

Hospitals Acts Amendment Act. 9 GEO. VI. No. 7,

HEALTH SERVICE.

See HOSPITALS.

HOSPITAL AND MEDICAL TREATMENT (WORKERS COMPENSATION).

See LABOUR.

HOSPITALS.

Hospitals Acts Amendment Act of 1944.

9 GEO. VI.
NO. 7.
THE
HOSPITALS
ACTS
AMENDMENT
ACT OF
1944.

**An Act to provide a Health Service and to Amend
“The Hospitals Acts, 1936 to 1943,” in
certain particulars, and for other purposes.**

[ASSENTED TO 14TH DECEMBER, 1944.]

BE it enacted by the King’s Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Assembly of Queensland in Parliament assembled,
and by the authority of the same, as follows:—

Short title
and
construction.

1. This Act may be cited as “*The Hospitals Acts
Amendment Act of 1944,*” and shall be read as one with
*“*The Hospitals Acts, 1936 to 1943,*” herein referred to
as the Principal Act.

Collective
title.

The Principal Act and this Act may collectively
be cited as “*The Hospitals Acts, 1936 to 1944.*”

Amendments of the Principal Act.

Amendment
of s. 3.

2. Section three of the Principal Act is amended as
follows:—

(a) The following definition is inserted therein after
the definition of “Area” :—

““Base hospital”—A hospital determined as such
under this Act.”

(b) In the definition of “Contributor” therein the
words “a hospital within a district or, as the case may
be, a voluntary hospital” are repealed and the words
“an ambulance brigade” inserted in lieu thereof; also
paragraph (a) of the said definition is repealed; also
the words “such hospital” wherever occurring in the
said definition are repealed and the words “such
ambulance brigade” are inserted in lieu thereof.

* 1 G. 6 No. 4 and amending Acts, v. 3. pp. 1050 *et seq.*

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(c) The following definition is inserted therein after the definition of "District" :—

" "Health centre"—A health centre determined as such under this Act." Health centre.

(d) The following definition is inserted therein after the definition of "Hospital" :—

" "Hospitals region"—A hospitals region constituted by this Act." Hospitals region.

3. The following caption and new section are inserted after section four of the Principal Act, namely :— New s. 4A inserted.

Training School.

" [4A.] (1.) The Governor in Council may from time to time by Order in Council approve any hospital as a training school in medicine or dentistry or other approved course of medical or ancillary training : Approval of hospitals for training of medical and other students.

Provided that, prior to the making of any such Order in Council, the Governor in Council may have regard to any recommendation of the Senate of the University of Queensland :

Provided further that in the case of any hospital not subject to this Act the consent of the governing body of such hospital shall be first had and obtained.

(2.) Any student who has been admitted to the University of Queensland to the study of medicine, dentistry or other such approved medical or ancillary course and who is studying any such course shall be entitled to attend at any hospital so approved for instruction in connection with such course and may be admitted to such portions of the clinical practice or departments of such approved hospital as may be necessary for the carrying out of his special duties and such student shall be subject to any statutes and regulations made by the Senate of the University of Queensland and to any regulations or by-laws made by the governing body of such hospital."

4. Section five of the Principal Act is amended by inserting the following proviso after the first paragraph thereof, namely :— Amendment of s. 5.

" Provided that where the hospital concerned is a hospital approved for the training of University students in medicine, dentistry or other approved medical or

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ancillary course the Director-General in making his investigation and preparing his report shall be assisted by two representatives each of the Senate of the University of Queensland and of the governing body of such hospital."

New s. 5A
inserted.

5. The following new section is inserted after section five of the Principal Act, namely:—

Establish-
ment of
medical
specialties
at base
hospitals.

"[5A.] The Board controlling any base hospital shall, as and when directed by the Governor in Council so to do, establish at such base hospital any medical specialty or medical specialties directed by the Governor in Council.

Before giving any such direction the Governor in Council shall have regard to such representations, if any, as the Board controlling the base hospital concerned shall make and also to the report made by the Director-General of Health and Medical Services upon the investigation which shall be made by the Director-General into the matter of the proposed establishment of the medical specialty or medical specialties in question.

Every medical specialty established at a base hospital by direction of the Governor in Council shall, unless the Governor in Council otherwise permits, be properly maintained at all times by the Board controlling such base hospital.

The provisions of section five of this Act shall apply and extend to and with respect to appointments to medical specialties established at base hospitals by direction of the Governor in Council."

New s. 7A
inserted.

6. The following section is inserted after section seven of the Principal Act, namely:—

Administra-
tion.

"[7A.] The administration of this Act shall be subject to the Minister."

Amend-
ments of s. 9.

7. Section nine of the Principal Act is amended as follows:—

(a) In the marginal note thereto and in the caption appearing immediately prior to the said section the words "voluntary hospitals" are repealed and the words "ambulance brigades" are inserted in lieu thereof.

