

WORKERS' (OCCUPATIONAL DISEASES) RELIEF FUND.

No. 40 of 1960.

AN ACT to amend the *Workers' (Occupational Diseases) Relief Fund Act 1954.*

[14 November 1960.]

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

Short title,
citation, and
commence-
ment.

1—(1) This Act may be cited as the *Workers' (Occupational Diseases) Relief Fund Act 1960.*

(2) The *Workers' (Occupational Diseases) Relief Fund Act 1954*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on the date on which the *Hospitals Act 1960* commences.

Interpre-
tation.

2 Section three of the Principal Act is amended by omitting from paragraph (a) of the definition of "nurse" in subsection (1) the words "or private hospital within the meaning of the *Hospitals Act 1918*" and substituting therefor the words "within the meaning of the *Hospitals Act 1918* or in a private medical establishment licensed under Part III of that Act in which medical or surgical or lying-in cases are received and lodged for any treatment, attendance, or care for which a charge is made".

HOSPITALS.

No. 41 of 1960.

AN ACT to amend the *Hospitals Act 1918.*

[14 November 1960.]

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

Short title,
citation, and
commence-
ment.

1—(1) This Act may be cited as the *Hospitals Act 1960.*

(2) The *Hospitals Act 1918*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation.

2 Section four of the Principal Act is amended—

Interpretation.

(a) by omitting therefrom the definition of "Private hospital" and substituting therefor the following definition:—

" 'Private medical establishment' means an establishment the sole or main object, or one of the main objects, of which is, or is held out to be, the provision of accommodation (whether with or without medical or other treatment) for—

(a) persons suffering from any illness, injury, or infirmity (whether of a physical or of a mental nature);

(b) pregnant women or women immediately after childbirth;

(c) persons who are blind, deaf, or dumb, or who are substantially and permanently handicapped by illness, injury, or congenital deformity, or by any other prescribed disability; or

(d) persons who are aged,

but does not include any establishment maintained by the State, any public hospital, any school registered under Part IV of the *Education Act 1932*, or any institution within the meaning of the *Public Welfare Institutions Act 1935*:"

(b) by omitting the definition of "Public hospital" and substituting therefor the following definition:—

" 'Public hospital' means a hospital with the management, maintenance, and regulation of which a board is charged under this Act:"; and

(c) by adding at the end thereof the following subsection:—

"(2) The provision of accommodation or treatment for—

(a) a person under the age of eighteen years in an approved children's home within the meaning of the *Child Welfare Act 1960*;

(b) an infant within the meaning of the *Child Welfare Act 1960* in a home or nursery within the meaning of that Act;

- (c) a defective within the meaning of the *Mental Deficiency Act 1920* in a certified institution or a certified house within the meaning of that Act;
- (d) an insane person in a hospital or licensed house within the meaning of the *Mental Hospitals Act 1858*; or
- (e) a person in accordance with the *Mental Hospitals Act 1858* in a receiving home within the meaning of that Act,

does not, for the purposes of this Act, constitute the carrying on of a private medical establishment at the premises at which the accommodation or treatment is provided.”.

Adminis-
tration.

3 Section five of the Principal Act is amended by adding at the end thereof the following subsection:—

“(2) Section three of the *Health Services Act 1960* has effect as if the powers and discretions vested in the Minister under Part III of this Act (otherwise than under section sixty-eight thereof) and under section seventy-one, section seventy-two, subsection (2) of section seventy-three, section seventy-four, section seventy-five, and subsection (4) of section seventy-six of this Act were vested in him by the operation of that Act.”.

Subsidies to
hospitals.

4 Section six of the Principal Act is amended—

- (a) by omitting from subsection (2) the words “, on the recommendation of the Director,”; and
- (b) by omitting from subsection (4) the words “ under the control of a board of a hospitals district”.

Expenses of
members of
boards.

