

## METROPOLITAN INFECTIOUS DISEASES HOSPITAL ACT, 1922-1935.

BEING

METROPOLITAN INFECTIOUS DISEASES HOSPITAL ACT, 1922, No.  
1521 OF 1922 [ASSENTED TO 6TH DECEMBER, 1922.]

AS AMENDED BY

METROPOLITAN INFECTIOUS DISEASES HOSPITAL ACT, 1932, No.  
2097 OF 1932 [ASSENTED TO 30TH NOVEMBER, 1932.]

METROPOLITAN INFECTIOUS DISEASES HOSPITAL ACT, 1933, No.  
2138 OF 1933 [ASSENTED TO 7TH DECEMBER, 1933.]

LOCAL GOVERNMENT ACT, 1934, No. 2156 OF 1934  
[ASSENTED TO 25TH OCTOBER, 1934.]

AND

STATUTE LAW REVISION ACT, 1935, No. 2246 OF 1935  
[ASSENTED TO 19TH DECEMBER, 1935.]

An Act to make provision for the establishment, control,  
and management of a Metropolitan Infectious  
Diseases Hospital, and for other purposes.

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

1. This Act may be cited as the "Metropolitan Infectious  
Diseases Hospital Act, 1922-1935."

Short title.  
Of. U.K.  
56 & 57  
Vict. c. 68.  
Of. U.K.  
19 & 20  
Geo. 5 c. 25  
s. 27.

2. This Act shall come into force on a day to be fixed by  
proclamation.

Commence-  
ment of Act.

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**Local Government Act, 1934:** This Act was proclaimed to commence on 2nd November, 1934: *Gazette* 25th October, 1934, p. 845.

**Administration:** The administration of the Metropolitan Infectious Diseases Hospital Act, 1922, was by proclamation committed to the Chief Secretary: *Gazette* 31st October, 1929, p. 1005.

s. 2. This Act was proclaimed to commence on 17th October, 1929: *Gazette* 17th October, 1929, p. 889.

Interpreta-  
tion.  
Amended by  
S.L.R. Act,  
1935.

3. In this Act, unless some other meaning is clearly intended—

“board” means the Metropolitan Infectious Diseases Hospital Board constituted by this Act:

“constituent local board” or “local board” means any of the local boards of health constituted by The Health Act, 1898, mentioned in the first schedule hereto, and includes any other local board of health declared by the Governor, pursuant to section 4 of this Act, to be a constituent local board for the purposes of this Act:

“financial year” means any period of twelve months ending on the thirtieth day of June in any year:

“group” means the constituent local boards for the time being comprising any one of the four groups of such boards as set out in the first schedule hereto and headed Group A, Group B, Group C, and Group D:

“hospital” means the Metropolitan Infectious Diseases Hospital established under the authority of this Act:

“Lord Mayor” means the Lord Mayor of the municipality of the City of Adelaide:

“member” means member of the board:

“public notice” means a notice by advertisement in the *Government Gazette*.

Groups of  
constituent  
local boards  
may be  
re-arranged.

4. (1) The Governor may, by proclamation, at any time remove any local board of health from any group of constituent local boards and include the same in any other such group.

(2) The Governor may, by proclamation, upon the petition of the board and of any local board of health constituted by The Health Act, 1898, which at the time of such petition is not a constituent local board, declare such local board of health to be a constituent local board for the purposes of this Act, and in any such case shall, by proclamation, include such local board of health in any group of constituent local boards.

s. 3. The Health Act, 1898, has been repealed and superseded by the Health Act, 1935.

s. 4. The following proclamations under s. 4 were in force on 24th May, 1937. By these proclamations the following local boards of health were declared to be constituent local boards and were included in the groups hereinafter mentioned:—*Gazette* 5th October, 1933, p. 738 (East Torrens; included in group A). *Gazette* 12th December, 1935, p. 1389 (Gawler; included in group D).

The Health Act, 1898, has been repealed and superseded by the Health Act, 1935.

*Constitution and Appointment of Board.*

5. A board, to be called "The Metropolitan Infectious Diseases Hospital Board" is hereby constituted.

Board constituted.

