

## HOSPITALS ACT, 1934.

No. 2158 of 1934.

An Act to consolidate certain Acts relating  
to hospitals.

[Assented to 1st November, 1934.]

BE IT ENACTED by the Governor of the State of South  
Australia, with the advice and consent of the Parliament thereof,  
as follows :

### PART I.

### PART I.

#### PRELIMINARY.

1. This Act may be cited as the "Hospitals Act, 1934", and shall come into operation on a day to be fixed by proclamation. Short title and commencement.

2. This Act is a consolidation of the Acts mentioned in the schedule, and the said Acts are hereby repealed. Consolidation and repeal.

3. The provisions of this Act are arranged as follows :— Arrangement.

PART I.—Preliminary.

PART II.—Management of public hospitals.

PART III.—The Adelaide Hospital.

PART IV.—Rating for hospital purposes and incorporation of hospitals.

PART V.—Recovery of costs of maintenance.

PART VI.—Payment of hospital charges resulting from accidents.

4. In this Act, unless the context otherwise requires— Interpretation.

"area" means a municipality or a district council district :

"council" means a municipal council or a district council :

1409, 1919,  
s. 2. (part).  
2035, 1931,  
s. 2. (part).

**Administration:** The administration of this Act was by proclamation committed to the Chief Secretary: *Gazette* 25th March, 1937, p. 642.

s. 1. This Act was proclaimed to commence on 1st May, 1937: *Gazette* 25th March, 1937, p. 642.

## PART I.

“inspector-general” means the Inspector-General of Hospitals appointed pursuant to the Mental Defectives Act, 1935 :

“insurance company” means any person or association of persons, whether corporate or unincorporate, carrying on insurance business in the State :

“public hospital” means any place declared to be a public hospital pursuant to section 5 or to The Hospitals Act, 1867 :

“vehicle” includes motor vehicle, any vehicle run upon a railway or tramway, and any other kind of vehicle.

## PART II.

## PART II.

## MANAGEMENT OF PUBLIC HOSPITALS.

Power to proclaim public hospitals.  
7, 1867, s. 2.

**5.** (1) The Governor, may from time to time, by proclamation, declare any place or places deemed suitable and provided for the purposes of an hospital or institution for the cure of disease or for the relief of diseased persons, to be a public hospital.

(2) The Governor may, by proclamation, declare that any place or places so proclaimed under this section or under The Hospitals Act, 1867, shall cease to be a public hospital.

Voluntary contributors to public hospitals.  
7, 1867, s. 3.

**6.** (1) At every public hospital, a book, to be called “The Contributors’ Book,” shall be kept, in which shall be entered the names and addresses of such benevolent persons as may be desirous of contributing towards the funds for the support of the hospital.

(2) The payment of a sum of twenty pounds in one donation, shall entitle the person paying the same (hereinafter called a “life contributor”), to have and exercise during his life the rights and privileges hereinafter conferred upon contributors.

s. 4. The expression “Mental Defectives Act, 1913,” altered to “Mental Defectives Act, 1935,” pursuant to the Acts Republication Act, 1934.

s. 5. The following proclamations under The Hospitals Act, 1867, declaring the following places to be public hospitals were in force on 12th April, 1937:—Adelaide Hospital, *Gazette* 16th January, 1868, p. 51; Bedford Park Sanatorium, *Gazette* 1st March, 1934, p. 405; Lady Weigall Hospital, Barmera, *Gazette* 24th September, 1936, p. 626; The Morris Hospital, *Gazette* 9th August, 1934, p. 251 (name changed from Northfield Consumptive Home, *Gazette* 17th December, 1936, p. 1283); Port Augusta Hospital, *Gazette* 23rd March, 1882, p. 960; Port Pirie Hospital, *Gazette* 12th October, 1905, p. 728; Wallaroo Hospital, *Gazette* 3rd December, 1936, p. 1195.

The payment of a sum of two pounds shall entitle the person paying the same to have and exercise the like rights and privileges until the second Friday in November next following the date of the payment.

7. (1) The Governor may appoint a board of management of any public hospital, towards the funds for the support of which the total amount of the annual contributions for any year ending on the second Friday in December, together with interest at the rate of ten pounds per centum per annum upon all sums previously paid by all life contributors then living, is less than one-sixth of the average annual expenditure of the three preceding years.

Appointment of members of board of management.  
7, 1867, s. 4.

(2) The board shall consist of any number of duly qualified medical practitioners and other persons as the Governor may determine.

(3) The Governor may, from time to time, at pleasure—

(a) remove any member of the said board for the time being :

(b) upon any vacancy in the said board, either by removal, resignation, or death, appoint some other fit person to supply the vacancy.

(4) Until any such new appointment, the surviving or continuing member or members of the board may act as if no such vacancy had occurred.

8. (1) Whenever the total amount of the annual contributions for any year ending on the second Friday in December, together with interest at the rate of ten pounds per centum per annum on all sums previously paid by all life contributors then living, shall amount to one-sixth of the average annual expenditure of any public hospital for the three preceding years, the Governor, upon the receipt of a memorial signed by not less than one-half of the contributors to the hospital, praying that they may be allowed to elect one-third of the members of the board of management, may cause the substance or prayer of the memorial to be published in the *Government Gazette*.

Election of board of management.  
7, 1867, s. 5

(2) If no counter memorial, signed by an equal number of contributors, is forwarded to the Chief Secretary within one month after the date of the said publication, the Governor may, by proclamation—

(a) declare that the then present board shall, on a day to be therein mentioned, cease to be the board of management for the public hospital ;

(b) declare that a new board shall be appointed ; and

(c) fix the number of members of which the board shall consist, and the number of members necessary to be present at any meeting to form a quorum.