5 Section twenty-three A of the Principal Act is amended—

- (a) by inserting after the word “ expense ” the words “(not being an expense in respect of which a payment may be made under subsection (2) of this section),”;
- (b) by omitting therefrom the words “, out of any moneys in the hands of the board for the purposes of this Act,”; and
- (c) by adding at the end thereof the following subsection:—

“(2) A hospitals board may make payments to a member of the board, in accordance with prescribed scales, in or towards the reimbursement of any expenses incurred by him in attending any meeting of the board or carrying out, at the direction of the board, any duty in connection with the exercise of the functions of the board.”.

Appoint-
ment of
officers, &c.

6 Section thirty-two of the Principal Act is amended by omitting from subsection (2) the words “ city public hospital ” and substituting therefor the words “ public hospital that is declared by the Minister, by notice in the *Gazette*, to be a general public hospital ”.

7 Section forty-nine of the Principal Act is amended by omitting from paragraph VII of subsection (1) the words "Payment of all" and substituting therefor the words "The making of any other payments which the board is by this Act or otherwise authorized to make and the payment of any".

Expenditure
by board of
moneys under
its control.

8 Part III of the Principal Act is repealed and the following Parts are substituted therefor:—

" PART IIA.

" PUBLIC HOSPITAL EMPLOYEES' APPEAL TRIBUNAL.

" 53 In this Part, unless the contrary intention appears—

Interpre-
tation.

- ' adjudicator ' means a person appointed by the Minister to hear and determine an appeal under this Part;
- ' public hospital employee ' means a person in the employment of a board or appointed by a board to any post, being a person who, by virtue of that employment or appointment, is paid, or is entitled to, any remuneration from the board, other than the repayment or reimbursement of any expenses incurred by him.

" 54—(1) Where a public hospitals employee is aggrieved by a decision of a board—

Appeals to
tribunal.

- (a) to suspend or dismiss him;
- (b) to require him to resign in order to avoid dismissal;
- or
- (c) to reduce him in rank, position, grade, or remuneration,

or by a decision of a board made on a report made to it under paragraph 16 of the third schedule, he may appeal to the Minister in accordance with this Part.

"(2) Where an appeal is made to him under subsection (1) of this section the Minister shall appoint a person who is, or has been, a police magistrate to hear and determine the appeal.

"(3) On the hearing of an appeal, under this section the adjudicator (unless he dismisses the appeal) may vary or quash the decision of the board and for that purpose may direct the board—

- (a) if the appellant has been dismissed or suspended, or required to resign, by the board, to reinstate him in such rank, position, or grade, or with such rate of remuneration as the adjudicator may determine; or
- (b) if the appellant has been reduced in rank, position, grade, or remuneration, to place him in such rank, position, or grade, or pay to him remuneration at such rate as the adjudicator may determine; and
- (c) to make to him such payments as the adjudicator may determine wholly or partly to reimburse him for any remuneration that, but for the decision of the board to which the appeal relates,

would otherwise have been due to him in respect of any period before the decision of the adjudicator on the appeal.

“(4) Nothing in subsection (3) of this section entitles the adjudicator to make any direction that would have the effect of placing the appellant in any more favourable position with respect to his employment with, or appointment under, the board than if the decision of the board to which the appeal relates had not been made or in any less favourable position, with respect to that employment or appointment, than if the appeal had not been made.

“(5) A direction of an adjudicator under subsection (3) of this section has effect subject to any enactment (other than a provision of this Act), and to any award or determination made under such an enactment, being an enactment, award, or determination regulating or fixing the terms and conditions of employment of public hospital employees.

“(6) A board shall comply with the directions given by an adjudicator under this section.

“(7) Where the adjudicator considers that an appeal has been brought on grounds that are frivolous or vexatious he may order the appellant to pay to the board against whose decision the appeal is brought such sum, not exceeding fifty pounds, as he may determine.

