

No. 26 of 1971

AN ORDINANCE

To amend the *Canberra Community Hospital Ordinance 1938-1967*.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1970*.

Dated this nineteenth day of October, 1971.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

KEN ANDERSON
Minister of State for Health,
acting for and on behalf of
the Minister of State for the Interior.

CANBERRA HOSPITAL ORDINANCE 1971

1.—(1.) This Ordinance may be cited as the *Canberra Hospital Ordinance 1971*.^{*} Short title and citation.

(2.) The *Canberra Community Hospital Ordinance 1938-1967*† 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 Hospital Ordinance 1938-1971*.

2. This Ordinance shall come into operation on a date to be fixed by the Minister of State for the Interior by notice in the *Gazette*. Commencement.

3. The title of the Principal Ordinance is amended by omitting the word "Community". Title.

4. Section 2 of the Principal Ordinance is repealed and the following section inserted in its stead:—

" 2. This Ordinance is divided into Parts, as follows:— Parts.

Part I.—Preliminary (Sections 1-5).

Part II.—The Canberra Hospital Management Board (Sections 6-14).

Part III.—Administration of the Hospital (Sections 23A-37).

Part IV.—Miscellaneous (Sections 38-41)."

* Notified in the *Commonwealth Gazette* on 22 October 1971.

† 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; No. 19, 1966; and Nos. 28 and 31, 1967.

Definitions.

5. Section 5 of the Principal Ordinance is amended—

(a) by omitting the definition of “the Board” and inserting in its stead the following definition:—

“‘the Board’ means the Canberra Hospital Management Board preserved and continued in existence under this Ordinance;”;

(b) by omitting the definition of “the Hospital” and inserting in its stead the following definition:—

“‘the Hospital’ means the Canberra Hospital;”.

Heading.

6. The heading to Part II. of the Principal Ordinance is amended by omitting the word “COMMUNITY”.

7. Section 6 of the Principal Ordinance is repealed and the following section inserted in its stead:—

Establishment of Board.

“6.—(1.) The body corporate preserved and continued in existence under the *Canberra Community Hospital Ordinance 1938-1967* under the name Canberra Community Hospital Management Board is preserved and continues in existence as a body corporate under and subject to the *Canberra Hospital Ordinance 1938-1971* under the name Canberra Hospital Management Board but so that its corporate identity, its rights, its privileges, its obligations and its liabilities, and any act or thing duly done or suffered by it, shall not be affected.

“ (2.) The Board—

(a) shall have a seal; and

(b) is capable of acquiring, holding and disposing of real and personal property and 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 a document and shall presume that it was duly affixed.”.

General powers and duties of Board.

8. Section 24 of the Principal Ordinance is amended by omitting sub-section (4.).

Medical Advisory Committee.

9. Section 24A of the Principal Ordinance is amended by omitting from sub-section (2.) the words “two-thirds” and inserting in their stead the words “fifty-five per centum”.

Saving of existing members.

10. A person who, immediately before the commencement of this Ordinance, held office under the Principal Ordinance as the Chairman, the Deputy Chairman or a member of the Canberra Community Hospital Management Board shall, subject to the *Canberra Hospital Ordinance 1938-1971*, continue to hold office as the Chairman, the Deputy Chairman or a member, as the case may be, of the Canberra Hospital Management Board for, where applicable, the balance of the term for which he was appointed.

11.—(1.) Where proceedings have, before the commencement of this Ordinance, been instituted by or against the body corporate referred to in section 6 of the Principal Ordinance under the name Canberra Community Hospital Management Board, those proceedings may be continued by or against it under the name Canberra Hospital Management Board.

Preservation
of legal
proceedings.

(2.) Where a cause of action by or against the body corporate referred to in section 6 of the Principal Ordinance arose before the commencement of this Ordinance but proceedings in respect of that cause of action have not been instituted before that commencement, the proceedings in respect of that cause of action may be instituted and continued by or against it under the name Canberra Hospital Management Board.