

# TASMANIA.

## THE HOSPITALS ACT, 1918.

### ANALYSIS.

#### PART I.—PRELIMINARY.

1. Short title and commencement.
2. Arrangement of Act.
3. Repeal.
4. Interpretation.
5. Administration.
6. Duties of Minister.  
Minister may determine certain matters.  
Subsidy may be conditional upon Government representation upon Board.

#### PART II.—PUBLIC HOSPITALS.

7. Constitution of hospitals districts.
8. Constitution of Hobart Public Hospitals District.
9. Constitution of Launceston Public Hospitals District.
10. Constitution of other public hospitals districts.
11. Public hospitals boards.  
Corporation.
12. The constitution of city boards.
13. Constitution of boards other than city boards.
14. Governor may appoint member in certain cases.
15. Methods of appointing representatives of local authority having separate representation.
16. Method of election in other cases.
17. First elections.
18. Tenure of office of member.
19. Governor may, on behalf of local authorities, appoint members where there is unreasonable delay in making appointments.
20. How vacancies to be filled.
21. Retiring member eligible.
22. "Gazette" evidence.
23. Tenure of office.
24. Disqualification of representatives.
25. Vacation of office by member of board.
26. Election of chairman and vice-chairman.
27. Dissolution of former boards.
28. Property to vest in board.  
Saving of liabilities, &c.  
Enforcement of existing contracts, &c.  
Saving.
29. Lands reserved.
30. First meeting of board.
31. Rules as to proceedings and business.  
Schedule (3).

32. Board may appoint officers and servants.
33. Notice to be given to Minister of certain appointments.
34. Continuance of existing officers of city hospitals.
35. Contracts.
36. Use of common seal.
37. Contracts over £50 to be by public tender.
38. Board may compound.
39. Pending investment moneys to be paid into bank.
40. Investment of trust moneys prior to application in terms of trust.
41. Property vesting in board as successor of old board to remain subject to existing trusts.
42. Board may accept property in trust for certain purposes.
43. Application of trust moneys.
44. Board may appoint collectors of voluntary contributions.
45. Board may sell or exchange land vested in it.
46. Leases by boards.
47. Board may borrow on security for building and other purposes.
48. Board may sell, &c., lands held in trust.
49. Expenditure by board of moneys under its control.
50. Admission of patients to hospital.
51. Board to make by-laws.
52. Cost of relief granted by board to constitute a debt and to be recoverable by action.

#### PART III.—PRIVATE HOSPITALS.

53. Definitions.
54. Private hospitals to be licensed.
55. Application for licence.
56. Period of licence.
57. Approval of premises by Chief Health Officer before licence granted.
58. Kinds of licensed hospitals.
59. Chief Health Officer to approve plans of structural alterations to licensed premises.
60. Manager of hospitals.
61. Notice of certain diseases.
62. Notice of death or birth.
63. Register to be kept in hospital.
64. Inspection of hospital.

- |   |  |
|---|--|
| <p>65. Purpose for which hospital may be used.</p> <p>66. Inquiry as to management of private hospitals.</p> <p>67. Evidence that house, &amp;c., is a private hospital.</p> <p>68. Chief Health Officer may enter unlicensed premises if he believes the same to be used as a private hospital.</p> <p>69. Appeal.</p> <p>70. Regulations.</p> | <p>76. Hospital local authority to agree for reception of patients.</p> <p>77. Local authority to notify medical practitioner thereof.</p> <p>78. Local medical practitioner may grant certificate recommending removal of infectious case to hospital.</p> <p>79. Dispensers to be registered under the Pharmacy Board.</p> <p>80. Appointment of medical officers.</p> <p>81. Proceedings for trying title of member of board to his office to be decided summarily.</p> |
|---|--|

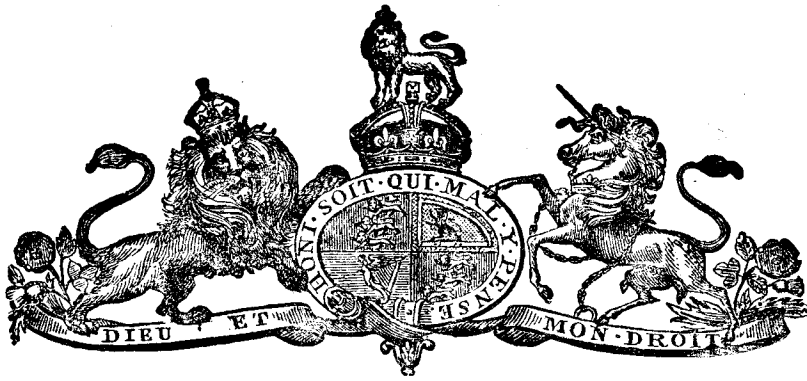
PART IV.—INSPECTION OF HOSPITALS.

- |  |  |
|--|--|
| <p>71. Chief Health Officer charged with duty of inspecting hospitals.</p> <p>72. Inspection of hospitals.</p> <p>73. Minister may call meetings of board. Chief Health Officer may attend meetings.</p> | <p>Jurisdiction of magistrate.<br/>Time within which proceedings may be taken.</p> |
|--|--|

PART V.—MISCELLANEOUS.

- |  |   |
|--|---|
| <p>74. Local authority to provide hospital.</p> <p>75. Special provisions with respect to any such hospital.</p> | <p>82. Annual reports.</p> <p>83. Obstructing persons in discharge of duty.</p> <p>84. Validation of irregular proceedings by order-in-council.</p> <p>85. Regulations, &amp;c.</p> <p>86. Offences to be dealt with summarily.</p> |
|--|---|

T A S M A N I A.



1918.

ANNO NONO

GEORGII V. REGIS.

No. 70.

\*\*\*\*\*

AN ACT to provide for the Administration, <sup>A.D.</sup> **1918.**  
Management, and Control of Public Hos-  
pitals, for the Regulation and Inspection of  
Private Hospitals, and for other purposes.  
[25 January, 1919.]

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

PART I.

PRELIMINARY.

**1** This Act may be cited for all purposes as “The Hospitals Act, Short title and 1918,” and shall come into operation on a day to be fixed by the commencement: Governor by proclamation.

**2** The provisions of this Act are arranged as follows:—

- Part I.—Preliminary.
- Part II.—Public Hospitals.
- Part III.—Private Hospitals.
- Part IV.—Inspection of Hospitals.
- Part V.—Miscellaneous.

Arrangement  
of Act.

*Hospitals.*

A.D. 1918.

Repeal.

*Repeal.*

**3** The Acts mentioned in the First Schedule to this Act are, to the extent therein expressed, hereby repealed as from the respective times mentioned in the said schedule.

*Interpretation.*

Interpretation.

**4** In this Act, unless inconsistent with the subject-matter or context—

“ Board ” or “ hospitals board ” means a public hospitals board constituted under this Act :

“ By-law ” means a by-law made under the authority of this Act :

“ Chairman ” means the chairman of a board ; the term where necessary includes the vice-chairman :

“ Clerk ” means the clerk of a local authority or other officer for the time being authorised to perform his duties :

“ Chief Health Officer ” means the person who for the time being holds the office of Chief Health Officer under “ The Public Health Act, 1903,” and includes an Acting Chief Health Officer :

“ Component local authority ” means any local authority whose area is comprised within a hospital district :

“ Infectious disease ” has the meaning assigned to the term by “ The Public Health Act, 1903,” and also includes every other disease which the Governor, upon the recommendation of the Chief Health Officer, by notice in the “ Gazette,” declares to be an infectious disease within the meaning of the lastmentioned Act :

“ In-patient ” means any person received and lodged in a hospital for observation or treatment :

“ Local authority ” means the municipal council for a city or municipality, as the case may be, comprised within a hospitals district :

“ Member ” means a member of a board :

“ Minister ” means the Minister of the Crown for the time being charged with the administration of the Department of Public Health :

“ Municipality ” includes city :

“ Out-patient ” means any person received at a hospital for observation or treatment, but not lodged therein :

“ Old board ” means any hospital board existing at the commencement of this Act :

“ Part ” means Part of this Act :

“ Private hospital ” means any house, building, tent, or place (other than a hospital receiving aid from the State) in which medical or surgical or lying-in cases are received and lodged or in which it is intended they shall be received and lodged for treatment, attendance, or care, and a charge is made for such treatment, attendance, or care :

See Queensland.

*Hospitals.*

- “Public hospital” means any hospital receiving aid from this State; but in Part II. means any such hospital, with the management, maintenance, and regulation of which a board as defined by this Act is charged. A.D. 1918.
- “Public hospitals district” or “hospitals district” means a public hospital district constituted under the provisions of this Act :
- “Relief” includes maintenance, and treatment, and every other form of medical, surgical, or other assistance given by a board in the execution of its powers to any person, whether he is or is not an inmate of a hospital or institution under the control of the board :
- “Secretary” means the secretary of a board or other officer for the time being authorised to perform his duties :

*Administration.*

**5** The Minister is hereby charged with the administration of this Act throughout the State. Administration.

**6**—(1) It shall be the duty of the Minister to direct some officer or officers, subject to the provisions of this Act— Duties of Minister.

- i. To investigate and make enquiry from time to time as to the hospital accommodation necessary to meet the needs of the sick or injured persons resident in Tasmania :
- ii. To recommend in respect of each financial year the basis on which hospitals should be subsidised, and the amount of the subsidy in each case, and to what purposes the subsidy should be applied :
- iii. Generally to see that the provisions of this Act are carried out.

(2) The Minister, on the recommendation of the Chief Health Officer, may determine that any Two or more public hospitals shall be amalgamated. Minister may determine certain matters.

(3) The Minister may determine—

- i. What hospitals shall be subsidised :
- ii. Upon what terms and conditions (if any) any such hospitals shall be subsidised :
- iii. What sum of money shall be paid in any financial year out of the amount voted by Parliament for hospitals for that year, to any hospital :
- iv. To what purposes any moneys so payable shall be applied— and the Minister may make any arrangements he deems necessary respecting the payment of any such sum.

*Hospital.*

A.D. 1918.

Subsidy may be conditional upon Government representation upon board.

(4) The Governor may, on the recommendation of the Minister, as a condition precedent to the granting of a subsidy in respect of a hospital not being a public hospital under the control of a board of a hospitals district—stipulate that the Governor shall have the right to nominate and appoint a specified number of additional members upon the committee or board of management of such first mentioned public hospital; and the Governor may accordingly nominate and appoint such additional members, and they shall be entitled to sit with and shall have the same powers and exercise the same functions as the other members.