**Procedure
on appeals.**

“55—(1) A person bringing an appeal under this Part shall lodge notice thereof in writing with the Minister within fourteen days after the decision of the board to which the appeal relates has been notified by the board to the person bringing the appeal.

“(2) A notice lodged under this section shall be signed by the person by whom the appeal is brought and shall—

- (a) specify the decision of the board to which the appeal relates; and
- (b) state the grounds on which the appeal is brought.

“(3) Where the Minister appoints a person to hear and determine an appeal in respect of which a notice is lodged under subsection (1) of this section, that person shall serve notice in writing on the appellant and on the board against whose decision the appeal is brought stating the time and place at which the appeal will be held.

“(4) No appeal shall be heard under this Part earlier than fourteen days after the service of the notices under subsection (3) of this section.

“(5) Subject to subsection (6) of this section, on the hearing of an appeal under this Part—

- (a) the appellant is entitled to be heard either in person or by some person appointed by him in that behalf; and
- (b) the board against whose decision the appeal is brought is entitled to be heard by some member or officer of the board appointed by it in that behalf.

“(6) A legal practitioner is not entitled to be heard by an adjudicator on behalf of an appellant or a board.

“(7) An adjudicator may take evidence in such manner as he may determine, but where the appellant requests that the evidence to be given before the adjudicator by any person be given on oath, the adjudicator shall not hear that evidence otherwise than on oath.

“(8) Subject to this Part, Division II of Part II of the *Evidence Act* 1910 has effect with respect to an adjudicator as if he were such a board of inquiry as is referred to in section fourteen of that Act.

“(9) On determining an appeal the adjudicator may fix the costs of the appeal and direct by whom and in what proportion they are to be paid.

“56 The Minister may pay to an adjudicator such remuneration or allowance as he considers reasonable, and may make such payments to him in, or towards, the reimbursement of any expenses reasonably incurred by him in the performances of his functions as the Minister considers just. Remuneration of adjudicators.

“57—(1) Any costs or other sum ordered to be paid by the appellant to a board may be deducted from any remuneration that may be due to him from the board or may be recovered from him as a civil debt. Recovery of costs, &c.

“(2) Any costs ordered to be paid by the board to an appellant may be recovered by him from the board as a civil debt.

“ PART III.

“ PRIVATE MEDICAL ESTABLISHMENTS.

“58 In this Part, unless the contrary intention appears— Interpretation.
‘licence’ means a licence in force under this Part;
‘licensee’ means a person holding a licence, and, when used in relation to a licence or a private medical establishment, means respectively the person holding that licence or the licence in respect of that establishment.

“59 No person shall carry on, or hold out that there is carried on, at any premises, a private medical establishment except under such title and for such purposes as may be specified in a licence held by him in respect of those premises and in accordance with the conditions prescribed therein. Prohibition of unlicensed private medical establishments.

Penalty: One hundred pounds and a daily penalty of fifty pounds.

“60—(1) A licence shall be in the prescribed form and shall specify— Licences for private medical establishments.

- (a) the person by whom it is held;
- (b) the premises to which it relates; and
- (c) the purposes for which, and the title under which, a private medical establishment may be carried on at those premises under the authority of the licence,

and may prescribe the conditions subject to which that private medical establishment may be carried on.

“(2) The title specified in a licence shall be such as to indicate, subject to any classification made by regulations for the purposes of this Part, the type of private medical establishment authorized to be carried on under the licence.

“(3) Where a person holding a licence in respect of a private medical establishment dies, his executor or administrator or any member of his family (unless disqualified from holding a licence or being a manager of a private medical establishment) may, for a period of four weeks after the death of the licensee or for such longer period as the Minister may approve, carry on that private medical establishment; and, for that period, the licence has effect as if that executor, administrator, or member of the family were named therein as the holder thereof.

“(4) Subject to subsection (5) of this section, a licence expires, unless it is renewed or further renewed, on the thirty-first day of December next after the date on which it was granted or last renewed.

