



## HOSPITALS AMENDMENT ACT 1982

No. 96 of 1982

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**AN ACT to amend the Hospitals Act 1918 for the purpose of placing boards of public hospitals under the control of the Minister for the time being administering that Act and for related purposes.**

**[Royal Assent 23 December 1982]**

**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 1982*. Short title.

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

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\* Geo. V No. 70. For this Act, as amended up to and including 1st September 1982, see the continuing Reprint of Statutes.

Amendment of  
section 4 of  
Principal Act  
(Interpre-  
tation).

**3**—Section 4 (1) of the Principal Act is amended by inserting after the definition of “ component local authority ” the following definition:—

“ functions ” includes duties;

Insertion in  
Principal Act of  
new sections  
31A and 31B.

**4**—After section 31 of the Principal Act, the following sections are inserted:—

Functions and  
powers of  
boards.

31A—(1) The functions of a board are—

- (a) to manage, maintain, and regulate every public hospital within the hospitals district for which the board is responsible by or under this Act; and
- (b) to perform such other functions as are imposed on it by or under this Act.

(2) Subject to any directions given to it by the Minister under section 31B, a board has power to do all things necessary or convenient to be done for or in connection with, or as incidental to, the performance of its functions under this Act.

(3) The generality of subsection (2) shall not be taken to be limited by any other provisions of this Act conferring a power on a board.

Boards subject  
to control of  
Minister.

31B—(1) In the exercise of the powers conferred, and the performance of the functions imposed, on a board by or under this or any other Act, the board shall be subject to the control of the Minister.

(2) The Minister may, for the purpose of enabling him to exercise the control referred to in subsection (1), give a direction in writing to a board and a board to which such a direction is given shall, subject to this section, exercise the powers conferred, and perform the functions imposed, on it by or under this Act or any other Act in accordance with that direction.

(3) A board is not bound by a direction given to it under subsection (2) unless the direction is in writing and signed by the Minister.

(4) The power conferred on the Minister by subsection (2) shall not be exercised so as to require a board to do anything that it is not empowered to do by this or any other Act.

(5) The Minister may, at any time, by notice in writing given to a board, revoke a direction given to it under subsection (2).

(6) The fact that the Minister has power to give a direction to a board under subsection (2) or gives such a direction to a board does not have the effect of—

(a) making a board the servant or agent of the Crown for the purposes of this or any other Act; or

(b) conferring on a board any status, privilege, or immunity of the Crown.

**5**—This Act shall expire on 1st July 1984, and on that expiry <sup>Expiry.</sup> the Principal Act shall have effect as if this Act had never been enacted.