6. (1) The board shall be a body corporate, and shall have perpetual succession and a common seal.

Board to be a body corporate.

(2) All courts, judges, and persons acting judicially shall take judicial notice of such seal when affixed to any instrument and shall, in the absence of proof to the contrary, presume that the same was properly affixed thereto.

7. The board shall consist of—

Constitution of board.

(a) the Lord Mayor, who shall be *ex officio* chairman of the board; and

(b) nine representative members, who shall be appointed as follows:—

one by the local board of health for the municipality of the City of Adelaide;

one by the local board of health for the municipality of Port Adelaide;

one by the local board of health for the municipality of Unley;

one by each group; and

two by the South Australian branch of the British Medical Association.

8. (1) The members to be appointed by the local board for the municipality of the City of Adelaide, the local board for the municipality of Port Adelaide, and the local board for the municipality of Unley, shall be appointed by such boards respectively by resolution of the majority of the members of each such local board present at a meeting convened and held for that purpose.

Method of appointing members representing Adelaide, Port Adelaide, and Unley.

(2) Notice of such meeting, stating that the matter of making such nomination is to be dealt with at such meeting, shall be sent by the secretary of the local board to each member of such board at least three days before the day on which such meeting is to be held.

(3) No person shall be so appointed who has not previously, by writing signed by him, signified to the secretary of the local board his willingness to act as a member.

(4) Every appointment shall be certified in writing under the hand of the secretary of the local board and delivered to the Minister.

(5) The Minister shall give notice of such appointment in the *Government Gazette*.

(6) The *Government Gazette* notifying such appointment shall be conclusive evidence of such appointment, and that the same was duly made.

Method of  
appointing  
representa-  
tives of  
groups of  
constituent  
local boards.

9. (1) The Minister may from time to time, by notice published in the *Government Gazette*, direct the nomination, on or before a day mentioned in the notice, of members required to be appointed by the groups.

(2) Such day of nomination mentioned in the notice shall be a date at least fourteen days after the date of the notice.

(3) Thereupon every local board comprising the group may nominate one person, who has signified in writing to the secretary of such local board his willingness to act upon the board, as a representative of the group. The nomination shall be made by resolution of the majority of the members of the local board present at a meeting convened and held for that purpose. Notice of such meeting, stating that the matter of making such nomination is to be dealt with at such meeting, shall be sent by the secretary of the local board to each member of such board at least three days before the day on which such meeting is to be held. Such resolution shall be certified in writing under the hand of the secretary of the local board, and delivered to the Minister within fourteen days from the publication of the notice by the Minister in the *Government Gazette*.

(4) The Minister shall publish in the *Government Gazette* a notice which shall state the names of the persons nominated by the respective local boards, and shall, in the event of there being more than one nomination for a member to represent any particular group on the board, appoint a time and place for the election of the member to be appointed by the group and a person to act as returning officer at each such election.

(5) At the time and place appointed for the election of a member to represent the group on the board, every member of a local board comprising such group may attend and vote by ballot for the member to represent the group on the board.

(6) The candidates at such election shall be the persons nominated as aforesaid, and the ballot at such election shall be taken in the prescribed manner.

(7) The returning officer shall certify in writing to the Minister the result of such ballot, stating the number of votes cast for each candidate, and the number of informal votes.

(8) The candidate for whom the highest number of votes is cast at such ballot, or, if an equal number of votes is cast for two or more candidates, that one of the said candidates for whom the Minister gives his casting vote (which is hereby given to him in such cases) shall be deemed to have been appointed by the group to represent the group on the board.

(9) In any case where only one nomination is received for a member to represent any particular group on the board, the person so nominated shall be deemed to have been appointed by the group to represent the group on the board.

(10) No person shall be eligible to represent more than one group on the board. If any person is appointed by more than one group, he shall be deemed to be appointed by the group whose election or nomination (as the case may be) is first certified to the Minister. The appointment of such person by any other group shall be void.

(11) The Minister shall give notice of the appointment in the *Government Gazette*.

(12) The *Government Gazette* containing a notification by the Minister of the appointment of a member by any group shall be conclusive evidence of such appointment, and that the same was duly made.

