

Public Hospitals.

Act No. 16, 1898.

An Act to consolidate the Acts relating to Public PUBLIC HOSPITALS.
Hospitals. [27th July, 1898.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

Preliminary.

1. This Act may be cited as the "Public Hospitals Act, 1898," Short title. and is divided into Parts, as follows :—

PART I.—*Preliminary*—ss. 1-3.

PART II.—*Election and appointment of officers*—ss. 4-11.

PART III.—*Hospital property and legal proceedings*—ss. 12-18.

PART IV.—*Supplemental*—ss. 19-21.

2. (1) The Acts mentioned in the First Schedule to this Act Repeal. are, to the extent therein expressed, hereby repealed. First Schedule.

(2) All persons appointed or elected under the Acts hereby Officers under Acts repealed, and holding office at the time of the passing of this Act, shall hereby repealed. be deemed to have been appointed or elected hereunder.

(3) All rules, regulations, or by-laws made under the authority Rules, regulations, of any Act hereby repealed, and being in force at the time of the passing or by-laws under of this Act, shall be deemed to have been made under the authority Acts hereby repealed. of this Act.

3. This Act shall apply—

(a) to the hospitals mentioned in the Second Schedule hereto ; Application of Act. 11 Vic. No. 59, Preamble, and s. 11.
and

(b) to any hospital to which the Governor is authorised to extend and extends the provisions of this Act as hereinafter provided.

PART II.

Election and appointment of officers.

4. The Secretary, under the authority of the committee, of every Meeting for election hospital shall call an annual meeting, to be held in January of, the con- of officers. tributors to such hospital for the election of trustees (who shall not exceed 11 Vic. No. 59, five in number), committee, auditors, and other elective officers. ss. 5, 6, 7.

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Contributors who
may vote.
11 Vic. No. 59, s. 6.
58 Vic. No. 6, s. 4.

5. Any contributor shall be qualified to vote at any annual or special general meeting on any question brought before such meeting, or to vote for any elective officer nominated at such meeting, if—

- a) in the case of the first annual meeting after the extension of the provisions of this Act to such hospital, or in the case of any special general meeting, he has paid to the hospital a contribution of one pound sterling at the least within twelve months before such meeting ; or
- (b) in the case of any subsequent annual meeting, he has paid to the hospital a contribution of one pound sterling at the least between the commencing of business at such meeting and the commencing of business at the preceding annual meeting ; or
- (c) in any case he has paid to the hospital a contribution of ten pounds sterling at the least in one sum.

Qualification of
officers.
Ibid. s. 2.

6. (1) Any contributor to any hospital qualified to vote as aforesaid may be nominated for and elected to any elective office of such hospital, and any person, whether a contributor or not, may be nominated for and elected to the office of auditor.

Nomination.

(2) No person shall be elected to any elective office unless at a meeting for such election he is proposed and seconded by two contributors qualified to vote, and is with his own consent nominated in writing.

Advertisement.

(3) Every meeting for election of elective officers shall be advertised in the nearest local paper at least a week before the day on which such meeting is to be held.

Adjournment of
annual or special
general meeting if
ten contributors
qualified to vote
shall not be present.
11 Vic. No. 59, s. 8.

7. If at any annual or special general meeting at least ten contributors qualified to vote do not assemble and proceed to business within one hour from the time fixed for the meeting, no election shall be made, nor shall any business be done at that time ; but in such case there shall be another meeting at the same place, and at the same hour of the same day in the following week, and at such other meeting any number of contributors more than three qualified to vote shall constitute a meeting.

Adjournment of
election—absent
voting.
58 Vic. No. 6, s. 3.

8. If at any meeting the number of persons nominated for any elective office is greater than the number to be elected, the meeting shall be adjourned to a day not less than seven nor more than fourteen days after such adjournment, and the secretary shall fix such day, and shall notify the same by advertisement in the nearest local paper, and shall also forthwith transmit by post or otherwise to every contributor qualified to vote a voting paper initialled by the secretary, containing the names of all the persons duly nominated. The said contributors shall strike out of such voting paper the names of the persons for whom they do not desire to vote and shall enclose the voting paper in an envelope endorsed " voting paper," and enclosed in another envelope bearing the

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the voter's signature inside, and shall return the voting paper enclosed as aforesaid to the secretary not later than the day before the date of the adjourned meeting. All such envelopes endorsed "voting paper" as aforesaid shall be handed by the secretary to the scrutineers appointed at such meeting, who after counting the votes shall present a signed return to the adjourned meeting, showing how many votes were recorded for each person nominated, and the chairman of such meeting shall declare those persons elected who have received the majority of votes.

9. If any trustee of any hospital dies, or is absent from New South Wales for more than twelve months, or resigns, or refuses, or becomes non compos mentis, or otherwise incapable to act as trustee, a special general meeting shall be called by the secretary under the authority of the committee, and the election of a successor shall be made in the same manner as at an annual meeting, and the person so elected as trustee shall, to all intents and purposes, be vested with the same rights, powers, and authorities in law as the person in whose place he has been elected.

