



ANNO DECIMO QUINTO

GEORGI VI REGIS.

A.D. 1951.

No. 30 of 1951.

An Act to amend the Hospitals Act, 1934-1941, and to amend section 70h of the Road Traffic Act, 1934-1950.

[Assented to 29th November, 1951.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Hospitals Act Amendment Act, 1951".

(2) The Hospitals Act, 1934-1941, as amended by this Act, may be cited as the "Hospitals Act, 1934-1951".

(3) The Road Traffic Act, 1934-1950, as amended by this Act, may be cited as the "Road Traffic Act, 1934-1951".

Incorporation.

2. (1) Section 3 of this Act is incorporated with the Hospitals Act, 1934-1941, and that section and that Act shall be read as one Act.

(2) Section 4 of this Act is incorporated with the Road Traffic Act, 1934-1950, and that section and that Act shall be read as one Act.

Re-enactment of Part VI. of Hospitals Act.

3. Sections 49 to 55 (both inclusive) of the Hospitals Act, 1934-1941, are repealed and the following sections are enacted and inserted in the said Act in lieu thereof :—

49. In this Part—

Interpretation.

“ Government hospital ” means—

- (a) the Adelaide Hospital ;
- (b) any place declared to be a public hospital pursuant to The Hospitals Act, 1867, or to section 5 of this Act ;
- (c) any hospital in respect of which the Governor has declared or declares that the Rating for Hospital Purposes Act, 1919, or Part IV. of this Act, shall apply ;
- (d) any other hospital which is under the management of the director-general :

“ hospital ” means Government hospital or private hospital :

“ insurer ” means any person or association of persons carrying on the business of insurance :

“ owner ” includes every person who is the owner or joint owner or part owner of a vehicle and any person who has the use of any vehicle under a hire-purchase agreement, but does not include an unpaid owner of a vehicle the subject of a hire-purchase agreement :

“ policy of assurance ” includes a cover note which is binding on the insurer :

“ private hospital ” means any hospital other than a Government hospital.

50. If owing to the presence of a vehicle an accident occurs whereby bodily injury is caused to any person and the accident is reported at a police station or to a police constable then, as soon as may be after the accident is reported as aforesaid, the Commissioner of Police shall supply to the director-general in writing such of the following information as is known to the Commissioner of Police, namely :—

Report of accidents.

- (a) The place and nature of the accident and the time at which it occurred :
- (b) The name and address of the person injured :
- (c) The name and address of the driver of the vehicle :
- (d) The name and address of the owner of the vehicle :
- (e) The name and address of the insurer under any policy of insurance in force with respect to the vehicle.

Duty of insurer.

51. (1) If any insurer by whom a policy of insurance has been issued is informed (whether by the person by whom the policy was effected or otherwise) that owing to the presence of a vehicle an accident has occurred whereby bodily injury has been caused to any person and if by virtue of the policy the insurer is or may be under any liability in respect of the injury, the insurer shall, within twenty-four hours of the receipt of the information, give to the director-general notice in writing setting out such of the particulars relating to the accident as are referred to in paragraphs (a) to (e) inclusive of section 50 and as are known to the insurer.

(2) Any insurer who fails to comply with subsection (1) of this section shall be guilty of an offence punishable summarily and liable to a penalty not exceeding twenty pounds.

(3) On request by any insurer, the director-general may supply to the insurer printed forms for the purpose of supplying the said particulars.

Notice by hospital to insurer.

52. (1) If owing to the presence of a vehicle an accident occurs whereby bodily injury is caused to any person and that person receives treatment at a hospital (whether as an in-patient or as an out-patient) in respect of the bodily injury (fatal or otherwise) arising from the accident, notice in writing may be given by the hospital to any insurer stating that the said person has received treatment at the hospital and that the hospital has a claim for payment for the treatment given or to be given.

(2) Any such notice shall be given within two months after the occurrence of the accident.

(3) If the hospital in which the treatment is given is a Government hospital the notice shall be given by the director-general or by some person authorized in that behalf by the director-general and if the hospital is a private hospital the notice shall be given by or on behalf of the person having the management of the hospital.

Payment by insurer of cost of hospital treatment.

53. (1) Where—

(a) any payment is made (whether or not with an admission of liability) by an insurer, under or in consequence of a policy of insurance, in respect of the death or bodily injury to any person caused by or arising out of the use of a vehicle ; and

(b) the person who has so died or been injured received treatment at a hospital (whether as an in-patient or as an out-patient) in respect of the bodily injury (fatal or otherwise) so caused or arising ; and

(c) notice has been given, to the insurer by the hospital as provided by section 52,

the insurer shall pay to the hospital the amount of the claim of the hospital in respect of treatment afforded to the person who has so died or been injured and if the notice to the insurer by the hospital does not state the amount of the claim of the hospital the onus shall be on the insurer to ascertain from the hospital or in the case of a Government hospital from the director-general what is the amount of the claim.