10. (1) The members to be appointed by the South Australian branch of the British Medical Association shall be appointed by the council of such branch, after election by the members of such council in manner prescribed.

Method of  
appointing  
representa-  
tives of  
the South  
Australian  
branch of the  
British  
Medical  
Association.

(2) Every such appointment shall be certified in writing under the hands of the president and of the secretary of the said branch and delivered to the Minister.

(3) The Minister shall give notice of such appointment in the *Government Gazette*.

(4) The *Government Gazette* notifying such appointment shall be conclusive evidence of such appointment, and that the same was duly made.

11. (1) In any case where there has, in the opinion of the Minister, been unreasonable delay in the appointment of a member by any of the bodies or groups entitled to appoint a

Minister may  
appoint in  
case of  
default.

member, the Minister may, on behalf of the delaying body or group, appoint a member.

(2) The member so appointed by the Minister shall be deemed to have been duly appointed by the body or group on behalf of which the appointment was made.

(3) The Minister shall give notice of such appointment in the *Government Gazette*, stating on whose behalf it has been made, and the notice in the *Government Gazette* of such appointment shall be conclusive evidence of such appointment and that the same was duly made.

Method of  
filling up  
vacancies.

**12.** When any vacancy occurs on the board, whether by expiration of a member's term of office or otherwise, it shall be filled up in manner hereinbefore provided, so far as applicable, by appointment by the body or group which appointed the member whose place it is desired to fill: Provided that if a vacancy occurs in the office of a member within three months of the expiration of his term of office, it shall not be necessary to fill such vacancy.

Tenure of  
office.  
Substituted  
by 2097,  
1932, s. 2.

**13.** (1) The original representative members of the board mentioned in this subsection shall hold office until the thirtieth day of November, nineteen hundred and thirty-three:—

- i. The member appointed to represent Group A:
- ii. The member appointed to represent Group B:
- iii. The member appointed to represent Group C:
- iv. The member appointed to represent Group D:
- v. One of the members appointed by the South Australian branch of the British Medical Association.

(2) The member referred to in paragraph v. of subsection (1) hereof to retire as provided by that subsection shall be ascertained by lot conducted by the board at some time prior to the thirty-first day of October, nineteen hundred and thirty-three, and the name of such member shall be notified by the board to the Chief Secretary on or before the said date. If such notice is not given as aforesaid, the Chief Secretary shall before the fifteenth day of November, nineteen hundred and thirty-three, by notice published in the *Gazette*, nominate which one of the original members appointed by the South Australian branch of the British Medical Association shall retire on the thirtieth day of November, nineteen hundred and thirty-three, and such member shall retire accordingly.

(3) The following original representative members of the board shall hold office until the thirtieth day of November, nineteen hundred and thirty-five:—

- i. The member appointed by the local board of health for the municipality of the City of Adelaide:
- ii. The member appointed by the local board of health for the municipality of Port Adelaide:
- iii. The member appointed by the local board of health for the municipality of Unley:
- iv. The original representative member appointed by the South Australian branch of the British Medical Association to whom the provisions of subsection (1) hereof does not apply.

(4) Thereafter representative members shall be appointed in the month of November by the said local boards, groups, and association to take office from the expiration of the term of office of the retiring member appointed by such local board, group, or association, and shall hold office for four years: Provided that—

- i. a member appointed to fill a vacancy caused otherwise than by the retirement of a member on the expiration of his term of office shall be appointed only for the unexpired portion of the term of the member in whose place he is appointed; and
- ii. any retiring member shall hold office until his successor is appointed.

(5) Any person ceasing to be a member by reason of the expiration of his term of office shall be eligible for re-appointment.

**14.** No person shall be appointed a member or continue to be a member of the board who—

(a) holds any office or place of profit in the gift or disposal of the board:

(b) by himself, his partner, or otherwise, has any interest in any contract (except for advertisements or printing, or in respect of any lease, sale, or purchase of land, or the loan of money, or any security for the payment of money) with or employment under the board: Provided that no person shall be disqualified from being a member of the board by his being a proprietor, member, or

Disqualifica-  
tion of mem-  
ber.