## PART II.

## PUBLIC HOSPITALS.

*Public Hospitals Districts.*

Constitution of hospitals districts. **7** The Governor may from time to time constitute public hospitals districts in the manner hereinafter provided.

Constitution of Hobart Public Hospitals District. **8**—(1) The Governor may by order-in-council constitute the Hobart Public Hospitals District for the purposes of this Act.  
 (2) The Hobart Public Hospitals District shall comprise the whole of the area of the city of Hobart as constituted for the time being.  
 (3) The Board of the Hobart Public Hospitals District shall be charged with the maintenance, management, and regulation of the Hobart General Hospital, and of any other hospital receiving State aid now established or hereafter to be established within the district which, with the consent of the governing body of any such hospital, the Governor by order-in-council declares to be a public hospital under and subject to this Part.

Constitution of Launceston Public Hospitals District. **9**—(1) The Governor may by order-in-council constitute the Launceston Public Hospitals District for the purposes of this Act.  
 (2) The Launceston Public Hospitals District shall comprise the whole of the area of the city of Launceston as constituted for the time being.  
 (3) The Board of the Launceston Public Hospitals District shall be charged with the maintenance, management, and regulation of the Launceston General Hospital, and of any other hospital receiving State aid now established or hereafter to be established within the district which, with the consent of the governing body of any such hospital, the Governor by order-in-council declares to be a public hospital under and subject to this Part.

*Hospitals.*

**10** The Governor may, from time to time, by order-in-council—

A.D. 1918.

- i. Constitute any other district a public hospitals district, and declare that the area of a specified local authority or the area of several specified local authorities shall form the hospitals district, and declare the hospitals receiving State aid within such district to which this Part shall apply and with the maintenance, management, and regulation of which the board of such hospitals district shall be charged :
- ii. Reconstitute the Hobart Public Hospitals District or the Launceston Public Hospitals District, or any public hospitals district, by the inclusion of the contiguous area or areas of another local authority or other local authorities; or, in consequence of the abolition of the area of a component local authority, or the amalgamation of areas of component local authorities, or the alteration of boundaries of the area or areas of a component local authority or component local authorities :
- iii. Apply this Part to any other public hospital within a public hospitals district :
- iv. Abolish any public hospitals district.

Constitution of other public hospitals districts.

Such public hospitals district so constituted by such name as is assigned to it by the said order, and every hospital to which this Part has been so applied shall be and remain a public hospitals district and public hospital within the meaning of and for the purposes of this Part.

*Public Hospitals Boards.*

**11**—(1) For every public hospitals district there shall be a public hospitals board, and such boards shall be constituted in the manner hereinafter provided. Public hospitals boards.

(2) Every such board shall be a body corporate by the name of "The *[name of district]* Public Hospitals Board" with perpetual succession and a common seal, and shall be capable in law of suing and being sued and of purchasing, holding, and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer. Corporation.

**12** The Boards of—

The constitution of city boards.

- i. The Hobart Public Hospitals District; and of
- ii. The Launceston Public Hospitals District—

shall consist of Eleven members, and be constituted as follows—

- (a) The Governor shall appoint Seven members of the board, and may from time to time fill up any vacancy caused by death or other cause among such Seven members; and

*Hospitals.*

A.D. 1918.

- (b) The registered medical practitioners residing and practising in the public hospitals district for which the board is to be constituted shall, in the prescribed manner and within the time fixed by the Governor, nominate One of their number for appointment by the Governor as a member of the board, and the Governor may appoint him to be such member ; and
- (c) The municipal council of the city shall, within the time fixed by the Governor and in the manner prescribed by Section Fifteen of this Act, elect Two members of the board ; and
- (d) The members of the Friendly Societies' Association, shall, in the prescribed manner and within the time fixed by the Governor, nominate a member of a registered friendly society for appointment by the Governor as a member of the board, and the Governor may appoint him to be such member.

Constitution of  
boards other than  
city boards.

**13** The board of every public hospitals district, other than the Board of the Hobart Public Hospitals District or of the Launceston Public Hospitals District, shall consist of Eight members, and be constituted as follows—

- i. The Governor shall appoint Five members of the board, and may from time to time fill up any vacancy among such Five members ; and
- ii. The registered medical practitioners residing and practising in such hospitals district, shall in the prescribed manner and within the time fixed by the Governor, nominate One of their number for appointment by the Governor as a member of the board, and the Governor may appoint him to be such member ; and
- iii. Two members of the board shall within the prescribed time be elected as follows :—Where the municipality of a local authority forms the area of the public hospitals district such local authority shall elect such Two members in the manner prescribed by Section Fifteen of this Act ; but if such is not the case, then the following provisions shall apply :—
  - (a) If the areas of Two local authorities form a public hospitals district, each such local authority shall, in the manner prescribed by Section Fifteen of this Act, elect One of such members :
  - (b) If the areas of more than Two local authorities form a public hospitals district, such Two members shall be elected by such local authorities in the manner prescribed by Section Sixteen of this Act.



*Hospitals.*

**14** In any case where a nomination of a member pursuant to either of the Two next preceding sections is not made within the time fixed by the Governor therefor, the Governor may, without any nomination, appoint some person to be the member of the board.

A.D. 1918.

—  
Governor may appoint member in certain cases.

**15**—(1) The members to be elected by a local authority (including a city council) entitled to separate representation, shall be elected by resolution of the majority of the members of the local authority present at a meeting convened and held for the purpose.

Method of appointing representatives of local authority having separate representation.

(2) Every such meeting shall be convened in such manner as may be prescribed.

(3) No person shall be so elected who has not previously, by writing signed by him, signified to the clerk his willingness to act as a member.

(4) The election of every person shall be certified in writing, under the common seal of the corporation of the local authority, and delivered to the Minister, who shall give notice thereof in the "Gazette."

**16**—(1) With respect to the election of members by more than Two local authorities electing such members in common as their representatives the rules set forth in Schedule (2) to this Act shall be applicable and shall be observed.

Method of election in other cases.

(2) The names of the persons elected members shall forthwith be certified in writing by the returning officer to the Minister, who shall give notice thereof in the "Gazette."

**17**—(1) The first election and appointment of members of the board of any public hospitals district shall be made within the prescribed time after the date of the order-in-council constituting the district.

First elections.

The election of elective members of the board (where elected otherwise than by the resolution of the members of a local authority), shall be taken by postal ballot at such time as the Governor by order-in-Council appoints; and by the same or any subsequent order-in-council the Governor may make all such provisions as he deems necessary for the purposes of the election, and may apply to any such election, with such modifications, exceptions, and additions as he thinks fit, all or any of the provisions of the rules set forth in Schedule (2) to this Act.

(2) The names of the persons who at any first election of elective members are declared elected shall forthwith be certified in writing by the returning officer to the Minister, who shall give notice thereof in the "Gazette."

**18** Upon the publication by the Minister in the "Gazette" of the notice of the appointment by the Governor of any person or persons, or the election of any person or persons, as a member or members of a public hospitals board such person or persons shall be deemed to be a member or members of the board to which they are appointed or elected, and, unless the office sooner becomes vacant, shall (subject to Subsection (2) of Section Twenty), continue to be a member or members for Two years from the date of such publication.

Tenure of office of member.

*Hospitals.*

A.D. 1918.

Governor may, on behalf of local authorities, appoint members where there is unreasonable delay in making appointments.

How vacancies to be filled.

**19**—(1) In any case where there has, in the opinion of the Governor, been unreasonable delay in the election of a member or members the Governor may appoint the member or members.

(2) A member so appointed shall be deemed to have been duly elected.

(3) The Minister shall notify every such appointment in the "Gazette," stating on whose behalf it has been made.

**20** When any vacancy occurs in a public hospitals board it shall be filled up in manner hereinbefore provided, so far as applicable, by appointment or election.

(2) A member appointed or elected to fill any vacancy caused otherwise than by retirement by effluxion of time shall only hold office during the period for which his immediate predecessor would have held office.

(3) The name of every person elected a member shall forthwith be certified in writing by the clerk or by the Returning officer to the Minister, who shall give notice thereof in the "Gazette."

Retiring member eligible.

**21** A retiring member shall be eligible for re-appointment or re-election if still qualified.

"Gazette" evidence.

**22** The "Gazette" containing a notification by the Minister of the appointment or election of a member or members of any public hospitals board shall be conclusive evidence of such appointment or election.

Tenure of office.

**23** A member of a public hospitals board may, with the consent of such board, continue to hold office after the time fixed for his retirement, until his successor is appointed or elected, unless such member is disqualified as hereinafter provided.

Disqualifications of representatives. Cf. No. 11 of 1909, s. 19, N.Z.

**24** The following persons shall be incapable of being elected or appointed or continuing as members of a hospitals board:—

- i. A person who holds any office or place of profit under or in the gift of the board, or who, not being a member of a municipal council, holds a paid office under any local authority within the hospitals district:
- ii. A person who is concerned or interested (otherwise than as a member of any incorporated company in which there are more than Twenty members, and of which he is neither a director nor the general manager) in any contract made by the board, if the payment made or to be made in respect of any such contract exceeds Five Pounds in the case of a single contract, or Ten Pounds altogether for any financial year in the case of Two or more contracts.

Provided, however, that an interest in any lease granted or agreed to be granted to or by the board, or in any loan raised by the board, whether on security or otherwise, shall not constitute a disqualification under this section.

*Hospitals.*

**25—(1)** The office of any member of a hospitals board shall become vacant if— A.D 1918.

- i. He dies : or
- ii. He resigns his office by writing under his hand, delivered to the chairman or secretary of the board, and such resignation is accepted by the board : or
- iii. He has his affairs under liquidation by arrangement or composition with his creditors, or makes an assignment of his estate for the benefit of his creditors : or
- iv. He is an uncertificated or undischarged bankrupt : or
- v. He becomes of unsound mind : or
- vi. He has been convicted on information filed in the Supreme Court, or is sentenced by the Supreme Court on a plea of "guilty" to any charge of felony or misdemeanor, or is sentenced for any offence to imprisonment without the option of a fine : or
- vii. He is absent from the State without leave during the holding of Four consecutive ordinary meetings of the board, or fails to attend the meetings of the board for Four consecutive ordinary meetings, without sufficient cause, and followed, in either case, by a resolution passed by the board within Three weeks after the last of such Four consecutive ordinary meetings, declaring the office vacant, which resolution the board may pass, but are not bound to pass : or
- viii. He is or has become disqualified, or has ceased to be qualified, under the provisions of this Act : or
- ix. Such office is declared vacant by order of a police magistrate : or
- x. He is removed from office.

