

No. 12 of 1973

AN ORDINANCE

To amend the *Canberra Hospital Ordinance 1938-1971*.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1972*.

Dated this fifth day of April, 1973.

PAUL HASLUCK
Governor-General.

By His Excellency's Command,

D. EVERINGHAM

Minister of State for Health, acting for and on behalf of
the Minister of State for the Capital Territory.

CANBERRA HOSPITALS ORDINANCE 1973

1. (1) This Ordinance may be cited at the *Canberra Hospitals Ordinance 1973*.* Short title
and citation.

(2) The *Canberra Hospital Ordinance 1938-1971*† is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Canberra Hospitals Ordinance 1938-1973*.

2. This Ordinance shall come into operation on a date to be fixed by the Minister by notice published in the *Gazette*. Commence-
ment.

3. The title to the Principal Ordinance is amended by omitting the words “, to make provision relating to” and substituting the word “and”. Title.

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

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

Part III—Administration of the Hospital and the Woden
Valley Hospital (Sections 23A-37).”

and substituting the words and figures—

“Part II—The Canberra Hospitals Management Board
(Sections 6-14)

Part III—Administration of the Canberra Hospital and the
Woden Valley Hospital (Sections 23A-37) ”.

* Notified in the *Commonwealth Gazette* on 12 April 1973.

† Ordinance No. 20, 1938, as amended by No. 26, 1938; No. 3, 1939; Nos. 5, 10 and 17, 1940; Nos. 4 and 15, 1941; No. 12, 1943; No. 6, 1944; No. 9, 1945; No. 6, 1946; Nos. 7 and 10, 1947; No. 11, 1950; No. 7, 1952; No. 13, 1955; No. 4, 1958; No. 11, 1959; No. 21, 1961; No. 9, 1962; No. 8, 1963; No. 18, 1964; No. 19, 1966; Nos. 28 and 31, 1967; and Nos. 26 and 33, 1971.

Interpreta-
tion.

5. Section 5 of the Principal Ordinance is amended—

- (a) by inserting before the definition of “dependant” the following definition:—

“ ‘after-care annex’ means the land comprising Blocks Nos. 28 and 29 Section No. 2 in the Division of Narrabundah, Canberra City District, and the buildings erected on that land;”;

- (b) by inserting after the definition of “dependant” the following definition:—

“ ‘hospital’ means a hospital to which this Ordinance applies;”;

- (c) by inserting after the definition of “infectious disease” the following definition:—

“ ‘intellectually handicapped children’s annex’ means the land comprising Blocks Nos. 51 and 52 Section No. 72 in the Division of Downer, Canberra City District, and the buildings erected on that land;”;

- (d) by omitting paragraph (c) of the definition of “services” and substituting the following paragraph:—

“ (c) such other facilities as the Minister directs under paragraph (e) of sub-section (1) of section 32;”;

- (e) by omitting the definitions of “the Board”, “the General Superintendent”, “the Hospital” and “the Hospital grounds” and substituting the following definitions:—

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

‘the Canberra Hospital’ means—

- (a) the hospital erected on the land described in the Second Schedule to this Ordinance;
- (b) the after-care annex; and
- (c) the intellectually handicapped children’s annex;

‘the Canberra Hospital grounds’ means the land described in the Second Schedule to this Ordinance;

‘the General Superintendent’ means—

- (a) in relation to the Canberra Hospital—the person for the time being holding, under this Ordinance, the office of General Superintendent of that hospital; and
- (b) in relation to the Woden Valley Hospital—the person for the time being holding, under this Ordinance, the office of General Superintendent of that hospital;”;

- (f) by omitting the definition of “ the Woden Valley Hospital ” and substituting the following definition:—

“ ‘ the Woden Valley Hospital ’ means the hospital on the land comprising Block No. 1 Section No. 53 in the Division of Garran, Canberra City District, and includes any part of that hospital in the course of completion;”;

- (g) by adding at the end of the definition of “ treatment ” the words “ and includes accommodation, lodging and other services provided by the Board at an annex.”; and

- (h) by adding at the end thereof the following sub-section:—

“ (2) This Ordinance applies to the Canberra Hospital and the Woden Valley Hospital.”.

