

Checked by No. 306/1874



ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

A.D. 1867.

No. 7.

An Act to provide for the Management of Public Hospitals.

[Assented to, 19th December, 1867.]

WHEREAS it is expedient to provide for the efficient management of Public Hospitals, and to encourage voluntary contributions to the funds required for the support of the same: Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows —

Preamble.

1. This Act may be cited for all purposes as “The Hospitals Act, 1867.”

Short title.

2. The Governor, with the advice of the Executive Council, may from time to time, by proclamation in the *Government Gazette*, declare any place or places deemed suitable and provided for the purposes of an hospital or institution for the cure of disease or for the relief of diseased persons, to be a public hospital; and may in like manner, with the advice aforesaid declare that any place or places so proclaimed shall cease to be a public hospital.

Governor may proclaim public hospitals.

3. At every such public hospital, a book, to be called “The Contributors’ Book,” shall be kept, in which shall be entered the names and addresses of such benevolent persons as may be desirous of contributing towards the funds for the support of such hospital, and the payment of a sum of Twenty Pounds in one donation, shall entitle the person paying the same, hereinafter called a “life contributor,”

Voluntary contributors to public hospitals.

to

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to have and exercise during his life the rights and privileges herein-after conferred upon contributors; and the payment of a sum of Two Pounds shall entitle the person paying the same to have and exercise the like rights and privileges until the second Friday in November next following the date of such payment.

Appointment of members of Board of Management to Hospitals maintained by Government funds.

4. The Governor, with the advice of the Executive Council, may appoint a Board of Management of any public hospital, towards the funds for the support of which the total amount of the annual contributions for any year ending on the second Friday in December, together with interest at the rate of Ten Pounds per centum per annum on all sums previously paid by all life contributors then living, shall be less than one-sixth of the average annual expenditure of the three preceding years, such Board to consist of any number of duly qualified medical practitioners and other persons as the Governor, with the advice aforesaid, may determine; and may also from time to time, at pleasure, remove any member of the said Board for the time being; and upon every vacancy in the said Board, either by removal, resignation, or death, may appoint some other fit person to supply such vacancy; and until such new appointment, the surviving or continuing member or members of such Board may act as if no such vacancy had occurred.

Where one-sixth of average annual expenditure contributed to funds of hospital, contributors to elect one-third of the members of the Board of Management.

5. Whenever the total amount of the annual contributions for any year ending on the second Friday in December, together with interest at the rate of Ten Pounds per centum per annum on all sums previously paid by all life contributors then living, shall amount to one-sixth of the average annual expenditure of any public hospital for the three preceding years, the Governor, with the advice of the Executive Council, upon the receipt of a memorial signed by not less than one-half of the contributors to such hospital, praying that they may be allowed to elect one-third of the members of the Board of Management, may cause the substance or prayer of such memorial to be published in the *Government Gazette*, and if no counter memorial, signed by an equal number of such contributors, shall have been forwarded to the Chief Secretary within one calendar month after the date of such publication, the said Governor, with the advice aforesaid, may, by proclamation in the *Government Gazette*, declare that the then present Board shall, on a day to be therein mentioned, cease to be the Board of Management for such public hospital; and may further declare that a new Board shall be appointed, and may fix the number of members of which such Board shall consist, and the number of such members necessary to be present at any meeting to form a quorum, and at any time after the publication of such Proclamation any ten or more contributors, who shall have signed the said memorial, may convene a public meeting of the contributors to such hospital, by advertisement in some newspaper published in the neighborhood of such hospital, or if there should be no newspaper published in such neighborhood, then in some newspaper circulating therein, at least one week previous to such meeting being

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being held, for the purpose of electing one-third of the members of the Board of Management of such hospital; or in case the number of the members of such Board is not divisible by three, then one-third of the number nearest to such number which is so divisible; and after such election the names of the members so elected shall be forwarded to the Chief Secretary with a request that the Governor will appoint the persons so elected to be members of such Board, and thereupon the Governor shall appoint such persons, and, with the advice aforesaid, shall also appoint such other persons as may be necessary to complete the number of such Board as fixed by the said Proclamation: Provided that if such contributors shall fail or neglect to elect such members, and to forward the names to the Chief Secretary at least one week before the time at which the then present Board of Management is to retire from office, as mentioned in the said Proclamation, the Governor shall appoint the whole of the members of such Board, and shall also specify which of such members shall be considered elected members for the purposes of retirement as hereinafter mentioned.

