

HOSPITALS.**No 10 of 1965.****AN ACT to amend the *Hospitals Act 1918.***

[22 June 1965.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and citation.

1—(1) This Act may be cited as the *Hospitals Act 1965.*

(2) The *Hospitals Act 1918*, as subsequently amended, is in this Act referred to as the Principal Act.

Constitution
and incor-
poration
of public
hospital
boards.

2 Section eleven of the Principal Act is amended—

- (a) by inserting in subsection (1) thereof, after the word “district”, the words “(other than the Hobart Public Hospitals District)”;
- (b) by inserting after that subsection the following subsection:—
 - “(1A) For the Hobart Public Hospitals District there shall be a board constituted as provided in section eleven A.”;
- (c) by inserting in subsection (2) thereof, after the word “board” (first occurring), the words “(other than the board for the Hobart Public Hospitals District)”;
- (d) by omitting from sub-paragraph (iv) of paragraph (a) of that subsection the words “boards for the Hobart and Launceston districts, respectively—” and substituting therefor the words “board for the Launceston Public Hospitals District—”;
- (e) by omitting from clause (A) of that sub-paragraph the words “the relevant public hospitals district” and substituting therefor the words “that district”;
- (f) by omitting from clause (B) of that sub-paragraph the words “in the case of the Hobart district, by the Southern Tasmanian Friendly Societies’ Association, and, in the case of the Launceston district.”; and
- (g) by omitting from subsection (2B) thereof the words “Hobart and Launceston districts” and substituting therefor the words “Launceston district”.

3 After section eleven of the Principal Act the following section is inserted:—

“11A—(1) The board for the Hobart Public Hospitals District shall consist of nine persons, of whom—

(a) five shall be persons appointed by the Governor;
 (b) one shall be a registered medical practitioner who is—

Special provisions relating to the constitution of the board for the Hobart district.

(i) a member of the medical advisory committee; and

(ii) a member of the honorary medical staff of a public hospital with the maintenance, management, and regulation of which the board is charged;

(c) one shall be a woman elected as prescribed by the women's auxiliary organization or, as the case may be, elected jointly, as prescribed, by the several women's auxiliary organizations, formed in connection with the public hospital or public hospitals with the maintenance, management, and regulation of which the board is charged;

(d) one shall be the person for the time being holding office as Dean of the Faculty of Medicine at the University of Tasmania; and

(e) one shall be a person who is a member of the council of the University of Tasmania, appointed by that council.

“(2) One of the persons appointed pursuant to paragraph (a) of subsection (1) of this section shall be a woman.

“(3) The member of the board referred to in paragraph (b) of subsection (1) of this section shall be elected, as prescribed, by the members of the committee referred to in that paragraph.

“(4) The Governor shall appoint one of the members of the board as the chairman thereof and one of the members of the board as the vice-chairman thereof.

“(5) A medical practitioner—

(a) who is employed in a full-time and permanent capacity by the Commonwealth or the State or by an authority constituted under any law of the Commonwealth or of the State; or

(b) who is for the time being the holder of the office of Dean of the Faculty of Medicine at the University of Tasmania or who, having been appointed thereto by the council of that University, is for the time being the holder of the office of clinical professor or head of a clinical department,

is not eligible for election as a member of the board at any election held for the purposes of paragraph (b) of subsection (1) of this section, but is entitled to vote at any such election.

“(6) In this section—

‘Agreement’ means the agreement dated the twenty-ninth day of March 1965 entered into between the University of Tasmania of the first part, the board for the Hobart Public Hospitals District of the second part, and the Minister of the third part, and includes that agreement as amended or varied from time to time and any other agreement entered into in substitution therefor by the parties thereto or their successors;

‘medical advisory committee’ means the medical advisory committee appointed in pursuance of the provisions of the Agreement.”.

4 Section twelve of the Principal Act is repealed and the following section is substituted therefor:—

Tenure of office of members.

“12 Subject to this Act, the term of office of a member of a board expires—

- (a) on the thirtieth day of June in the second year after the year in which notification of his appointment or election is published in the *Gazette* pursuant to section fourteen; or
- (b) on the date on which notification of the appointment or election of his successor is so published,

whichever is the later date.”.

Quorum.

5 Section thirteen of the Principal Act is amended by omitting subsection (1) thereof and substituting therefor the following subsection:—

“(1) In the case of—

- (a) the board for the Hobart Public Hospitals District, five members; and
- (b) any other board, four members,

constitute a quorum of the board.”.

Gazettal of appointment.

6 Section fourteen of the Principal Act is amended by inserting therein, after the word “appointment” (twice occurring), the words “or election”.

Tenure of office.

7 Section twenty-three of the Principal Act is repealed.

Disqualification of representative.

8 Section twenty-four of the Principal Act is amended—

- (a) by inserting in the second proviso thereto, after the words “further that”, the words “, except as provided in subsection (2) of this section,”;
- (b) by omitting from that proviso all the words after the word “employed” (last occurring) to the end of that proviso and substituting therefor the following words:—

“(a) in a part-time capacity only (whether or not he receives, or is entitled to receive,

from the board any remuneration for his services); or

(b) in an honorary capacity.”; and

(c) by adding at the end of that section the following subsection:—

“(2) Notwithstanding anything in the foregoing provisions of this section, a person to whom paragraph (a) of the second proviso to subsection (1) of this section relates is incapable of being elected as a member of the board for the Hobart Public Hospitals District at any election held for the purposes of paragraph (b) of subsection (1) of section eleven A.”.