“(5) Where an appeal is made against a refusal to renew a licence or against any alteration of the conditions prescribed in a licence, the licence continues to have effect, and the alteration has no effect, until the appeal is finally determined or abandoned.

Grant,
renewal, and
transfer of
licences.

“61—(1) An application for the grant, renewal, or transfer of a licence shall be made in writing to the Minister in the prescribed manner, and shall contain such particulars and be accompanied by such statements and plans as may be prescribed in relation to the application.

“(2) An application for the renewal of a licence shall be made within such time as may be prescribed.

“(3) Every application under this section shall be verified by the statutory declaration of the applicant.

“(4) On an application under this section for the grant or renewal of a licence the Minister shall, subject to this Act, grant or renew the licence.

“(5) The Minister shall not grant or renew a licence authorizing the carrying on at any premises of a private medical establishment for any purpose if he considers—

- (a) that the applicant for the grant or renewal is not a fit and proper person to hold the licence;
- (b) that for reasons connected with the situation, construction, state of repair, accommodation, staffing, or equipment thereof the premises are unsuitable for use for that purpose or could not be used for that purpose in compliance with this Act; or
- (c) that the way in which it is proposed to conduct the establishment is such as would not provide services or facilities reasonably required by persons resorting to such an establishment or would not be in compliance with this Act.

“(6) On an application under this section for the transfer of a licence the Minister shall, subject to this Act, transfer the licence unless he considers that the person to whom the licence is to be transferred is not a fit and proper person to hold the licence.

“(7) On application being made to him in the prescribed manner by the holder of a licence, the Minister may alter the conditions prescribed in the licence.

“(8) On the renewal of a licence the Minister may alter the conditions prescribed therein.

“(9) Before granting a licence, the Minister shall serve notice on the applicant therefor informing him of the terms of the licence which it is proposed to grant.

“(10) Before refusing to grant, renew, or transfer a licence, or altering the conditions prescribed in a licence, the Minister shall serve notice on the applicant for, or the person holding, the licence of his intention so to do.

“(11) If, within fourteen days after the service of a notice under subsection (9) or subsection (10) of this section, the person on whom the notice is served by writing so requires, the Minister shall not grant, or refuse to grant, renew, or transfer the licence to which the notice relates, or make the alterations to which the notice relates, until he has given that person the opportunity of being heard by him, or some person authorized by him in that behalf.

“(12) Subsection (10) of this section does not apply in relation to any alterations made in the conditions prescribed in a licence made on the application of the holder thereof, or under subsection (3) of section sixty-five.

“62 No licence shall be granted, renewed, or transferred unless the fees prescribed in relation thereto have been paid to the Minister, and all such fees shall be paid into the Consolidated Revenue. Fees.

“63 A licence ceases to have effect on its surrender to the Minister by the licensee. Surrender of licences.

“64—(1) The Minister shall cause to be kept in the prescribed manner a register of licences containing the prescribed particulars in relation to those licences. Register of licences.

“(2) In any proceedings a copy of, or extract from, any entry in the register kept under this section certified under the hand of the Minister or some person authorized by him in writing in that behalf, is, until the contrary is proved, conclusive evidence of the facts therein stated.

“65—(1) No person shall make or cause to be made any structural alteration or addition to any premises in respect of which a licence is in force except in accordance with plans, specifications, and descriptions approved by the Minister. Alterations, &c., to private medical establishments.

Penalty: Fifty pounds.

“(2) When the Minister approves for the purposes of subsection (1) of this section any plans, specifications, or descriptions for the alteration of, or addition to, any premises he may notify the person holding the licence in respect of

those premises, in writing, of the alterations that may be, or will have to be, made in the conditions prescribed in the licence if the alterations or additions are carried out.

