

# **NORTHERN TERRITORY OF AUSTRALIA**

## **HOSPITAL MANAGEMENT BOARDS ACT**

As in force at 1 April 1995

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 April 1995

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## HOSPITAL MANAGEMENT BOARDS ACT

### An Act relating to the management and operation of hospitals

#### 1 Short title

This Act may be cited as the *Hospital Management Boards Act*.

#### 2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

#### 3 Repeal

The Ordinances listed in the Schedule are repealed.

#### 4 Interpretation

In this Act, unless the contrary intention appears:

***appointed member*** means a member appointed under section 6(d).

***Board*** means a Hospital Management Board established by this Act.

***Chief Medical Officer*** means the Chief Medical Officer appointed under the *Public Health Act*.

***hospital*** means premises declared to be a hospital under section 6(2) of the *Medical Services Act*.

***Manager***, in relation to a hospital, means a person appointed under section 7(2)(a) of the *Medical Services Act* to be the person in charge of the hospital.

***member*** means a member of a Board and includes an appointed member and an ex officio member.

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**5        Boards**

There is established by this Act in respect of each hospital a board to be known by the name of the hospital followed by the words "Management Board".

**6        Composition of board**

Each Board established in respect of a hospital shall consist of 8 members of whom:

- (a) one shall be the Manager of the hospital;
- (b) one shall be the medical practitioner in charge of, and having principal responsibility for providing, medical services at the hospital;
- (c) one shall be the person in charge of nursing services at the hospital; and
- (d) 5 shall be persons appointed by the Minister.

**8        Vacancies not to invalidate**

The exercise of a power or the performance of a function by a Board is not invalid by reason only of there being a vacancy in the membership of the Board.

**9        Chairman and Deputy Chairman**

- (1) There shall be a Chairman and Deputy Chairman of each Board.
- (2) A Board shall, whenever the office of Chairman or Deputy Chairman of the Board is or becomes vacant, elect a member to be Chairman or Deputy Chairman, as the case may be.

**10      Notification of appointment**

The appointment under section 6(d) of a person as a member:

- (a) shall be notified in the *Gazette*; and
- (b) shall take effect on:
  - (i) the date of the instrument by which he was so appointed; or
  - (ii) if there is a later date specified in the instrument – that later date.

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**11 Term of appointment**

An appointed member holds office for:

- (a) the period specified in the instrument of his appointment; or
- (b) 3 years,

whichever is the shorter, but, subject to subsection (2), is eligible for reappointment.

**12 Removal**

- (1) The Minister may remove an appointed member from office if the member is, in the opinion of the Minister, guilty of misbehaviour or incompetence.
- (2) The Minister shall remove an appointed member from office if the member:
  - (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
  - (b) is, in the opinion of the Minister, of unsound mind; or
  - (c) is absent from 3 consecutive meetings of the Board without leave of the Board.
- (3) An appointed member may resign his office by writing under his hand delivered to the Minister.

**13 Conflict of interests**

- (1) A member who has a direct or indirect pecuniary interest in any matter which is the subject of consideration at a meeting of the Board of which he is a member shall, as soon as possible after he knows that he has the interest and that the Board is considering the matter, disclose his interest to the Board.

Penalty: \$1,000.

- (2) A member who has made a disclosure under subsection (1) shall take no further part in the deliberation of the Board in relation to the matter in respect of which his interest was so disclosed.

Penalty: \$1,000.

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- (3) A member required under subsection (2) to refrain from taking part in the deliberation of a Board shall be disregarded for the purpose of determining whether a quorum has been formed.

#### **14 Interest in companies**

Without limiting the generality of section 13(1), a member who:

- (a) is a member of the governing body of, or is a substantial shareholder within the meaning of section 708 of the Corporations Law in; or
- (b) has a relevant interest within the meaning of section 50 of that Law in,

a company which has a direct or indirect pecuniary interest in a matter has an interest in that matter.

#### **15 Protection of members**

A member or person acting with the authority of a Board is not personally liable in respect of any matter or thing done by that Board or by that person, if the matter or thing was done in good faith for the purpose of executing this Act or any other Act conferring or imposing powers, functions or duties on the Board.

#### **16 Acting appointments**

- (1) Where:
- (a) there is, or is expected to be, a vacancy in the office of an appointed member; or
  - (b) an appointed member is, or is expected to be, absent or unable to act,

the Minister may, by instrument in writing, authorize a person to act in the office of that appointed member.

- (2) The power of the Minister under subsection (1) includes the power to authorize a person to act in the office of an appointed member from time to time during the absence or inability to act of the appointed member.
- (3) This Act applies to and in respect of a person who is authorized under this section to act in an office, while he is so acting, as though he were the holder of that office.

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## **17 Procedure**

- (1) At a meeting of a Board, 5 members form a quorum.
- (2) At a meeting of a Board:
  - (a) the Chairman or, if he is not present, the Deputy Chairman, shall preside;
  - (b) all questions shall be decided by a majority of the votes of the members present; and
  - (c) the Chairman or, if he is not present, the Deputy Chairman, has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

## **18 Meetings**

- (1) Each Board shall meet:
  - (a) not less frequently than once in each month, at a time determined by the Chairman and notified to the members; and
  - (b) at such other times as the Minister may, by notice in writing to the Chairman, direct.
- (2) A Chairman shall, within 7 days after receiving a written notice signed by not less than 3 members requiring a meeting to be held of the Board of which they are members call a meeting of that Board.