(3) At any time after the publication of any such proclamation any ten or more contributors, who have signed the said memorial, may convene a public meeting of the contributors to the hospital, by advertisement in some newspaper published in the neighbourhood of the hospital, or if there is no newspaper published in the neighbourhood, then in some newspaper circulating therein, at least one week previous to the meeting being held, for the purpose of electing one-third of the members of the board of management of the hospital, or in case the number of the members of the board is not divisible by three, then one-third of the number nearest to the number which is so divisible.

(4) After any such election the names of the members so elected shall be forwarded to the Chief Secretary with a request that the Governor will appoint the persons so elected to be members of the board. Thereupon the Governor shall appoint the said persons, and, shall also appoint such other persons as may be necessary to complete the number of the board as fixed by the said proclamation.

(5) If the contributors fail or neglect to elect any such members, and to forward the names to the Chief Secretary at least one week before the time at which the then present board of management is to retire from office, as mentioned in the proclamation, the Governor shall appoint the whole of the members of the board, and shall also specify which of the members shall be considered elected members for the purposes of retirement as hereinafter mentioned.

Retirement of  
members of  
board of  
management.  
7, 1867, s. 6.

9. (1) On the second Friday in the month of January in every year, one-third of the elected members of every board of management and the whole of the members of the board appointed by the Governor shall cease to be members of the board, but may, nevertheless, be re-elected, or re-appointed, as hereinafter mentioned.

(2) The members who shall so retire from office shall be those who have been the longest in office without re-election; or where two or more shall have been in office for the same length of time, then those who shall retire from office shall be determined by lot.

(3) In any case where the number of elected members is not divisible by three, one-third of the number nearest to the number which is so divisible, shall retire from office.

10. (1) On the first Friday in January in every year, after the first appointment of a board of management, as hereinbefore mentioned, a meeting of the contributors to every public hospital (except as hereinafter mentioned) shall be held, for the purpose of electing such a number of the members of the board of management as is hereinafter mentioned in the place of members whose term of office is then about to expire.

Meeting for election of members of board.  
7, 1867, s. 8.

(2) The meeting shall be convened by the board of management by circulars sent to each of the contributors, stating the place where and the hour when the meeting is to take place, and the names of the persons so elected shall be forwarded to the Chief Secretary.

(3) The said persons shall be appointed by the Governor in like manner, as hereinbefore prescribed in the case of the first election of members of a board of management, and the Governor shall also appoint so many other persons to be members of the board as together with the persons so elected shall be sufficient to complete the number of the members of the board as fixed by the proclamation hereinbefore mentioned.

(4) If from any cause, except as is hereinafter mentioned, any such annual election does not take place, the Governor shall also appoint persons in the stead of the persons who should have been elected at the annual election who shall thereupon be deemed elected members.

11. (1) The number of members of the board of management of any hospital, to be elected by the contributors at any annual meeting as aforesaid, shall be regulated as follows:—

Proceedings at elections.  
7, 1867, s. 8.

I. If the total amount of the annual contributions for the year next preceding the second Friday in December then last past, together with interest at the rate of ten pounds per centum per annum on all sums previously paid by all life contributors then living, exceeds one-sixth but is less than one-fourth of the average annual expenditure of the hospital for the three preceding years, the contributors shall elect such a number of the members of the board of management as together with the elected members continuing in office amounts to one-third of the number of the members of the board, or in case the number of members of the board is not divisible by three then one-third of the number nearest to the number which is so divisible:

II. If the total amount as aforesaid exceeds one-fourth, but is less than one-half of the average expenditure, as aforesaid, the contributors shall elect such a

## PART II.

number of the members of the board as, together with the elected members continuing in office, amounts to one-half of the number of the members of the board, or a minority thereof in case the number is indivisible by two :

- III. If the total amount as aforesaid exceeds one-half of the average expenditure as aforesaid, the contributors shall elect the whole of the members of the board.

(2) If on the second Friday in December in any year, such total amount as aforesaid is less than one-sixth of the average expenditure as aforesaid, or if the number of elected members of any board of management, to retire on any second Friday in January, shall not, by reason of any falling off in the amount of the contributions for the preceding year, reduce the number of elected members remaining in office to the number which, according to the provisions hereinbefore contained, the contributors are entitled to elect, no such annual meeting shall take place, nor shall the contributors have the right to elect any person to be appointed to fill the annual vacancy amongst the elected members of the board of management, which, in that case, shall be filled by appointment by the Governor.

Proceedings  
at meetings.  
7, 1867, s. 9.

**12.** (1) Every meeting of contributors for the election of members of the board of management, shall choose its own chairman, who shall have a vote only in the event of there being an equality of votes.

(2) Every question submitted to the meeting shall be decided by a majority of the votes of contributors then present and voting.

Vacancies.  
7, 1867, s. 10.

**13.** (1) If any member of any board of management dies, is removed, or resigns by letter under his hand addressed to the chairman of the board, or becomes lunatic, bankrupt, or compounds with his creditors, or is convicted of any treason, felony, or misdemeanour, or is absent for six consecutive meetings from the board of management without obtaining leave of absence from the board, his office shall become vacant.

(2) In any such case the remaining members of the board may declare his office vacant, and in the case of an elected member shall temporarily appoint thereto some contributor to the hospital, until the next annual meeting for the election of members of the board, when the person thus temporarily elected shall retire, as one of those who, by the provisions of this Act, are required to retire from office.

(3) If the vacancy is occasioned by the retirement or otherwise of a non-elected member, the chairman shall cause the fact of the vacancy to be communicated to the Chief Secretary, and thereupon the Governor shall appoint some other person in the place of the member causing the vacancy.

**14.** (1) The number of members of a board of management fixed by the proclamation hereinbefore mentioned as necessary to form a quorum, shall be competent to act in the execution of the powers vested in the board.

Quorum of board.  
6, 1867, s. 11.

(2) The existence of any vacancy shall not invalidate any act done by the board during the continuance of the vacancy.

**15.** (1) The board of management of every public hospital shall, subject to the regulations of the public service, have the administration of all funds voted by Parliament for the support of the hospital, together with all funds which may be voluntarily contributed or given, or left to the hospital by benevolent persons, and shall also have the care, management, control, and supervision of the hospital.