Vacation of office by member of board.  
N.Z., 20 (1).

(2) If any person does any act as a member of a hospitals board after he has forfeited his office under this section, he shall be guilty of an offence, and shall be liable, on summary conviction, to a penalty not exceeding Fifty Pounds.

(3) If any member of a hospitals board becomes concerned or interested in any contract made by the board so as thereby to forfeit his office, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding Fifty Pounds, and shall not be entitled to enforce that contract as against the board, and all moneys paid to him by the board in respect of that contract shall be recoverable by action at the suit of the board as the debt due by him to the board.

(4) Every member of the board who knowingly takes part in the making by that board of any contract in which any other member of the board is so concerned or interested as thereby to forfeit his office shall be guilty of an offence, and shall be liable on summary conviction to a penalty not exceeding Fifty Pounds.

**26—(1)** The members of every public hospitals board shall at the first meeting held after the first constitution of the board, or some adjourn- Election of chairman and vice-chairman.

*Hospitals.*

A.D. 1918.

ment thereof, and thereafter every Two years, by a majority of the votes of the members present, elect—

i. One of the members appointed by the Governor, to be chairman :

ii. Any member, to be vice-chairman—  
for the ensuing Two years.

If at any meeting there shall be an equality of votes in the election of chairman or vice-chairman, it shall be decided by lot which of the members having an equal number of votes shall be chairman or vice-chairman, as the case may be.

(2) Any casual vacancy in the office of chairman or vice-chairman shall be filled at the next meeting of the board after it arises or at some adjournment thereof, and the chairman or vice-chairman then elected shall hold office for the remainder of the period for which the former chairman or vice-chairman had been elected.

(3) In any case where there has, in the opinion of the Minister, been unreasonable delay in the election of a chairman or vice-chairman, the Minister may appoint a chairman or vice-chairman, as the case may require.

(4) The chairman, or in his absence the vice-chairman, shall be the executive officer of the board.

*Dissolution of Former Boards.*Dissolution of  
former boards.

**27**—(1) From and after the First constitution of a public hospitals board under this Act, or, in the case of any hospital or institution to which this Act may hereafter be applied, from and after the date of the order-in-council in that behalf, every committee or other governing body or board of such hospital or institution shall be dissolved, and shall cease to exercise or perform any of the powers, duties, or authorities which it was authorised or entrusted to exercise or perform under this or any other Act, and shall cease to be subject to any of the liabilities to which it had theretofore been subject, and all such powers, duties, authorities, and liabilities shall vest in and devolve upon, and be exercised and discharged by, the public hospitals board.

(2) All rules and regulations or by-laws theretofore made by any such committee or other governing body or board, which would have been valid if they had been made under this Act, shall be as valid as if they had been made under this Act, and shall remain in force and be enforced by the public hospitals board, for the hospital or institution with respect to which they were made, until the hospitals board has made by-laws with respect to the matters thereby provided for, and thereafter shall be deemed to be repealed.

Property to vest  
in board.

**28**—(1) All the estate and interest in any real and personal property belonging or appertaining to, or held by or vested in any person in trust for or on behalf of any hospital or institution to which this Act applies at the time of the First constitution of the hospitals board, or, in the case of a hospital or institution to which this Act

*Hospitals.*

may hereafter be applied, at the date of the order-in-council in that behalf, and all real and personal property which may thereafter be conveyed, transferred, granted, devised, bequeathed, or given to or on behalf of any public hospital shall by the mere operation of this Act vest in the hospitals board without the necessity of any further conveyance, assignment, or assurance.

A.D. 1918

(2) Subject to this Act, all such property shall be held by the board for and upon the same trusts and purposes as at the time of the First constitution of the board, or at the date of such order-in-council, as the case may be, are or as may subsequently become attached to the same, and subject to any contracts, leases, mortgages, or other debts or charges for the time being affecting the same, and the board shall be liable for the payment of such mortgages, debts, or other charges.

Saving of liabilities, &amp;c.

(3) All contracts, agreements, and securities entered into or executed before the First constitution of the hospitals board, or before the date of such order-in-council, as the case may be, by any trustee, committee, or other body or person, or any board having the control or management of any hospital or institution to which this Act applies, or of any property belonging or appertaining to such hospital or institution, and which are then still in force, shall take effect and may be proceeded on and enforced as near as circumstances will permit in favour of, by, and against, and with reference to the board.

Enforcement of existing contracts, &amp;c.

(4) Where any land, or any estate or interest in land, becomes by virtue of this Act vested in a hospitals board without conveyance, assignment, or other assurance, and an old board or other body corporate or person is the registered proprietor of that land, estate, or interest under "The Real Property Act," the Recorder of Titles shall, at the request of the hospitals board, and on being satisfied by statutory declaration or otherwise of the title of such board, register that board as the proprietor of the said land, estate, or interest in lieu of the said old board, body corporate, or person.

(5) But nothing herein shall give to any person any further or better remedy or right than he would have had if this Act had not been passed.

Saving.

**29** Any lands which have been or may hereafter be reserved or set apart for hospital purposes may be granted to or placed under the permanent or temporary control of a board.

Lands reserved..

*Procedure of Hospital Boards.*

**30** The first meeting of a board after the first constitution thereof shall be held at such time and place as the Minister by notice in the "Gazette" appoints.

First meeting of board.

**31**—(1) The rules set forth in Schedule (3) to this Act shall be applicable to the proceedings and business of the board, and shall be observed.

Rules as to proceedings and business. Schedule (3).

*Hospitals.*

A.D. 1918.

(2) Subject to this Act the board may, from time to time, by resolution, make rules for regulating its proceedings and the general conduct of business, and for calling special or general meetings of the board or of the subscribers.

Board may  
appoint officers  
and servants.  
N.Z., 33 (1, 2,  
and 3).

**32**—(1) A board may from time to time appoint a secretary to the board, a treasurer to the board, and such medical and other officers, matrons, nurses, attendants, and servants, as it thinks required to assist in the management of any public hospital under the control of the board or otherwise in the execution of this Act.

Provided that in the case of a city public hospital the staff thereof shall include a surgeon-superintendent, who, in addition to his prescribed duties shall, under the board and subject to its by-laws, be the head of and have the supervision and direct management of the hospital, a house-surgeon, and such other paid medical officers as may be required, and such honorary medical officers as the board may think proper.

(2) All persons so appointed (other than any honorary medical officers) shall be paid out of the revenues of the board such salaries, wages, or other remuneration as the board with the approval of the Minister, determines.

Notice to be  
given to Minister  
of certain  
appointments.  
N.Z., 34.

**33** No appointment of any medical officer, or of a secretary, manager, or matron of any public hospital under the control of a board, shall be made by the board until the Minister has been notified of the intention to make such appointment, and has approved of such appointment.

Continuance of  
existing officers  
of city hospitals.

**34** All medical and other officers, and all persons engaged or employed at the time of the first constitution of the board of a city hospitals district in any city general hospital, shall be deemed to have been appointed under this Act, and shall continue in office subject to this Act: Provided that any existing contract with any such officers and persons shall be binding on the board.

*Contracts.*

Contracts.

**35**—(1) A hospitals board may enter into any contract with any person for doing anything which the board may be authorised to do, or which is necessary for carrying out the purposes of this Act.

(2) Any contract which, if made between private persons—firstly, must be in writing under seal; secondly, must be in writing signed by the parties thereto—when made by the board, in the first case, shall be in writing under seal of the board; in the second case, shall be signed by the chairman or Two members of the board on behalf of and by direction of the board.

All such contracts may be varied and discharged in the same manner respectively.

(3) No verbal contract shall be made by or on behalf of the board for a sum exceeding Ten Pounds.

*Hospitals.*

**36** The common seal of a board shall not be affixed to any document except at a meeting of the board, and the execution of any document so sealed shall be attested by Two members of the board.

A.D. 1918.

Use of common seal.

**37** No contract the amount whereof exceeds Fifty Pounds shall, except in case of urgent necessity, be made, except after public tender, of which due public notice shall be given; but the board shall not be obliged to accept the lowest or any tender.

Contracts over £50 to be by public tender.

**38** A board may compound with any person for such sum of money or other recompense as it thinks fit in respect of the breach of any contract or any penalty incurred thereunder, or of any debt or money due to the board, whether before or after any action brought for the recovery of the same.

Board may compound.

*Property of Hospitals Boards.*

**39** All moneys belonging to a board shall, pending investment or application thereof in accordance with this Act, be paid into such bank as the board from time to time determines, and shall be paid thereout only by cheques signed by the chairman or vice-chairman of the board and by One member authorised from time to time by the board to sign cheques on its behalf, and countersigned by the secretary.

Pending investment, moneys to be paid into bank. N.Z., s 48.

**40** All moneys held in trust by a board shall, pending the application thereof in accordance with the terms of the trust, be invested, at the discretion of the board, either in manner directed or authorised by the trust, or (notwithstanding the terms of the trust) in any debentures, stock, or securities issued by the Government of the Commonwealth or of Tasmania, or on first mortgage of freehold land in Tasmania, or in any investment authorised under Part II. of "The Trustee Act, 1898," or any amendment thereof.

Investment of trust moneys prior to application in terms of trust. N.Z., s 49.

**41** All money, land, and other property which vests in a hospitals board as the successor of an old board or of any body corporate in accordance with this Act shall remain subject to any trusts affecting that property at the time when it so vests, and shall at all times thereafter be appropriated and dealt with by the hospitals board for the purposes of those trusts, and in accordance with the terms thereof, so far as those purposes and terms are consistent with this Act.

Property vesting in board as successor of old board to remain subject to existing trusts. N.Z., s. 50.

**42**—(1) A board may accept any money, land, or other property, by way of bequest, devise, or gift in trust for the purposes of any existing or future public hospital under the control of the board, or in trust for any purpose to which the board can lawfully apply its own property.

Board may accept property in trust for certain purposes. N.Z., s. 51.

*Hospitals.*

A.D. 1918.

(2) All money, land, and other property accepted by a board in trust under the authority of this section, and all income derived therefrom, shall be appropriated and dealt with by the board for the purposes of the trust, and in accordance with the terms thereof, so far as those purposes and terms are consistent with this Act.

Application of  
trust moneys.  
N.Z., s. 52

**43** When any money is received by a board by way of bequest or gift in trust for the purposes of any public hospital all such money shall, save so far as it is otherwise provided by the terms of the will or gift, be applied in such manner as the board thinks fit in or towards the permanent improvement of the hospital or the extension of the objects for which the hospital is established, or shall be invested by the board, and the income of such investments shall be appropriated and used for the purposes of that hospital.