Amended by  
S.L.R. Act,  
1935.

shareholder of or in any company incorporated under any Act of Parliament or registered under any Act for registering joint stock companies and limiting the liabilities of the members thereof, by reason of any contract entered into by such company with the board; but no such member interested by himself, his partner, or otherwise, in any contract with the board, or being a proprietor, member, or shareholder of or in any such company, shall vote at any meeting of the board on any question relating to any contract in which such person or company is interested:

- (c) is an infant or uncertificated insolvent or undischarged bankrupt:
- (d) is not, if a representative or proposed representative of the local board of health for the municipality of the City of Adelaide, a member of such board:
- (e) is not, if a representative or proposed representative of the local board of health for the municipality of Port Adelaide, a member of such board:
- (f) is not, if a representative or proposed representative of the local board of health for the municipality of Unley, a member of such board:
- (g) is not, if a representative or proposed representative of a group, a member of one of the local boards comprising such group:
- (h) is not, if a representative or proposed representative of the South Australian branch of the British Medical Association, a legally qualified medical practitioner registered in South Australia.

Casual  
vacancies.  
Amended by  
S.L.R. Act,  
1935.

**15.** In addition to the retirement of members by the expiration of their terms of office, the office of a member shall be vacated on—

- (a) the death, lunacy, bankruptcy, or insolvency of the member; or the execution by the member of a statutory deed of assignment for the benefit of his creditors; or his compounding with his creditors for less than twenty shillings in the pound; or the conviction of the member of an indictable offence;
- (b) the absence of the member from three consecutive ordinary meetings of the board, without leave of



the board, followed by a resolution of the board declaring the office vacant, which resolution the board may pass if it thinks fit, but shall not pass at any time later than six weeks after the last of such three consecutive meetings;

- (c) the absence of the member from the State for three consecutive months without leave of the board;
- (d) disqualification of the member as hereinbefore provided;
- (e) the resignation of the member by notice in writing, posted or delivered to the chairman, or, in the case of the chairman, to the Minister; or
- (f) the judgment or order of any duly authorised court declaring the office of the member vacant.

**16.** (1) The chairman, when present, shall preside at all meetings of the board. In the absence of the chairman from any meeting, another member, chosen for the purpose by the majority of the members present and voting, shall preside. Chairman.

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

**17.** Five members present at a meeting shall constitute a quorum of the board. Quorum.

**18.** The first meeting of the board shall be convened by the Minister. First meeting to be convened by the Minister.

**19.** The board shall meet at least once in every period of six weeks. Periodical meetings.

**20.** (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 such act or proceeding. Defects in appointment not to invalidate proceedings of board.

(2) All acts and proceedings of the board shall, notwithstanding the subsequent 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 such member had been duly appointed and was qualified and entitled to act and had acted as a member of the board, and as if the board had been properly and fully constituted.

*Powers and Duties of Board.*

Board charged  
with execution  
of Act.

**21.** The board is hereby charged with the execution of this Act, subject to the control of the Minister.

Lands vested  
in board.

**22.** (1) Notwithstanding anything in any other Act contained, the lands described in the second schedule are hereby vested in the board, to be held by the board in fee simple, together with all buildings and equipment thereon, upon trust for the purposes of this Act.

(2) The Governor may issue a grant of the said lands to the board.

Metropolitan  
Infectious  
Diseases  
Hospital.

**23.** (1) The board shall conduct and manage the land, buildings, and equipment vested in it by the preceding section as a hospital for persons suffering from infectious diseases, whether such persons had their last place of abode prior to their admission to the hospital within the district of any constituent local board or elsewhere.

(2) The said hospital shall be called "The Metropolitan Infectious Diseases Hospital."

Power to  
make arrange-  
ments with  
respect to  
ambulances.

Inserted by  
2097, 1932,  
s. 3, and  
amended by  
S.L.R. Act,  
1935.

**23a.** The board may, for the purpose of conveying persons who are suffering from infectious diseases or are treated at the hospital to or from the hospital, enter into any contract or arrangements with any person or corporate or unincorporate body or association for the conveyance of such persons to or from the hospital.

Patients from  
districts other  
than those of  
constituent  
local boards.