Functions of board.  
7, 1867, s. 12.  
1075, 1912,  
s. 3

(2) The board of management may appoint such medical and other officers, nurses, attendants, and other persons as to the board may seem necessary for the requirements of the hospital, and may dismiss any such officers, nurses, attendants, and persons: Provided that, as regards offices and positions specified with respect to the hospital in a proclamation by the Governor and for the time being in force, no appointment or dismissal shall be made without the approval of the Governor first obtained, and that, as regards other offices and positions, no appointment or dismissal shall be made without the approval of the Chief Secretary first obtained.

The Governor may, from time to time, make and rescind or vary any such proclamations, and any such proclamation shall come into force upon the publication thereof in the *Government Gazette*.

**16.** (1) The board of management of any public hospital may, from time to time, make regulations in respect to all or any of the following matters and may make regulations revoking or amending any such regulation:—

Power to make regulations.  
7, 1867, s. 13.

- I. For the regulation of its own proceedings, including the appointment of chairman:
- II. For fixing the number of votes of contributors in proportion to the amount of their contributions:
- III. For determining the validity of disputed elections, and for conducting elections and all matters connected therewith:

## PART II.

- iv. For regulating the admission of patients into the hospital on the nomination or recommendation of contributors or otherwise, and of their discharge therefrom :
- v. For the affording relief by medicine and attendance to outdoor patients :
- vi. For the moral and religious instruction of the inmates of the hospital :
- vii. For the maintenance of order, discipline, decency, and cleanliness among the inmates of the hospital :
- viii. For prescribing the duties of the several officers of any hospital, for keeping proper records, books, accounts, and vouchers ; and for providing for the annual publication of an abstract of the expenditure, and the amounts contributed, for the information of contributors, and in order to determine the number of members of the board of management to be elected at each annual election :
- ix. For regulating the study of surgery and medicine by students who may desire to avail themselves of the facilities afforded by the hospital for that purpose :
- x. For all matters affecting the general management, care, control, and superintendence of any hospital.

(2) All regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting within fourteen days after the commencement of the then next session of Parliament.

Publication of regulations.  
7, 1867, s. 14.

**17.** All regulations made under the preceding section shall be approved by the Governor, and when so approved, shall have the force of law, and a copy of the regulations published in the *Government Gazette* shall be received in evidence and judicially noticed, and shall, until the contrary be shown, be deemed sufficient evidence of the regulations, and that the same were duly made and approved.

Disallowance of rules and regulations.  
7, 1867, s. 15.

**18.** The Governor may, by proclamation, at any time revoke any such regulation or any rule or regulation made pursuant to The Hospitals Act, 1867. Every proclamation by which any such rule or regulation is revoked, shall take effect from the time of the publication thereof in the *Government Gazette*.



## PART II.

**19.** Any person offending against any of the rules or regulations in force under the provisions of this Part or The Hospitals Act, 1867, shall, upon summary conviction thereof, be liable to a penalty not exceeding ten pounds, or to be imprisoned for any term not exceeding three months.

Penalty for  
breach of  
regulations.  
7, 1867, s. 16.

**20.** In any information or complaint for any offence committed upon or in respect of any property, money, goods, chattels, or effects under the management or control of any board of management of any public hospital, it shall be sufficient to state or allege the property, money, goods, chattels, or effects to belong to, and any offence to have been done or committed with the intent to injure or defraud "The Board of Management of the———Public Hospital" (the blank being filled up with the distinctive name of the hospital), without any further or other name, addition, or description whatever.

Prosecution  
of offences.  
7, 1867, s. 17.

**21.** (1) All notices to any officer of, or contributor to, any public hospital, required to be given by this Part, or the regulations made in pursuance hereof, may be served by post, directed according to an address to be left for that purpose by the officer or contributor, in writing under his hand, at the hospital, but nothing herein contained shall be held to render invalid any personal service of any notice.

Notices to  
contributors  
and others.  
7, 1867, ss. 18  
19, and 20.

(2) No notice of any intended board meeting or election, shall be required to be served, either by post or otherwise, on any officer of, or contributor to, any such hospital as aforesaid, who has not left an address in the manner, at the place, and for the purpose hereinbefore mentioned.

**22.** The inspector-general shall have and may exercise, with respect to public hospitals, such duties and powers as are imposed or conferred upon him by this Act or any other Act or by the Governor.

Functions of  
inspector-  
general.  
1497, 1921,  
s. 18.

## PART III.

## PART III.

## THE ADELAIDE HOSPITAL.

**23.** In this Part "board" means the board of management of the Adelaide Hospital constituted as provided by this Part.

Interpretation.  
1497, 1921,  
s. 4.

**24.** The board shall continue to consist of—

Constitution of  
board  
1497, 1921,  
s. 5.

(a) the inspector-general, who shall be the chairman of the board; and

(b) two other members to be appointed by the Governor,

## PART III.

Tenure of  
office.  
1497, 1921,  
s. 6.

**25.** (1) Every member of the board appointed by the Governor shall be appointed for a term of three years, and may, from time to time, at the expiration of his term of office, be reappointed for a further term of three years.

(2) Whenever a vacancy occurs in the office of either of such members, whether by the expiration of the member's term of office or otherwise, the Governor shall appoint a member to fill the vacancy: Provided that the member appointed to fill a vacancy caused otherwise than by the expiration of the term of office of a member shall hold office only for the unexpired portion of the term of office of the member in whose place he is appointed, and any retiring member shall hold office until his successor is appointed.

Casual  
vacancies.  
1497, 1921,  
s. 7.

**26.** In addition to the retirement of members by the expiration of their terms of office, the seat of a member appointed for a term only shall become vacant on—

- (a) his death, lunacy, or bankruptcy, or his executing a statutory deed of assignment for the benefit of his creditors, or compounding with his creditors for less than twenty shillings in the pound, or his being convicted of an indictable offence; or
- (b) his resignation by notice in writing posted or delivered to the chairman; or
- (c) his absence from three consecutive meetings of the board without the leave of the board.

