

CANBERRA COMMUNITY HOSPITAL (No. 2)

No. 31 of 1967

An Ordinance to amend the *Canberra Community Hospital Ordinance* 1938–1966.Short title
and citation.

1.—(1.) This Ordinance may be cited as the *Canberra Community Hospital Ordinance (No. 2) 1967*.*

(2.) The *Canberra Community Hospital Ordinance* 1938–1966† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Canberra Community Hospital Ordinance* 1938–1967.

Commence-
ment.

2.—(1.) Subject to the next succeeding sub-section, this Ordinance shall come into operation on the day on which it is notified in the *Gazette*.

(2.) Sections 4, 5 and 6 of this Ordinance shall come into operation on a date to be fixed by the Minister by notice published in the *Gazette*.‡

Repeal.

3. The *Canberra Community Hospital Ordinance* 1967 is repealed.

Parts.

4. Section 2 of the Principal Ordinance is amended by omitting the words—

“Part II.—The Canberra Community Hospital Board.”

and inserting in their stead the words—

“Part II.—The Canberra Community Hospital Management Board.”.

Definitions.

5. Section 5 of the Principal Ordinance is amended by omitting the definition of “the Board” and inserting in its stead the following definition:—

“‘the Board’ means the Canberra Community Hospital Management Board established by this Ordinance;”.

* Made on 21 September 1967; notified in the *Commonwealth Gazette* on 25 September 1967.

† Ordinance No. 20, 1938, as amended by No. 26, 1938; No. 3, 1939; Nos. 5, 10 and 17, 1940; Nos. 4 and 15, 1941; No. 12, 1943; No. 6, 1944; No. 9, 1945; No. 6, 1946; Nos. 7 and 10, 1947; No. 11, 1950; No. 7, 1952; No. 13, 1955; No. 4, 1958; No. 11, 1959; No. 21, 1961; No. 9, 1962; No. 8, 1963; No. 18, 1964; and No. 19, 1966.

‡ The date fixed was 20 November 1967; see *Commonwealth Gazette* 20 November 1967, p. 6353.

6. Part II. of the Principal Ordinance is repealed and the following Part inserted in its stead:—

“PART II.—THE CANBERRA COMMUNITY HOSPITAL MANAGEMENT BOARD.

“6.—(1.) The body corporate established under the *Canberra Community Hospital Ordinance* 1938-1966, under the name Canberra Community Hospital Board—

Establishment of Board.

- (a) is preserved and continues in existence as a body corporate under and subject to the provisions of the *Canberra Community Hospital Ordinance* 1938-1967, under the name Canberra Community Hospital Management Board, but so that the corporate identity of the body corporate shall not be affected;
- (b) shall have a seal; and
- (c) is capable of acquiring or disposing of real and personal property and of suing and being sued.

“(2.) 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.

“7.—(1.) The Board shall consist of five members.

Constitution of Board.

“(2.) Two members shall be persons who are elected as members of the Board by the members of the Advisory Council from persons who are elected members of that Council.

“(3.) The remaining members shall be persons appointed by the Minister to be members of the Board.

“(4.) The exercise of a power or performance of a function of the Board is not affected by reason only of there being a vacancy in the office of a member.

“(5.) For the purpose of this section, a person appointed to be a member of the Advisory Council in pursuance of sub-section (1.) of section six of the *Advisory Council Ordinance* 1936-1967 shall be deemed to be an elected member of the Council.

“8.—(1.) Subject to this Ordinance, a member referred to in sub-section (2.) of the last preceding section—

Term of office of members of the Board.

- (a) holds office during the pleasure of the Advisory Council; and
- (b) ceases to hold office if he ceases to be an elected member of the Advisory Council.

“(2.) For the purposes of the last preceding sub-section, an elected member of the Advisory Council shall be taken to cease to be a member of that Council at the expiration of the period for which he was elected as a member of that Council notwithstanding that he has been re-elected as such a member.

“(3.) Subject to this Ordinance, a member referred to in sub-section (3.) of the last preceding section holds office for a period of three years.

“(4.) A member is eligible for re-election or re-appointment, as the case may be.

Election of members.

“ 9.—(1.) An election for the purposes of sub-section (2.) of section seven of this Ordinance shall be held in such manner as the Advisory Council determines, and the right to vote at such an election may, if the Advisory Council so determines, be confined to the members of that Council who are present in person or by proxy at a meeting of that Council.