Board may  
appoint collectors  
of voluntary  
contributions.  
N.Z., s. 53.

**44**—(1) A board may appoint such persons as it thinks fit for the purpose of collecting voluntary contributions and donations from the public for the purpose of the establishment or maintenance of any hospital or institution, or for any other special purpose within the powers of the board, or for the general purposes of the administration of this Act by the board.

(2) All moneys so collected by the Board shall be applied for the purposes for which it was collected, and for no other purpose.

Board may sell or  
exchange land  
vested in it.  
N.Z., s. 55.

**45** A board may, with the consent of the Minister, sell or exchange any land vested in it other than land held in trust for any special purpose, and pay or receive any money by way of equality of exchange.

Leases by boards.

**46**—(1) A board may, with the consent of the Minister, let any lands vested in it or under its control, or any part thereof not required for immediate use, at such rents and upon such terms and conditions as it may determine.

(2) The powers of leasing hereby conferred upon a board are in addition to and not in substitution for any powers of leasing conferred by any other Act or by any trust.

Board may  
borrow on  
security for  
building and  
other purposes.  
N.Z., s. 57.

**47**—(1) For the purpose of erecting buildings, or making additions, alterations, or repairs to buildings, or of purchasing land, or of paying off any loan which has been theretofore raised by the board or for which the board is liable, a board may borrow money, whether by way of bank overdraft or in any other manner; and as security for any such loan the board may, with the consent of the Minister, mortgage or charge any land vested in it, but no mortgage or charge of any land which a board has no power to sell shall contain or imply any power of sale.

(2) For the purpose of meeting ordinary recurrent expenditure the board may, with the consent of the Minister, borrow money by way of bank overdraft, but the amount of any such overdraft shall not at



*Hospitals.*

any time in any financial year or under any circumstances exceed One-fourth of the total revenue of the board received in the financial year then last past. A.D. 1918.

**48** The powers of selling, exchanging, mortgaging, or charging land which are conferred upon a board by this Act, shall, with the consent of the Minister, extend to land held in trust for any special purpose notwithstanding the terms of that trust; but the proceeds of any such sale, and the land or money obtained by any such exchange, shall be subject to the same or similar trusts, so far as may be, as the land so disposed of. Board may sell, &c., lands held in trust. N.Z., s. 58.

**49** — (1) Subject to the obligations of any trust affecting any funds or property of the board, the board may apply any money in its hands in such proportions and in such manner as it thinks fit for any of the purposes following:— Expenditure by board of moneys under its control. N.Z., s. 60.

- i. The maintenance of the public hospitals under the control of the board:
- ii. If the Minister approves thereof, the acquisition of land, whether leasehold or freehold, required for use in connection with any public hospital:
- iii. The purchase, erection, or equipment of buildings required for the purposes of any public hospital:
- iv. Making repairs, additions to, or alterations of buildings used for the purpose of any public hospital:
- v. Making such provision as is deemed requisite for the isolation of persons who are suffering from any infectious disease, or have been in contact with persons suffering from any such disease:
- vi. Payment of salaries or wages of all persons appointed or employed by the board in pursuance of this Act:
- vii. Payment of all other expenses incurred in the lawful execution of any powers, duties, or functions imposed or conferred upon the board by this Act or otherwise by law.

(2) Such moneys shall not be applied in erecting any building or making any structural addition or alteration costing more than One hundred Pounds to any building, unless previous notice in writing of the proposed erection, addition, or alteration has been sent to the Minister, and the consent in writing of the Minister has been previously given.

*Admission to Hospital.*

**50**—(1) It shall be the duty of every public hospitals board to maintain every public hospital under its control for the reception, relief, care, and treatment of sick persons who are suffering from injury to the person caused by accident or otherwise, or from disease. Admission of patients to hospital. W.A., s. 51.

*Hospitals.*

A.D. 1918.

(2) It shall be the duty of every board, subject as hereinafter provided, to receive into any such hospital, so far as adequate accommodation is therein available, any sick person suffering from injury to the person, caused by accident or otherwise, or from any of the diseases for the relief of which the hospital is established.

(3) It shall not be lawful for or in consideration of any payment, reward, or advantage, or any promise thereof, to provide private accommodation in any public hospital for any patient.

(4) No discrimination in respect of social position or otherwise shall be made between patients.

(5) No action for damages shall lie against the board at the suit of any person in respect of any failure of that board to conform to the requirements of Subsections (1) and (2) of this section.

Board to make  
by-laws.  
N.Z., s. 65 (1).

**51**—(1) A board, in respect of public hospitals under its control, may from time to time make, under the seal of the board, by-laws not inconsistent with this Act as to any of the following matters:—

- i. Regulating the admission or discharge of patients and other persons entitled to the benefits of the public hospital :
- ii. Maintaining order, discipline, decency, and cleanliness among the inmates of the public hospital :
- iii. Prescribing the duties of the officers, nurses, attendants, and servants of the public hospital :
- iv. Preventing trespass upon the premises or the grounds attached or belonging thereto :
- v. Prohibiting the introduction of any special articles into the public hospital :
- vi. Regulating the grant of relief by the public hospital to patients or other persons not being inmates of the hospital :
- vii. Generally making provision for all matters affecting the management, care, control, and superintendence of the hospital, and the fulfilment of the purposes thereof :
- viii. Providing for a breach of any such by-law a penalty not exceeding Five Pounds.

(2) Every such penalty shall be recoverable on conviction in a summary way.

(3) No such by-law shall come into force unless and until it has been approved by the Minister in writing under his hand.

(4) Every such by-law may at any time be disallowed by the Governor by order-in-council, and shall thereupon cease to be in force in the same manner as if it had been then revoked.

(5) Any by-law may relate either to a single public hospital or to Two or more public hospitals, or generally to all public hospitals under the control of the board.

*Liability of Patients.*

**52**—(1) Every in-patient and every out-patient who is admitted into, or who receives relief from, any public hospital shall be liable to contribute towards the same such sum as the board of such hospital, having regard to his means, shall demand.

Cost of relief  
granted by board  
to constitute a  
debt and to be  
recoverable by  
action.  
N.Z., s. 70.

---

*Hospitals.*

---

(2) It shall be the duty of the board to make careful enquiries <sup>A.D. 1918.</sup> respecting the ability or means of every patient to pay the hospital charges, and to record the result of such enquiries in the prescribed manner.

(3) Every patient shall, when required by an officer of the board, make the prescribed declaration as to his inability or as to his means and ability to pay the hospital charges. Such declaration may be made before any officer of the board or, if so desired by the said officer, shall make a statutory declaration before any person authorised by law to take or receive a statutory declaration.

(4) The cost of the relief granted by or at the expense of the board to any person shall constitute a debt due by that person to the board, and may be recovered by action in any court of competent jurisdiction from such person, or in the event of his dying, from his personal representatives out of his estate. A written statement of the amount due, purporting to be signed by the secretary, shall be *prima facie* evidence of such amount.

(5) In addition to the amount so due, such person shall, if he makes any false statement in the statutory declaration made by him regarding his circumstances or means and ability to pay, be liable to pay to the hospitals board a sum not exceeding Twenty Pounds, to be recoverable in a summary way upon a complaint made before a police magistrate or any Two or more justices.

(6) The board of any public hospital shall have absolute discretionary power to remit or postpone payment of all or any sums of money due to the board under the provisions of this section or any Act hereby repealed or any by-law made thereunder.

(7) No person shall be refused the benefits of any public hospital by reason only of inability to pay therefor.

(8) The cost of the relief granted by or at the expense of a board to a married woman, who is not separated from her husband, or a minor, shall, without excluding the liability of the person so relieved, or any other person, constitute a debt due to the board by the husband of the married woman or each parent of the minor, as the case may be, and may be recovered by action in any court of competent jurisdiction.

(9) The costs so recoverable shall be the sum (if any) agreed upon between the board and the person so liable, and, in the absence of any such agreement, shall be such sum as the court in which any action for the recovery thereof is brought thinks reasonable, having regard to the means of the defendant and the circumstances of the case.

---

*Hospitals.*

A. D. 1918.

## PART III.

## PRIVATE HOSPITALS.

*Licensing of Private Hospitals.*

Definitions.  
No. 14 of 1908,  
s. 2, N.S.W.

- 53** In this Part of this Act, if not inconsistent with the context—  
 “Birth” includes still-birth and miscarriage at any period :  
 “Hospital nurse” means a person who holds a certificate from a recognised medical and surgical hospital showing that such person has attended the practice of such hospital for not less than Three years, and has shown proficiency in medical and surgical nursing, and has passed an examination approved of by the Chief Health Officer :  
 “Manager” means the resident manager of a private hospital :  
 “Patient” means any person received and lodged in a private hospital :  
 “Recognised” means recognised by the Minister, on the recommendation of the Chief Health Officer, for the purposes of this Part of this Act.

Private hospitals  
to be licensed.  
N.S.W., s. 6.

**54**—(1) No private hospital shall be carried on, used, or conducted, except under the authority of a licence granted by the Chief Health Officer.

(2) Every person who commits a breach of this section shall be liable to a penalty of not exceeding Fifty Pounds and not less than Ten Pounds.

(3) Provided that the Minister may, on the recommendation of the Chief Health Officer, exempt any hospital from the operation of this Part.

Application for  
licence.  
N.S.W., s. 7.

**55**—(1) Every application for a licence shall be addressed to the Secretary of the Department of Public Health, at Hobart, and shall state the full name, place of abode, and occupation of the applicant ; and where the private hospital is controlled by a syndicate or corporate body, shall state its full name and the name and address of the secretary and of the manager or managing director, if any, together with such other information as may be prescribed.

(2) Such application shall, except in the case of renewals, be accompanied by—

- i. A statement of the maximum number of patients proposed to be received into the private hospital on any one day :
- ii. A plan of any house or building included in such hospital on a scale not less than Eight feet to the inch :
- iii. A description of the situation thereof :
- iv. A statement of the length, breadth, and height of, and a reference by a figure or letter to, every room and apartment therein :

*Hospitals.*

v. A statement of the rooms to be used exclusively by the patients, and those to be used exclusively by the nurses and other employees, and by the licensee and his family, or the manager and his family : A.D. 1918.

vi. A full description of the sanitary arrangements : and

vii. A statement as to the number and class of cases intended to be received, whether lying-in cases or surgical and medical cases.

