



## HOSPITALS AMENDMENT ACT (No. 3) 1980

No. 87 of 1980

### TABLE OF PROVISIONS

1. Short title.	36B—Establishment of advisory or standing committees.
2. Commencement.	
3. Principal Act.	5. Repeal of section 69 of Principal Act (Appeals).
4. Insertion in Principal Act of new sections 36A and 36B.	6. Amendment of third Schedule to Principal Act.
36A—Delegation by boards.	7. Savings.

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**AN ACT to amend the Hospitals Act 1918 for the purpose of vesting in public hospitals boards a power of delegation and to provide for the establishment by those boards of advisory committees.**

[Royal Assent 19 December 1980]

**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. (No. 3) 1980.

Commencement. **2**—(1) This section and sections 1, 3, 4, 6, and 7 shall commence on the date of assent to this Act.

(2) Section 5 shall commence on the same date as is fixed by proclamation under section 2 (2) of the *Hospitals Amendment Act 1980*.

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

Insertion in  
Principal Act  
of new  
sections 36A  
and 36B.

**4**—After section 36 of the Principal Act, the following sections are inserted:—

Delegation  
by boards.

36A—(1) A board may, by resolution, delegate to a person specified in the resolution the performance or exercise of such of its functions and powers (other than this power of delegation) as are specified in the resolution, and may, by resolution, revoke wholly or in part any such delegation.

(2) A function or power, the performance or exercise of which has been delegated under this section, may, while the delegation remains unrevoked, be performed or exercised from time to time in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or limitations as to the performance or exercise of any of the functions or powers delegated, or as to time or circumstance, as are specified in the resolution.

(4) Notwithstanding any delegation under this section, a board may continue to perform or exercise all or any of the functions or powers delegated.

(5) Any act or thing done by or to a delegate of a board while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done by or to the board and shall be deemed to have been done by or to the board.

(6) An instrument purporting to be signed by a delegate of a board in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the board under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the board.

\* 9 Geo. V No. 70. For this Act, as amended to 1966, see Appendix B to the Annual Volume of Statutes for 1966. Subsequently amended by Nos. 24 and 58 of 1967, No. 24 of 1973, Nos. 28 and 77 of 1976, No. 28 of 1977, Nos. 6 and 64 of 1979, and Nos. 19, 56, 57 and 80 of 1980.

36B—(1) A board may establish advisory or standing committees to advise on or assist in the performance or exercise of its functions or powers under this Act or to perform or exercise such of its functions or powers as are delegated by it to those committees.

Establishment  
of advisory  
or standing  
committees.

(2) A board may appoint a person as a member of a committee referred to in subsection (1) whether that person is a member of the board or not and shall fix a quorum for each such committee.

(3) A committee established under subsection (1) shall elect one of its members to be chairman and shall furnish a report of its proceedings to the board.

**5**—Section 69 of the Principal Act is repealed.

Repeal of  
section 69 of  
Principal Act  
(Appeals).

**6**—The third Schedule to the Principal Act is amended by omitting rule 9.

Amendment of  
third Schedule  
to Principal  
Act.

**7**—A committee appointed under rule 9 of the third Schedule to the Principal Act (as in force immediately before the commencement of sections 4 and 6 of this Act) and in existence immediately before that commencement shall, on that commencement, be deemed to have been established under section 36B (as inserted by this Act).

Savings.