**24.** (1) The board may admit patients to the hospital from outside the districts of the constituent local boards, and may sue for and recover such charges and expenses in connection with such patients as it may determine.

(2) For the purposes of this section a statement in writing of the charges and expenses due to the board in respect of any patient, signed by the secretary of the board, shall be *prima facie* evidence of the amount so due.

Ancillary  
powers of  
board.

**25.** The board may—

- i. in its corporate name purchase, take, receive, accept, hold, acquire, and possess lands, tenements and hereditaments in fee simple, or for any less estate or for any term of years or otherwise, and goods and chattels, and may grant, sell, convey, transfer, demise, assign, or otherwise dispose of the same;

- II. in its corporate name arbitrate or sue, implead, and answer and be sued, impleaded and answered in all courts and before all judges, magistrates, justices, and arbitrators whomsoever, in all actions, pleas, suits, disputes, causes, and matters whatsoever; and
- III. do and exercise all such further acts and powers as it is by this Act authorised to do and exercise, or as may be necessary for the doing or exercising of any of such acts or powers.

26. (1) The board shall appoint a secretary for the purposes of this Act.

Appointment  
of secretary  
and other  
officers.

(2) The board may appoint and employ such other officers and servants as it deems necessary to enable it to carry into execution the various powers and duties vested in or imposed on it by this Act.

(3) The secretary and all other persons appointed by the board shall act under the control of the board, and shall hold their positions only during the pleasure of the board.

27. The board may pay to every person appointed or employed by it such salary, allowances, fees, wages, pensions or retiring allowances as it deems reasonable or proper, and may pay the premiums in respect of the fidelity guarantee or workmen's compensation insurance policies of its officers and servants.

Payment of  
salaries, etc.

28. The board may pay the travelling expenses of members or of its officers and servants when engaged on the business of the board.

Travelling  
expenses.

29. The board may from time to time appoint a committee or committees of its members, and may delegate to any such committee such of its powers and duties as it thinks fit, and may at any time alter, vary, or revoke any such delegation.

Board may  
appoint  
committees.

30. Every deed, conveyance, agreement, or instrument which it may be necessary for the board to execute shall have the seal of the board affixed thereto, and be signed by the chairman or any two members, and be countersigned by the secretary.

Execution  
of deeds  
and instru-  
ments.

31. (1) The board shall keep a minute-book in which the proceedings of each meeting and the business performed thereat shall be entered.

Minute-book  
to be kept.

(2) The minutes of each meeting shall be submitted for confirmation at a subsequent meeting of the board, and, if confirmed, shall be signed by the chairman or other person presiding at such subsequent meeting; and all entries in the minutes so signed shall be received in all courts and tribunals and by all persons as sufficient evidence of the accuracy of the matters therein recorded until the contrary is proved.

Books of  
account and  
audit.

Subsecs. (1)  
to (3) substi-  
tuted by  
2156, 1934,  
s. 896 (1).

**32.** (1) The board shall keep proper books of account for the purpose of recording its income and expenditure. The financial year of the board shall end on the thirtieth day of June in every year after the year nineteen hundred and thirty-four: Provided that the period commencing on the first day of December, nineteen hundred and thirty-four, and ending on the thirtieth day of June, nineteen hundred and thirty-five, shall be deemed to be a financial year.

(2) The books shall be balanced in respect of the financial year ending on the thirtieth day of November, nineteen hundred and thirty-four, on or before the first day of March, nineteen hundred and thirty-five, and thereafter the books shall be balanced in respect of every financial year on or before the first day of October after the close of the financial year.

(3) A statement of the board's income and expenditure for the financial year ending on the thirtieth day of November, nineteen hundred and thirty-four, and for the period of seven months ending on the thirtieth day of June, nineteen hundred and thirty-five, and thereafter for every financial year ending on the preceding thirtieth day of June, signed by the chairman and secretary and certified by the auditor of the board, shall be forwarded to the Minister and by him laid before both Houses of Parliament as soon as practicable.

(4) Such annual statement shall also be published by the board in the *Government Gazette*.

