



HOSPITALS AMENDMENT ACT 1986

No. 97 of 1986

TABLE OF PROVISIONS

- 1. Short title.
- 2. Commencement.
- 3. Principal Act.
- 4. Amendment of section 11B of Principal Act (Staff representation on boards).
- 5. Insertion in Principal Act of new section 34.
34—Agreements with medical services companies.
- 6. Amendment of section 49 of Principal Act (Expenditure by board of money under its control).



AN ACT to amend the Hospitals Act 1918.

[Royal Assent 10 December 1986]

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—This Act may be cited as the *Hospitals Amendment Act* Short title. 1986.

2—This Act shall commence on the day on which it receives the Commence- Royal assent. ment.

Principal Act.

3—In this Act, the *Hospitals Act* 1918* is referred to as the Principal Act.

Amendment of section 11B of Principal Act (Staff representation on boards).

4—Section 11B of the Principal Act is amended by omitting from subsection (2) (c) “section 32 (2)” and substituting “section 32 (4)”.

Insertion in Principal Act of new section 34.

5—After section 33A of the Principal Act, the following section is inserted:—

Agreements with medical services companies.

34—(1) In this section, “company” means an approved medical services company within the meaning of the *Medical Act* 1959.

(2) Subject to this section, a hospitals board—

(a) may, from time to time, with the approval in writing of the Director-General, enter into an agreement with a company for the company to make available to the board, otherwise than on a full-time basis, the services of a medical practitioner who is a member or an employee of that company, for the purposes of the provision of medical services in any hospital for which the board is responsible; and

(b) may do all things necessary to give effect to such an agreement, including the adjustment from time to time of any matters arising under the agreement that appear to the board to require adjustment.

(3) Subject to this section, an agreement under subsection (2) may make provision for such matters as the parties to the agreement consider appropriate, including, in particular and without limiting the generality of the foregoing—

(a) provision with respect to the rate of payment to be made by the board to the company in respect of the work that is, or the services or duties that are, to be performed by the medical practitioner in pursuance of the agreement;

(b) provision with respect to the terms and conditions under which the medical practitioner is to perform that work or those services or duties; and

* 9 Geo. V No. 70. For this Act, as amended up to and including 1st September 1982, see the continuing Reprint of Statutes. Subsequently amended by No. 96 of 1982, No. 54 of 1983, Nos. 29 and 73 of 1984, and Nos. 7 and 51 of 1985.

(c) if the board is a board to which section 11B (1) applies, provision for the medical practitioner to be a member of its medical advisory committee, and, where provision is made as specified in paragraph (c), the medical practitioner shall, notwithstanding anything to the contrary in section 11C, be a member of the medical advisory committee of the board during the currency of the agreement.

(4) A medical practitioner is, in the performance by him of work, services, and duties in pursuance of an agreement under subsection (2), subject to the control and direction of the hospitals board as if he were a visiting medical officer employed on a sessional basis in pursuance of section 32.

(5) Notwithstanding subsection (4), a medical practitioner shall, in, and in relation to, the performance by him of work, services, or duties in pursuance of an agreement under subsection (2), be taken, for all purposes, including, in particular, the purposes of the *Workers' Compensation Act 1927*, to be the employee of the company.

(6) An agreement under subsection (2) shall not be entered into so as to have effect for a period exceeding 3 years, but such an agreement (including a renewed agreement) may be renewed for a further period not exceeding 3 years.

(7) The parties to an agreement under subsection (2) may at any time terminate the agreement and, subject to the preceding provisions of this section, may vary the terms or conditions of the agreement.

6—Section 49 of the Principal Act is amended by inserting after paragraph (f) of subsection (1) the following paragraph:—

(fa) the making of any payments in pursuance of any agreement entered into under section 34;

Amendment of section 49 of Principal Act (Expenditure by board of money under its control).