(3) Every such application shall be verified by the statutory declaration of the applicant.

**56**—Every such licence shall be granted upon payment of prescribed fees, and shall continue in force until the Thirty-first day of December next after the date thereof, unless it is previously revoked as hereinafter provided, but may be renewed by the granting of a new licence : Provided, that no such licence fee shall exceed the sum of Twenty-one Shillings. Period of licence.

**57**—(1) No licence shall be granted unless the house in respect of which the licence is applied for is approved by the Chief Health Officer as suitable for the purposes indicated in the application. Approval of premises by Chief Health Officer before licence granted.

(2) No licence shall be granted unless the Chief Health Officer is satisfied as to the character and fitness of the applicant. N.Z., s. 109.

**58**—(1) Every licensed hospital shall, according to the tenor of the licence issued in respect thereof, be— Kinds of licensed hospitals.

i. A licensed maternity hospital : or

ii. A licensed medical and surgical hospital : or

iii. A hospital licensed both as a maternity and as a medical and surgical hospital. N.Z., s. 110

(2) Any licence may, if the Chief Health Officer thinks fit, be limited to the reception of any particular class or classes of patients.

**59**—(1) No structural alteration or addition shall be made to any licensed hospital until a sufficient plan and description of the proposed alteration or addition have been given to the Chief Health Officer and approved by him. Chief Health Officer to approve plans of structural alterations to licensed premises.

(2) If any alteration or addition is made in breach of this section, the licensee shall be liable to a penalty not exceeding Twenty Pounds.

*Management of Private Hospitals.*

**60**—(1) For every private hospital there shall be a resident manager, who may be either the licensee himself, or some person appointed by the licensee and approved by the Chief Health Officer ; and in every case the manager shall be either a legally-qualified medical practitioner or— Manager of hospitals.

i. A hospital nurse, in the case of a medical and surgical hospital :

ii. A certified midwife, in the case of a maternity hospital : or N.S.W., s. 10

*Hospitals.*

A.D. 1918.

III. A hospital nurse who is a certified midwife, or who has as resident assistant a certified midwife, in the case of a hospital licensed both as a maternity hospital and as a medical and surgical hospital : or

iv. Any person approved by the Chief Health Officer.

(2) The full name and qualification of every person intended to be appointed under paragraphs i., ii., or iii. aforesaid, shall be submitted by the licensee to the Chief Health Officer for approval.

Notice of  
certain diseases.  
N.S.W., s. 11.

**61**—(1) When a patient in a private hospital, licensed as a maternity hospital, is found or is reasonably suspected to be suffering from any infectious disease the manager shall, within Twenty-four hours, give notice thereof to the Secretary of the Department of Public Health, in a form and manner prescribed.

(2) If the manager of any such private hospital fails to give any such notice or information, he shall be liable to a penalty not exceeding Fifty Pounds.

Notice of death  
or birth.  
N.S.W., s. 12.

**62** In the case of a death or birth in a private hospital licensed as a maternity hospital, the manager shall, within Twenty-four hours, and before interment in case of death, report the same to the district registrar of births, deaths, and marriages, giving full particulars of the death or birth according to a form and in a manner prescribed ; and any manager who fails to so report shall be liable to a penalty not exceeding Twenty Pounds.

Register to be  
kept in hospital.  
N.S.W., s. 13.

**63**—(1) In every private hospital there shall be kept, in a form to be prescribed, a register of patients in which shall, from time to time, be entered—

- i. The name, age, and usual place of abode of every patient, and the date of his reception into the hospital :
- ii. The name of the medical practitioner (if any) attending him :
- iii. The date when he left the hospital, or, in the event of his death, the date thereof : and
- iv. Such other particulars as may be prescribed.

(2) Such particulars shall be entered in the register by the persons and at the times and in the manner prescribed.

(3) Every person required by regulations to make any such entry, who knowingly suppresses any material fact, or enters any particulars that are untrue, shall be liable to a penalty not exceeding One hundred Pounds.

Inspection of  
hospital.  
N.S.W., s. 14.

**64** Every private hospital, and every part thereof, together with the register of patients mentioned in the last preceding section, shall at all times be open to inspection by the Chief Health Officer, or by any person duly authorised by him in that behalf.

Purpose for  
which hospital  
may be used.  
N.S.W., s.15.

**65** A private hospital shall not, during the currency of its licence, be used for any other purpose than that for which it is licensed.

*Hospitals.*

**66**--(1) The Minister, on the recommendation of the Chief Health Officer may at any time cause an enquiry to be made as to the management of any private hospital by some person to be appointed by him for that purpose.

A.D. 1918.

Inquiry as to management of private hospitals. N.S.W., s. 16.

(2) The person so appointed shall, for the purpose of such inquiry, report the result of the inquiry to the Minister.

(3) The Minister may, if he thinks fit, after such inquiry, revoke the licence granted in respect of the private hospital, and in such case no new licence shall be granted to the person whose licence is so revoked for a period of Four years from the date of such revocation: Provided that no licence shall be revoked unless the licensee has been afforded opportunity of giving and producing evidence at the inquiry.

**67** The fact that Two or more persons, not members of the occupier's family, are received and lodged in any house, building, tent, or place in any one year, as lying-in cases, or for other medical or surgical treatment, attendance, or care, shall be *prima facie* evidence that the house, building, tent, or place is a private hospital within the meaning of this Act, whether or not it is proved that a charge is made for lying-in or for such treatment, attendance, or care.

Evidence that house, &c., is a private hospital. N.S.W., s. 17.

**68** If the Chief Health Officer has reason to believe or suspect that any house, building, or place is used as a private hospital without any licence being in force with respect thereto in accordance with this Act, he may at any time and from time to time by himself, or by any person authorised by him in that behalf, enter and inspect that house, building, or place and every part thereof, and any person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection shall be liable to a penalty not exceeding Fifty Pounds.

Chief Health Officer may enter unlicensed premises if he believes the same to be used as a private hospital. N.Z., s. 121.

**69** Any person who shall feel aggrieved by any decision in reference to the refusal to grant, or renew, or the revocation of any licence to carry on or conduct a private hospital may appeal by summons to a judge of the Supreme Court; but no such appeal shall be entertained unless it be made within Two months next after the notice to such person of the refusal or revocation of such licence, nor unless Ten days' notice in writing of such appeal, stating the nature and grounds thereof, be given. Such notice shall be served upon the Chief Health Officer.

Appeal. Tas., s. 40.

**70** The Governor may, on the recommendation of the Chief Health Officer make such regulations for the licensing, management, and inspection of private hospitals, and generally for carrying this Act into effect as the Governor deems desirable or necessary, and may by such regulations impose a penalty not exceeding Fifty Pounds for any breach thereof.

Regulations. N.S.W., s. 18.

*Hospitals.*

A.D. 1918.

(2) In any prosecution for an offence against this Part of this Act, the burden of proving that a licence is in force in respect of any private hospital, and of proving the terms of that licence, and of proving that any person apparently having the charge, control, or management of the hospital is not the manager thereof within the meaning of this Act, shall lie upon the defendant.

## PART IV.

## INSPECTION OF HOSPITALS.

Chief Health Officer charged with duty of inspecting hospitals.

**71**—(1) The Chief Health Officer is hereby charged with the duty of inspecting hospitals pursuant to this Part.

(2) The Chief Health Officer may delegate all or any of his powers to other officers approved by the Minister.

Inspection of hospitals.  
N.Z., s. 74.

**72**—(1) The Chief Health Officer may, without previous notice, visit and inspect any public or private hospital at any time he thinks fit.

(2) It shall be the duty of every officer or servant employed in or in respect of any such hospital, to give to the Chief Health Officer all information within the knowledge of such officer or servant which the Chief Health Officer shall require with respect to all matters in connection with the hospital.

(3) Every person who obstructs the Chief Health Officer in his visitation, or who fails or refuses to give any such information, or who gives untrue or misleading information on the matters aforesaid, shall be liable on summary conviction to a penalty not exceeding Fifty Pounds.

Minister may call meetings of board.

**73**—(1) The Minister may at any time require the chairman or secretary of any board or governing body to call a special meeting thereof, and it shall be the duty of the chairman or the secretary to call such meeting accordingly.

Chief Health Officer may attend meetings.

(2) The Chief Health Officer if so instructed by the Minister shall be entitled to be present at any meeting of any such board or body, or of any committee of any such board or body, and to speak at any such meeting, but shall not take any other part in the proceedings thereof.

## PART V.

## MISCELLANEOUS.

Local authority to provide hospital.  
Tas., 1903, s. 42.

**74** A local authority may from time to time of its own motion, and shall whenever the Chief Health Officer certifies that it is necessary so to do, provide, equip, and maintain hospitals suitable and sufficient for the reception and treatment of the sick: Provided that the Chief Health Officer shall not act under this section without the approval of the Minister.



*Hospitals*

**75** With respect to such hospitals the following provisions shall apply :—

- i. The site, size, and plans of the hospital shall be subject to the approval of the Chief Health Officer :
- ii. The local authority may itself build or acquire a hospital, or may contract for the building thereof :
- iii. The local authority may contract for the use as a hospital of any existing hospital, or for the extension of any existing hospital, and the use of the extension as a hospital :
- iv. The hospital may be for the sick generally, or for persons suffering from infectious diseases, or any specified infectious diseases, or may be a sanatorium for persons suffering from consumption :
- v. The hospital may be permanent or temporary :
- vi. In cases of special emergency a temporary hospital for persons suffering from any infectious disease may, if the Governor by warrant, published in the "Gazette," so authorises, be erected on any endowment or reserve, any enactment, condition, or trust affecting such endowment or reserve to the contrary notwithstanding :  
 Provided that when the Governor is satisfied that the emergency has ceased, he shall, by notice in the "Gazette," cancel his warrant, and thereafter any such enactment, condition, and trust shall have effect as if this section had not been passed, and the hospital shall be removed, utilised, or otherwise disposed of, in such manner as the Governor directs, consistently with any such enactment, condition, or trust as aforesaid :
- vii. The local authority shall in every case properly equip the hospital with all requisites, and provide and maintain an efficient staff :
- viii. Two or more local authorities may, if they think fit, and shall if the Chief Health Officer with the approval of the Minister so recommends, combine in providing and maintaining a common hospital or sanatorium for consumptives, and for that purpose join in any of the works under this section :
- ix. The expenses incurred in providing and maintaining such common hospital or sanatorium for consumptives shall be apportioned amongst the local authorities concerned in such shares as they agree on, or as, in the absence of agreement, Two justices of the peace by order decide, after hearing the Chief Health Officer and the local authorities concerned :
- x. It shall not be competent for any persons other than the local authority to establish a hospital, other than a private hospital, in the district of such local authority unless a scheme for the establishment, equipment, and maintenance of the proposed hospital shall have been previously submitted to and approved by the local authority and the Minister.