9 Section twenty-five of the Principal Act is amended— Vacation of office by member of board.

(a) by inserting in subsection (1) thereof, after the word “vacant” (first occurring), the words “upon the expiration of his term of office or”;

(b) by inserting in paragraph (b) of that subsection, before the word “writing”, the words “notice in” and by omitting from that paragraph the words “, and such resignation is accepted by the board”;

(c) by omitting paragraphs (c) and (d) of that subsection and substituting therefor the following paragraph:—

“(c) becomes bankrupt, or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors, or compounds with his creditors or makes any assignment of his estate for their benefit;”;

(d) by inserting in paragraph (i) of that subsection, after the word “magistrate”, the words “pursuant to section eighty-one”;

(e) by inserting after that subsection the following subsection:—

“(1A) Where a member of a board resigns his office, that member’s office becomes vacant on the date of the notice of resignation delivered by the member pursuant to paragraph (b) of subsection (1) of this section.”.

10 Section thirty-nine of the Principal Act is amended by omitting subsection (1) thereof and substituting therefor the following subsection:— Pending investment money to be paid into bank.

“(1) A board shall ensure that all moneys belonging to the board are, pending investment or application thereof in accordance with this Act, paid into an account in such bank as the board may determine, and no such moneys shall be paid out of that account except by cheques signed by any two of the following persons, namely:—

(a) The chairman of the board;

- (b) The vice-chairman of the board;
- (c) Any member of the board who is authorized by the board (either generally or in particular cases) to sign cheques on its behalf;
- (d) The secretary of the board;
- (e) The assistant secretary of the board;
- (f) The board's accountant; and
- (g) Any other officer of the board approved by the Minister, on the recommendation of the board."

The third schedule.

11 The third schedule to the Principal Act is amended by omitting from rule 3 the words "four of the members are" and substituting therefor the words "the number of members prescribed by section thirteen as a quorum of the board is".

Transitory provisions relating to the reconstitution of the Hobart Board.

12—(1) On the appointed day the board for the Hobart Public Hospitals District (in this section referred to as "the board") shall be reconstituted in accordance with the provisions of section eleven A of the Principal Act.

(2) Notwithstanding anything in the Principal Act, on the appointed day each person who is then a member of the board shall cease to hold office as a member thereof, but, if qualified in accordance with such of the provisions of section eleven A of that Act as may be applicable, is eligible for reappointment or election, as the case may be, pursuant to the relevant provisions of that section.

(3) As soon as practicable after the commencement of this Act, the Minister shall, by notification in the *Gazette*, fix a date and time for—

- (a) the election of a member of the board for the purposes of paragraph (b) of subsection (1) of section eleven A of the Principal Act; and
- (b) the election of a member of the board for the purposes of paragraph (c) of that subsection.

(4) As soon as practicable after the commencement of this Act, the council of the University of Tasmania shall appoint a person as a member of the board for the purposes of paragraph (e) of subsection (1) of section eleven A of the Principal Act, and shall, forthwith after making that appointment, notify the Minister, in writing, of the name, address, and occupation of the person so appointed.

(5) When all appointments and elections that are necessary for giving effect to the provisions of this section have been made, the Minister shall cause a notification to be published in the *Gazette* specifying the names of the persons who have been appointed or elected as members of the board, and, for the purposes of section twelve of the Principal Act, the term of office of each of those persons shall be deemed to commence on the date of the publication of that notification.

(6) The reconstitution of the board does not affect any rights or obligations of the board.

(7) In this section, "appointed day" means such day (being not later than two months after the date of the commencement of this Act) as the Minister may, by order, declare to be the appointed day for the purposes of this section.

13 Notwithstanding anything in the Principal Act, the terms of office of each person who, at the commencement of this section, is a member of—

Transitory provisions relating to the terms of office of members of certain boards.

(a) the board for the Flinders Public Hospitals District;

(b) the board for the Rosebery Public Hospitals District; and

(c) the board for the Mersey Public Hospitals District, shall, unless the member's office sooner becomes vacant, expire on the thirtieth day of June 1966, but each such member who, on that date, is still qualified for appointment or election as a member of the relevant board is eligible for reappointment or re-election as a member thereof.

RACING AND GAMING.

No. 11 of 1965.

AN ACT to amend the *Racing and Gaming Act* 1952. [22 June 1965.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Racing and Gaming Act* 1965. Short title and citation.

(2) The *Racing and Gaming Act* 1952, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section forty-seven of the Principal Act is amended by inserting, after subsection (2), the following subsections:— Totalizator licences.

"(2A) Notwithstanding anything in subsection (2) of this section, where, after the commencement of the *Racing and Gaming Act* 1965, two or more clubs (in this section referred to as 'the former clubs') are amalgamated the Commission