(5) In addition to the books and statement hereinbefore mentioned, the board shall keep, render, make, and publish all such books, accounts, records, returns, and statements as the board think necessary or as may be prescribed.

(6) For the purposes of this section the board shall appoint a fit and proper person (not being a member of a constituent local board) to be the auditor of the board. The auditor shall have access to the books of account and vouchers of the board whenever he thinks necessary. The term of appointment of auditor shall be for one year and a retiring

auditor may be reappointed, but no auditor shall hold office for more than two consecutive years. The auditor shall be paid such remuneration as is fixed by the board.

(7) The Minister may at any time cause the accounts of the board to be audited by the Auditor-General or any other person appointed by the Governor; and the Auditor-General or person so appointed shall, for the purposes of such audit and accounts, have all the powers for the time being vested by law in the Auditor-General in relation to the auditing of public accounts.

Amended by  
S.L.R. Act,  
1935.

*Financial Provisions.*

**33.** (1) As soon as practicable after the board is first constituted, and in the month of September in the year nineteen hundred and thirty-four, and in the month of April in each succeeding year, the board shall prepare an estimate of the probable expenditure to be incurred by it under this Act.

Annual  
estimate of  
expenditure  
to be pre-  
pared.

Amended by  
2156, 1934,  
s. 896 (2).

(2) Such estimate in the first year in which the board is constituted shall be for the period ending on the thirtieth day of November in that year. The estimate to be prepared in September, nineteen hundred and thirty-four, shall be for the period of seven months ending on the thirtieth day of June, nineteen hundred and thirty-five. Every subsequent estimate shall be for the financial year next following.

(3) Any deficit or surplus from one financial year shall be included in the estimate of expenditure for the next financial year.

**34.** (1) The Commissioner of Waterworks shall before the thirty-first day of March in every year supply to the board a statement showing the assessed annual value of all the ratable property within the district of every constituent council.

Contribu-  
tions by  
constituent  
local boards.

Substituted  
by 2138,  
1933, s. 3,  
and amended  
by 2156,  
1934, s. 896  
(3).

(2) As regard ratable property comprised within any water district within the meaning of the Waterworks Act, 1932, the assessed annual value shall be the assessed annual value as assessed under the Waterworks Act, 1932, for the year ending the thirtieth day of June next after the said thirty-first day of March.

(3) As regards ratable property not comprised within any water district as aforesaid, the assessed annual value shall be the assessed annual value to be assessed by the Commissioner of Waterworks in accordance with the provisions of paragraph (a) of subsection (1) of section 67 and section 70 of the

Waterworks Act, 1932. For the purposes of making any such assessment the Commissioner and any person authorised by the Commissioner shall have all the powers conferred by the Waterworks Act, 1932.

(4) The board shall for every statement supplied by the Commissioner as aforesaid pay to the Commissioner such sum as is agreed upon or, in default of agreement, as is determined by the Chief Secretary.

(5) Towards the annual expenditure estimated as provided by section 33, every constituent local board shall contribute a sum bearing the same proportion to the said estimated annual expenditure as the assessed annual value of the ratable property within the district of such local board bears to the total assessed annual value of the ratable property within the districts of all the constituent local boards.

(6) In this section "ratable property" means ratable property within the meaning of the Local Government Act, 1934.

Substituted  
by 2156,  
1934, s. 896  
(3).  
Subsec. (7)  
repealed by  
2156, 1934,  
s. 896 (3).

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When contri-  
butions by  
local boards  
payable.

Amended by  
2097, 1932,  
s. 6, and  
2156, 1934,  
s. 896 (4).

**35.** The first contribution required by the preceding section to be paid by constituent local boards shall be paid to the board on a date to be fixed by the Minister by notice in the *Government Gazette*. Subsequent annual contributions shall be paid by constituent local boards to the board in equal quarterly instalments, on the first days of the months of December, March, June, and September in each year, and after the thirtieth day of June, nineteen hundred and thirty-five, shall be paid as aforesaid on the first days of the months of July, October, January, and April in every year.

If any quarterly instalment becoming due after the commencement of this Act is not paid on or before the day upon which it becomes due, interest at the rate of seven pounds ten shillings per centum per annum calculated upon the amount of the instalment from the day upon which it became due until the date of payment, shall be paid to the board by the constituent local board by which the instalment is payable: Provided that the board in any case in which it thinks fit, may remit the payment of such interest.