Provision as to  
defects in  
appointment.  
1497, 1921,  
s. 8.

**27.** (1) No act or proceeding of the board shall be invalid or illegal in consequence only of the number of the members of the board not being complete at the time of the act or proceeding.

(2) All acts and proceedings of the board shall, notwithstanding the discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if the member had been duly appointed and was qualified and entitled to be and to act, and had acted, as a member of the board, and as if the board had been properly and fully constituted.

Chairman.  
1497, 1921,  
s. 9.

**28.** (1) The chairman, when present, shall preside at every meeting of the board. In the absence of the chairman from any meeting another member, chosen for the purpose, shall preside.

(2) The person presiding for the time being shall have a casting as well as a deliberative vote.

Quorum  
1497, 1921  
s. 10.

**29.** Any two members shall constitute a quorum at any meeting of the board.

**30.** (1) Every member of the board shall be entitled to a fee of two guineas for every meeting of the board attended by him at which a quorum is present : Provided that no member shall be entitled to fees exceeding one hundred and four guineas for meetings attended during any financial year.

Remuneration  
of members.  
1497, 1921.  
s. 11.

(2) Every member shall also be reimbursed any expenses incurred by him in the exercise of his office.

**31.** (1) The board shall annually make and furnish the Minister with a report on its administration under this Act, and such other matters as the Minister directs ; and shall at all times furnish the Minister with such other reports, and such estimates, accounts, vouchers, and documents relating to the administration, as the Minister requires of it.

Reports by  
the board.  
1497, 1921,  
s. 12.

(2) The Minister, on receipt of the annual report, may publish the same in the *Government Gazette*, or in any other manner which he deems proper, and the report shall be laid before both Houses of Parliament as early as practicable.

**32.** (1) The Adelaide Hospital shall be a school of medical and dental instruction in connection with the University of Adelaide, and any person who has been admitted as a student of the said university, and is studying in the medical course or the dental course thereof, shall be entitled to attend at the Adelaide Hospital for instruction in connection with any such course, subject to any statutes and regulations made by the council of the said university and any regulations made by the board.

Adelaide  
Hospital to be  
medical and  
dental school.  
1497, 1921,  
s. 13.

(2) The provisions contained in the Adelaide University Act relating to statutes and regulations and to the making and effect thereof shall apply to all statutes and regulations made by the said council under this section and to the making and effect thereof.

**33.** (1) There shall be an advisory committee for the purpose of advising and assisting the council of the University of Adelaide and the board with respect to any matter concerning the medical course and the dental course of the said university and the attendance and instruction at the Adelaide Hospital of students in the said courses.

Advisory  
committee.  
1497, 1921.  
s. 14.

(2) The committee shall consist of seven members, who shall be appointed by the Governor after being respectively nominated as follows, namely :—

One shall be nominated by the council of the University of Adelaide :

One shall be nominated by the faculty of medicine of the said university :

One shall be nominated by the faculty of dentistry of the said university :

Two shall be nominated by the board :

Two shall be nominated by the members of the honorary medical staff of the Adelaide Hospital.

(3) When a vacancy occurs on the committee, whether by the expiration of a member's term of office or otherwise, the Governor shall, after nomination as hereinafter mentioned, appoint a member to fill the vacancy. The nomination of the member so appointed to fill the vacancy shall be made by the body or persons who nominated the member in whose place such member is appointed.

(4) Every nomination shall be made in manner prescribed.

(5) The provisions of sections 25 to 28 (both inclusive) shall, *mutatis mutandis*, apply to and in respect of the committee :

Provided that—

i. the chairman shall be the member elected to that office by the committee ; and

ii. any four members shall constitute a quorum at any meeting of the committee.

Official visitors.  
1497, 1921,  
s. 15.

**34.** (1) The Governor may appoint for the Adelaide Hospital three or more official visitors, at least two of whom shall be women.

(2) An official visitor shall be appointed for a term of one year, and may from time to time at the expiration of his term of office be reappointed for a further term of one year : Provided that he has during his term of office made at least twelve visits in his official capacity to the Adelaide Hospital.

Competency of  
official visitors  
to hold  
inquiries.  
1497, 1921,  
s. 16.

**35.** An official visitor shall not have jurisdiction to hold any inquest or inquiry, as a coroner or as a justice, concerning the death of any patient of the Adelaide Hospital.

Functions of  
official visitors.  
1497, 1921,  
s. 17.

**36.** The official visitors shall and may discharge and exercise all such powers and duties as are conferred or imposed upon them by regulations made under this Act, and shall report to the Minister at such times, in such manner, and on such matters, as the Minister from time to time directs.

## PART IV.

## PART IV.

RATING FOR HOSPITAL PURPOSES AND  
INCORPORATION OF HOSPITALS.

**37.** (1) This Part shall apply in respect of every hospital or proposed hospital in respect of which the Governor, by notice in the *Government Gazette*, declares that this Part shall apply.

Powers of  
Governor.  
1409, 1919,  
s. 3.

(2) Any hospital in respect of which a notice by the Governor has, before the commencement of this Act been given pursuant to the Rating for Hospital Purposes Act, 1919, shall be deemed to be a hospital to which this Part applies.

**38.** (1) Where, in the opinion of the inspector-general, any area, or any portion of an area, is served by any hospital to which this Part applies, or will be served by any proposed hospital to which this Part applies, he may, with the consent of the Minister, by notice to the council of the area, declare such his opinion and require the council to contribute any sum or sums of money for the purposes of the hospital or proposed hospital in accordance with the notice.

Power of  
inspector-  
general to  
require  
contribution.  
1409, 1919,  
s. 4.