(b) The word "hospital" wherever appearing therein is repealed and the words "ambulance brigade" are inserted in lieu of such repealed word in every such case.

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(c) The words "medical and other" in subsection two thereof are repealed.

8. In the heading of PART III. after the word "BOARDS" the word "REGIONS" is inserted; and the following caption and sections are inserted after section twelve of the Principal Act, namely:—

Heading to Part III. amended and new ss. 12A and 12B and caption thereto inserted.

"Hospitals regions.

[12A.] The Governor in Council may from time to time by Order in Council divide or redivide the State of Queensland into hospitals regions and by such name as is specified in the Order in Council for the purpose of establishing within each such hospitals region a base hospital or base hospitals, and for the purpose of co-ordinating the other several hospitals within each such hospitals region with the base hospital or base hospitals established therefor.

Establishment of Hospitals regions.

When determining the boundaries of hospitals regions and districts the Governor in Council shall give consideration to the boundaries of the areas of Local Authorities or parts thereof for the purpose of simplifying the description of the boundaries of hospitals regions and districts and co-ordinating the health functions of the Local Authority or Local Authorities concerned, and the health service and hospital functions of the Board or Boards concerned.

[12B.] The Governor in Council may, by Order in Council, determine the hospital or hospitals situated within any hospitals region which shall be the base hospital or base hospitals for such region."

Determination of base hospitals.

9. Section thirteen of the Principal Act is amended as follows:—

Amendments of s. 13.

(a) Subsections one to four, both inclusive, thereof are repealed and the following subsections are inserted in lieu thereof, namely:—

"(1.) A Board shall comprise not less than five nor more than nine members, including the chairman and the representative of the component Local Authorities, as the Governor in Council from time to time declares by Order in Council.

Constitution of Boards.

(2.) The chairman and all of the other members of every Board excepting the representative of the component Local Authorities shall be appointed by the Governor in Council.

Members appointed by Governor in Council.

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Election of
Local
Authority
representa-
tive.

(3.) The representative on any Board of the component Local Authorities shall be elected by such component Local Authorities as a whole.”

(b) Subsection six thereof and the caption appearing immediately prior to such subsection are repealed and the following caption and subsection are inserted in lieu thereof, namely :—

“Qualifications of Members.

(6.) Any person, whether male or female, who is not under any of the disabilities specified in subsection seven of this section and in the case of the representative of the component Local Authorities is a member of any component Local Authority, shall be qualified to be appointed or elected and to act as a member of the Board, but only so long as he continues to hold such qualification.”

(c) The first sub-paragraph of paragraph (ii.) of subsection nine thereof is repealed and the following sub-paragraph is inserted in lieu thereof, namely :—

“The Governor in Council shall declare and direct the time and place of the first election of the representative on the Board of the component Local Authorities and shall appoint the returning officer, who shall report to the Minister the name of the person elected.”

(d) Subsection ten thereof is repealed and the following subsection is inserted in lieu thereof, namely :—

“(10.) (a) An election of the representative on every Board of the component Local Authorities shall be held on or before the last day of May in the year one thousand nine hundred and forty-five.

(b) A further election of the representative on every Board of the component Local Authorities shall be held on or before the last day of May in the year one thousand nine hundred and forty-six, and thereafter a triennial election of such representative shall be held on or before the last day of May in every third year as the returning officer appoints :

(c) Provided, however, that the Governor in Council may in extraordinary circumstances extend the time of such election in any district.”

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(e) In the third paragraph of subsection eleven the words "or a sufficient number of such persons" are repealed; also the words "or vacancies" are repealed.

(f) Subsection twelve thereof is repealed.

10. The second paragraph of section sixteen of the Principal Act is repealed and the following paragraph is inserted in lieu thereof, namely:—

"The Board shall appoint one of the members of any committee appointed by it to be chairman of such committee."

11. A new subsection, 1A, is inserted after subsection one of section eighteen of the Principal Act, namely:—

"(1A.) (i.) Except as hereinafter provided, from and after the date of the passing of **"The Hospitals Acts Amendment Act of 1944,"* every person appointed as secretary of a Hospitals Board after such date shall not be appointed by the Hospitals Board concerned, but shall be appointed by the Governor in Council under and pursuant to the provisions of †*"The Public Service Acts, 1922 to 1924,"* and when so appointed he shall be an officer of the Public Service and be subject to †*"The Public Service Acts, 1922 to 1924"* and ‡*"The Public Service Superannuation Acts, 1912 to 1937"* :

Provided that every person holding the office of secretary of a Hospitals Board at the date of the passing of **"The Hospitals Acts Amendment Act of 1944"*—

(a) As a full-time office; or

(b) In conjunction with any other office or employment other than an office under the Crown,

shall have the right of appointment, by the Governor in Council, as secretary of the Hospitals Board concerned, and shall on appointment hold such office as secretary at the pleasure of the Governor in Council, and shall, while he continues in office as secretary of the Hospitals Board concerned, have and exercise, and continue to exercise his powers, authorities and duties under "§ *The Hospitals Acts, 1937 to 1944*" accordingly.