“(3) On the completion of any alterations or additions in accordance with plans, specifications, and descriptions approved under this section, the Minister may, and if required by the licensee shall, alter the conditions specified in the licence in accordance with the notification made to the licensee under subsection (2) of this section.

Managers of private medical establishments.

“66 No licensee shall carry on a private medical establishment on any premises unless there is resident on those premises as manager of the establishment a person (who may be the licensee) who has such experience and qualifications as may be prescribed in relation to that establishment and who is approved by the Minister.

Penalty: Fifty pounds and a daily penalty of twenty pounds.

Closure of establishments on account of infectious disease.

“67—(1) The Minister, if in his opinion it is desirable so to do, in order to prevent or check the spread of any infectious disease occurring in a private medical establishment, may, by notice in writing served on the licensee or manager, order the establishment to be closed against the admission of persons for accommodation or treatment for such period as may be specified in the notice or until the order is cancelled by the Minister.

“(2) If while any order is in force under this section any person is received into the private medical establishment to which the order relates for accommodation or treatment without the written authority of the Minister or some person authorized by him in that behalf, the licensee and manager of the establishment and any person receiving or admitting that person into the establishment or allowing him to be so received or admitted, is guilty of an offence.

Penalty: Fifty pounds.

Inquiries as to management of private medical establishments.

“68—(1) The Minister may cause an inquiry to be made into the management of a private medical establishment by some person appointed by him for that purpose.

“(2) Where an inquiry is made under this section into the management of a private medical establishment, the Minister may, if he thinks fit, after consideration of the report on the results thereof made by the person making the inquiry, disqualify the licensee or the manager of the establishment from holding a licence or being the manager of a private medical establishment for such period, not exceeding four years, as he may determine.

“(3) The Minister shall not impose a disqualification on a person under this section unless that person has been given an opportunity of being heard, and of giving and adducing evidence, at the inquiry as a consequence of which the disqualification is imposed.

“69—(1) A person who is aggrieved by any decision of the Minister on an application for the grant, renewal, or transfer of a licence or under subsection (2) of section sixty-eight may appeal to the Supreme Court. Appeals.

“(2) On an appeal under this section against a decision on an application for the grant, renewal, or transfer of a licence, the Supreme Court may order the Minister to grant a licence in such form as may be specified in the order, or to renew or transfer the licence, or to make such alterations in the conditions prescribed in the licence as may be specified in the order, and the Minister shall comply with the order.

“(3) On an appeal under this section against a decision of the Minister under subsection (2) of section sixty-eight, the Supreme Court may quash or vary his decision.

“(4) The Supreme Court has jurisdiction to hear and determine appeals under this section.

“(5) For the purposes of this section, a decision made by a person in the exercise of a power or discretion delegated to him by the Minister shall be deemed to be a decision of the Minister.

“70 No person shall, by any wilful misrepresentation, procure for himself or any other person— Misrepresentation in applications.

(a) the granting, renewal, or transfer of a licence, or the granting or renewal of a licence in any particular form, or the alteration of any conditions prescribed in a licence; or

(b) an approval for the purposes of section sixty-six.

Penalty: Fifty pounds.

“70A On the conviction of a person for an offence under this Act or any other offence committed with respect to a private medical establishment or any person received or accommodated therein the court, in lieu of or in addition to imposing a punishment for the offence, may disqualify the offender, for such period as the court may determine, from holding a licence or being a manager of a private medical establishment. Disqualification of offenders.

“70B—(1) On the disqualification of a person from holding a licence, any licence held by him ceases to have effect, and, while he is disqualified, a licence shall not be granted or transferred to him. Effect of disqualification.

“(2) While a person is disqualified from being a manager of a private medical establishment he shall not be, or act as, such a manager.

Penalty: Fifty pounds and a daily penalty of twenty pounds.

“(3) A licensee shall not employ, or allow to act, as manager of a private medical establishment, any person who is disqualified from being a manager of a private medical establishment.

Penalty: Fifty pounds and a daily penalty of twenty pounds.

