
HOSPITALS ACT 1979

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(3) Except as otherwise provided in this Act, the provisions of this Act (except this section) shall commence on such days respectively as are fixed by proclamation in relation to each of those provisions.

Amendment of the long title.

2 The long title to the Principal Act is amended by inserting after the word “hospitals,” (first occurring) the words “for appeals by members of the staff of public hospitals and certain other hospital authorities in respect of appointments and certain disciplinary and other action,”.

Interpretation.

3 Section 4 of the Principal Act is amended—

- (a) by omitting from subsection (1) the definition of “officer of the hospital service”; and
- (b) by omitting subsection (3).

4 Before section 7 of the Principal Act the following section is inserted in Part II:—

Interpretation.

“6B In this Part, ‘officer in the service of a board’ means an officer in the employment of a board, or appointed by a board to any post, pursuant to section 32, being a person who, by virtue of that employment or appointment, is paid, or entitled to be paid, any remuneration by the board, other than the repayment or reimbursement of any expenses incurred by him.”.

Staff representation on boards.

5 Section 11B of the Principal Act is amended—

- (a) by omitting paragraph (a) of subsection (1) and substituting the following paragraph:—

“(a) A representative of the medical advisory committee of the board who shall be elected by the members of the committee as prescribed and holding office as a member of the board as prescribed; and”;

- (b) by omitting from subsection (3) the word “In” and substituting the words “Subject to subsection (4), in”; and

(c) by adding at the end the following subsections:—

“(4) An officer in the service of a board who has not attained the age of 18 years or who is employed in that service temporarily or on probation shall not hold office as a member of the board referred to in subsection (3).

“(5) Where there is a failure to elect a member of a board as required by subsection (3), the Minister may appoint an officer in the service of the board to be that member, and the officer so appointed shall, for all the purposes of this Act, be deemed to be the elected representative of the staff of the board and shall hold office as a member of the board for the same term as if he were such an elected representative.”.

6 Section 11c of the Principal Act is amended—

Medical
advisory
committees.

(a) by omitting from subsection (1) (a) the words “(other than those holding limited registration)”; and

(b) by omitting subsection (3) and substituting the following subsection:—

“(3) A medical advisory committee may regulate its own proceedings.”.

7 Section 11d of the Principal Act is amended—

Staff
advisory
committees.

(a) by omitting from subsection (2) the word “The” and substituting the words “Subject to the provisions of the regulations made for the purposes of section 24 (4), the”;

(b) by omitting from subsection (3) the word “A” and substituting the words “Subject to subsection (3A), a”;

(c) by inserting after that subsection the following subsections:—

“(3A) An officer in the service of a board who has not attained the age of 18 years or who is employed in that service temporarily or on probation shall not hold office as a member of a staff advisory committee of the board representing officers of the class of office held by him.

“(3B) Where there is a failure to elect a member of a staff advisory committee as required by subsection (3), the Minister may appoint an officer of the appropriate class in the service of the relevant board to be that mem-

ber, and the officer so appointed shall, for all the purposes of this Act, be deemed to be the elected representative of that class of officers and shall hold office as a member of the committee for the same term as if he were such an elected representative.”; and

(d) by omitting subsection (5) and substituting the following subsections:—

“(5) Subject to subsection (5A), on the application of a board or an officer in the service of the board, the Director-General shall determine which of the classes of officers referred to in paragraphs (b) to (d) of subsection (1) the officer is to be regarded as belonging to for the purposes of this section.

“(5A) Subject to a determination by the Director-General under subsection (5), the administrative and clerical staff of a board comprises such staff as the board determines to be engaged wholly or mainly on administrative or clerical duties.

“(5B) An officer in the service of a board who is dissatisfied with a determination made by the Director-General under subsection (5) on his or the board’s application may apply to the Director-General for a review of the determination, and the Director-General shall, on receiving an application under this subsection, review the determination and, as he thinks fit, confirm it or make another determination under subsection (5) in relation to the officer.

“(5C) The decision of the Director-General on a review under subsection (5B) is final.”.

Quorum.

8 Section 13 of the Principal Act is amended—

(a) by omitting from subsection (1) (a) the word “ five ” and substituting the numeral “ 6 ”; and

(b) by omitting from subsection (1) (b) the word “ four ” and substituting the numeral “ 5 ”.