A.D. 1918.

Special provision  
with respect to  
any such hospital

*Hospitals.*

A.D. 1918.

Hospital local  
authority to agree  
for reception of  
patients.

W.A., 1911, s. 246.  
No. 2665 of 1915,  
s. 209 (Vic.)

**76**—(1) The board or managing authority of any hospital receiving aid from the State may be required by an order of the Minister to enter into an agreement with any local authority for the reception into such hospital and treatment of persons suffering from infectious disease in its district; and the local authority of any district may be required by an order of the Minister to enter into an agreement with the Board or managing authority of any hospital receiving aid from the State for the reception into such hospital and the treatment and maintenance of persons suffering from infectious diseases.

(2) If an agreement embodying such terms as the Minister decides are reasonable is not entered into by both parties within a time fixed by the Minister, the Minister shall cause such an agreement to be prepared and tendered to each party for execution; and if the board or managing authority of such hospital, or the said local authority, does not execute the same within Fourteen days after tender of the same for execution, or refuses to execute the same, the Minister may execute such agreement on the part or behalf of the party or parties so neglecting or refusing, and such party or parties shall be bound thereby.

(3) The proper charges under any such agreement for the treatment and maintenance in any hospital of persons suffering from infectious disease (including the cost and expenses of conveying or removing any such person to such hospital) shall be a debt due by the local authority to the board or managing authority of such hospital, and may be recovered from the local authority by action in any court of competent jurisdiction. The local authority shall pay such charges out of its municipal fund or out of any moneys raised by a health rate.

(4) If in any case it appears to the Minister on the recommendation of the Chief Health Officer that the charges for the treatment and maintenance of any such person should be a liability of some other local authority, the Minister may order and direct the payment of such charges by such other local authority, and thereupon such charges shall be a debt due from such other local authority to the board or managing authority of such hospital, and may be recovered from such other local authority by action in any court of competent jurisdiction.

(5) If it is proved to the satisfaction of the Chief Health Officer, and the Chief Health Officer so certifies, that any person suffering from infectious disease contracted such disease outside the State, the local authority shall be exempt from liability for the treatment and maintenance of such person.

(6) Where the total annual charges paid by the local authority to the board or managing authority for the treatment and maintenance of patients therein exceed the sum that could be raised by imposition of a rate of Twopence in the Pound upon the annual value of all ratable property within the district of such local authority, the Minister shall repay to the local authority out of any moneys appropriated by Parliament to such purpose the amount of such excess.

Local authority  
to notify medical  
practitioner  
thereof  
Tas. 1910, s.  
3 (1).

**77** Any local authority entering into any such agreement shall, in writing, notify the terms thereof to every medical practitioner residing in the district of such local authority.

*Hospitals.*

**78** Any registered medical practitioner may grant a certificate in writing under his hand recommending the removal from the district of a local authority of any person who is suffering from any infectious disease to any hospital (whether permanent or temporary) for isolation and treatment, and shall forthwith report the case to the local health officer of that local authority area wherein the patient has been resident, stating the hospital to which he has been removed, and the date of removal.

A.D. 1918.

Local medical practitioner may grant certificate recommending removal of infectious case to hospital.

Provided that in any case where the local authority of such district shall, pursuant to Section Seventy-six, have entered into an agreement and notified such registered medical practitioner thereof, the hospital to which he may recommend the removal of any such person shall be the hospital to which such agreement relates, unless there is no accommodation in the lastmentioned hospital for such person.

**79** Any medicines to be dispensed or compounded for use in any hospital shall be so dispensed or compounded by a pharmaceutical chemist registered by the Pharmacy Board of Tasmania.

Dispensers to be registered under the Pharmacy Board.

**80** No appointment of any medical officer, secretary, or manager shall be made by the persons having the management of any hospital receiving aid from the State, until the same has been submitted to and approved by the Minister.

Appointment of medical officers.

**81**—(1) The proceedings—

i. To try the title of a member of a board to his office :

ii. To try the right of any person to be admitted or restored to any such office, or to compel his restoration or admission :—

shall be had and taken before, and determined by, a police magistrate, and disposed of summarily.

Proceedings for trying title of member of board to his office to be decided summarily.

(2) The information, for the purposes of the last preceding section, may be laid at the instance of the board or the Minister, or any local authority, or other person interested.

Jurisdiction of magistrate.

The police magistrate may make an order—

i. Declaring any person to be not entitled to the office then possessed by him, and that such office is vacant :

ii. Declaring that the informant is entitled to the said office.

Upon any order being made declaring any person not to be entitled to an office he shall be deemed thereby to be ousted from such office accordingly.

(3) No proceedings to try the title of any person to any office shall be had or taken except upon an information laid within Two months from the time at which the person whose title is disputed was appointed or elected, or the cause arose by reason whereof such person shall be liable to be ousted, whichever shall last happen.

Time within which proceedings may be taken.

**82**—(1) The board or governing body, as the case may be, shall, on or before the Thirty-first day of August in each year, prepare and deliver to the Minister an annual report for the last preceding financial year, giving such particulars as the Minister requires.

Annual reports. N.Z., s. 76.

*Hospitals.*

A.D. 1918.

(2) The Minister shall lay such reports before each House of Parliament within the next Twenty-one sitting days of such House occurring after he receives such report.

Obstructing  
persons in dis-  
charge of duty.  
Tas., s. 36.

**83** Whosoever hinders or obstructs any person in the discharge of a power conferred or duty imposed on him by or under any authority conferred by this Act, shall be liable to a penalty not exceeding Ten Pounds.

Validation of  
irregular proceed-  
ings by order-in-  
council.

**84** Where by misadventure, accident, or mistake, whether of law or fact, anything is at any time done after the time, or is not done within the time, required by this Act, or is otherwise irregularly done in matter of form, the Governor may, by order-in-council, make provision for any such case, or may extend the time within which anything is required to be done, or may validate anything so done after the time required, or so irregularly done in matter of form, so that the true intent and purposes of this Act may have effect, but no such order-in-council shall affect any judicial proceedings theretofore instituted or any judgment, decree, or other decision thereupon made or given by any court.

Regulations, &c.  
Q., s. 28.

**85** Where there is any omission in this Act, or where no provision or no sufficient provision, in the opinion of the Governor is made, the Governor from time to time may make and prescribe all such regulations and orders, either general or applicable to particular cases only, as he thinks fit, for the purpose of facilitating the execution of this Act, or more effectively carrying it into execution.

Offences to be  
dealt with  
summarily.

**86** All offences against this Act, and all penalties and all sums of money imposed or made payable by this Act (whether for maintenance or costs of relief or otherwise) may (notwithstanding any other mode of recovery hereinbefore provided), be heard, determined, and recovered by and before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates' Summary Procedure Act."

*Hospitals.***SCHEDULES.**

A.D. 1918.

(1).

Date and Number of Act.	Title of Act.	Extent of Repeal.	
42 Vict. No. 14 (1878)	"The Hobart Town General Hospital Act, 1878"	The whole Act	As from the date of the publication in the "Gazette" of the order-in-council constituting the Hobart Public Hospitals District
42 Vict. No. 15 (1878)	"The Launceston General Hospital Act, 1878"	The whole Act	
46 Vict. No. 21 (1882)	"The Launceston General Hospital Act, 1882"	The whole Act	
64 Vict. No. 24 (1900)	"The Launceston General Hospital Act, 1900"	The whole Act	As from the date of the publication in the "Gazette" of the order-in-council constituting the Launceston Public Hospitals District
3 Ed. VII, No. 37 (1904)	"The Public Health Act, 1903"	Part III. (Hospitals), being Sections 42 to 46 inclusive	
1 Geo. V. No. 56 (1910)	"The Public Health Amendment Act, 1910"	Sections 3 to 6 inclusive	As from the commencement of "The Hospitals Act, 1918."

---

*Hospitals*

---

A.D. 1918.

(2)

RULES TO BE OBSERVED IN THE ELECTION OF MEMBERS OF  
THE BOARD.

1. The Board may appoint as returning officer to take the poll at any election some person who is not himself a candidate for election.

2. For the purpose of enabling the returning officer to compile a roll of members of component local authorities entitled to vote at such election to represent local authorities, the clerk of every component local authority shall, under a penalty not exceeding Five Pounds for any failure so to do, at least Fourteen days before the day of nomination, deliver to the returning officer a correct list of the names and addresses of all members of the local authority of which he is clerk, certified as correct by writing under his hand. The returning officer shall from such lists compile a roll of persons entitled to vote at the election for representatives of the local authorities. Such roll shall show the names in alphabetical order and numbered consecutively of all the members of the component local authorities, and when signed by the returning officer shall be the roll by reference to which the title of every person to vote at such election shall, save as next hereinafter provided, be finally determined. But no person named on such roll who, at the date of the election, has ceased to hold office as a member of a local authority of the group in respect of which the election is held shall be entitled to vote.

*Nomination of Candidates.*

4. In order that a person may be or become a candidate for election he must be nominated by not less than Two members of the component local authorities who are entitled to vote.

*Nominations to be made in Writing.*

5. Nominations must be made in writing, addressed to the returning officer, and must be lodged with him not later than the day and hour for nomination fixed by the returning officer in the year in which the biennial election is to be held.

6. If only the requisite number of candidates are so nominated, the returning officer shall, as soon as practicable after the hour of nomination, and at the place appointed, declare such candidates to be duly elected, and they shall be elected accordingly.

*Procedure if more than Requisite Number of Nominations Received.*

7. If the number of persons who are duly nominated as candidates exceeds the number of members to be elected, then for deciding between the candidates to be elected a poll shall be taken by postal ballot in the manner hereinafter provided at a time to be appointed by the returning officer.

*Candidate may Retire.*

8. After a poll has been appointed to be taken, a candidate may retire from his candidature not less than Ninety-six hours before the hour appointed for closing the poll by delivering in writing a notice of retirement to the returning officer.

*Hospitals.*

The returning officer shall then omit the name of the person so retiring from the ballot-papers, but if there is not time to omit or erase the name he shall take such steps as may be practicable to make known the name of the person so retiring. The person so retiring shall not be capable of being elected; and if the number of candidates by his retirement is reduced to the requisite number to be elected, the returning officer shall declare the remaining candidate or candidates to be elected. A.D. 1918.

