No. 1521.

An Act to make provision for the Establishment, Control, and Management of a Metropolitan Infectious Diseases Hospital, and for other purposes.

[Assented to, December 6th 1922.]

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."

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

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, No. 711 of 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 November 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"
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.

Constitution and Appointment of Board.

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

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

(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—

(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
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.

(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.

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
(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.

(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
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 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.

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.

13. (1) The original representative members of the Board shall be appointed as soon as practicable after the commencement of this Act, and shall hold office until the thirty-first day of December, nineteen hundred and twenty-five. The other representative members shall each be appointed in the month of December in each year, and shall hold office for a term of three 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.

(2) Any person ceasing to be a member by reason of the expiration of his term of office shall be eligible for reappointment.

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 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:

(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. 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, 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
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(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.

(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.

18. The first meeting of the Board shall be convened by the Minister.

19. The Board shall meet at least once in every period of six weeks.

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.

(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 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.**

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

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.

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."

24. (1) The
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.

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.

(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.

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

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.

30. Every
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.

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

(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.

32. (1) The Board shall keep proper books of account for the purpose of recording its income and expenditure.

(2) Such books shall be balanced annually on or before the first day of March in every year.

(3) A statement of the Board’s income and expenditure for the financial year ending on the preceding thirtieth day of November, signed by the Chairman and the 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 Commissioner of Audit in relation to the auditing of public accounts.

Financial
Financial Provisions.

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

(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. Each 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) Towards the annual expenditure estimated as aforesaid each 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.

(2) In any case where Part II. of the Land Values Assessment Act, 1893, is in operation within the district of any Constituent Local Board, the assessed annual value for the purposes of this section of the ratable property therein shall be the assessed annual value of such property as shown by an assessment made for the purpose under sections 222 to 237 (both inclusive) of the Municipal Corporations Act, 1890, as if the said Part II. were not in operation within such district.

Any of the other Constituent Local Boards may object to any such assessment on the ground that it is too low and may give notice of its objection to the Minister. If the Minister is of opinion that the assessment is too low, he shall, by notice in the Government Gazette, fix the assessed annual value of the ratable property in the district of the Local Board whose assessment is objected to at such sum as in his opinion is fair and just. The sum so fixed shall, for the purposes of this Act, be deemed to be the assessed annual value of the ratable property within the district of such Local Board.

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.

36. The contribution of each Constituent Local Board shall be charged against the sanitary rate which each Constituent Local Board is authorised to declare under the provisions of section 25 of the Health Act, 1898.
37. Every Constituent Local Board and every officer thereof shall, when so requested by the Board, furnish the Board with any information relating to the annual value of the rateable property within the district of such Constituent Local Board.

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.

(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.

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.

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
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.

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.

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:

(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:

(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
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.

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

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.

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.

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

In the name and on behalf of His Majesty, I hereby assent to this Bill.

TOM BRIDGES, Governor.
SCHEDULES.

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.

Group B.

Group C.

Group D.

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° 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° 21' for 2,000 links to the point of commencement.