

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 12 of 1935.

## AN ORDINANCE

**To make Provision for the Control and Management  
of the Canberra Community Hospital, and for  
other purposes.**

**B**E it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1933*, as follows:—

1. This Ordinance may be cited as the *Canberra Community Hospital Board Ordinance 1935*. Short title.

2.—(1.) Such of the provisions of this Ordinance as are necessary for the purpose of holding an election of non-official members of the Board shall come into operation upon the date of the notification in the *Gazette* of the making of this Ordinance. Commencement.

(2.) The remaining provisions of this Ordinance shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.

3. In this Ordinance, unless the contrary intention appears— Definitions.

“Hospital Tax” means the tax levied in pursuance of the *Hospital Tax Ordinance 1935*, or of any Ordinance repealed by that Ordinance;

“infectious disease” means an infectious disease as defined in the Public Health (Infectious Diseases) Regulations made under the *Public Health Ordinance 1928-1930*;

“the Board” means the Canberra Community Hospital Board constituted under this Ordinance;

“the Hospital” means the Canberra Community Hospital, known at the commencement of this Ordinance as the Canberra Government Hospital;

“the Minister” means the Minister of State for Health;

“this Ordinance” includes any Regulations made thereunder.

4.—(1.) For the purposes of this Ordinance, there shall be a Board, to be known as the Canberra Community Hospital Board, which shall, subject to the directions of the Minister, be charged with the control, management and maintenance of the Hospital. Constitution of Board.

(2.) The Board shall be a body corporate with perpetual succession and a common seal, and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued in its corporate name.

(3.) All Courts, Judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to any document or notice and shall presume that it was duly affixed.

**Composition  
of the Board.**

**5.—(1.)** The Board shall consist of five members, namely:—

- (a) a Chairman who shall be appointed by the Minister;
- (b) two official members who shall be appointed by the Minister; and
- (c) two non-official members elected in the prescribed manner.

(2.) The Chairman and each official member shall hold office during the pleasure of the Minister.

(3.) Each non-official member elected at the first election held under this Ordinance shall hold office for a period of two years from the date of the first meeting of the Board and thereafter each non-official member shall hold office for a period of two years from the date of his election. Each non-official member shall be eligible for re-election.

(4.) In the event of a vacancy occurring among the non-official members of the Board, the Minister may appoint to the vacancy a resident of the Territory duly qualified to be a non-official member, who shall be recommended for appointment by the Advisory Council for the Territory in such manner as is determined by the Minister. Any person so appointed shall hold office for the remainder of the term for which the non-official member whose seat has been vacated was elected.

(5.) In the case of the illness or the absence from the Territory of any member of the Board, that member may appoint a person, qualified as provided in sub-section (3.) of the next succeeding section, to act in his stead during such illness or absence, and, in default of such appointment within one month after the commencement of the illness or before the departure of the member from the Territory or within seven days after such departure, the Minister may appoint a person, so qualified, to act as member during the illness or absence and the person so acting shall have all the powers and perform all the duties of the member:

Provided that any member appointed in pursuance of this sub-section shall not act for a longer period than three months or, with the written consent of the Minister, six months.

(6.) The powers conferred on the Board by this Ordinance shall not be affected by reason only of there being a vacancy in the membership thereof.

**Election of  
members of  
Board.**

**6.—(1.)** For the purposes of the election of the non-official members of the Board, the Territory shall be regarded as one electoral division returning two members.

(2.) All persons, except persons who are resident in the Territory accepted by the Commonwealth in pursuance of the *Jervis Bay Territory Acceptance Act 1915*, who are enrolled on a roll prepared in pursuance of the *Advisory Council Election Regulations* made under the *Advisory Council Ordinance 1930-1932* shall be entitled to vote at elections of the non-official members of the Board.

(3.) Subject to the next succeeding sub-section, the qualifications and disqualifications of the non-official members of the Board shall be the same as the qualifications and disqualifications prescribed for electors of the non-official members of the Board.

(4.) No person shall be entitled to be elected as a non-official member of the Board at any election under this Ordinance unless he has lived continuously in the Territory for three months immediately preceding the date of such election.

(5.) The election of the non-official members of the Board shall be by ballot and shall be conducted in the prescribed manner.