Liability of directors, &c.

“70C Where an offence under this Part is committed by a body corporate, every person who, at the time when the offence was committed was a director, manager, secretary, or other similar officer of that body, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

Proof of management of establishment.

“70D In any proceedings for an offence under this Part where it is shown that any person has apparently the charge, control, or management of an establishment that person shall, unless the contrary is proved, be deemed to be the manager thereof.

Private medical establishments subject to local Acts.

“70E—(1) Subject to this section, nothing in any local or private Act passed before the passing of the *Hospitals Act* 1960 has effect to authorize or require the carrying on of a private medical establishment otherwise than in accordance with this Act.

“(2) Where by any local or private Act passed before the passing of the *Hospitals Act* 1960 a private medical establishment is given, or is authorized or required to be carried on under, a name specified in that local or private Act, nothing in this Act has effect to prevent that establishment from being carried on under that name, and, notwithstanding anything in section sixty, a licence with respect to that establishment may specify that name as the title under which that establishment may be carried on.

Regulations.

“70F—(1) Regulations for the purposes of this Part may—

- (a) classify private medical establishments according to the purposes for which, and the conditions under which, they may be carried on;
- (b) prescribe requirements with respect to the site, situation, dimensions, and structure of any building or structure used for the purposes of a private medical establishment, or any room therein, or other part thereof, and the maintenance and repair of any such building, structure, room, or part;
- (c) prescribe the furniture, fittings, and equipment to be provided in any private medical establishment, and regulate the use and maintenance thereof;
- (d) prescribe the facilities to be provided at or in connection with any private medical establishment for, or in connection with, the care or treatment of persons received or accommodated therein, and the accommodation of persons employed in or about the establishment;

- (e) prescribe and regulate the provision of heating, lighting, and ventilation in a private medical establishment or any part thereof, and the provision and maintenance of means for the prevention or extinguishment of fire, and the means of escape in the event of fire;
- (f) regulate the management of a private medical establishment, and impose duties on the licensee and manager thereof, and any person employed in or in respect of the establishment, with respect to the carrying on and management thereof;
- (g) prescribe requirements with respect to the numbers and qualifications of the staff to be employed in or in respect of a private medical establishment;
- (h) require records to be kept of prescribed particulars with respect to persons received or accommodated in a private medical establishment, and notifications to be made of persons in the establishment suffering from, or suspected to be suffering from, any disease, and of any birth, still-birth, miscarriage, or death occurring in the establishment, and regulate the manner in which those records are to be kept and notifications made;
- (i) require the production to any prescribed person of any records required to be kept under this Part; and
- (j) require the surrender of licences on their expiry or on their otherwise ceasing to have effect, and their submission to the Minister for the alteration of the conditions prescribed therein.

“(2) Regulations for the purposes of this Part may make provision for the imposition of a penalty not exceeding fifty pounds on any person contravening any provision of the regulations.

“(3) Regulations for the purposes of this Part may make different provision with respect to different private medical establishments according to the purposes for which, and the conditions in accordance with which, they may be carried on.

“(4) The Minister may exempt any private medical establishment that was being carried on immediately before the commencement of the *Hospitals Act 1960* from any of the provisions of the regulations under this Part or may modify any of those provisions in relation to that establishment, and the regulations have effect with respect to that establishment subject to that exemption or modification.

“(5) Without prejudice to the making of a further exemption or modification, any exemption or modification made under subsection (4) of this section, unless previously revoked by the Minister, remains in force for such period not exceeding one year, as the Minister, at the time of the making of the exemption or modification, may determine.”

Director
charged with
duty of
inspecting
hospitals, &c.

9 Section seventy-one of the Principal Act is amended by omitting from subsection (1) the word "hospitals" and substituting therefor the words "public hospitals and private medical establishments".

Powers of
inspection.