*Voting by Postal Ballot.*

9. The returning officer shall forthwith after the day of nomination transmit by post to every voter entitled to vote at the election a ballot-paper, which shall be in the following form:—

A	<i>Gummed edge.</i>	B								
<i>Gummed edge. Perforation.</i>	<p><i>Perforation.</i> <i>How to Vote.</i></p> <p>Make a cross in the square opposite the name of the [<i>or (insert number to be elected)</i>] candidate for whom you vote. Gum the top and sides of the paper down so that the letters A A and B B in the corners meet, and <i>after doing so</i> get your signature witnessed by a member of a component local authority, a ratepayer of a component local authority, a justice of the peace or the returning officer. Then place the paper in the accompanying envelope, which is addressed to the returning officer, and endorsed "Ballot-paper, Election of Members of Hospital Board"; close up the envelope, and post it to the returning officer.</p> <p style="text-align: right;">A.B. [<i>initials of Returning Officer</i>].</p>	<i>Gummed edge. Perforation.</i>								
	<p><i>Fold paper here.</i></p> <table style="margin: auto;"> <tr> <td style="padding-right: 20px;">BROWN, JOHN</td> <td style="text-align: center;">□</td> </tr> <tr> <td>GREEN, CHARLES</td> <td style="text-align: center;">□</td> </tr> <tr> <td>SMITH, ABEL</td> <td style="text-align: center;">□</td> </tr> <tr> <td>WILLIAMS, GEORGE</td> <td style="text-align: center;">□</td> </tr> </table> <p style="text-align: center;"><i>Perforation.</i></p>	BROWN, JOHN	□	GREEN, CHARLES	□	SMITH, ABEL	□	WILLIAMS, GEORGE	□	
BROWN, JOHN	□									
GREEN, CHARLES	□									
SMITH, ABEL	□									
WILLIAMS, GEORGE	□									
A		B								
	<p><i>Perforation.</i></p> <p>I* _____, of _____, am a member of the local authority of _____ and am entitled to vote at the election of a member [<i>or †</i> members] of the _____ Public Hospitals Board, which is to take place at _____, and closes on the _____ day of _____, 19 _____.</p> <p>I have not already voted at this election. I make this solemn declaration conscientiously believing the same to be true.</p> <p>Witness— Ratepayer of a component local authority, member of a component local authority, or justice of the peace (<i>or returning officer</i>).</p>									
	<p>* Christian and surname in full.      † Insert number of members to be elected. ‡ State place of nomination.</p>									

*Hospitals.*

A.D. 1918.

*Envelope Addressed to Returning Officer.*

10. Every ballot-paper so transmitted to a voter shall be accompanied by an unsealed envelope addressed to the returning officer at the place of nomination, and endorsed "Ballot-paper, Election of Members of Public Hospitals Board."

The envelopes containing the ballot-papers so posted by the returning officer shall be endorsed with the words, "Ballot-paper, Election of Members of Public Hospitals Board."

Every ballot-paper shall contain the names in full, in alphabetical order, of all the candidates, and shall be initialed by the returning officer.

The ballot-paper shall be so printed and prepared that the voter may effectually conceal the name of the person for whom he has voted.

*Mode of Printing Ballot-papers.*

11. In printing ballot-papers, regard shall be had to the following rules, that is to say—

- I. The paper used for ballot-papers shall be of such thickness as when folded will conceal the names of the candidates and the manner in which a voter has voted:
- II. The name of every candidate shall be printed in plain capital letters of not smaller than pica type:
- III. The name of one candidate only shall be printed in one line:
- IV. On each side of every such line there shall be a blank space of not less than one-quarter of an inch.

*Papers to be Filled up.*

12. Before posting the ballot-papers the returning officer shall cause the form of declaration on each ballot-paper to be filled in with—

- I. The Christian name and surname in full, when known, of the voter:
- II. The place of residence of the voter:
- III. The name of the local authority or public hospitals board, as the case may be:
- IV. The place of nomination:
- V. The number of members to be elected: and
- VI. The time when the poll will close.

*Duplicate Ballot-paper in Certain Cases.*

13. At any time before Three o'clock in the afternoon of the day next preceding the day appointed for closing the poll the returning officer may issue a second or duplicate ballot-paper to any voter whose original ballot-paper has miscarried or has been destroyed:

Provided that the voter shall first make a declaration before the returning officer that he has not received the original ballot-paper, or that it has been destroyed, and that he has not already voted at the election.

*Ballot-paper Posted to Returning Officer.*

14—(1) The voter shall mark the ballot-paper by making a cross in the square opposite the name of the candidate or of each of the candidates for whom he votes, and fold up and gum together the parts thereof as indicated thereon, and shall then sign such paper in the presence of a member of a component local authority, or a ratepayer of a component local authority, or a justice, or the returning officer. He shall then place the ballot-paper in an envelope addressed to the returning officer at the place of nomination, and endorsed, "Ballot-paper, Election of Members of Public Hospitals Board," and shall close the envelope and transmit the same by post.

*Returning Officer may Assist Voter.*

(2) The returning officer may, at the request of a voter, mark the ballot-paper by making a cross in the square opposite the name of the candidate or of each of the candidates for whom he votes, but the returning officer shall not personally receive any vote except through the post, as hereinbefore provided.



*Hospitals.**Marksmen.*

A.D. 1918.

(3) The signature or mark of a voter who cannot write, or who cannot write the characters of the English language, must be attested by a justice or the returning officer.

(4) No person who cannot write, or who cannot write the characters of the English language, shall be competent to attest the signature of a voter.

*Candidate or his Agent not to Attest Signatures.*

(5) No candidate or the agent of a candidate at the election shall attest the signature of a voter to a ballot-paper for use in the election; every such person who so witnesses a signature shall be liable to a penalty not exceeding Fifty Pounds, but the vote shall not be thereby invalidated.

*Candidate or his Agent not to Collect Ballot-papers.*

(6) No candidate or agent of a candidate shall receive or take any ballot-paper or envelope containing a ballot-paper from a voter.

*Penalty.*

Any such person who so takes or receives a ballot-paper or envelope containing a ballot-paper from a voter shall be liable to a penalty not exceeding Fifty Pounds, and the election of a candidate who or whose agent so takes or receives a ballot-paper or envelope containing a ballot-paper shall be void.

*Ballot-box to be Provided.*

15. After posting the ballot-papers, the returning officer shall provide a locked ballot-box with a cleft or opening therein capable of receiving the ballot-papers, and shall deposit in the ballot-box every post letter addressed to the returning officer, and endorsed, "Ballot-paper, Election of Members of Public Hospitals Board," which is received through the post at his office between the day of nomination and before the expiration of the time appointed for closing the poll.

All envelopes, containing ballot-papers, which have been irregularly posted, and which the returning officer has on that account refused to accept, and all envelopes, containing ballot-papers, which have been posted or received through the post after the hour fixed for closing the poll, shall be endorsed to that effect by the returning officer, and be forthwith sent by him to the dead letter department of the post office, where they may be opened and returned to the senders.

The returning officer shall be responsible for the safe custody of such ballot-box.

*Place for Examination of Votes.*

16. For the purposes of every election, the returning officer shall appoint a place at which the votes shall be examined and the result of the election ascertained. No house or place licensed for the sale of fermented or spirituous liquors shall be appointed as the place for such examination and ascertainment.

*Scrutiny of Votes and Declaration.*

17. The returning officer shall, as soon as reasonably may be after the poll has closed, in the presence of his poll clerk, if any, and of such of the scrutineers as may attend, but not of any candidate—

1. Examine and count the number of votes received for each candidate, observing with respect to each ballot-paper the following directions:—  
He shall first mark off the voter's name upon the alphabetical list of voters hereinafter mentioned. He shall then examine the declaration and attestation attached to the ballot-paper, and if they are regular shall mark the part containing the same and also the other part of the ballot-paper with the same number, beginning with the number 1 for the first vote dealt with, 2 for the next, and so on, in regular numerical order for all the votes allowed by him. He shall then separate the declaration and attestation from the other part of the ballot-paper,

*Hospitals.*

A.D. 1918.

and deposit such declaration and attestation in a receptacle provided for the purpose, and also forthwith deposit the other part in a locked ballot-box. If the declaration and attestation are not regular, he shall reject the ballot-paper without separating it into parts or marking any numbers thereon. When all the ballot-papers have been dealt with in manner aforesaid he shall open such ballot-box, and shall open out the parts of the ballot-papers deposited therein by tearing off the perforated gummed edges, and then proceed to examine and count the number of votes received for each candidate:

- ii. Make out a written statement, signed by himself and countersigned by the poll clerk, if any, and by any scrutineers who are present and consent to sign the same, containing the numbers in words as well as figures of the votes received for each candidate so counted as aforesaid:
- iii. As soon as possible, there openly declare such numbers, and at the same time and place declare the name or names of the candidate or candidates elected:
- iv. Forthwith thereafter certify to the secretary, by writing under his hand, the name or names of the candidate or candidates so elected and the date of the declaration of the result of the election.

At the time of opening the ballot-box the returning officer shall produce, for the information of the scrutineers, the roll of persons entitled to vote, as well as an alphabetical list signed by him of all voters to whom he has posted or issued ballot-papers.

The number marked by the returning officer upon a ballot-paper, and being identical with the number marked by him on the attestation and declaration, shall at a scrutiny be conclusive evidence of the vote of the person making such declaration.

*Informal and Imperfect Votes.*

18. At the examination of the ballot-papers every ballot-paper which—
  - i. Does not bear the initials of the returning officer: or
  - ii. Is not signed by the voter and attested in the manner prescribed by this Act: or
  - iii. Is manifestly irregular: or
  - iv. Is signed by any person other than a qualified voter: or
  - v. Has no cross in a square opposite the name of a candidate, or has fewer crosses or more crosses in such squares than the number of candidates to be elected: or
  - vi. Is so imperfectly executed that the intention of the voter cannot with certainty be ascertained—
 shall be rejected.

*Casting Vote.*

19. If the number of votes for Two or more candidates is found to be equal, the returning officer shall decide by his casting vote which shall be elected.

The returning officer may, if qualified, vote at the election in addition to giving a casting vote.

*Substitute for Returning Officer.*

20. If the returning officer is prevented from attending to any of his duties by illness or other sufficient cause, he may, by writing under his hand, appoint a substitute to act for him, or, in case of his refusal or inability to make such appointment, the secretary may perform the duties of the returning officer, or shall, by writing under his hand, appoint a substitute to act for the returning officer.

