 Vic. No. 59
Albury ... ..	16 Aug., 1860	Manly Cottage Hospital.	26 June, 1896
Armidale ... ..	4 Feb., 1879	Manning River ... ..	11 Jan., 1889
Bathurst ... ..	11 Vic. No. 59	Marrickville Cottage	17 Nov., 1896
Bega ... ..	17 Dec., 1886	Hospital.	
Berrima ... ..	17 Jan., 1890	Merriwa ... ..	10 Jan., 1893
Bingara ... ..	23 Aug., 1889	Moree ... ..	30 June, 1891
Bourke ... ..	30 Mar., 1865	Mudgee ... ..	8 Jan., 1857
Braidwood ... ..	14 May, 1858	Murrurundi ... ..	6 Mar., 1874
Brewarrina ... ..	24 Nov., 1896	Musclebrook ... ..	15 May, 1891
Broken Hill ... ..	22 Mar., 1892	Narrabri ... ..	7 Mar., 1882
Bulli Cottage Hospital	27 Oct., 1893	Narrandera ... ..	22 May, 1891
Carcoar ... ..	13 April, 1859	Nepean Cottage Hospital	13 Sept., 1892
Casino ... ..	1 April, 1887	Newcastle ... ..	11 Vic. No. 59
Clarence (Lower) Hospital,	23 Sept., 1887	North Shore ... ..	23 Aug., 1889
Macleay.		Nyngan Cottage Hospital	9 April, 1897
Cobar ... ..	7 Mar., 1882	Orange ... ..	28 July, 1874
Condobolin ... ..	6 Mar., 1891	Parramatta ... ..	11 Vic. No. 59
Cooma ... ..	3 June, 1881	Port Macquarie ... ..	11 Sept., 1848
Corowa ... ..	12 Aug., 1892	Prince Alfred Memorial	29 Aug., 1884
Cowra ... ..	9 Oct., 1882	Hospital, Tenterfield.	
Deniliquin ... ..	16 Dec., 1858	Queanbeyan ... ..	15 Jan., 1892
Dubbo ... ..	11 June, 1868	Scone ... ..	7 Feb., 1882
Dungog ... ..	18 Jan., 1898	Silverton ... ..	4 Dec., 1885
Emmaville ... ..	15 Feb., 1884	St. George's ... ..	15 July, 1892
Forbes ... ..	30 Aug., 1889	Tamworth ... ..	30 July, 1862
Goulburn ... ..	11 Vic. No. 59	Wagga Wagga ... ..	10 June, 1898
Grafton ... ..	11 Aug., 1862	Walgett ... ..	13 May, 1884
Grenfell ... ..	22 Oct., 1887	Warialda ... ..	4 Nov., 1882
Gulgong ... ..	24 Oct., 1873	Warren ... ..	28 June, 1892
Gundagai ... ..	20 Aug., 1863	Wellington ... ..	6 Mar., 1874
Gunnedah ... ..	23 Dec., 1881	Wentworth ... ..	10 May, 1887
Hay ... ..	16 Sept., 1867	Western Suburbs Cottage	15 July, 1892
Hillgrove ... ..	27 Feb., 1891	Hospital.	
Hillston ... ..	29 Aug., 1884	Windsor ... ..	11 Vic. No. 59
Inverell ... ..	15 Feb., 1882	Wollongong ... ..	5 Oct., 1864
Junee ... ..	7 Feb., 1890	Wyalong ... ..	12 June, 1894
Lismore ... ..	S.G.G. 29 Dec., 1886	Yass ... ..	11 Vic. No. 59
Lithgow ... ..	15 Sept., 1893		

THIRD

## THIRD SCHEDULE.

Memorial.  
Section 16.

MEMORIAL of the name of the treasurer of the hospital at  
in New South Wales, to be recorded in the office of the Registrar-General at Sydney,  
in pursuance of the Public Hospitals Act, 1898. Be it known that on the  
day of 18 , A.B. was duly appointed treasurer of the hospital at

A. B., Treasurer.

E. F. { Being a majority } G. H.  
          { of the members of }  
I. K. { the committee. } L. M.

O. Q., of , gentleman, maketh oath and saith that he was present  
and did see the foregoing memorial signed by the above-named treasurer and  
members of the committee of the hospital at

Sworn this                      day of                      18 .