6. The heading immediately preceding section 6 of the Principal Ordinance is amended by omitting the word “ HOSPITAL ” and substituting the word “ HOSPITALS ”. Heading.

7. Section 6 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:— Establishment of Board.

“ (1) The body corporate preserved and continued in existence under the *Canberra Hospital Ordinance* 1938-1971 under the name Canberra Hospital Management Board is preserved and continues in existence as a body corporate under and subject to the *Canberra Hospitals Ordinance* 1938-1973 under the name Canberra Hospitals Management Board but so that its corporate identity, its rights, its privileges, its obligations and its liabilities, and any act or thing done or suffered by it, shall not be affected.”.

8. The heading immediately preceding section 23A of the Principal Ordinance is repealed and the following heading substituted:— Heading.

“ PART III—ADMINISTRATION OF THE CANBERRA HOSPITAL AND THE WODEN VALLEY HOSPITAL ”.

9. Section 23A of the Principal Ordinance is amended by inserting in sub-section (1), after the words “ General Superintendent ”, the words “ of each hospital ”. The General Superintendent.

10. Section 24 of the Principal Ordinance is amended—

- (a) by inserting in paragraph (a) of sub-section (1), after the words “ General Superintendent ”, the words “ of a hospital ”; General powers and duties of Board.
- (b) by omitting from that paragraph the words “ the Hospital ” and substituting the words “ that hospital ”;
- (c) by omitting from paragraph (b) of that sub-section the words “ the Hospital ” and substituting the words “ a hospital ”; and

(d) by omitting paragraph (c) of that sub-section and substituting the following paragraph:—

“(c) in relation to such parts of the Woden Valley Hospital as are not ready for use and occupation—be responsible for preparing those parts for use and occupation and, in particular, without limiting the generality of the foregoing, for—

- (i) the purchase of supplies, equipment and all other things that will be required for the efficient operation of those parts as a hospital; and
- (ii) the training of such nurses, attendants and other employees as will be necessary for the efficient operation of those parts as a hospital.”.

11. Section 24A of the Principal Ordinance is repealed and the following section substituted:—

Medical
Advisory
Committees.

“24A. (1) For the purposes of this Ordinance, there shall, in relation to each hospital, be a Committee to be known as the Medical Advisory Committee.

“(2) The Medical Advisory Committee of the Canberra Hospital shall consist of five members, each of whom shall be a Visiting Medical Officer of that hospital, elected at a meeting of Visiting Medical Officers of that hospital at which not less than fifty-five per centum of the number, for the time being, of Visiting Medical Officers of that hospital are present.

“(3) The Medical Advisory Committee of the Woden Valley Hospital shall consist of five members, each of whom shall be a Visiting Medical Officer of that hospital, elected at a meeting of Visiting Medical Officers of that hospital at which not less than fifty-five per centum of the number, for the time being, of Visiting Medical Officers of that hospital are present.

“(4) A member of a Medical Advisory Committee holds office for a period of twelve months and is eligible for re-election.

“(5) The functions of a Medical Advisory Committee are to consider, and make recommendations to the General Superintendent of the hospital in relation to which the Committee is constituted, on—

- (a) matters concerning the medical and surgical treatment of patients;
- (b) matters concerning hygiene; and
- (c) matters of professional importance to members of the medical profession.”.

12. Section 25 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) all the words from and including the word “appoint” to the end of the sub-section and substituting the following words:—

Power of Board to appoint staff.

“appoint—

- (a) such medical, dental and other officers;
- (b) a Secretary to the Board and such clerical and other officers;
- (c) in relation to the Canberra Hospital—
 - (i) a Matron and such nurses, attendants and other servants; and
 - (ii) such clerical and other officers; and
- (d) in relation to the Woden Valley Hospital—
 - (i) a Director of Nursing and such nurses, attendants, and other servants; and
 - (ii) a Secretary and such clerical and other officers,

as are necessary for the purposes of each hospital”; and

- (b) by omitting sub-section (1A).

13. Section 25A of the Principal Ordinance is amended—

- (a) by inserting after sub-section (2) the following sub-section:—

Visiting and Honorary Medical Officers.