(6.) The provisions of the *Commonwealth Electoral Act* 1918-1934 shall apply in relation to any such election, with such exceptions, and subject to such modifications, as are prescribed by the Advisory Council Regulations made under the *Advisory Council Ordinance* 1930-1932 or by Regulations made under this Ordinance, as they apply in relation to the election of members of the Senate.

7. A medical practitioner shall not be debarred from being a member of the Board by reason of his professional relationship with the Hospital.

Medical practitioners not debarred from being members of Board.  
Meetings of the Board.

8.—(1.) The first meeting of the Board shall be convened by the Minister by notice in writing to each member of the Board within fourteen days after the election of the non-official members of the Board.

(2.) Thereafter, the Board shall hold such meetings as, in the opinion of the Chairman or at least three other members, are necessary for the efficient conduct of its affairs, but so that an interval greater than one month shall not occur between any two consecutive meetings. Notice in writing of each meeting shall be given to each member of the Board by the Chairman or by the members convening the meeting, as the case may be.

(3.) At meetings of the Board, three members shall form a quorum, and the Chairman shall not have a deliberative vote, but, in the event of an equality of votes, shall have a casting vote.

(4.) In the case of the illness or absence of the Chairman, the members present may appoint one of their number to act as Chairman.

(5.) Minutes of the proceedings of all meetings of the Board shall be kept by the Secretary to the Board, and copies of the minutes relating to each meeting shall be transmitted by the Chairman to the Minister as soon as practicable after the meeting is held.

9. The Minister may, on the recommendation of the Board, terminate the services of any member of the Board for misbehaviour or for neglect or failure to carry out any of the provisions of this Ordinance.

Dismissal of members of the Board.

10. A member of the Board shall be deemed to have vacated his office—

Vacation of office.

(a) if his services are dispensed with in pursuance of the last preceding section;

(b) if he becomes bankrupt or takes advantage of any provision of any Act relating to bankruptcy;

- (c) if he becomes of unsound mind;
- (d) if he resigns his office by writing addressed to the Minister and the resignation is accepted by the Minister;
- (e) if he absents himself (except on leave granted by the Board) from three consecutive meetings of the Board; or
- (f) if he, in any way, otherwise than as a member, and in common with the other members of an incorporated company consisting of more than twenty-five members—
  - (i) becomes concerned or interested in any contract or agreement made by or on behalf of the Board; or
  - (ii) participates, or claims to participate, in the profits of any such contract or agreement or in any benefit or emolument arising therefrom.

Board may  
appoint  
officers and  
servants.

**11.—(1.)** The Board may from time to time appoint a Secretary to the Board and such medical and other officers, matrons, nurses, attendants and servants as are, in the opinion of the Board necessary for the purposes of the Hospital.

(2.) Persons so appointed shall not be subject to the *Commonwealth Public Service Act 1922-1935*, but shall be engaged for such periods and be subject to such conditions as are determined by the Board.

Revenue of  
the Board.

**12.** The revenue of the Board shall consist of the following moneys:—

- (a) All Hospital Tax levied in pursuance of the *Hospital Tax Ordinance 1935*, or of any Ordinance repealed by that Ordinance, and applied, in accordance with appropriations made by the Parliament, for or towards the maintenance of the Hospital;
- (b) Such other amounts as are appropriated by the Parliament for the purposes of the Hospital;
- (c) All payments received from in-patients and out-patients; and
- (d) All donations contributed for the purposes of the Hospital and any other money received by the Board for the purposes thereof.

Expenditure  
by the Board.

**13.—(1.)** Subject to the next succeeding sub-section, the Board may apply any moneys in its hands, in such proportions and in such manner as it thinks fit, for any of the following purposes:—

- (a) The maintenance of the Hospital;
- (b) The provision of medicines, disinfectants, surgical requisites, and medical, surgical and nursing attendance for sick or infirm persons who are not inmates of the Hospital;
- (c) Making such provision as is deemed requisite for the isolation of persons who are suffering from any infectious disease or who have been in contact with persons suffering from any such disease;

- (d) Payment of the salaries or wages of all persons employed in pursuance of this Ordinance; and
- (e) Payment of all other expenses necessarily incurred in carrying this Ordinance into execution, and of doing and performing all acts and things which the Board is empowered or required to do or perform by this Ordinance or by any law of the Territory.