10 Section seventy-two of the Principal Act is amended—
(a) by omitting from subsection (1) the words "public or private hospital" and substituting therefor the words "public hospital or any private medical establishment"; and
(b) by inserting in subsection (2), after the word "hospital" (twice occurring), the words "or establishment".

Special
provisions as
to hospitals of
local
authorities.

11 Section seventy-five of the Principal Act is amended by omitting from paragraph X thereof the words "other than a private hospital," and substituting therefor the words "(not being a private medical establishment)".

12 Sections seventy-six, seventy-seven, and seventy-eight of the Principal Act are repealed and the following section is substituted therefor:—

Liability
of local
authorities for
cost of treat-
ment, &c.,
of certain
diseases.

"76—(1) Where a person suffering from a prescribed disease is, by reason of his so suffering, accommodated or treated in a public hospital, the board charged with the management, maintenance, or regulation of that public hospital and any ambulance authority may recover the expenses incurred by it in respect of the conveyance of that person to the hospital, and in providing for his accommodation, maintenance, and treatment therein, from, if the Minister makes a direction under subsection (2) of this section in respect of that person, the local authority specified in the direction or, in other cases, from the local authority in whose district is situated the place from which he was removed to the hospital.

"(2) Where the Minister is of opinion that any sum recoverable under subsection (1) of this section in respect of any person should be recovered from some local authority other than that in whose district is situated the place from which he was removed to the hospital he may direct that the sum shall be recoverable from that other local authority.

"(3) Where a board is entitled to recover any sum under subsection (1) of this section in respect of the conveyance, accommodation, maintenance, or treatment of any person, no person is liable under section fifty-two to make any contribution or payment to that board in respect of that conveyance, accommodation, maintenance, or treatment.

"(4) This section does not entitle an ambulance authority to recover any sum in respect of the conveyance of any person that, if that person had not been suffering from a prescribed disease, it would not have been entitled to recover from that person.

“(5) This section does not apply in respect of a person suffering from a disease which the Minister certifies was, in his opinion, contracted by that person outside the State.

“(6) Subject to subsection (7) of this section, the regulations under this Act may prescribe the manner in which, or scales in accordance with which, the cost of conveyance, accommodation, maintenance, or treatment of any person is to be determined for the purposes of this section.

“(7) For the purposes of this section the expenses incurred by an ambulance authority in respect of the conveyance of a person shall be determined in accordance with the appropriate scales within the meaning of section thirty-seven of the *Ambulance Act 1959*.

“(8) Notwithstanding anything in section one hundred and sixty-five of the *Local Government Act 1906* a local authority may defray any expenses incurred by it under this section out of moneys raised by a health rate.

“(9) Where the expenses incurred by a local authority under this section in any financial year exceed a sum equivalent to twopence for each pound of the ratable value of the district of that authority, the Minister shall, out of money appropriated by Parliament for that purpose, pay to that authority the amount by which those expenses exceed that sum.

“(10) In this section ‘ambulance authority’ means an ambulance board or the council of a participating municipal district within the meaning of the *Ambulance Act 1959*.

“(11) References in this section to the ratable value of a district shall, with reference to any financial year, be construed as a reference to the aggregate, as determined at the commencement of that financial year, of the annual values or the assessed annual values (as shown in the assessment roll in force under the *Annual Values Assessment Act 1911* or in the valuation roll in force under the *Land Valuation Act 1950*) of the properties in that district upon which a health rate may be levied.”.

13 Section eighty of the Principal Act is repealed.

14 Section eighty-five of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “the board or managing authority of any public hospital” and substituting therefor the words “a board or the managing authority of a hospital receiving aid from the State”;
- (b) by omitting from that subsection the words “that hospital” and substituting therefor the words “that board or managing authority”;
- (c) by omitting from subsection (2) the words “of the hospital”; and
- (d) by omitting from subsection (3) the words “the board or managing authority of a public hospital” and substituting therefor the words “a board or managing authority”.