6. On the second Friday in the month of January in every year, one-third of the elected members of every Board of Management and the whole of the members of such Board appointed by the Governor shall cease to be members of such Board, but may, nevertheless, be re-elected, or re-appointed, as hereinafter mentioned, and the members who shall so retire from office shall be those who have been the longest in office without re-election; or where two or more shall have been in office for the same length of time, then those who shall retire from office shall be determined by lot: Provided that if in any case the number of elected members is not divisible by three, one-third of the number nearest to such number which is so divisible, shall retire from office.

Retirement of members of Board of Management.

7. On the first Friday in January in every year, after the first appointment of a Board of Management, as hereinbefore mentioned, a meeting of the contributors to every public hospital (except as hereinafter mentioned) shall be held, for the purpose of electing such a number of the members of the Board of Management as is hereinafter mentioned in the place of members whose term of office is then about to expire, and such meeting shall be convened by the Board of Management, by circulars sent to each of such contributors, stating the place where and the hour when such meeting is to take place, and the names of the persons so elected shall be forwarded to the Chief Secretary, and such persons shall be appointed by the Governor in like manner, as hereinbefore prescribed in the case of the first election of members of a Board of Management, and the Governor with the advice aforesaid shall also appoint so many other persons to be members of such Board as together with the persons so elected shall be sufficient to complete the number of the members of such Board as fixed by the Proclamation hereinbefore mentioned: Provided that, if from any cause, except as is hereinafter mentioned, any such annual election shall

Meeting for election of members of Board of Management to be held annually.

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not take place, the Governor with the advice of the Executive Council shall also appoint persons in the stead of the persons who should have been elected at such annual election who shall thereupon be deemed elected members.

Number of members of Board of Management to be elected by contributors, how regulated.

8. The number of members of the Board of Management of any hospital, to be elected by the contributors at any annual meeting as aforesaid, shall be regulated as follows, that is to say:

- i. If the total amount of the annual contributions for the year next preceding the second Friday in December then last past together with interest at the rate of Ten Pounds per centum per annum on all sums previously paid by all life contributors then living, shall exceed one-sixth but be less than one-fourth of the average annual expenditure of such hospital for the three preceding years, such contributors shall elect such a number of the members of such Board of Management as together with the elected members continuing in office shall amount to one-third of the number of the members of such Board, or in case the number of members of such Board is not divisible by three then one-third of the number nearest to such number which is so divisible.
- ii. If such total amount as aforesaid shall exceed one-fourth, but be less than one-half of such average expenditure, as aforesaid, such contributors shall elect such a number of the members of such Board as, together with the elected members continuing in office, shall amount to one-half of the number of the members of such Board, or a minority thereof in case such number is indivisible: and
- iii. If such total amount as aforesaid shall exceed one-half of such average expenditure as aforesaid, such contributors shall elect the whole of the members of such Board:

Provided that, if on the second Friday in December in any year, such total amount as aforesaid shall be less than one-sixth of such average expenditure as aforesaid; or if the number of elected members of any Board of Management, to retire on any second Friday in January, shall not, by reason of any falling off in the amount of the contributions for the preceding year, reduce the number of elected members remaining in office to the number which, according to the provisions hereinbefore contained, the contributors are entitled to elect; no such annual meeting shall take place, nor shall the contributors have the right to elect any person to be appointed to fill the annual vacancy amongst the elected members of the Board of Management, which, in that case, shall be filled up by the Governor, with the advice of the Executive Council.

Proceedings at such meetings.

9. Every meeting of contributors for the election of members of the Board of Management, shall choose its own chairman, who shall have a vote only in the event of there being an equality of votes; and every question submitted to such meeting shall be decided

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decided by a majority of the votes of contributors then present and voting.

10. If any member of any Board of Management shall die, be removed, or resign by letter under his hand addressed to the Chairman of the Board, or become lunatic, insolvent, or compound with his creditors, or be convicted of any treason, felony, or misdemeanor, or be absent for six consecutive meetings from the Board of Management without obtaining leave of absence from the Board, his office shall become vacant, and the remaining members of the Board may declare his office vacant, and in the case of an elected member shall temporarily appoint thereto some contributor to such hospital, until the next annual meeting for the election of members of the Board, when the person thus temporarily elected shall retire, as one of those who, by the provisions of this Act, are required to retire from office; and if the vacancy is occasioned by the retirement or otherwise of a non-elected member, the Chairman shall cause the fact of such vacancy to be communicated to the Chief Secretary, and thereupon the Governor, with the advice of the Executive Council, shall appoint some other person in the place of the member causing the vacancy.

Vacancies, how filled.

