



**WEST COAST PUBLIC HOSPITALS BOARD VALIDATION
ACT 1983**

No. 42 of 1983

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AN ACT to validate the appointment of members to, and the actions taken by, the West Coast Public Hospitals Board and to provide for related matters.

[Royal Assent 28 September 1983]

WHEREAS the Queenstown Public Hospitals District was constituted on 24th July 1968 by an order-in-council under section 10 of the *Hospitals Act* 1918:

AND WHEREAS the public hospitals in that district have since that date been managed successively by the Queenstown Public Hospitals Board and the West Coast Public Hospitals Board:

AND WHEREAS doubts exist as to whether the West Coast Public Hospitals Board has been validly constituted and as to the validity of actions taken by it and it is desirable to remove those doubts and to provide for related matters:

BE IT THEREFORE 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.

1—This Act may be cited as the *West Coast Public Hospitals Board Validation Act 1983*.

Commence-
ment.

2—This Act shall commence on the day on which it receives the royal assent.

Interpretation.

3—In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“ the Board ” means the West Coast Public Hospitals Board constituted under section 4;

“ the commencement day ” means the day on which this Act receives the royal assent;

“ the former board ” means the Queenstown Public Hospitals Board constituted under section 11 of the *Hospitals Act 1918*;

“ instrument ” means a document other than an Act that creates, evidences, modifies, or extinguishes rights or obligations;

“ legal proceedings ” includes an arbitration;

“ obligations ” includes duties and liabilities;

“ rights ” includes powers and privileges.

Constitution
of the West
Coast Public
Hospitals
Board.

4—(1) Notwithstanding the provisions of any order-in-council under section 10 of the *Hospitals Act 1918*, there is constituted, by force of this section, a board to be known as the West Coast Public Hospitals Board.

(2) The Board—

(a) shall be deemed to have been in existence since 24th July 1968 as if it had been constituted on that day under section 11 of that Act; and

(b) shall be deemed to have been on and from that day charged with the maintenance, management, and regulation of the West Coast District Hospital and the Strahan District Nursing Centre.

(3) All appointments purporting to have been made to the Board before the commencement day and all elections purporting to have been made for that purpose under section 11B of the *Hospitals Act* 1918 shall be deemed to have been validly made.

(4) Each medical advisory committee and staff advisory committee purporting to have been established for the Board under section 11C or 11D of that Act before the commencement day shall be deemed to have been validly established.

(5) All things done or purporting to be done by the Board before the commencement day shall, if they could have been lawfully done by the former board, be deemed to have been lawfully done by the Board.

5—(1) Legal proceedings instituted by or against the former board before and pending at the commencement day may be continued by or, as the case may be, against the Board.

Supplementary provisions with respect to legal proceedings, documents, etc.

(2) Legal proceedings by or against the former board to enforce a right that had accrued before, and is in existence at, the commencement day may be commenced by or, as the case may be, against the Board.

(3) A judgment or order of a court obtained by or against the former board may be enforced by or, as the case may be, against the Board.

(4) An instrument addressed to and purporting to be served on the former board shall be deemed to be served on the Board.

6—On the commencement day—

(a) an employee of the former board shall become an employee of the Board on the same terms and conditions as those on which he was employed immediately before that day by the former board; and

(b) a person who has ceased to be an employee of the former board shall be deemed to have been at the time he ceased that employment an employee of the Board on the same terms and conditions as those on which he was employed by the former board at that time,

and, in each case, with the rights and obligations accrued or accruing in respect of his employment with the former board.

Transfer of employees of the former board.

Supplementary provisions with respect to the *Queenstown Public Hospitals District Order 1968*.

7—(1) The West Coast District Hospital and the Strahan District Nursing Centre shall be deemed to have been since 24th July 1968—

- (a) the hospitals receiving State aid within the Queenstown Public Hospitals District to which Part II of the *Hospitals Act 1918* applied; and
 - (b) the hospitals with the maintenance, management, and regulation of which the former board was charged.
- (2) The former board is abolished.