Disqualification
of
representatives.

9—(1) Section 24 of the Principal Act is amended by adding at the end the following subsection:—

“(2) Subsection (1) (a) does not apply to a person who is a member of a board by virtue of section 11B.”.

(2) Subsection (1) shall be deemed to have commenced on the commencement of the *Hospitals Act 1977*.

(3) Section 24 of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “ Provided, however, that an ” and substituting “ (1A) An ”;
- (b) by omitting from that subsection the words “ Provided further that nothing ” and substituting “ (1B) Nothing ”; and
- (c) by adding after subsection (2) (as added by subsection (1)) the following subsections:—

“(3) A person is not eligible to be appointed or elected as a member of a board if—

- (a) he has attained the age of 70 years; or
- (b) he would, if he were so appointed or elected, attain that age during the period ending on 30th June in the 2nd year after his appointment or election.

“(4) Notwithstanding the provisions of subsection (1B) and subsection (2), a person is not eligible to be appointed or elected, or to continue, as a member of a board if he is an officer in the service of the board who holds an office of a prescribed class.

“(5) A decision of a board is not invalidated and shall not be called in question by reason of a person holding office as a member of the board in contravention of subsection (3) or subsection (4).”.

10 Section 32 of the Principal Act is amended—

- (a) by omitting from subsection (1) the word “A” and substituting the words “ Subject to this section, a ”;
- (b) by inserting after that subsection the following subsections:—

“(1A) A person appointed under subsection (1) by a board—

- (a) may be appointed as a permanent employee or temporary employee or employed part-time as an employee of either kind; or
- (b) may be employed for the period of his training in a profession, trade, or occupation at a public hospital under the control of the board.

Power of board to appoint officers and servants.

“(1B) In subsection (1A)—

‘permanent employee’ means an employee who is not a temporary employee;

‘temporary employee’ means an employee who is employed—

(a) for a period not exceeding 3 months; or

(b) for a period exceeding 3 months, if he is employed to carry out the duties of a permanent employee who is absent during that period—

(i) on leave of any kind to which he is entitled under an industrial award or a contract of service;

(ii) on leave under the *State Employees (Long-Service Leave) Act 1950*;

(iii) on leave of any other kind granted by the board by which he is employed; or

(iv) owing to disablement as the result of an injury or disease for which he is entitled to compensation under the *Workers’ Compensation Act 1927*.”;

(c) by omitting from subsection (2) the words “, and such honorary medical officers as the board may think proper”; and

(d) by omitting subsection (3) and substituting the following subsection:—

“(3) The remuneration payable by a board to the persons appointed by it under subsection (1) shall be paid out of the revenue received by the board.”.

11 Section 33 of the Principal Act is repealed and the following section is substituted:—

Certain appointments to be approved by Minister.

“33 No appointment of a person as an officer of a prescribed class shall be made to the staff of a hospital by the board controlling the hospital until the Minister has approved the appointment.”.

New Division I of Part IIA.

12 Part IIA of the Principal Act is amended—

(a) by inserting before Division I the following Division:—

“ Division I—Preliminary

“ 52A In this Part—

Interpretation.

‘ hospital authority ’ means—

- (a) a board;
- (b) the Board of Management of the Queen Alexandra Hospital; or
- (c) the Committee of Management of the Peacock Convalescent Hospital;

‘ offices in the hospital service ’ means the offices held by officers of the hospital service;

‘ officer of the hospital service ’ means a person in the employment of a hospital authority, or appointed by a hospital authority to any post, pursuant to section 32, being a person who, by virtue of that employment or appointment, is paid, or entitled to be paid, any remuneration by the authority, other than the repayment or reimbursement of any expenses incurred by him.”; and

(b) by renumbering Division I (second occurring) as Division IA.

13—(1) Section 53 of the Principal Act is amended—

Hospital
Service
Appeal Board.

(a) by inserting after subsection (3) the following subsection:—

“(3A) An officer of the hospital service who has not attained the age of 18 years or who is employed in that service temporarily or on probation shall not hold office as, or vote at an election for, the member of the Appeal Board referred to in subsection (3) (b).”;

(b) by inserting after subsection (7) the following subsections:—

“(7A) If a member of the Appeal Board, other than a member elected under subsection (5) or appointed under subsection (7), is unable or unwilling to act in relation to an appeal under this Part—

- (a) the Governor may, in the case of the chairman; or
- (b) the Minister may, in the case of the member appointed by him,

appoint a deputy of the member to act in his stead in relation to that appeal.