“(2A) A person shall not act as Visiting Medical Officer, Honorary Medical Officer, Honorary Dental Surgeon or Honorary Dental Radiologist except at the hospital in respect of which he was appointed Visiting Medical Officer, Honorary Medical Officer, Honorary Dental Surgeon or Honorary Dental Radiologist, as the case may be.”;

- (b) by omitting from sub-section (5) all the words from and including the words “is not entitled” to the end of that sub-section and substituting the words “appointed, employed or approved in relation to a hospital is not entitled to attend upon, or render professional services to, an in-patient of that hospital”;
- (c) by omitting from sub-section (7) the words “The General Superintendent” and substituting the words “A General Superintendent”; and
- (d) by adding at the end of that sub-section the words “of the hospital in respect of which the General Superintendent is appointed.”.

14. Sections 26 and 27 of the Principal Ordinance are repealed and the following sections substituted:—

“26. Subject to this Ordinance, each General Superintendent shall be responsible for the general administration of the hospital in respect of which he is appointed General Superintendent.

General administration of hospital.

Revenue of
Board.

“ 27. The revenue of the Board shall consist of—

- (a) such amounts as are appropriated by the Parliament for the purposes of the Canberra Hospital;
- (b) such amounts as are appropriated by the Parliament for the purposes of the Woden Valley Hospital;
- (c) all payments received from, or in respect of, in-patients or out-patients of a hospital and all payments received in respect of any services rendered by the Board or for the hire of plant or equipment of a hospital; and
- (d) all donations contributed, and any other money received by the Board, for the purposes of a hospital.”.

Expenditure
by Board.

15. Section 28 of the Principal Ordinance is amended by omitting sub-section (1) and substituting the following sub-section:—

“ (1) Subject to sub-sections (2) and (3), the Board may apply the moneys referred to in section 27 for the following purposes:—

- (a) the maintenance of the Canberra Hospital and the Woden Valley Hospital;
- (b) the discharge of obligations and liabilities incurred by the Board in preparing the Woden Valley Hospital for use and occupation;
- (c) the provision of medicines, disinfectants, surgical requisites, and medical, surgical and nursing attendance, and dental services for persons admitted to a hospital as in-patients or out-patients;
- (d) making such provision as is necessary for the isolation of persons who are suffering from an infectious disease or have been in contact with persons suffering from an infectious disease; and
- (e) payment of the salaries or wages of all persons employed at a hospital in pursuance of this Ordinance.”.

16. Sections 28A, 29 and 30 of the Principal Ordinance are repealed and the following sections substituted:—

Moneys
received by
Board.

“ 29. (1) All revenue received by the Board in connexion with the Canberra Hospital shall be paid into an account opened, for the purposes of that hospital, by the Board with the Commonwealth Trading Bank of Australia or the Commonwealth Savings Bank of Australia.

“ (2) All revenue received by the Board in connexion with the Woden Valley Hospital shall be paid into an account opened, for the purposes of that hospital, by the Board with the Commonwealth Trading Bank of Australia or the Commonwealth Savings Bank of Australia.

“ (3) The accounts referred to in sub-sections (1) and (2) shall be operated upon only in the manner directed by the Board by resolution.

“ 30. (1) The Board shall keep full and particular accounts of all moneys received and expended by it.

“ (2) The accounts of moneys so received shall be so kept that—

- (a) the revenue derived from persons and their dependants in respect of a hospital is shown separately from the moneys appropriated by the Parliament for the purposes of that hospital;
- (b) particulars of the moneys received by the Board for the purposes of each hospital, and of the expenditure of those moneys, are shown separately from particulars relating to other moneys received and expended by the Board;
- (c) particulars of the moneys received by the Board for the purpose of the annexes, and of the expenditure of those moneys, are shown separately from particulars relating to other moneys received and expended by the Board; and
- (d) particulars of moneys received by the Board for the purposes of preparing the Woden Valley Hospital for use and occupation, and of the expenditure of those moneys, are shown separately from particulars relating to other moneys received and expended by the Board.

Board to keep accounts and furnish reports to Minister.

“ (3) The Board shall, not later than the thirty-first day of December in each year, prepare and furnish to the Minister a separate report on the condition of each hospital as to works, repairs, alterations, furniture and fittings, and shall submit proposals as to any new works, repairs, alterations, furniture, fittings or equipment that, in the opinion of the Board, will be required during the ensuing financial year.