* This Act.

† 13 G. 5 No. 31 and amending Acts, v. 7, pp. 1139 *et seq.*

‡ 3 G. 5 No. 28 and amending Acts, v. 7, pp. 1110 *et seq.*

§ 1 G. 6 No. 4 and amending Acts and this Act, v. 3, pp. 1050 *et seq.*

(ii.) The Public Service Commissioner, as soon as may be practicable, shall take such action as may be necessary under **The Public Service Acts, 1922 to 1924*” in regard to the classification, salaries, and any other matters relating to the office of secretary of a Hospitals Board; moreover for the purposes of such Acts, the office of secretary of a Hospitals Board shall be and be deemed a branch of the Department of Health and Home Affairs.

(iii.) Any officer of the Public Service may hold the office of secretary of a Hospitals Board in conjunction with any office of the Public Service presently held by him.

(iv.) The salary and any other emoluments, if any, of the secretary of the Hospitals Board shall be paid by the Board concerned out of the General Fund:

Provided that for the purposes of **The Public Service Acts, 1922 to 1924*” such person or class of persons for the time being holding the office of secretary of a Hospitals Board, shall be deemed to be in the employment of the Crown.”

Amendment
of s. 22.

12. Section twenty-two of the Principal Act is amended as follows:—

(a) The following paragraph is added to subsection six thereof, namely:—

“The Governor in Council may approve of the budget without modification or he may, subject to the consideration by him of such representations as the Board may make, approve of the budget with all such modifications by way of alterations, additions, or deletions therein or therefrom as he shall think necessary in the circumstances.”

(b) In subsection seven thereof the words “and the Local Authority or component Local Authorities” are repealed.

(c) The following proviso is added to subsection eight thereof, namely:—

“Provided that no such disbursement in emergent or extraordinary circumstances shall be incurred or made except with the prior approval of the Governor in Council.”

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13. Section twenty-three of the Principal Act is ^{Repeal of and new s. 23.} repealed and the following section is inserted in lieu thereof, namely :—

“ [23.] When the estimated income from all sources ^{Contributions by the Government.} of income of the Board (other than income from contributions by the Government under this section) is less than the estimated expenditure, the amount of the difference between such estimated income and estimated expenditure as shown in the budget shall be contributed by the Government and shall be paid to the Board by the Treasurer out of moneys to be appropriated by Parliament.”

14. The following proviso is added to subsection ^{Amendment of s. 24.} two of section twenty-four of the Principal Act, namely :—

“ Provided that the Board shall also first obtain the sanction of the Minister before incurring any expenditure in the preparation of any plans and/or specifications of any proposed work.”

15. Subsections three to nine of section twenty-five ^{Amendment of s. 24.} of the Principal Act are repealed and the following subsection is inserted in lieu thereof, namely :—

“ (3.) The accounts of the Board shall be audited ^[Audit.] by the Auditor-General who shall have, with respect to such audit and accounts, all the powers and authorities conferred on him by **“ The Audit Acts, 1874 to 1936 ”* (or any Act amending or in substitution of the same).”

16. Section twenty-six of the Principal Act is ^{Amendment of s. 26.} amended by the addition thereto of the following subsections, namely :—

“ (4.) Without limiting the generality of its powers and authorities the Board shall be charged with the function of the provision of a medical service, and in the exercise of its power may, with the approval of the Governor in Council, include in its organisation the provision of health centres at places and with facilities approved from time to time by the Governor in Council after consideration of recommendations made by the

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Board and such provision of health centres shall include all matters related to a comprehensive health service, including personnel, premises, equipment and assistants considered necessary to afford the best facilities for the improvement and promotion of the health and physical well-being of the people.

(5.) It shall be the duty of each Board within a hospitals region to exercise and perform its functions in co-ordination and co-operation with the Board controlling and managing a base hospital within that hospitals region.

(6.) It shall be the duty of each Board to exercise and perform its functions in co-operation with all other Boards and particularly with Boards within the same hospitals region.

(7.) It shall be the duty of each Board to furnish, upon the application of any other Board, any medical history of a patient or any other information which is considered necessary for the more effective treatment of patients and maintenance of an efficient health service.

(8.) Without limiting the generality of its powers and authorities in relation to the function of the treatment of the sick and the provision of a medical service the governing body of any hospital approved as a training school for medicine, dentistry, or other course of medical or ancillary training approved under this Act shall have power to provide facilities for the training of students in any such course of the University of Queensland."

