

**PUBLIC HOSPITALS (VISITING PRACTITIONERS)
AMENDMENT ACT 1988 No. 31**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Public Hospitals Act 1929 No. 8
- SCHEDULE 1—AMENDMENTS**
-

**PUBLIC HOSPITALS (VISITING PRACTITIONERS) AMENDMENT
ACT 1988 No. 31**

NEW SOUTH WALES



Act No. 31, 1988

An Act to amend the Public Hospitals Act 1929 in relation to the conditions of service of visiting practitioners in public hospitals. [Assented to 6 July 1988]

See also Area Health Services (Visiting Practitioners) Amendment Act 1988.

Public Hospitals (Visiting Practitioners) Amendment 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Public Hospitals (Visiting Practitioners) Amendment Act 1988.

Commencement

2. (1) This Act commences on a day to be appointed by proclamation, except as provided by subsection (2).

(2) Schedule 1 (6), and section 3 in its application to that provision, commence on the date of assent.

Amendment of Public Hospitals Act 1929 No. 8

3. The Public Hospitals Act 1929 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

- (1) Part 5c, Division 1, heading—
Before section 29κ, insert:

Division 1—Preliminary

- (2) Section 29κ (**Definitions**)—

- (a) Omit the definitions of “fee-for-service contract” and “sessional contract”, insert instead:

“fee-for-service contract” means a service contract under which the services of a medical practitioner are provided on a fee-for-service basis;

“honorary contract” means a service contract under which the services of a medical practitioner (to be referred to as an honorary medical officer) are provided to a specified class of patients otherwise than for monetary remuneration;

“service contract” means an agreement between—

- (a) an area health service, an incorporated hospital or a separate institution (or its governing body); and

- (b) a medical practitioner,

under which the practitioner agrees to provide (as a visiting practitioner) medical services specified in the contract, or medical services of a kind so specified. to—

- (c) all patients at a specified hospital or specified hospitals under the control of that area health service: or

- (d) all patients at that incorporated hospital or separate institution,

Public Hospitals (Visiting Practitioners) Amendment 1988

SCHEDULE 1—AMENDMENTS—*continued*

or, if the contract so provides, to a specified class of those patients;

“sessional contract” means a service contract under which a medical practitioner is remunerated on the basis of services performed over a specified period or specified periods, but not on a fee-for-service basis;

“standard service contract”, in relation to a class of service contracts (such as fee-for-service contracts, honorary contracts or sessional contracts), means a contract which, when entered into, contains the set of conditions (if any) approved for the time being under section 29RB for those service contracts, whether or not it contains other conditions which are not inconsistent with the approved set of conditions;

(b) From the definition of “visiting medical officer”, omit “fee-for-service contract or a sessional”, insert instead “service”.

(3) Part 5C, Division 2, heading—

After section 29K, insert:

Division 2—Arbitration of disputes involving certain service contracts

(4) Section 29L (**Appointment of arbitrator**)—

After section 29L (3), insert:

(4) An application under this section which seeks to obtain a determination—

(a) in relation to a class of contracts for which there is a standard service contract; and

(b) which, if made, would be at variance with a condition approved under section 29RB,

cannot be made before the expiry of a period of 5 years from the last date on which the condition concerned was included, by force of an order under section 29RB, in the standard service contract.

(5) Part 5C, Division 3—

After section 29R, insert:

Division 3—Service contracts with standardised provisions

Conditions of appointment of visiting medical officers

29RA. (1) After the commencement of this section, a visiting medical officer must not be appointed unless the terms and conditions to which the officer is to be subject are reduced to the form of a written service contract between—

Public Hospitals (Visiting Practitioners) Amendment 1988

SCHEDULE 1—AMENDMENTS—*continued*

- (a) the officer; and
- (b) the relevant area health service, incorporated hospital or separate institution (or its governing body).

(2) An appointment made in contravention of this section is void and of no effect.

Approval of standard conditions

29RB. (1) The Minister may, by order in writing, approve of sets of conditions recommended by the Association for inclusion in service contracts of a class specified in the order, being contracts entered into on or after the day on which the order takes effect.

(2) An order under this section takes effect on the day the order is made or, if the order so provides, on a later day specified in the order.

Standard service contracts to be used

29RC. (1) A service contract of a class for which there is a standard service contract must not be entered into unless it is an appropriate standard service contract.

(2) A service contract entered into in contravention of this section is void and of no effect.

(3) This section does not apply to honorary contracts.

- (6) Section 29S (**Certain conditions of appointment of visiting practitioners**)—

Omit the section.

- (7) Section 29T—

Omit the section, insert instead:

Effect of contracts of service

29T. (1) Where a provision of this Act (other than Part 5C), or of a regulation or by-law made under this Act before or after the commencement of the Public Hospitals (Visiting Practitioners) Amendment Act 1988, is inconsistent with any of the rights and obligations under an agreement between—

- (a) an area health service, an incorporated hospital or a separate institution (or its governing body); and
- (b) a visiting practitioner,

being an agreement relating to the performance of work by the visiting practitioner at the hospital (whether or not the agreement also relates to other matters), the provision shall, to the extent of the inconsistency, have no force or effect in relation to the visiting practitioner.

Public Hospitals (Visiting Practitioners) Amendment 1988

SCHEDULE 1—AMENDMENTS—*continued*

(2) In this section, a reference to an agreement includes a reference to a service contract within the meaning of Part 5C.
