

Presented
by Mr. Weaver
and read 1st
W.M. Court
31 July '34



~~[CONFIDENTIAL]~~

PROOF sheet

No. , 1934.

A BILL

To make further provision relating to the Hospitals Commission of New South Wales; to amend the Public Hospitals Act, 1929-1933, in certain respects; and for purposes connected herewith.

[MR. WEAVER;—31st July, 1934.]

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

1. (1) This Act may be cited as the "Public Hospitals (Amendment) Act, 1934."

(2) This Act shall be read with the Public Hospitals Act, 1929-1933, which Act is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Public Hospitals Act, 1929-1934.

39093

107—(5)

(4)

(4) This Act shall be deemed to have commenced on the thirty-first day of July, one thousand nine hundred and thirty-four.

Amendment of
Act No. 8, 1929.

2. The Principal Act is amended—

Sec. 5.

(Constitution
of Hospitals
Commission.)

(a) (i) by omitting from subsection one of section 5 five the words “ five members appointed by the Governor by Commission under the seal of the State. The five members so to be appointed shall be as follows:—” and by inserting in lieu thereof the words “ the 10 Minister (who shall be the chairman) and four members appointed by the Governor by Commission under the seal of the State. Of the members so appointed—”;

(ii) by omitting paragraph (a) of the same 15 subsection;

(iii) by omitting from the same subsection the words “member who” wherever occurring;

(iv) by omitting subsection two of the same section and by inserting in lieu thereof the 20 following subsection:—

(2) The Governor shall appoint one of the members to be vice-chairman of the Commission.

The vice-chairman shall have and may 25 exercise such of the powers and authorities of the chairman as the chairman may from time to time in writing delegate to him either generally, or in any particular case.

The powers and authorities so delegated 30 shall continue to be exercisable by the vice-chairman until the delegation is withdrawn in writing by the chairman notwithstanding that there may be a vacancy in the office of chairman or that some person other than 35 the person who made the delegation becomes the chairman.

No person shall be concerned to inquire whether any act done by a vice-chairman is within the scope of his authority. 40

(v)

- (v) by inserting at the end of subsection three of the same section the words "The chairman shall not be entitled to receive any remuneration, whether by way of fees or otherwise in his capacity of chairman";
- 5 (b) (i) by omitting paragraph (d) of subsection three of section six; Sec. 6.
(Disqualification of members.)
- (ii) by omitting subsection four of the same section;
- 10 (iii) by omitting from subsection (5A) of the same section the words "or where he has been appointed acting-chairman";
- (iv) by omitting from the same subsection the words "Where the member who has vacated his office is the chairman, the Governor may appoint any member or any acting-member of the Commission to be acting-chairman, and the member or acting-member so appointed shall, whilst so acting, have the powers and authority of the chairman";
- 15 (v) by omitting from the same subsection the words "an acting chairman or";
- (vi) by omitting from the same subsection the words "for appointment as acting chairman or acting member (as the case may be)";
- 20 (c) (i) by inserting in subsection two of section seven after the word "thereto" the words "and to the provisions of subsection (2A) of this section"; Sec. 7.
(Commission, quorum, etc.)
- 25 (ii) by inserting next after the same subsection the following new subsection:—
- (2A) An ordinary meeting of the Commission shall be called in each calendar month by notice sent to the chairman and to each member of the Commission at least seven days before the date of the meeting.
- 30 Such notice shall state the business to be transacted at the meeting.
- 35 (iii) by omitting from subsection three of the same section the words "one of whom shall be the chairman or the deputy chairman or acting-chairman";
- 40 (iv)

(iv) by omitting subsection four of the same section and by inserting in lieu thereof the following subsections:—

(4) At any meeting of the Commission the chairman, or in his absence the vice-chairman, if present at the meeting, shall preside. If the chairman and the vice-chairman are both absent from any meeting the members present shall elect one of their number to preside at the meeting. 5 10

(4A) At any meeting of the Commission the decision of a majority of the members present shall be the decision of the Commission.

If at any meeting of the Commission the members present are equally divided in opinion as to the decision to be given on any matter, the determination of such matter shall be postponed to a meeting at which all the members are present. 15 20

(v) by omitting from subsection five of the same section the word "acting-chairman" and by inserting in lieu thereof the word "vice-chairman";

(d) by omitting from subsection one of section ten the words "chairman and." 25

Sec. 10.
(Salaries and
expenses.)

Extension of
term of office
of Major the
Hon. A. E.
Colvin,
M.L.C., as a
member of
the Commis-
sion.

3. (1) The term of office as member of the Hospitals Commission of New South Wales of Major the Honorable Arthur Edmund Colvin, Member of the Legislative Council, is hereby extended to and shall expire on the thirty-first day of July, one thousand nine hundred and thirty-nine, and he shall without further or other appointment than this Act, be the first vice-chairman of the said Commission. 30

(2) The said Arthur Edmund Colvin, Esquire, shall not be entitled to receive any remuneration or emolument whether by way of salary or fees or otherwise in his capacity as member and vice-chairman of the Hospitals Commission of New South Wales. 35

(3)

(3) During the term of office of the said Arthur Edmund Colvin, Esquire, he shall be deemed to be the person required to be appointed in pursuance of paragraph (b) of subsection one of section five of the
5 Principal Act as amended by this Act.

(4) The members of the Hospitals Commission
of New South Wales first appointed or re-appointed
after the commencement of this Act, shall, subject to the
provisions of the Principal Act as amended by this Act,
10 hold office for a term expiring on the thirty-first day of
July, one thousand nine hundred and thirty-nine.

Tenure of
office of
members.

(3) During the term of office of the said Attorney General, the person required to be appointed in pursuance of paragraph (b) of subsection one of section five of the Public Hospitals Act as amended by this Act.

(4) The members of the Hospital Commission of New South Wales first appointed or re-appointed after the commencement of this Act shall, subject to the provisions of the Hospital Act as amended by this Act, hold office for a term expiring on the thirty-first day of July one thousand nine hundred and thirty-nine.