“ (2.) Upon the election of a member in accordance with sub-section (2.) of section seven of this Ordinance, the Chairman of the Advisory Council shall certify in writing to the Minister the name of the person elected, and the person specified in the certificate shall, for the purposes of this Ordinance, be conclusively presumed to have been duly elected.

Filling of vacancies.

“ 10. If the office of a member who was appointed by the Minister becomes vacant before the expiration of his term of office, the Minister may appoint a person to fill the vacancy, and a person so appointed holds office, subject to this Ordinance, for the residue of the term of the member whose office became vacant.

Termination of membership of the Board.

“ 11.—(1.) The Minister may remove a member from office for misbehaviour or incapacity.

“ (2.) If a member—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors;
- (b) resigns his office by writing under his hand delivered to the Minister;
- (c) is absent, except on leave granted by the Board, from two consecutive meetings of the Board; or
- (d) fails to comply with his obligation under the next succeeding section,

the Minister shall remove him from office.

Disclosure of interest in contracts.

“ 12.—(1.) A member who is directly or indirectly interested in a contract made or proposed to be made by the Board, otherwise than as a member and in common with the other members of an incorporated company consisting of not less than twenty-five persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

“ (2.) A disclosure under the last preceding sub-section shall be recorded in the record of the Board's proceedings.

“ (3.) After a member has in pursuance of this section disclosed the nature of his interest in a contract, the member—

- (a) shall not take part in any deliberation or decision of the Board with respect to that contract; and
- (b) shall be disregarded for the purposes of constituting a quorum of the Board for any such deliberation.

Chairman and Deputy Chairman.

“ 13.—(1.) There shall be a Chairman of the Board and a Deputy Chairman of the Board, who shall be appointed by the Minister from among the members of the Board.

"(2.) The Minister may, at any time, terminate the appointment of a person as Chairman of the Board or Deputy Chairman of the Board and, in that event, shall appoint another member of the Board to be Chairman of the Board or Deputy Chairman of the Board, as the case requires.

"14.—(1.) The Chairman or, if for any reason the Chairman is unable to act, the Deputy Chairman— Meetings of the Board.

- (a) shall convene such meetings of the Board as he considers necessary for the efficient conduct of its business, but so that a meeting is held in each calendar month;
- (b) shall, on receipt of a written request signed by not less than two members of the Board, convene a meeting of the Board; and
- (c) shall give notice in writing of a meeting to each other member of the Board.

"(2.) The Chairman shall preside at a meeting of the Board at which he is present.

"(3.) In the absence of the Chairman from a meeting of the Board, the Deputy Chairman shall preside.

"(4.) At a meeting of the Board, three members of whom one shall be either the Chairman or the Deputy Chairman constitute a quorum.

"(5.) A question arising at a meeting of the Board shall be determined by a majority of votes of the members present and voting.

"(6.) The Board shall keep a record of its proceedings and cause a copy of the record relating to each meeting to be transmitted to the Minister as soon as practicable after the meeting is held."

7. Section 28 of the Principal Ordinance is amended by omitting paragraph (a) of sub-section (1). Expenditure by the Board.

8.—(1.) Notwithstanding sub-section (1.) of section 8 of the *Canberra Community Hospital Ordinance* 1938-1966, the members of the Canberra Community Hospital Board holding office as elected members of that Board immediately before the first day of October, 1967, continue, by force of this section, to hold office as elected members of that Board on and after the first day of October, 1967, subject to the other provisions of the *Canberra Community Hospital Ordinance* 1938-1966. Transitional.

(2.) For the purpose of applying the provisions of the *Canberra Community Hospital Ordinance* 1938-1966 during the period from and including the first day of October, 1967, to and including the commencing day, the term of office of a member continued in office by the last preceding sub-section shall be deemed to be and to have been a term commencing on the first day of October, 1964, and ending immediately before the commencing day.

(3.) At any time after the commencement of this section and before the commencing day, members of the Canberra Community Hospital Management Board established by the *Canberra Community Hospital Ordinance* 1938-1967 may be elected or appointed as if the amendments of the *Canberra Community Hospital Ordinance* 1938-1966 made by this Ordinance were in operation, and the term of office of a member so elected or appointed shall commence on the commencing day.

(4.) In this section, “the commencing day” means the day fixed by the Minister under sub-section (2.) of section 2 of this Ordinance.