(2) The notice shall also be published in the *Government Gazette*.

s. 37. The following notices under section 3 of the Rating for Hospital Purposes Act, 1919 (which section corresponds to section 37 above), and relating to the following hospitals were in force on 12th April, 1937:—*Gazette*—25th March, 1920, p. 935 (Blyth Public Hospital; Booleroo Centre Hospital; Jervois County Hospital, Cowell; Elliston Hospital; Hutchinson Hospital, Gawler; Jamestown Hospital; Kapunda Hospital; Pinnaroo District Hospital, Lameroo; Loxton District Hospital; Maitland Hospital; Thyne Memorial Hospital, Millicent; Minlaton Hospital; Naracoorte Hospital; Renmark District Hospital; Streaky Bay Hospital; Tumbly Bay Hospital; Yorketown Hospital; Orreroo District Hospital; Snowtown District Hospital). 23rd September, 1920, p. 849 (Burra Hospital). 21st July, 1921, p. 95 (Angaston District Hospital). 29th September, 1921, p. 714 (Endunda District Hospital and Mannum District Hospital). 18th January, 1923, p. 93 (Pinnaroo Hospital; Peterborough Hospital; Balaklava Hospital; Morgan Hospital; Snowtown Hospital; Waikerie Hospital). 25th December, 1924, p. 1625 (Clare and District Hospital; Riverton District Soldiers' Memorial Hospital; Tatiara Soldiers' Memorial Hospital, Bordertown; Great Northern War Memorial Hospital, Hawker; Murray Bridge Soldiers' Memorial Hospital). 13th May, 1926, p. 1233 (Crystal Brook District Hospital and Mount Barker Soldiers' Memorial Hospital). 28th June, 1928, p. 1623 (Mount Gambier Hospital; Port Augusta Hospital; Port Lincoln Hospital; Port Pirie Hospital; Wallaroo Hospital; Barmera Hospital). 24th November, 1927, p. 1223 (Adelaide Hospital). 10th October, 1929, p. 854 (Victor Harbour and South Coast District Hospital, now known as South Coast District Hospital). 19th December, 1929, p. 1307 (Central Eyre Peninsula Hospital). 11th September, 1930, p. 583 (Gumeracha Soldiers' Memorial Hospital). 6th February, 1936, p. 301 (Lameroo District Hospital Incorporated, previously proclaimed as Pinnaroo District Hospital, Lameroo, *Gazette* 25th March, 1920, p. 935). 3rd September, 1936, p. 417 (Lady Weigall Hospital, Barmera, previously proclaimed as Barmera Hospital, *Gazette* 28th June, 1928, p. 1623).

- (3) The notice shall specify—
- (a) the hospital by which the area, or portion thereof, is declared to be served, and in respect of which the contribution is required ;
  - (b) if portion only of an area is declared to be served by the hospital, the said portion ;
  - (c) the amount of the contribution required from the council, and if payable in instalments, the amount of the instalments ;
  - (d) the time or times before which, and the manner in which, the contribution or instalments are payable ;
  - (e) whether the contribution is payable periodically or in respect of any particular period ; and
  - (f) such other matters as are prescribed.
- (4) The inspector-general may from time to time revoke or vary any such notice.

Duty of council  
to contribute.  
1409, 1919,  
s. 5.

**39.** (1) Upon the receipt of the notice aforesaid the council shall, in accordance with the notice, pay to the inspector-general, for the purposes of the hospital, the contribution required of it.

(2) The contribution may be paid by the council out of its revenue, or out of the proceeds of a special rate declared and levied by the council for that purpose, or partly by one means and partly by the other.

(3) For the purpose of raising the money to pay the contribution the council may, without the consent of the ratepayers, declare a special rate on the ratable property within the area : Provided that where, by the notice given under section 38, it is declared that portion only of an area is served by a hospital to which this Part applies the special rate shall be declared and levied only on the ratable property within that portion of the area which is specified in the notice. The special rate shall be in addition to any special rate authorised to be declared and levied by a council under the Local Government Act, 1934, and the amount of the special rate shall not be taken into consideration in determining whether the limit up to which a council may rate has been reached.

(4) Except in so far as inconsistent with this Act, all the provisions of the Local Government Act, 1934, shall apply to and in respect of the declaring, levying, and recovery of the said special rate.

(5) The payment of the contribution as required by this section shall be deemed to be a duty imposed upon the council by the Local Government Act, 1934.

(6) The amount of any contribution required from any council which is for the time being unpaid may be deducted by the Minister of Local Government from any subsidy or grant payable to the council, and any amount so deducted may be paid to the inspector-general on account of the council from whose subsidy or grant the amount was deducted.

**40.** Any contribution payable under this Part may be recovered by action in any court of competent jurisdiction as a debt due to the inspector-general.

Recovery of contributions.  
1409, 1919,  
s. 6.

**41.** The inspector-general shall hold all moneys paid to him under this Part to the use and benefit of the hospitals in respect of which the moneys were respectively contributed, and shall deal with the moneys in manner prescribed.

Application of moneys.  
1409, 1919,  
s. 7.

**42.** The Governor may make regulations for any of the purposes required, permitted, or contemplated by this Part, or which may be necessary or convenient for carrying out any of the provisions of this Part or for better effecting the objects and purposes of this Part.

Regulations.  
1409, 1919,  
s. 8.