Vacancies how to be filled up.
11 Vic. No. 59, s. 10.

10. When any member of the committee of any hospital dies, or resigns, or becomes non compos mentis, or refuses, or becomes otherwise unable to act as a member of such committee, the committee may declare that such person has ceased to be a member of such committee, and may appoint a qualified person in his place; and the person so appointed shall have the same rights, powers, and authorities as the person had in whose place he has been so appointed.

Vacancies in committee—how filled.
58 Vic. No. 6, s. 7.

11. The committee of any hospital shall annually appoint a treasurer, and shall also appoint a secretary, medical officer, warden, matron, and any other officer or servant they may deem necessary for the efficient working of such hospital.

Committee to appoint officers.
Ibid. ss. 5, 6.

PART III.

Hospital property and legal proceedings.

12. (1) All proceedings at law or in equity, by or on behalf of any hospital, or wherein any hospital is interested or concerned, may be commenced and prosecuted in the name of the person who is treasurer of such hospital at the time any such proceeding is instituted as nominal plaintiff for and on behalf of such hospital, and such proceedings may be prosecuted and carried on in the name of such treasurer to their final termination, notwithstanding any change in the said office of treasurer during the progress of such proceedings.

Enabling treasurers of hospitals to sue.
11 Vic. No. 59, s. 1.

(2) The treasurer of any hospital may institute and prosecute in his own name, for and on behalf of the committee of such hospital and by their direction, proceedings against any person who has received medical

Treasurer to recover fees from patients.
45 Vic. No. 3, s. 2.

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medical or surgical treatment in such hospital, or against the executors or administrators or the curator of the estate of any such person, for the recovery of fees and remuneration for such treatment, and such proceedings may be taken either in the district Court or Court of Petty Sessions of the district in which the hospital is situated, or of the district in which the person resides.

Property may be laid in the treasurer.
11 Vic. No. 59, s. 2.

13. In any information or indictment against any person for embezzling, stealing, or in any manner defrauding any hospital, any property of such hospital may be stated to be the property of the treasurer thereof for the time being; and no change in the office of such treasurer during the progress of any prosecution shall abate, or in any manner affect such prosecution.

Actions against any hospital to be prosecuted against the treasurer.
Ibid. s. 3.

14. All proceedings at law or in equity against any hospital may be commenced and prosecuted against the treasurer thereof for the time being as the nominal defendant for and on behalf of the said hospital; and such proceedings may be prosecuted and carried on against such treasurer to their final termination, notwithstanding any change in the said office of treasurer during the progress of such proceedings.

Treasurer to be reimbursed.
Ibid. s. 3.

15. Any treasurer in whose name any such proceeding is commenced, prosecuted, carried on, or defended, shall, in all cases, be reimbursed and paid out of the funds of the said hospital.

Memorial of the name of the treasurer of hospital to be recorded in the office of the Registrar-General.
Ibid. s. 4.

16. A memorial containing the name of the treasurer for the time being of every hospital, in the form and to the effect set forth in the Third Schedule hereto, signed by such treasurer, and by a majority of the committee, and verified on oath by one or more credible witnesses, shall from time to time, as occasion may require, be recorded in the office of the Registrar-General, and no action, suit, or other proceedings shall be brought by any hospital until such memorial has been so recorded by such hospital, and the treasurer named in such memorial shall be held to be the treasurer of the hospital recording the same.

Property of any hospital to be vested in trustees thereof.
Ibid. s. 5.

17. The trustees of any hospital and their successors shall be capable of taking and holding all lands granted, conveyed, or bequeathed to such hospital, and all such lands shall be vested in such trustees respectively; and such trustees may permit the committee of any such hospital to build on and use such lands in such manner as the committee may deem expedient for carrying out the objects of such hospital.

Trustees to invest funds of hospital.
45 Vic. No. 3, s. 1.

18. The Trustees of any hospital may invest any funds thereof which the committee direct the treasurer to hand over to such trustees from the funds in his hands or otherwise, and also any moneys given or bequeathed to or arising from any donation of real or personal property to such hospital, at the discretion of such trustees, in any Government funds or debentures of any Australian colony, or in any debentures or debenture stock of any municipal corporation in the said colonies,

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or of any bank or incorporated company carrying on business therein, or by way of purchase of, or on first mortgage upon, any freehold estate within New South Wales, or in bank deposit receipts for fixed periods or otherwise, with power to pay and transfer any such investment for or unto any other investment authorised by this Act :

Provided that the committee may with the consent of the said trustees in their absolute discretion at any time resort to any such investments and sell the same for the purpose of applying the moneys to arise from any such sale for the purposes of such hospital.

PART IV.

Supplemental.

19. The committee of every hospital shall make rules for the conduct of business at meetings of the said committee, and generally for the management and control of such hospital.
Committee to make rules.
58 Vic. No. 6, s. 6.