The instalments payable pursuant to this section on the first day of December, nineteen hundred and thirty-four, and the first days of March and June, nineteen hundred and thirty-five, by any constituent local board shall be fixed by

the board so that the instalment payable on the said first day of June shall be one-third of the instalments payable on the other said days.

36. The contribution of every constituent local board shall be provided out of the general rate declared under the Local Government Act, 1934, for the purpose of the municipality or district council district comprising the district of the constituent local board.

Contributions to the board.

Substituted by 2156, 1934, s. 896 (5).

\* \* \* \* \*

S. 37 repealed by S.L.R. Act, 1935.

38. (1) Except as provided by section 34, no constituent local board shall in any case be liable to the board for any expense incurred in respect of any patient.

Liability in respect of patients.

(2) Where any patient is admitted to the hospital from outside the districts of the constituent local boards, the local board of health for the municipality or district council district within which such patient had his last place of abode prior to his admission shall be liable to the board for all expenses incurred in connection with the transport and treatment of such patient: Provided that if such local board proves to the satisfaction of the board that such patient did not, immediately prior to his admission, have his place of abode within the municipality or district of such board for the average period of incubation of the disease from which such patient was suffering, the local board of health for the municipality or district wherein such patient had his place of abode at the commencement of the said period of incubation shall be so liable to the board in place of the said local board.

(3) Where any patient is admitted to the hospital from within the districts of the constituent local boards, but such patient did not, immediately prior to his admission, have his place of abode within any of such districts for the average period of incubation of the disease from which such patient was suffering, the local board of health for the municipality or district council district wherein such patient had his place of abode at the commencement of the said period of incubation shall be liable to the board for all expenses incurred in connection with the transport and treatment of such patient.

(4) For the purposes of this section the decision of the board as to the average period of incubation shall be final and conclusive.

Banking  
account.

**39.** (1) All moneys received by the board under this Act shall be paid to the credit of the board with some bank in Adelaide, and the board may, pending the receipt of contributions from the constituent local boards, obtain advances by overdrafts without security; but the total amount of such overdrafts shall not at any time exceed the sum of two thousand pounds.

(2) No funds shall be withdrawn from any bank except by cheque signed by the chairman and one other member of the board and countersigned by the secretary.

*General Provisions.*

Hospital to  
be a school  
of medical  
instruction  
in connection  
with  
Adelaide  
University.  
Of. 1497,  
1921, s. 13.

**40.** (1) The hospital is hereby declared to be a school of medical 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 thereof, shall be entitled to attend at the hospital for instruction in connection with such course, subject to any statutes and regulations made by the council of the said university and any rules and regulations made by the board.

(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.

Advisory  
committee  
to co-operate  
with  
university  
and board.

**41.** The Advisory Committee constituted under section 14 of the Hospitals Act Amendment Act, 1921, 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 of the said university and the attendance and instruction at the hospital of students in the said course.

Regulations.

**42.** (1) The Governor may make regulations prescribing all matters which by this Act are contemplated or permitted to be prescribed, or which may be necessary or convenient to be prescribed for giving effect to this Act, including regulations for the following, among other purposes:—

(a) prescribing the manner of taking the ballot at elections of members, and generally regulating and controlling such elections:

s. 40. The Adelaide University Act has been repealed and superseded by the University of Adelaide Act, 1935.

s. 41. The Hospitals Act Amendment Act, 1921, has been repealed and superseded by the Hospitals Act, 1934, and s. 14 of the former Act has been superseded by s. 33 of the latter Act.



(b) prescribing and regulating the business and proceedings of the board, and of its committees:

(c) prescribing or providing for the duties, control, supervision, guidance, and conditions of employment of the secretary and of the other officers and servants of the board:

(d) maintaining order and discipline among the members of the staff and the inmates of the hospital:

(e) regulating the study of surgery and medicine at the hospital or in connection therewith:

(f) regulating the admission to and discharge from the hospital of patients, and for determining the liability of local boards of health, not being constituent local boards, and of other authorities or persons in respect of patients admitted to the hospital and defining the persons or classes of persons upon whom such liability may be imposed and the methods by which any such liability on the part of such local boards, authorities, and persons may be enforced:

Amended by  
2097, 1932,  
s. 7 (a).