**43.** (1) Where a hospital has at any time, whether before or after the commencement of this Act, become a hospital to which this Part applies and is not incorporated under the provisions of any other Act, not less than two-thirds of the members of the board of management or other controlling authority of the hospital may present a petition to the Chief

Incorporation of district hospitals.  
1728, 1926,  
s. 3.

s. 43. The following proclamations under section 3 of the Hospitals (Incorporation) Act, 1926 (which section corresponds to section 43 above) and declaring the boards of management or other controlling authorities and the contributions of the following hospitals to the bodies corporate, were in force on 12th April, 1937:—*Gazette*—20th January, 1927, p. 122 (The Jamestown Hospital, Incorporated; Tumby Bay Hospital, Incorporated; Angaston District Hospital, Incorporated; Peterborough Soldiers' Memorial Hospital, Incorporated; Riverton District Soldiers' Memorial Hospital, Incorporated; Morgan District Hospital, Incorporated). 27th January, 1927, p. 178 (Orroroo and Districts Hospital, Incorporated). 17th February, 1927, p. 338 (Jervois County Hospital, Incorporated). 24th March, 1927, p. 674 (Tatiara Soldiers' Memorial Hospital, Incorporated, Bordertown). 19th May, 1927, p. 1099 (Crystal Brook District Hospital, Incorporated). 14th July, 1927, p. 45 (Minlaton District Hospital, Incorporated). 12th April, 1928, p. 774 (Kimba District Hospital, Incorporated). 22nd November, 1928, p. 1094 (Loxton District Hospital, Incorporated). 23rd May, 1929, p. 1051 (Burra Burra Hospital, Incorporated). 3rd March, 1927, p. 513 (Yorketown Hospital Incorporated and Thyne Memorial Hospital Incorporated). 23rd May, 1929, p. 1052 (Maitland Hospital, Incorporated). 15th May, 1930, p. 892 (South Coast District Hospital, Incorporated). 20th February, 1930, p. 371 (Central Eyre Peninsula Hospital, Incorporated). 29th October, 1936, p. 949 (Streaky Bay Public Hospital Incorporated).

## PART IV.

Secretary praying that the board of management or other controlling authority of the hospital, and the contributors thereto for the time being, shall be constituted a body corporate.

(2) Upon receipt of any such petition the Chief Secretary shall cause the substance thereof to be published in the *Government Gazette*.

(3) Unless within one month after the publication in the *Government Gazette* of the substance of the petition a counter-petition, signed by a majority of the contributors for the time being to the hospital, is presented to the Chief Secretary objecting to the proposed incorporation, and the Chief Secretary is of opinion that there is some adequate reason why the hospital should not be incorporated, the Governor may by proclamation declare the said board of management or other controlling authority of the hospital and the contributors thereto for the time being to be a body corporate, and upon the making of the proclamation they shall become a body corporate accordingly.

(4) The name of every hospital incorporated under this section shall be formed of the name of the hospital prior to incorporation with the addition of the word "Incorporated":

Provided that this section shall not affect any power of the board of management or any other persons to change the name of the hospital so long as the word "Incorporated" appears at the end of the name as so changed.

Powers of  
incorporated  
hospitals.  
1728, 1926,  
s. 4.

**44.** Every hospital incorporated pursuant to this Part or the Hospitals (Incorporation) Act, 1926, may—

- (a) have and use a common seal on which shall be inscribed the name of the hospital, and break, alter, and change the same from time to time :
- (b) sue and be sued under its corporate name :
- (c) purchase and hold lands, tenements, and hereditaments in its corporate name, and let, sell, mortgage, or dispose of the same and execute conveyances, mortgages, and assurances thereof, and otherwise deal with the same as fully and effectually as an individual owner could do.

Transfer of  
property.  
1728, 1926,  
s. 5.

**45.** (1) Upon the incorporation of any hospital pursuant to this Part or the Hospitals (Incorporation) Act, 1926, there shall be transferred to and vested in the hospital all property of whatever kind held by any persons in trust for the hospital.



(2) The board of management of any such hospital may file in the office of the Registrar-General a memorial verified by the declaration of any two or more members of the board stating—

- (a) that the hospital has been incorporated pursuant to this Part or the Hospitals (Incorporation) Act, 1926 ;
- (b) the names of the trustees of any such property, being real estate ;
- (c) a description of the property sufficient to enable the Registrar-General to identify the same ; and
- (d) the name of the hospital,

and upon the receipt of the memorial the Registrar-General shall make all entries in the register book or on any deed, instrument, or other document, registered or filed in the General Registry Office or the Lands Titles Registration Office, and do all things necessary or convenient to evidence the title of the hospital to the said property.

46. The incorporation of any persons pursuant to this Part or the Hospitals (Incorporation) Act, 1926, shall not affect any liabilities incurred by those persons prior to their incorporation.

Saving of  
liabilities.  
1728, 1926,  
s. 6.

## PART V.

## PART V.

### RECOVERY OF COSTS OF MAINTENANCE.

47. (1) The cost of the maintenance, whether incurred before or after the commencement of this Act, of any person in a public hospital shall be a debt due to the Crown for which the following persons shall be jointly and severally liable :—

Maintenance  
of patients.  
1957, 1930,  
s. 3.  
Of. U.K.  
38 & 39 Vict.  
c. 55, s. 132.  
Of. U.K.  
19 Geo. 5  
c. 17, s. 16.

- I. The person so maintained :
- II. The husband or wife of the said person :
- III. If the said person is under the age of twenty-one years, the father of the said person or, if the father is dead, the mother of the said person :
- IV. The children of the said person who were over twenty-one years of age at the time the liability was incurred.

(2) The cost of maintenance shall, for the purposes of this section, be such daily sum as the inspector-general determines from time to time in respect of the particular case, either before or after the cost has been incurred, together with all other

special costs and charges which may be incurred with respect to the patient. The inspector-general may, in writing, authorise any person to exercise any of the powers conferred upon him by this subsection. Any such authority may be of such general or limited application as is determined by the inspector-general.

(3) When any person as first mentioned in subsection (1) hereof dies in any public hospital, any funeral expenses incurred in respect of that person by the Crown shall be recoverable in the same manner as the cost of his maintenance in the public hospital.

(4) All moneys payable under this section for the maintenance of any person shall accrue from day to day, and may, whether incurred before or after the commencement of this Act, be recovered by the inspector-general, either summarily upon the complaint of the inspector-general, or any person authorised in writing by him for the purpose, or by action in any court of competent jurisdiction by action at the suit of the inspector-general or any person authorised as aforesaid, and shall be payable to the inspector-general or to any person authorised in writing by him to receive the same. In any proceedings pursuant to this subsection, the averment that any place is a public hospital within the meaning of this section shall be deemed proved in the absence of proof to the contrary.