20. The Governor may, by proclamation published in the Gazette, extend the provisions of this Act to any hospital to be maintained partly by private contributions and partly by aid from the public funds and not mentioned in the Second Schedule hereto.
Extension of Act.
11 Vic No. 59,
Preamble, s. 11.

21. Whenever the provisions of this Act are extended to any hospital, the elective officers of such hospital holding office at the date of the proclamation shall continue in office and have the same rights, powers, and duties as if duly elected under the provisions of this Act.
Effect of extension of Act to any hospital.
58 Vic. No. 6, s. 8.

SCHEDULES.

FIRST SCHEDULE.

Reference to Act.	Title or short title.	Extent of Repeal.
11 Vic. No. 59 . .	An Act to enable certain public hospitals to sue and be sued in the name of their treasurer, and to provide for the taking and holding of real property belonging to such hospitals respectively.	The un-repealed portion.
45 Vic. No. 3 . .	An Act to amend the Hospital Acts, and to enable trustees thereof to invest the funds of such hospitals.	The whole
58 Vic. No. 6 . .	An Act to further amend the law relating to the management of hospitals.	The whole.

SECOND

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Section 3 (a).

SECOND SCHEDULE.

List of Hospitals.

Hospital.	When brought under Act.	Hospital.	When brought under Act.
Adelong	12 April, 1861	Maitland	11 Vic. No. 59
Albury	16 Aug., 1860	Manly Cottage Hospital..	26 June, 1896
Armidale	4 Feb., 1879	Manning River	11 Jan., 1889
Bathurst	11 Vic. No. 59	Marrickville Cottage Hos- pital.	17 Nov., 1896
Bega	17 Dec., 1886	Merriwa	10 Jan., 1893
Berrima	17 Jan., 1890	Moree	30 June, 1891
Bingara	23 Aug., 1889	Mudgee	8 Jan., 1857
Bourke	30 Mar., 1865	Murrurundi	6 Mar., 1874
Braidwood	14 May, 1858	Musclebrook	15 May, 1891
Brewarrina	24 Nov., 1896	Narrabri	7 Mar., 1882
Broken Hill	22 Mar., 1892	Narrandera	22 May, 1891
Bulli Cottage Hospital ..	27 Oct., 1893	Nepean Cottage Hospital.	13 Sept., 1892
Carcoar	13 April, 1859	Newcastle	11 Vic. No. 59
Casino	1 April, 1887	North Shore	23 Aug., 1889
Clarence (Lower) Hospital, Macleay.	23 Sept., 1887	Nyngan Cottage Hospital	9 April, 1897
Cobar	7 Mar., 1882	Orange	28 July, 1874
Condobolin	6 Mar., 1891	Parramatta	11 Vic. No. 59
Cooma	3 June, 1881	Port Macquarie	11 Sept., 1848
Corowa	12 Aug., 1892	Prince Alfred Memorial Hospital, Tenterfield.	29 Aug., 1884
Cowra	9 Oct., 1882	Queanbeyan	15 Jan., 1892
Deniliquin	16 Dec., 1858	Scone	7 Feb., 1882
Dubbo	11 June, 1868	Silverton	4 Dec., 1885
Dungog	18 Jan., 1898	St. George's	15 July, 1892
Emmaville	15 Feb., 1884	Tamworth	30 July, 1862
Forbes	30 Aug., 1889	Wagga Wagga	10 June, 1898
Goulburn	11 Vic. No. 59	Walgett	13 May, 1884
Grafton	11 Aug., 1862	Warialda	4 Nov., 1882
Grenfell	22 Oct., 1887	Warren	28 June, 1892
Gulgong	24 Oct., 1873	Wellington	6 Mar., 1874
Gundagai	20 Aug., 1863	Wentworth	10 May, 1887
Gunnedah	23 Dec., 1881	Western Suburbs Cottage Hospital.	15 July, 1892
Hay	16 Sept., 1867	Windsor	11 Vic. No. 59
Hillgrove	27 Feb., 1891	Wollongong	5 Oct., 1864
Hillston	29 Aug., 1884	Wyalong	12 June, 1894
Inverell	15 Feb., 1882	Yass	11 Vic. No. 59
Junee	7 Feb., 1890		
Lismore	S.G.G., 22 Dec., 1886		
Lithgow	15 Sept., 1893		

THIRD

Conveyancing and Law of Property.

THIRD SCHEDULE.

MEMORIAL of the name of the treasurer of the hospital at _____ Memorial.
in New South Wales, to be recorded in the office of the Registrar-General at Sydney, Section 16.
in pursuance of the Public Hospitals Act, 1898. Be it known that on the
day of _____ 18____, A.B. was duly appointed treasurer of the hospital at

A. B., Treasurer.

E. F. Being a majority G. H.
of the members of

I. K. the committee. L. M.

O.Q., of _____, gentleman, maketh oath and saith that he was present
and did see the foregoing memorial signed by the above-named treasurer and
members of the committee of the hospital at

Sworn this _____ day of _____, 18____.