“ (4) The Board shall, in addition to the report referred to in sub-section (3), prepare and furnish to the Minister, not later than the thirty-first day of July in each year, a statement in respect of each hospital setting out in respect of the current financial year—

- (a) the estimated income of the Board in respect of that hospital;
- (b) the estimated expenditure of the Board in respect of that hospital; and
- (c) the estimated deficit or surplus in respect of that hospital.

“ (5) The statements required to be furnished by sub-section (4) shall show the estimated expenditure of the Board in such items or sub-divisions as the Minister directs.

“ (6) In addition to complying with the requirements of sub-sections (3) and (4), the Board shall, in preparing the report and statement relating to the Canberra Hospital, so prepare that report and statement that the report and statement show particulars in relation to the annexes of that hospital separately from the other particulars relating to that hospital required by those sub-sections to be shown in the report and statement.

“ (7) The Board shall not, unless the consent in writing of the Minister has first been obtained, incur liability for expenditure under an item or division in excess of the estimated expenditure under that item or division specified in the statement furnished under sub-section (4).”.

Treatment.

17. Section 32 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (2) the words “Medical and surgical treatment” and substituting the words “Subject to sub-section (3), medical and surgical treatment”; and
- (b) by omitting sub-section (3) and substituting the following sub-sections:—

“ (3) Notwithstanding the provisions of sub-section (2), a medical officer appointed by the Board under section 25 may, subject to and in accordance with the direction and control of a Visiting Medical Officer, assist that Visiting Medical Officer in the medical and surgical treatment of a person admitted, on the recommendation of that Visiting Medical Officer, to the hospital in respect of which the Visiting Medical Officer is appointed.

“ (4) Medical and surgical treatment provided by the Board at a hospital shall be rendered by the General Superintendent of the hospital, if he is registered as a medical practitioner under the *Medical Practitioners Registration Ordinance 1930-1970*, by a medical officer employed at the hospital by the Board under section 25 or by a Visiting Medical Officer of the hospital, either in his capacity as an Honorary Medical Officer or on such terms as the Board determines.”.

Use of facilities for surgical operations and medical procedures.

18. Section 32A of the Principal Ordinance is amended by inserting in paragraph (b) of sub-section (5), after the word “Committee”, the words “of the hospital in respect of which the appeal is to be heard”.

Official Visitors.

19. Section 39 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) the words “the Hospital” and substituting the words “a hospital”; and
- (b) by adding at the end thereof the following sub-section:—

“ (4) An official visitor shall perform the functions conferred on him by this section only in relation to the hospital in respect of which he is appointed official visitor.”.

Second Schedule.

20. The Second Schedule to the Principal Ordinance is repealed and the Schedule set out in the First Schedule to this Ordinance inserted in its stead.

Consequential amendments of the Principal Ordinance.

21. The Principal Ordinance is amended as set out in the Second Schedule to this Ordinance.

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

Saving of existing members.

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

Preservation of legal proceedings.

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

THE SCHEDULES.

FIRST SCHEDULE.

Section 20.

"SECOND SCHEDULE.

Section 5.

DESCRIPTION OF LAND.