(5) When two or more persons are jointly and severally liable under this section for the same sum, they shall be entitled as against each other to such indemnity or contribution as is directed by the court.

(6) Nothing in this section shall take away or restrict the liability of any person for the maintenance of any other person under any other Act or law for the time being in force, or the power of any court to make any order under any such Act or law in respect of the maintenance of any person.

(7) The inspector-general may at any time make an agreement with any person that he will pay a fixed sum towards the maintenance in any public hospital of any patient, and any sum so agreed to be paid shall constitute a debt payable to the Crown and recoverable in accordance with the foregoing provisions of this section; and every such person is hereby empowered to reimburse himself for all moneys paid by him in pursuance of any such agreement out of any property of the patient coming into his hands, or otherwise to recover the same in accordance with the said provisions of this section.

(8) No such agreement shall take away or restrict any liability that would otherwise lie on the person making the

same or on any other person in respect of the maintenance of the patient.

(9) This section shall apply to any moneys incurred as maintenance as aforesaid before the commencement of this Act only when the said amounts have been incurred after the twenty-third day of October, nineteen hundred and twenty-five.

(10) In this section—

“cost of maintenance” includes all expenses incurred in respect of any patient in a public hospital :

“public hospital” means—

(a) the Adelaide Hospital :

(b) any place declared to be a public hospital pursuant to The Hospitals Act, 1867, or to section 5 of this Act :

(c) any other hospital which is under the management of the inspector-general.

**48.** (1) The Governor may, on the recommendation of the inspector-general, by proclamation declare that section 47 shall apply to any hospital (other than a hospital referred to in section 47) for the purposes of which any Government grant or subsidy is paid by the Government to the board or committee of management thereof.

Application of section 47 to subsidised hospitals. 1957, 1930, s. 4.

(2) Upon the making of any such proclamation, the provisions of section 47 shall apply with respect to the hospital, and the said section shall be read as if the words “board or committee of management of the hospital” were substituted for the words “Crown” and “inspector-general”.

(3) The Governor may, on the recommendation of the inspector-general, by proclamation revoke any such proclamation, in which event the provisions of section 47 shall cease to apply with respect to the hospital referred to in the proclamation.

s. 48. The following proclamation under section 4 of the Hospitals Act Amendment Act, 1930 (which section corresponds to section 48 above) and relating to the following hospitals, was in force on 12th April, 1937:—*Gazette* 8th January, 1931, p. 26 (Angaston District Hospital, Incorporated; Balaklava Soldiers' Memorial District Hospital, Incorporated; Blyth Public Hospital, Incorporated; Booleroo Centre Hospital, Incorporated; Burra Burra Hospital Incorporated (Koorlinga); Clare and District Hospital; Crystal Brook District Hospital, Incorporated; Elliston Hospital; The Eudunda Hospital, Incorporated; Hutchinson Hospital (Gawler); The Great Northern War Memorial Hospital (Hawker); The Jamestown Hospital, Incorporated; Jervois County Hospital, Incorporated (Cowell); The Kapunda Hospital, Incorporated; Kimba Hospital, Incorporated; Lameroo District Hospital, Incorporated; Loxton District Hospital, Incorporated; Maitland Hospital, Incorporated; Mannum District Hospital, Incorporated; Minlaton District Hospital, Incorporated; Morgan District Hospital, Incorporated; Mount Barker Soldiers' Memorial Hospital, Incorporated; Murray Bridge Soldiers' Memorial

## PART VI.

Cf. U.K.  
23 & 24  
Geo. 5 c. 53,  
s. 33.

Application  
of Part.  
2035, 1931,  
s. 2 (part).

## PART VI.

PAYMENT OF HOSPITAL CHARGES RESULTING  
FROM ACCIDENTS.

**49.** This Part shall apply to—

- (a) the Adelaide Hospital :
- (b) any place declared to be a public hospital pursuant to The Hospitals Act, 1867, or to section 5 of this Act :
- (c) any hospital in respect of which the Governor has declared or declares that the Rating for Hospitals Purposes Act, 1919, or Part IV. of this Act, shall apply :
- (d) any other hospital which is under the management of the inspector-general.

Duty to notify  
accident at  
police station.  
2035, 1931,  
s. 3.  
Cf. U.K.  
23 & 24  
Geo. 5 c. 53,  
s. 43.

**50.** (1) In every case where, owing to the presence of a vehicle, an accident occurs involving personal injury to another person, the driver of the vehicle shall, within twenty-four hours of the occurrence of the accident, report the accident at a police station or to a member of the police force, and if he fails to do so, he shall be guilty of an offence.

(2) This section shall not apply to any vehicle of the South Australian Railways Commissioner or the Municipal Tramways Trust.

Duties of  
insurance  
company.  
2035, 1931,  
s. 4.

**51.** (1) In every case where notice of such an accident as is referred to in section 50 is given to an insurance company, the insurance company shall, within twenty-four hours of the receipt of the notice, give to the inspector-general notice thereof in writing containing the particulars thereof prescribed by regulation made by the Governor, and if the insurance company fails to do so, the insurance company shall be guilty of an offence. The said notice of particulars may be given by post.

(2) The inspector-general shall supply to insurance companies printed forms for the purpose of supplying the said particulars.

s. 48.  
(contd.)

Hospital, Incorporated; Naracoorte District Hospital, Incorporated; Ororoo and Districts Hospital, Incorporated; Peterborough Soldiers' Memorial Hospital, Incorporated; Pinnaroo Soldiers' Memorial Hospital, Incorporated; Renmark District Hospital, Incorporated; Riverton District Soldiers' Memorial Hospital, Incorporated; Snowtown District Hospital, Incorporated; South Coast District Hospital, Incorporated (Victor Harbour); Streaky Bay Public Hospital, Incorporated; Tatiara Soldiers' Memorial Hospital, Incorporated (Bordertown); Thyne Memorial Hospital, Incorporated (Millicent); Tumby Bay Hospital, Incorporated; Waikerie District Hospital, Incorporated; Yorketown Hospital, Incorporated; Gumeracha Soldiers' Memorial Hospital; Central Eyre Peninsula Hospital, Incorporated (Wudinna).