11. The number of members of a Board of Management fixed by the Proclamation hereinbefore mentioned as necessary to form a quorum, shall be competent to act in the execution of the powers vested in such Board; and the existence of any vacancy shall not invalidate any act done by the Board during the continuance of such vacancy.

Quorum of Board.

12. The Board of Management of every public hospital shall, subject to the regulations of the Public Service, have the administration of all funds voted by Parliament for the support of such hospital, together with all funds which may be voluntarily contributed or given, or left to such hospital by benevolent persons, and shall also have the care, management, control, and supervision of such hospital, and may nominate for appointment such medical and other officers, nurses, and other attendants as to such Board may seem necessary for the requirements of such hospital, and may also recommend the removal of any such medical or other officers, nurses, and other attendants, and on such nomination or recommendation being approved by the Governor, the persons so nominated or whose removal is so recommended shall be appointed to or removed from the respective offices accordingly.

Functions of Board.

13. The Board of Management of any public hospital may, from time to time, make rules and regulations in respect to all or any of the matters next mentioned, and such rules and regulations so to be made, may, from time to time, revoke or vary, that is to say:—

Board of Management to make rules and regulations.

- I. For the regulation of its own proceedings, including the appointment of Chairman:
- II. For fixing the number of votes of contributors in proportion to the amount of their contributions:
- III. For

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- III. For determining the validity of disputed elections, and for conducting such elections and all matters connected therewith:
- IV. For regulating the admission of patients into the hospital on the nomination or recommendation of contributors or otherwise, and of their discharge therefrom:
- V. For the affording relief by medicine and attendance to outdoor patients:
- VI. For the moral and religious instruction of the inmates of the hospital:
- VII. For the maintenance of order, discipline, decency, and cleanliness among the inmates of the hospital:
- VIII. For prescribing the duties of the several officers of any hospital, for keeping proper records, books, accounts, and vouchers; and for providing for the annual publication of an abstract of the expenditure, and the amounts contributed, for the information of contributors, and in order to determine the number of members of the Board of Management to be elected at each annual election.
- IX. For regulating the study of surgery and medicine by students who may desire to avail themselves of the facilities afforded by the hospital for that purpose:
- X. For all matters affecting the general management, care, control, and superintendence of any hospital.

Provided that such rules and regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting within fourteen days after the commencement of the then next Session of Parliament.

Regulations to be published in the *Gazette*, and to have force of law.

14. All rules and regulations made under the preceding section shall be approved by the Governor, with the advice of the Executive Council, and when so approved, shall have the force of law, and a copy of such rules and regulations published in the *Government Gazette* shall be received in evidence and judicially noticed, and shall, until the contrary be shown, be deemed sufficient evidence of such rules and regulations, and that the same were duly made and approved.

Disallowance of rules and regulations.

15. The Governor, with the advice aforesaid, may at any time revoke any such rule or regulation, and every order by which any such rule or regulation shall be revoked, shall be published in the *Government Gazette*, and shall take effect from the time of such publication.

Penalty for breach of regulations.

16. Any person offending against any of the rules or regulations in force under the provisions of this Act shall, upon conviction thereof by two or more Justices of the Peace, forfeit and pay a penalty

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penalty not exceeding Ten Pounds, or be imprisoned, at the discretion of such Justices, with or without hard labor, for any term not exceeding three calendar months.

17. In any information, or complaint for any offence committed upon or in respect of any property, money, goods, chattels, or effects under the management or control of any Board of Management of any public hospital, it shall be sufficient to state or allege the property, money, goods, chattels, or effects to belong to, and any offence to have been done or committed with the intent to injure or defraud "The Board of Management of the ——— Public Hospital" (such blank being filled up with the distinctive name of such Hospital), without any further or other name, addition, or description whatever.

Prosecution of offences.

18. All notices to any officer of, or contributor to, any public hospital, required to be given by this Act, or the rules and regulations made in pursuance hereof, may be served by the same being transmitted through the post, directed according to an address to be left for that purpose by such officer or contributor, in writing under his hand, at such hospital.

Notices to contributor and others may be sent by post to registered address.

19. In proving such service as aforesaid, it shall be sufficient to prove that such notice was so directed as aforesaid, and put into a General Post Office; but nothing herein contained shall be held to render invalid any personal service of any notice.

Proof of service.

20. No notice of any intended board meeting or election, shall be required to be served, either by post or otherwise, on any officer of, or contributor to, any such hospital as aforesaid, who shall not have left an address in the manner, at the place, and for the purpose hereinbefore mentioned.

Notice to certain contributors to be unnecessary.

In the name and on behalf of the Queen I hereby assent to this Act.

D. DALY, Governor.