(2) Where two or more insurers make payments under or in consequence of a policy of insurance in respect of the death of or bodily injury to a person caused by or arising out of the use of two or more vehicles each such insurer shall pay an equal share of the payments required to be made under subsection (1) of this section.

(3) The liability (if any)—

(a) of the owner or driver of the vehicle in respect of the death or bodily injury ; and

(b) of the insurer in respect of the policy of insurance (whether to the owner or driver or in pursuance of subsection (2) of section 70d of the Road Traffic Act, 1934-1950),

shall be deemed to be reduced by the amount paid by the insurer to the hospital under this section.

(4) The amount to be paid by the insurer to the hospital in respect of any such bodily injury (fatal or otherwise) shall not exceed a total of one hundred pounds for any such person so treated as an in-patient and twenty-five pounds for any such person so treated as an out-patient : Provided that the total amount to be paid to the hospital as aforesaid shall not exceed one-third of the total amount (exclusive of costs) paid by the insurer in respect of such fatal or bodily injury.

(5) If the person who has died or been bodily injured has received treatment at more than one hospital, and the total amount of the claims of those hospitals in respect of treatment afforded to that person exceeds one hundred and twenty-five pounds, the sum of one hundred and twenty-five pounds shall be divisible between the hospitals in proportion to the claims of the hospitals.

Notice of claim
to and payment
by other than
insurer.

54. (1) If owing to the presence of a vehicle an accident occurs whereby bodily injury is caused to any person and that person receives treatment at a hospital (whether as an in-patient or as an out-patient) in respect of bodily injury (fatal or otherwise) arising from the accident, notice in writing may be given by the hospital to any person (other than an insurer) stating that the said person injured as aforesaid has received treatment at the hospital and stating the amount claimed by the hospital in respect of that treatment.

(2) If the hospital in which the treatment is given is a Government hospital the notice shall be given by the director-general or by some person authorized in that behalf by the director-general and if the hospital is a private hospital shall be given by or on behalf of the person having the management of the hospital.

(3) If after the giving of any such notice to any person any payment is made by that person by way of damages or compensation for the death or bodily injury to the injured person, the person to whom the notice is given shall pay to the hospital the amount of the claim of the hospital in respect of treatment afforded to the person who has so died or been injured and any amount so paid shall be deemed to be in reduction of the said damages or compensation.

(4) The amount to be paid by the person to whom notice is given as aforesaid to the hospital in respect of any such bodily injury (fatal or otherwise), shall not exceed a total of one hundred pounds for any such person so treated as an in-patient and twenty-five pounds for any such person so treated as an out-patient: Provided that the total amount to be paid to the hospital as aforesaid shall not exceed one-third of the total amount (exclusive of costs) paid by the said person as damages or compensation in respect of the fatal or bodily injury.

(5) If the person who has died or been bodily injured has received treatment at more than one hospital, and the total amount of the claims of those hospitals in respect of treatment afforded to that person exceeds one hundred and twenty-five pounds, the sum of one hundred and twenty-five pounds shall be divisible between the hospitals in proportion to the claims of the hospitals.

(6) The provisions of this section shall apply to any body corporate constituted pursuant to any Act.

55. If any insurer fails to make any payment as required by section 53 or if any person fails to make any payment as required by section 54, the director-general, in the case of a Government hospital, or the person having the management of the hospital, in the case of a private hospital, may, by action in any court of competent jurisdiction, sue for and recover the amount required to be paid by section 53 or, as the case may be, section 54, as a debt due to the hospital by the insurer or person, as the case may be.

Default by insurer or other person.

56. Any payment required to be made by this Part to a Government hospital shall be paid to the director-general.

Payments to Government hospitals.

57. Any notice required to be given by this Part may be given—

Service of notice.

(a) by sending the same by post in a prepaid letter addressed to the person to whom it is given at his usual or last known place of residence or business or, in the case of a body corporate, by sending the same by post in a prepaid letter addressed to the body corporate at its place of business ; or

(b) by serving the same on the person to whom it is given or, in the case of a body corporate, by serving the same on the manager or secretary thereof.

58. Nothing in this Part shall affect the right of any hospital to recover the cost of treatment of any person or any part thereof from any person liable to pay the same.

Saving provision.

4. Section 70h of the Road Traffic Act, 1934-1950, is amended so as to read as follows :—

Re-enactment of s. 70h of Road Traffic Act—

70h. In the event of any payment being made (whether or not with an admission of liability) by an insurer under or in consequence of a contract of insurance under this Part in respect of the death of or bodily injury to any person caused by or arising out of the use of a motor vehicle, the insurer shall, in addition to making any payments for any purpose provided for by this Part, make such payments with respect to hospital treatment as are payable pursuant to the Part VI. of the Hospitals Act, 1934-1951.

Claim for hospital treatment under Part VI. of the Hospitals Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.

REVISED