(3) The inspector-general, and every officer in the department of the inspector-general, shall maintain the secrecy of all such particulars, and shall not, save for the purposes of any proceedings under this Part, communicate any such particulars to any person or reveal the same in any way, and if any person contravenes any provision of this subsection he shall be guilty of an offence.

**52.** (1) The inspector-general may give to any insurance company notice in writing that, arising out of such an accident as aforesaid, any person has been treated in a hospital to which this Part applies in respect of personal injury to the said person. The said notice may specify the amount payable to the inspector-general by reason of the treatment of the person, and may require that payment be made as provided by this section. Any such notice may be given by registered post, or by delivering the same at the principal place of business of the company.

Powers of  
inspector-  
general.  
2035, 1931,  
s. 5.

(2) If after the giving of any such notice any payment is made or is to be made by the insurance company under a policy of insurance in respect of the death of or bodily injury to the said person, the insurance company shall pay to the inspector-general such portion of the said amount payable to the inspector-general as does not exceed twenty-six pounds five shillings, and every such payment shall be deemed to be a payment to the said person under the said policy and to be in discharge of the liability of the insurance company under the policy.

(3) If after the giving of notice as aforesaid the insurance company makes any payment under the policy without making the required payment to the inspector-general, the amount required by this section to be paid to the inspector-general may in any court of competent jurisdiction be recovered by the inspector-general from the insurance company as a debt due to the inspector-general from the insurance company. No such proceedings shall be deemed to affect any right of the inspector-general to recover the amount from any other person liable to pay the same.

(4) If any payment made by an insurance company to the inspector-general pursuant to this section is not equal to the total of the amount due to the inspector-general in respect of the treatment as aforesaid, the balance of the amount shall be payable to the inspector-general by the persons liable to pay the same.

**53.** (1) In any case where arising out of such an accident as aforesaid, any person has been treated in a hospital to which this Part applies in respect of personal injury to the said person,

Proceedings  
when no  
insurance  
policy in  
force.  
2035, 1931,  
s. 6.

the inspector-general may give notice to any person stating the amount payable to the inspector-general by reason of the treatment of the injured person, and requiring that payment be made as provided by this section. Any such notice may be given by registered post or by delivering the same to the person to whom it is given.

(2) If after the giving of any such notice to any person any payment is made or is to be made by that person by way of damages or compensation for the death of or bodily injury to the injured person, the said person shall pay to the inspector-general such portion of the said amount payable to the inspector-general as does not exceed twenty-six pounds five shillings, and every such payment shall be deemed to be a payment to the injured person by the other person.

(3) If after the giving of notice as aforesaid to any person the said person makes any payment as aforesaid to the injured person without making the required payment to the inspector-general the amount required by this section to be paid to the inspector-general may, in any court of competent jurisdiction, be recovered by the inspector-general from the said person as a debt due to the inspector-general from that person. No such proceedings shall be deemed to affect any right of the inspector-general to recover the amount from any other person liable to pay the same.

(4) If any payment made by any person to the inspector-general pursuant to this section is not equal to the total of the amount due to the inspector-general in respect of the treatment as aforesaid, the balance of the amount shall be payable to the inspector-general by the persons liable to pay the same.

(5) This section shall apply to the South Australian Railways Commissioner and the Municipal Tramways Trust.

Offences.  
2035, 1931,  
s. 7.

**54.** Any person or insurance company guilty of an offence against this Part shall be liable to a penalty not exceeding twenty pounds.

Summary  
proceedings.  
2035, 1931,  
s. 8.

**55.** All proceedings for offences against this Part shall be disposed of summarily.

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## THE SCHEDULE.

## ACTS REPEALED.

Number and Year of Act.	Short title.
No. 7 of 1867 .....	The Hospitals Act, 1867.
No. 1075 of 1912 .....	The Hospitals Act Amendment Act, 1912.
No. 1409 of 1919 .....	Rating for Hospital Purposes Act, 1919.
No. 1497 of 1921 .....	Hospitals Act Amendment Act, 1921.
No. 1728 of 1926 .....	Hospitals (Incorporation) Act, 1926.
No. 1957 of 1930 .....	Hospitals Act Amendment Act, 1930.
No. 2035 of 1931 .....	Public Hospitals (Charges) Act, 1931.

## Regulations.

The following regulations under the Hospitals Acts, 1867 to 1930, were in force on 12th April, 1937:—

Adelaide Hospital, *Gazette*—23rd February, 1922, p. 641; 7th December, 1922, p. 1460; 28th August, 1924, p. 555; 24th December, 1925, p. 1665; 19th August, 1926, p. 440; 27th January, 1927, p. 179; 19th January, 1933, p. 76; 10th January, 1935, p. 267; 16th July, 1936, p. 67.

Bedford Park Sanatorium, *Gazette*—15th March, 1934, p. 788.

Lady Weigall Hospital, Barmera, *Gazette*—8th October, 1936, p. 735.

The Morris Hospital, Northfield, *Gazette*—30th August, 1934, p. 431.

Port Augusta Hospital, *Gazette*—1st October, 1891, p. 831.

Port Pirie Hospital, *Gazette*—11th October, 1928, p. 806.

Wallaroo Hospital, *Gazette*—21st January, 1937, p. 162.

## GENERAL REGULATIONS RELATING TO THE POWERS OF THE INSPECTOR-GENERAL OF HOSPITALS—

*Gazette*—27th September, 1923, p. 727.

The following regulations under the Rating for Hospital Purposes Act, 1919, were in force on 12th April, 1937:—

*Gazette*—19th August, 1920, p. 383.

## HOUSING

see **Advances for Homes : South Australian Housing Trust.**