(2.) The Board shall exercise the powers and functions conferred and imposed upon it by this Ordinance or any other law of the Territory in such manner that its operations will be financially self-supporting and no expenditure in any financial year shall, except with the consent of the Minister, exceed the revenue of the Board for that year.

14. All revenue received by the Board shall be paid into an account opened by the Board at the Commonwealth Bank, and such account shall be operated upon only in the manner directed by the Board by resolution.

Moneys  
received by  
the Board.

15.—(1.) The Board shall keep full and particular accounts of all moneys received and expended by it. The accounts of moneys received shall be so kept that the revenue derived from the following classes of persons, namely—

Board to  
keep accounts.

- (a) persons paying Hospital Tax;
- (b) dependants of such persons; and
- (c) other persons,

shall be separately shown.

(2.) The Board shall, in the month of April in each year, submit to the Minister a report on the condition of the Hospital as to works, repairs, alterations, furniture and fittings, and shall submit any proposals as to any new works, repairs, alterations, furniture, fittings or equipment which, in the opinion of the Board, will be required during the ensuing financial year.

(3.) The Board shall, in addition to the above report, submit to the Minister in the month of July in each year a statement of receipts and expenditure during the previous financial year.

16. All books and accounts kept by the Board shall be audited at least once in each financial year by the Auditor-General for the Commonwealth who shall make a report of each audit to the Minister.

Audit.

17.—(1.) Every person who has for a period of at least three months prior to the date of his admission to the Hospital as an in-patient or an out-patient—

Payments  
by patients.

- (a) been resident within the Territory; or
- (b) paid Hospital Tax,

shall be entitled to receive, without charge—

- (i) maintenance, accommodation and treatment in a General Ward of the Hospital as an in-patient for such period as is considered necessary by the Medical Officer in charge of the Hospital;

(ii) maintenance in the isolation wards as an in-patient if he is suffering from an infectious disease;

(iii) such hospital facilities, drugs and dressings as are provided for out-patients,

but shall be liable, in respect of maintenance, attendance or treatment as an in-patient, to pay to the Board all costs, determined in the prescribed manner, in excess of the standard rate, but not exceeding in any case the difference between the standard rate and the actual cost of the maintenance, attendance and treatment, and shall also be liable for the cost of his removal to or from the Hospital.

(2.) Every in-patient or out-patient who has not been resident in the Territory for a period of at least three months prior to the date of his admission to the Hospital, or has not during that period paid Hospital Tax, and who is admitted into, or maintained by, or who receives treatment from, the Hospital shall, in respect of his maintenance, attendance or treatment, or in respect of his removal by ambulance to or from the Hospital, be liable to pay to the Board a sum determined in the prescribed manner but not exceeding, in any case, the actual cost of such maintenance, attendance, treatment or removal.

(3.) For the purposes of this section, "standard rate" means the rate prescribed as the amount chargeable for the maintenance, attendance and treatment of a patient in a General Ward of the Hospital.

(4.) In the event of a person who has paid Hospital Tax in respect of a period of three months as provided in sub-section (1.) of this section being admitted to a public hospital in the State of New South Wales, whether in a public, intermediate, or private ward, if the Board is satisfied that—

- (a) effective treatment at the Hospital is not possible; or
- (b) the person is temporarily absent from the Territory and did not leave the Territory for the purpose of being admitted to another hospital,

the Board may, at its discretion, make a payment to the person concerned or to the public hospital, towards the cost of the maintenance of the person at that hospital, at the rate of six shillings for each day that person is an in-patient in that hospital, but not exceeding a period of eight weeks in any one year.

(5.) Any person who has been a financial member of a contribution fund of another public hospital for at least three months immediately preceding his admission to the Hospital shall, on the production of a certificate from the Secretary of such other hospital, be accepted as a patient in the Hospital and be entitled to remission of charges under this section, provided that payment of all prescribed charges be made to the Hospital by the public hospital to whose fund the person is a contributor.

Liability  
of patients.

18.—(1.) The amount of the liability of any person under the last preceding section shall be a debt due to the Board and may be sued for and recovered by action instituted by any person

authorized in writing by the Board in any Court of competent jurisdiction as a debt recoverable summarily.