All that piece of land containing an area of 22 acres 5 perches more or less being Section 55 Division of Acton Canberra City District Australian Capital Territory as delineated on plan catalogued in the Department of the Capital Territory Australian Capital Territory MS 1052; commencing at a point bearing 51 degrees 13 minutes 20 seconds 36.58 feet and 111 degrees 19 minutes 20 seconds 98.59 feet from the southernmost corner of Section 34 Division of Acton of plan catalogued in the office of the Registrar of Titles Canberra Australian Capital Territory Deposited Plan 331 and bounded thence by part of a southeastern side of Lawson Crescent bearing 82 degrees 5 minutes 40 seconds 61.04 feet thence by lines bearing successively 168 degrees 22 minutes 45 seconds 107.48 feet 149 degrees 22 minutes 30 seconds 116.58 feet 194 degrees 49 minutes 15 seconds 137.26 feet 122 degrees 38 minutes 45 seconds 812.77 feet 111 degrees 55 minutes 177.35 feet 172 degrees 1 minute 50 seconds 177.87 feet 194 degrees 18 minutes 20 seconds 175.1 feet 210 degrees 44 minutes 5 seconds 65.75 feet 231 degrees 11 minutes 5 seconds 58.58 feet and 217 degrees 46 minutes 25 seconds 183.32 feet thence by 138.77 feet of the arc of a circle of radius 168.63 feet the chord of which lies to the northwest and bears 241 degrees 20 minutes 55 seconds 134.89 feet thence by a line bearing 354 degrees 55 minutes 25 seconds 47.56 feet thence by 55.98 feet of the arc of a circle of radius 30 feet the chord of which lies to the southwest and bears 301 degrees 27 minutes 43 seconds 48.2 feet thence by a line bearing 248 degrees 31.07 feet thence by 30.42 feet of the arc of a circle of radius 30 feet the chord of which lies to the northeast and bears 277 degrees 2 minutes 43 seconds 29.13 feet thence by a line bearing 306 degrees 5 minutes 25 seconds 742.81 feet thence by 13.13 feet of the arc of a circle of radius 10 feet the chord of which lies to the northeast and bears 343 degrees 42 minutes 42 seconds 12.2 feet thence by a line bearing 21 degrees 20 minutes 54.33 feet thence by a line bearing 291 degrees 19 minutes 55 seconds 48.11 feet thence by 175.72 feet of the arc of a circle of radius 250 feet the chord of which lies to the northeast and bears 311 degrees 28 minutes 10 seconds 172.13 feet thence by a line and the northeastern side of a road of variable width bearing in all 331 degrees 36 minutes 20 seconds 462.79 feet thence by a southeastern and northeastern and southeastern sides of that road bearing successively 61 degrees 40 minutes 452.91 feet 343 degrees 29 minutes 33.13 feet 10 degrees 41 minutes 50 seconds 60.05 feet 27 degrees 19 minutes 39.83 feet and 42 degrees 7 minutes 10 seconds 52.81 feet to the point of commencement."

SECOND SCHEDULE.

Section 21.

AMENDMENTS OF THE PRINCIPAL ORDINANCE.

Section	Omit	Insert
Section 23A (2) ..	the General Superintendent	a General Superintendent
Section 23A (3) ..	The General Superintendent	A General Superintendent
Section 23A (4) ..	the General Superintendent	a General Superintendent
Section 23A (5) ..	the General Superintendent	a General Superintendent
Section 23A (8) ..	the General Superintendent	a General Superintendent
Section 25A (1) (a) ..	the Hospital	a hospital
Section 25A (1) (b) ..	the Hospital	a hospital
Section 25A (1) (c) ..	the Hospital	a hospital
Section 25A (1) (d) ..	the Hospital	a hospital
Section 25A (6) ..	the General Superintendent	a General Superintendent
Section 32 (1) (a) ..	the Hospital	a hospital
Section 32 (1) (b) ..	the Hospital	a hospital
Section 32 (1) (c) ..	the Hospital	a hospital
Section 32 (1) (d) ..	the Hospital	a hospital
Section 32A (1) ..	at the Hospital General Superintendent	at a hospital General Superintendent of the hospital
Section 32A (2) ..	provided at the Hospital General Superintendent	provided at the hospital General Superintendent of a hospital
Section 32A (2) (a) ..	at the Hospital	at the hospital
Section 32A (2) (b) ..	at the Hospital	at the hospital
Section 32A (3) ..	General Superintendent at the Hospital	General Superintendent of a hospital at the hospital
Section 32A (4) (a) ..	General Superintendent at the Hospital	General Superintendent of a hospital at the hospital
Section 32A (6) ..	The General Superintendent	A General Superintendent
Section 32A (12) ..	the General Superintendent	a General Superintendent
Section 35 ..	at the Hospital	at a hospital
Section 38 (1) ..	the Hospital or the Woden Valley Hospital	a hospital
Section 40 (1) (a) ..	of the Hospital	of a hospital
Section 40 (1) (b) ..	of the hospital	of a hospital
Section 40 (1) (c) ..	into the Hospital	into a hospital
Section 40 (1) (e) ..	of the Hospital	of a hospital
Section 40 (1) (f) ..	of the Hospital	of a hospital
Section 40 (1) (g) ..	Hospital grounds	Canberra Hospital grounds and Woden Valley Hospital grounds