**Amendment
of s. 27.**

17. Subsection three of section twenty-seven of the Principal Act is amended by inserting the following paragraph after paragraph (xi.) thereof, namely:—

“(xi. a) In respect of any hospital approved by the Governor in Council as a training school in medicine or dentistry or other course of medical or ancillary training, the by-laws may prescribe the conditions and regulate and control the training of, and the carrying-out of the special duties and functions incidental to such training by, students attending such hospital as such approved training school, including all matters relating to the discipline of such students.”

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18. (1.) Every Board shall, notwithstanding any amendment made by this Act to the Principal Act, continue to be constituted by the number of members including the chairman prescribed under or pursuant to the provisions of the Principal Act in force immediately prior to the passing of this Act until the completion of the election and appointment of the representative upon such Board of the component Local Authorities to be elected on or before the last day of May, one thousand nine hundred and forty-five, and the chairman and every member of any such Board holding office at the passing of this Act shall continue to hold office until the completion of such election and appointment unless the office of such chairman or member is sooner vacated under **"The Hospitals Acts, 1936 to 1944,"* but every such chairman and member shall go out of office upon the expiration of the day next preceding the date of the completion of such election and appointment.

Continuity
of entity of
existing
Boards.

(2.) The number of members, including the chairman and the representative of the component Local Authorities, declared by the Governor in Council pursuant to the amendments in that behalf made by this Act to the Principal Act to be the number comprising any Board shall constitute such Board on and from the date of the completion of the election of the representative upon such Board of the component Local Authorities to be elected on or before the last day of May, one thousand nine hundred and forty-five.

(3.) Neither the change in the number of members constituting any Board made by the Governor in Council, nor the change in the representation upon any Board made by or pursuant to the amendments made by this Act to the Principal Act shall affect the continuity of the identity, or any rights or obligations, of such Board, or render defective any legal proceedings by or against such Board, and any legal proceedings that might have been commenced or continued by or against any Board as constituted by the number of members, including the chairman, prescribed by or pursuant to the provisions of the Principal Act in force immediately prior to the passing of this Act may be commenced or continued by or against such Board as constituted by the number of members, including the chairman declared by the

* I G. 6 No. 4 and amending Acts and this Act, v. 3, p. 1050 *et seq.*

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Governor in Council pursuant to the amendments made by this Act to the Principal Act to be the number comprising such Board.

Component
Local
Authority
contribu-
tions for the
year
1944-45.

19. The provisions of section twenty-three of the Principal Act in force immediately prior to the passing of this Act shall, notwithstanding the amendments made by this Act to that section, continue to apply to and in respect of the year commenced on the first day of July, one thousand nine hundred and forty-four, and—

- (i.) Where the estimated income for such year of any Board (other than the income from the contributions by the Government and component Local Authorities under the said section twenty-three) is less than the estimated expenditure for such year, the component Local Authorities shall continue to be liable to contribute and to pay to such Board the proportion of the amount of the difference between such estimated income and estimated expenditure prescribed by the said section twenty-three ;
- (ii.) For the purpose of obtaining payment from component Local Authorities of the sums to be contributed by them in respect of the year commenced on the first day of July, one thousand nine hundred and forty-four, every Board shall continue to have the power to issue precepts conferred upon it by the provisions of the said section twenty-three in force immediately prior to the passing of this Act and, moreover, every Board may recover the amount of such precept in the manner prescribed by the said section twenty-three, and whether or not proceedings for the recovery of such amount are taken before, on, or after the date of the passing of this Act :

Provided that no such precept shall be affected by the amount of any actual surplus or deficiency in the General Fund as at the thirtieth day of June, one thousand nine hundred and forty-five ;

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- (iii.) Every Local Authority shall pay, and charge and debit in its accounts, in the manner prescribed by the provisions of section twenty-three of the Principal Act in force immediately prior to the passing of this Act, the amount of any precept made upon it by any Board in respect of the year commenced on the first day of July, one thousand nine hundred and forty-four ;
 - (iv.) Any component Local Authority required by the provisions of the said section twenty-three in force immediately prior to the passing of this Act to make and levy a separate Hospital Rate in the part of its area comprised in a district, shall make and levy such rate for the year commenced on the first day of July, one thousand nine hundred and forty-four, or where necessary in any year thereafter, in order to pay the amount of any precept made upon it by the Board for such district for the year commencing on the first day of July, one thousand nine hundred and forty-four ;
 - (v.) All separate Hospital Rates made or to be made by a component Local Authority in respect of the year commenced on the first day of July, one thousand nine hundred and forty-four, or in respect of any prior year, shall be and continue to be leviable by and payable to such Local Authority, and any amount of any such rate not duly paid may be recovered by such Local Authority ;
 - (vi.) Any precept due and unpaid at the passing of this Act may be recovered by the Board in the same manner as hereinbefore in this section provided.
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