“(7B) Anything that is done by the deputy of a member in pursuance of this section has the like effect as if it were done by the member whose deputy he is.”; and

(c) by inserting in subsection (8), after the word “ Board ” the words “ and their deputies ”.

(2) Paragraph (a) of subsection (1) shall be deemed to have commenced on the commencement of the *Hospitals Act 1977*.

14 After section 57B of the Principal Act the following section is inserted:—

Constitution of Appeal Board in disciplinary appeals.

“ 57BA For the purposes of the hearing and determination of an appeal under this Division in respect of an officer holding an office of a class prescribed under section 53, the person who is to be the member of the Appeal Board under subsection (3) (b) of that section shall be the member of the Board elected by the officers holding the offices within that class, or, if it appears to the chairman of the Appeal Board that that member is unable or unwilling to act, the deputy of that member.”.

Consequential amendments.

15 Each provision of Part IIA of the Principal Act that is specified in the first column of the Schedule to this Act is amended by omitting from it the expression (wherever occurring) specified against that provision in the 2nd column of that Schedule and substituting, in each case, the expression so specified in the 3rd column of that Schedule.

Non-application in certain cases of amendments made by sections 12 and 15.

16 The amendments of Part IIA of the Principal Act made by sections 12 and 15 do not apply—

(a) to a vacancy that was subsisting at the commencement of those sections; or

(b) to any such decision as is referred to in section 57B of the Principal Act that was made before that commencement.

Provision relating to certain members of hospitals boards.

17 A person who, immediately before the commencement of section 24 (3) of the Principal Act, as inserted by this Act, is a member of the hospitals board and who, on or before that commencement, has attained the age of 70 years continues to be a member of the board until the expiration or sooner determination under the Principal Act of the term of office for which he was appointed or elected.

18—(1) Where a person is, immediately before the commencement of section 5 (a), a member of a hospitals board by virtue of being the chairman of its medical advisory committee, that person may, within 28 days after that commencement, notify the Minister in writing that he wishes to continue to be a member of the board and—

- (a) if he so notifies the Minister, section 5 (a) shall be deemed not to have commenced and he continues to be a member of the board until he ceases to be the chairman of the committee; or
- (b) if he does not so notify the Minister, the Minister shall forthwith determine the date of the election required to be held for the purposes of paragraph (a) of section 11B (1) of the Principal Act (being the paragraph substituted by section 5 (a)).

(2) Notwithstanding the taking effect of regulations made for the purposes of section 24 (4) of the Principal Act (as inserted by this Act), a member of a hospitals board who, immediately before the taking effect of those regulations, holds an office of a class prescribed by those regulations continues to be a member of the board—

- (a) until the expiration or sooner determination under the Principal Act of the term of office for which he was appointed or elected; or
- (b) in the case of a person who holds office by virtue of being the chairman of the medical advisory committee or the staff advisory committee of the board, until he ceases to be the chairman of the committee.

(3) Notwithstanding the amendments to Part IIA of the Principal Act made by sections 12 and 15, a person who, immediately before the commencement of those amendments, is a member or deputy member of the Hospital Service Appeal Board by virtue of an election under section 53 of that Act continues in office as a member or deputy member of the Board on and after that commencement as though the persons employed by the prescribed authorities were entitled to vote at the election when it was held under that section.

(4) In subsection (3), “prescribed authorities” means the Board of Management of the Queen Alexandra Hospital and the Committee of Management of the Peacock Convalescent Hospital.

SCHEDULE
(Section 15)

Provision	Omission	Substitution
54 (1)	a board the board	a hospital authority the authority
54 (2)	a board the board	a hospital authority the authority
56 (5)	board	hospital authority
57 (1)	a board the board	a hospital authority the authority
57 (2)	board	hospital authority
57B (1)	board	hospital authority
57B (2)	board	hospital authority
57B (3)	board than the board to	hospital authority than that authority to
57B (5)	board	hospital authority
57B (6)	board	hospital authority
57c (6)	a board that board	a hospital authority that authority
57c (7)	a board the board	a hospital authority that authority