The clerk or such substitute shall thereupon for the time being have all the power and authority of and be deemed to be the returning officer.

*Votes not to be Divulged.*

21—(1) If a returning officer, or any scrutineer, or poll clerk, in the discharge of his duties under this Act, at or concerning an election, learns for what candidate any voter has voted at such election, he shall not by word or act, or

*Hospitals.*

any other means whatsoever, directly or indirectly, divulge or discover, or aid in divulging or discoverng, the fact, save in answer to some question which he is legally bound to answer. A.D. 1918.

*Returning Officer, &c., not to make Notes or Memorandum of Votes.*

(2) If the returning officer or any scrutineer or poll clerk makes any mark upon any list of voters, or makes or writes any note or memorandum denoting or whereby he can know or remember, for what candidate any voter has voted at an election, he shall be liable to a penalty not exceeding Fifty Pounds.

*Misfeasance, &c., of Officers, &c.*

(3) Every person acting as returning officer or poll clerk at an election who is guilty of any wilful misfeasance, or wilful or negligent act of commission or omission, contrary to any of the provisions of this Act, shall, for every such offence, be liable to a penalty not exceeding Fifty Pounds.

*Expenses.*

22. The Board shall repay to the returning officer all expenses reasonably incurred by him in connection with the election.

## (3)

## RULES RELATING TO THE PROCEEDINGS AND BUSINESS OF THE BOARD MEETINGS.

1. The Board shall hold its ordinary meetings at such times as are appointed by by-law in that behalf. Special meetings may be summoned at any time by the chairman, or shall be so summoned by him upon receipt of a requisition in writing signed by any two members.

2. The chairman shall preside at all meetings at which he is present. In his absence the vice-chairman, if present, shall preside; and in the absence of the chairman and vice-chairman, the members present shall elect from their number as chairman for the day.

The chairman, or in his absence the vice-chairman, and if both are absent, the chairman for the day, shall have a vote, and when there is equal division of votes upon any question, shall have a second or casting vote.

3. No business shall be transacted at any meeting of the Board unless at least Five of the members are present when such business is transacted.

4. All powers vested in the Board may be exercised by the majority of the members present at any meeting duly held, and all questions shall be decided by a majority and by open voting.

At all meetings, save as herein otherwise provided, all members present shall vote.

If a member refuses to vote, his vote shall be counted for the negative.

5. The members present at a meeting may from time to time adjourn the meeting.

If a quorum is not present within half an hour after the time appointed for a meeting, the members present, or the majority of them, or any one member, if only one is present, or the secretary, if no member is present, may adjourn such meeting to any time not later than seven days from the date of such adjournment.

Provided that nothing herein contained shall be construed to prevent the adjournment of any meeting to a later hour of the same day on which such meeting was appointed to be held.

6. All notices of any meeting or adjourned meeting (other than of a meeting adjourned to a later hour of the same day on which such meeting was appointed to be held) shall be in writing, and shall be delivered, or sent by post or otherwise, to the address of the members previous to the meeting.

*Hospitals.*

A.D. 1918.

Every such notice shall specify the time of meeting, and, in case of a special meeting, shall specify the object thereof.

No business shall be transacted at any special meeting except such as is stated in the notice thereof.

*Member Refusing, &c., to Act.*

7. If any member refuses or neglects to act, or to attend any duly convened meeting of the Board, all lawful acts and proceedings of the Board shall be as valid and effectual as if they had been done or authorised by the full Board.

*Validation of Proceedings.*

8. No proceedings of the Board or of any person acting as chairman shall be invalidated by reason of any defect in the election or appointment or of any disqualification of any member, or by reason of there being any vacancy in the number of members at the time of such proceedings.

9. The Board may from time to time—

- I. Appoint out of their number committees either for general or special purposes:
- II. Delegate to a committee power to do any act or hold any inquiry:
- III. Fix the quorum of a committee.
- IV. Appoint annually an advisory committee, consisting of not more than three women, and may delegate to such committee such powers and duties as the Board may deem fit.

Every committee shall report to the Board.

Every committee may from time to time appoint one of its number to be chairman thereof.

10. A committee may meet from time to time and may adjourn from place to place as it thinks proper, but no business shall be transacted at any meeting of the committee unless the quorum (if any) fixed by the Board, and if no quorum is fixed, two members at least, are present.

At all meetings of a committee, if the chairman is not present, one of the members shall be appointed chairman of such committee during the absence of the chairman. All questions shall be determined by a majority of votes of the members present, including the chairman, and if the members are equally divided he shall have a second or casting vote.

*Minutes.*

11. The Board shall cause entries of all the proceedings of the Board and of every committee appointed by the Board, with the names of the members present at each meeting and the names of all members voting upon any question for the decision of which a division is called, to be duly made from time to time in books to be provided for the purpose, which shall be kept by the secretary under the superintendence of the chairman.

Every such entry shall be signed by the chairman at the meeting at which such proceeding has taken place.

*Evidence of Entries.*

12. Every entry in any book kept by the secretary, purporting to be an entry relating to the proceedings of the Board or of a committee thereof and to be signed by the chairman, or a certified copy of or an extract from any such entry, sealed with the seal of the Board and signed by the chairman and secretary, shall, upon the production thereof alone, be received in any court of justice as evidence of the proceedings appearing by such entry to have been taken, without proof of the meeting to which the same refers having been duly convened or held, or of the persons attending such meeting having been or being members or members of committee respectively, or of the signatures of the chairman or secretary, or of the fact of their having been chairman or secretary respectively, and all such lastmentioned matters shall be presumed until the contrary is proved.

*Authentication of Documents.*

13. Subject to this Act, every appointment and every order, notice, certificate, or other document of the Board relating to the execution of this Act or the business of the Board shall be sufficiently authenticated if signed by the secretary or chairman or any two members.

*Hospitals.**Office.*

A.D. 1918.

14. The Board shall appoint and occupy as its office such convenient premises as the Board may select.

*Officers.*

15. Before any officer entrusted by the Board with the custody or control of moneys by virtue of his office enters thereon, the Board shall take sufficient security from some association or joint stock company carrying on in Tasmania the business of a guarantee society for the faithful execution of such office by such officer.

16. The chairman may at any time suspend from office any officer of the Board who in his opinion is guilty of misconduct or neglect, and may, if necessary, temporarily appoint another officer in his place: Provided that at the next meeting of the Board after such suspension the chairman shall report the matter to the Board, and, if the officer so suspended is dismissed by the Board, no salary or wages shall be due or paid to him from the date of his suspension. Every officer temporarily appointed shall hold office and receive remuneration (which shall in no case exceed that paid to the officer so suspended) only until the Board decides whether the person suspended shall be reinstated, or whether he shall be dismissed and a successor appointed in his stead.

17. Every officer employed by the Board who exacts or accepts, on account of anything done by virtue of his office, any fee or reward other than the salary or allowance by way of salary allowed by the Board, or who is in anywise concerned or interested in any bargain or contract made by the Board, shall be incapable of being afterwards employed by the Board for the space of Five years, and shall forfeit the sum of Fifty Pounds. And the Board or any person on its behalf may sue for such penalty by action in any court of competent jurisdiction. Any such penalty when recovered shall be paid into the hospitals fund.

18. The secretary shall be responsible for the safe custody of all books of account, agreements, receipts, vouchers, and other papers and writings relating to the business of the Board; he shall make a record of the same in obedience to the direction of the Auditor-General, and shall not destroy or mutilate them or any of them without his sanction in writing previously obtained.

19. If any officer of the Board fails when required by the Board so to do—

- I. To render accounts of any moneys received by him for or on behalf of the Board, and of his dealings therewith: or
- II. To produce and deliver up the vouchers and receipts relating to the same in his possession or power: or
- III. To pay the balance thereof when so required: or
- IV. To deliver up to the Board or to any person appointed by it to receive the same, within Five days after being so required, all papers and writings, property, matters, and things in his possession or power, relating to the execution of this Act, or belonging to the Board—

a police magistrate or any Two justices of the peace may hear and determine the matter in a summary way, and may order such officer to render such accounts or to deliver up such vouchers and receipts, or to pay over the balance owing by him, or to deliver up all such papers, writings, property, matters, and things.

If such officer neglects or refuses to obey such order he may, by any justice, be committed to prison for any period not exceeding Six months.

20. All such proceedings against an officer may be had and taken and enforced against such officer after he has ceased to hold his office.

No such proceedings against an officer shall deprive the Board of any remedy which it might otherwise have against any surety of such officer.

*Intervention by Government.*

21. The Governor may at any time suspend, amend, or rescind any resolution or order of the Board, or may prohibit or limit the expenditure of any moneys from the hospitals fund which in his opinion is unnecessary or extravagant.

*Hospitals.*

A.D. 1918.

*Service.*

22. Any document under this Act may be served upon any person—
- I. By delivering the same to such person: or
  - II. By leaving the same at his usual or last known place of abode or business: or
  - III. By forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of abode or business.

*Prosecutions, &c.*

23—(1) The Board may order proceedings to be taken for the recovery of any penalties and for the punishment of any person offending against this Act, and may order the expenses of such prosecution or other proceedings to be paid out of any moneys at the disposal of the Board.

(2) In all proceedings in a summary way before any police magistrate or justices the secretary or any other officer or a member of the Board authorised generally or in respect of any special proceeding by resolution of the Board, may represent the Board in all respects as though he were the party concerned; and the secretary or any officer or member so authorised shall be at liberty in the name of the Board to institute and carry on any proceeding which the Board is authorised to institute and carry on under this Act. In any such proceedings the authority of such officer or member shall be presumed unless the contrary is proved.

(3) The secretary or any officer or member so authorised shall be reimbursed out of the hospitals fund all damages, costs, charges, and expenses to which he may be put or with which he may become chargeable by reason of anything contained in this section.

*Annual Audit.*

24 —(1) The Auditor-General, or such officer of his staff as he from time to time directs, shall once at least in every year examine the books and accounts of the Board, and the Auditor-General shall report thereupon to the Treasurer.

(2) The Treasurer may, if he thinks fit, require such books and accounts to be kept by the Board, and in such form and manner as may be specified by the Auditor-General.

(3) On or before the Thirty-first day of August in each year the Board shall publish in the "Gazette," and in some newspaper generally circulating in the hospitals district, a true statement of the receipts and expenditure of the Board for the year ending the Thirtieth day of June then last past, and such statement shall be signed by the chairman and secretary, and certified as correct by the Auditor-General.