(f1) requiring the disinfection of ambulances and other vehicles in which persons suffering from infectious disease or bodies of persons who have died from infectious disease are conveyed to or from the hospital:

Inserted by  
2097, 1932,  
s. 7 (b).

(g) regulating all matters affecting the management, conduct, care, and control of the hospital:

(h) fixing penalties for offences against regulations, not exceeding in any case the sum of ten pounds.

(2) All such regulations (except regulations under paragraph (a) of subsection (1) hereof) shall be made upon the recommendation of the board.

43. A copy of the *Government Gazette*, purporting to contain a copy of any regulation, or of the notice of appointment of any member, officer, or servant of the board, shall be conclusive evidence of the making of such regulation or appointment, and of the contents thereof.

Evidence of  
regulations  
and appointments.

44. Neither the board nor its property shall be subject to general, special, or local taxation.

Board exempt  
from  
taxation.

Authentica-  
tion of  
documents.

45. Every document required to be authenticated by the board or by any of the constituent local boards, for the purposes of this Act, shall, except where otherwise herein provided, be sufficiently authenticated without the common seal of the board or of the constituent local board if signed by the chairman and the secretary of the board or by the chairman and the secretary of the constituent local board, as the case may require.

Proof in  
legal  
proceedings.

46. It shall not be necessary in any legal proceedings to prove the existence or constitution of the board or the appointment of any officer or servant of the board.

Summary  
proceedings  
for offences.

47. All proceedings in respect of offences against this Act shall be disposed of summarily.

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## SCHEDULES.

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Amended by  
S.L.R. Act,  
1935.

### THE FIRST SCHEDULE.

#### CONSTITUENT LOCAL BOARDS.

The local board of health for the municipality of the City of Adelaide.  
The local board of health for the municipality of Port Adelaide.  
The local board of health for the municipality of Unley.

#### *Group A.*

Comprised of the local boards of health for the municipalities of St. Peters and of Kensington and Norwood, and the district council districts of East Torrens, Walkerville, Payneham, and Campbelltown.

#### *Group B.*

Comprised of the local boards of health for the municipalities of Hindmarsh, Thebarton, and Glenelg, and the district council district of West Torrens.

#### *Group C.*

Comprised of the local boards of health for the municipalities of Brighton and Burnside, and the district council districts of Mitcham and Marion, and the Garden Suburb of Colonel Light Gardens.

#### *Group D.*

Comprised of the local boards of health for the municipalities of Henley and Grange, Prospect, and Woodville, and the district council district of Enfield.

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**First Schedule:** For particulars of proclamations declaring further constituent local boards see the footnote to s. 4.

THE SECOND SCHEDULE.

That piece of land containing 40 acres and 38 perches, being that portion of section 324, hundred of Yatala, county of Adelaide, bounded as follows:— Commencing at the north-western corner of section 324 on Government Road; thence easterly along the southern boundary of section 323 for 2,000 links; thence southerly at right angles for 2,012 links to the southern boundary of section 324; thence westerly at a north-western angle of  $89^{\circ} 39'$  for 2,000 links along the said boundary to Government Road; thence along the east side of Government Road at a north-eastern angle of  $90^{\circ} 21'$  for 2,000 links to the point of commencement.

Regulations.

The following regulations were in force under this Act on 24th May, 1937:—

GENERAL REGULATIONS—

*Gazette*—10th November, 1932, p. 937.  
27th July, 1933, p. 142.

ELECTION OF MEMBERS OF THE BOARD—

*Gazette*—31st October, 1929, p. 1008.

RELATING TO INSTALMENTS PAYABLE BY CONSTITUENT LOCAL  
BOARDS FOR THE PERIOD FROM 1ST DECEMBER, 1934, TO  
30TH JUNE, 1935—

*Gazette*—7th March, 1935, p. 686.

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MIDWIVES

see Nurses Registration.