Appointment
of medical
officers, &c.,
of State-aided
hospitals.

Agreements
for provision
of free
hospital
services.

Unclaimed
property
of patients.

15 Section eighty-six of the Principal Act is amended by inserting in subsection (1), after the word "hospital" (first occurring), the words "or a hospital receiving aid from the State".

Regulations.

16 Section eighty-seven of the Principal Act is amended by adding at the end thereof the following subsection:—

"(2) Regulations made under this Act may apply section three of the *Health Services Act* 1960 to any power or discretion vested in the Minister under those regulations, and where that section is so applied it has effect as if that power or discretion were vested in the Minister under that Act."

Consequential
amendments.

17—(1) The *Anatomy Act* 1869 is amended by inserting in sub-paragraph (a) of paragraph I of subsection (8) of section twelve, after the numerals "1918", the words "or a hospital receiving aid from the State".

(2) The *Public Service Tribunal Act* 1958 is amended by omitting from the definition of "public hospital" in subsection (1) of section three the words "Part II of".

(3) The *Ambulance Act* 1959 is amended by inserting in section thirty-seven, after subsection (8) thereof, the following subsection:—

"(8A) Nothing in this section entitles a board or the council of a participating municipal district to recover any charge in respect of the conveyance of a person in a case where section seventy-six of the *Hospitals Act* 1918 applies."

Transitory
provisions.

18—(1) A licence granted under Part III of the Principal Act, as in force immediately before the commencement of this Act, ceases to have effect on the commencement of this Act.

(2) Any order made before the commencement of this Act under section sixty-one A of the Principal Act, as in force immediately before the commencement of this Act, continues to have effect as if it were an order made under section sixty-seven of the Principal Act, as amended by this Act.

(3) Where by virtue of the revocation, before the commencement of this Act, by the Minister under section sixty-six of the Principal Act, of a licence granted under Part III of that Act such a licence could not, immediately before that commencement, be granted to any person, that person is disqualified from holding a licence under Part III of that Act (as amended by this Act) for the remainder of the period during which, if this Act had not been enacted, such a licence could not have been granted to him.

(4) If this Act commences before the *Child Welfare Act* 1960, then, until the commencement of that Act, subsection (2) of section four of the Principal Act (as amended by this Act) shall have effect as if—

(a) for the references therein to an approved children's home within the meaning of the *Child Welfare Act* 1960 there were substituted references to a

certified institution within the meaning of the *Infants' Welfare Act 1935*;

- (b) for the references therein to an infant within the meaning of the *Child Welfare Act 1960* there were substituted references to an infant within the meaning of section ninety-eight of the *Infants' Welfare Act 1935*; and
- (c) for the references therein to a home or nursery within the meaning of the *Child Welfare Act 1960* there were substituted references to a nursing-home within the meaning of the *Infants' Welfare Act 1935*.

MARINE.

No. 42 of 1960.

AN ACT to amend the *Marine Act 1921* and certain other Acts relating to borrowing by marine boards.
[14 November 1960.]

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

1—(1) This Act may be cited as the *Marine Act 1960*.

Short title and citation.

(2) The *Marine Act 1921*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section seven of the Principal Act is amended by adding at the end thereof the following subsection:—

Continuation of harbour trusts.

“(4) On the commencement of the *Marine Act 1960* the North-Eastern Harbour Trustees shall, notwithstanding anything in subsection (1) of this section, cease to exist, and the property, rights, and obligations of the Trustees shall be transferred to and vest in the Marine Board of Launceston.”

3 Section nine of the Principal Act is amended by adding at the end thereof the following subsection:—

Vesting of property in marine boards and harbour trusts.

“(3) Nothing in this section affects the operation of subsection (4) of section seven.”

4 Section twenty-three of the Principal Act is amended—

Election of wardens of Launceston Marine Board.

- (a) by omitting from subsection (2) the words “in December”; and