(2.) Any person admitted to or treated at the Hospital, the wife or husband, as the case may be, of that person, and any children of that person who were over the age of twenty-one years at the time the liability was incurred, shall be jointly and severally liable for any sum payable under the last preceding section and, where that person is an infant, such sum may be recovered from his parent or guardian.

(3.) Any person who, at the date of commencement of this Ordinance, is liable to pay to the Director-General of Health any sum under section twelve of the *Hospital Tax Ordinance* 1933-1934, shall pay to the Board the amount for which he is at that date so liable, and any such amount shall be deemed to be a debt due to the Board and may be recovered by the Board in accordance with sub-section (1.) of this section.

19. Nothing in sub-section (2.) of section seventeen of this Ordinance shall apply to any in-patient or out-patient who is—

Non-liability  
of members of  
the Defence  
Forces.

- (a) a member of the Naval, Military or Air Forces of the Commonwealth and who is entitled under the conditions of his engagement to free medical and hospital services; or
- (b) a member of the Resident Staff of the Hospital.

20. If any person dies at the Hospital, the amount of any funeral expenses incurred by the Board in respect of that person shall be a debt due to the Board and may be recovered in like manner as if it were a liability incurred under section seventeen of this Ordinance.

Funeral  
expenses.

21. A written statement of any amount due under section seventeen or twenty of this Ordinance, purporting to be signed by a person thereto authorized in writing by the Board, shall be *prima facie* evidence of the amount being due.

Statement of  
amount due.

22.—(1.) The Board may remit, wholly or in part, or postpone the payment of all or any sums of money becoming due and payable under this Ordinance for maintenance, attendance, treatment, removal or burial.

Board may  
remit sums  
of money due.

(2.) For the purposes of the last preceding sub-section, the Chairman of the Board may require any person liable for any payment under this Ordinance to produce to the Board such documents and other information as, in the opinion of the Board, are necessary in order to ascertain the ability of that person to meet his liability in respect of any such maintenance, attendance, treatment, removal or burial.

23.—(1.) The Minister or any person thereto authorized in writing by him, may, without previous notice, visit and inspect the Hospital at any time he thinks fit.

Special powers  
of Minister.

(2.) The Minister may at any time call a special meeting of the Board, or require the Chairman or Secretary of the Board, to call such meeting and it shall be the duty of the Chairman or Secretary, as the case may be, to call a meeting accordingly.

(3.) The Minister, or any person thereto authorized in writing by him, shall be entitled to be present at any meeting of the Board and to speak at any such meeting but shall not take any other part in the proceedings thereof.

Official  
visitors.

**24.**—(1.) The Minister may appoint for the Hospital two or more official visitors, at least one of whom shall be a woman.

(2.) An official visitor shall hold office during the pleasure of the Minister.

(3.) An official visitor shall report to the Minister at such times, in such manner and on such matters, as the Minister directs.

By-laws

**25.**—(1.) The Board may make by-laws for or with respect to—

- (a) the admission or discharge of patients and other persons entitled to the benefits of the Hospital;
- (b) the maintenance of order, discipline, decency and cleanliness among the inmates of the Hospital;
- (c) the prohibition of the introduction of any specified articles into the Hospital;
- (d) the scales of fees to be paid in respect of maintenance, attendance and treatment at or from the Hospital;
- (e) the appointment and tenure of office and removal of officers, nurses, attendants and servants of the Hospital;
- (f) the duties of the officers, nurses, attendants and servants of the Hospital;
- (g) the management, care, control and superintendence of the Hospital and the fulfilment of the purposes thereof; and
- (h) the imposition of penalties not exceeding Five pounds for a breach of any by-law.

(2.) All such by-laws shall be published in the *Gazette*.

(3.) Within one month from the date of publication in the *Gazette* of any by-law, the Minister may disallow the by-law, and the disallowance, on being published in the *Gazette*, shall annul the by-law from the date of such publication.

Regulations.

**26.** The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance, and in particular prescribing the manner in which the elections of non-official members of the Board are to be conducted.

Dated this twenty-eighth day of August, 1935.

ISAAC A. ISAACS

Governor-General.

By His Excellency's Command,

W. M. HUGHES

for Minister of State for the Interior.