## **19 Board to determine procedure**

- (1) Subject to this Act, the procedure for:
  - (a) calling meetings; and
  - (b) the conduct of meetings of a Board,shall be as determined from time to time by the Board.
- (2) A meeting of a Board shall be held at the hospital in respect of which the Board is established.
- (3) The Minister may attend any meeting of a Board.

## **20 Secretarial services for board**

The Manager of a hospital shall have the responsibility to ensure that a person is available to carry out secretarial services for the Board established in respect of the hospital.

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## **21 Minutes**

- (1) Each Board shall cause minutes to be kept of all its meetings.
- (2) Each Board shall, not later than 28 days after a meeting, submit copies of the minutes of that meeting to the Minister.

## **22 Functions**

- (1) The functions of a Board in relation to the hospital in respect of which it is established are:
  - (a) to give directions and offer advice, not inconsistent with the *Public Sector Employment and Management Act* or the *Financial Management Act* or the directions of the Minister, to the Manager of the hospital with respect to any matter relating to the operation of the hospital;
  - (b) to fix and supervise the standards of service provided by or through the hospital;
  - (c) to advise and make recommendations to the Minister on any matter relating to the operation of the hospital, including the needs of the hospital in relation to its future development;
  - (d) to co-ordinate the use of resources in the hospital;
  - (e) to raise money, and spend and pay out any money raised, for such uses in the hospital as are approved by the Minister;
  - (f) to accept and receive money donated to the hospital, and spend and pay out any money donated, for uses in the hospital;
  - (g) to maintain liaison with other persons or bodies in the area served by the hospital; and
  - (h) to exercise and discharge such powers, duties and functions as are conferred or imposed on it by or under this or any other Act.
- (2) For the avoidance of doubt, it is declared that the powers of direction of a Board do not include powers to give directions for or in relation to:
  - (a) the recruitment, management and discipline of staff; or
  - (b) the financial management of the hospital.



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- (3) The Manager of a hospital shall consider any advice and comply with any directions given to him under subsection (1).

## **23 Complaints**

A Board may make such recommendations as it thinks fit to the Minister or the Manager of the hospital in respect of complaints made to it in writing on any matter relating to the operation of the hospital or the services provided by or through the hospital in respect of which it is established.

## **24 Regular inspections**

- (1) Subject to this section, a Board shall ensure that the hospital in respect of which it is established is inspected at such times and by such number of members as it, from time to time, approves.
- (2) A person working in a hospital shall give the members approved of under subsection (1) by the Board, such assistance as those members require in relation to the inspection.
- (3) One of the inspections carried out under subsection (1) shall be made in the presence of the Chief Executive Officer as defined in the *Public Sector Employment and Management Act*, of the Department of the Public Service primarily responsible to the Minister for the administration of this Act or a person appointed by the Departmental Head at a time and date agreed to by the Departmental Head and the Board, provided that the period of time between each such inspection is not greater than 12 months.

## **25 Reports**

- (1) Each Board shall furnish to the Minister, not later than 30 September in each year, a report on its operations and the operations of the hospital in respect of which it is established during the immediately preceding financial year.
- (2) The Minister shall cause a copy of each report furnished under subsection (1) to be tabled in the Legislative Assembly within 10 sitting days of the Legislative Assembly after it has been so furnished.

## **Schedule**

section 3

*Hospital Advisory Boards Ordinance 1970 (No. 12 of 1970)*

*Hospital Advisory Boards Ordinance 1974 (No. 3 of 1974)*

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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2 LIST OF LEGISLATION

***Hospital Management Boards Act 1980 (Act No. 20, 1980)***

Assent date	14 March 1980
Commenced	1 July 1980 ( <i>Gaz</i> G18, 2 May 1980, p 13)

***Hospital Management Boards Amendment Act 1985 (Act No. 18, 1985)***

Assent date	23 May 1985
Commenced	30 October 1985 ( <i>Gaz</i> G43, 30 October 1985, p 10)

***Hospital Management Boards Amendment Act 1986 (Act No. 4, 1986)***

Assent date	28 April 1986
Commenced	9 May 1986 ( <i>Gaz</i> S20, 30 April 1986)

***Companies and Securities (Consequential Amendments) Act 1986 (Act No. 18, 1986)***

Assent date	30 June 1986
Commenced	1 July 1986 (s 2)

***Statute Law Revision Act 1987 (Act No. 9, 1987)***

Assent date	27 May 1987
Commenced	27 May 1987

***Statute Law Revision Act 1990 (Act No. 33, 1990)***

Assent date	11 June 1990
Commenced	11 June 1990

***Corporations (Consequential Amendments) Act 1990 (Act No. 59, 1990)***

Assent date	14 December 1990
Commenced	1 January 1991 (s 2, s 2 <i>Corporations (Northern Territory) Act 1990</i> (Act No. 56, 1990) and <i>Gaz</i> S76, 21 December 1990)

***Hospital Management Boards Amendment Act 1993 (Act No. 23, 1993)***

Assent date	24 June 1993
Commenced	24 June 1993

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***Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)***

Assent date	30 June 1993
Commenced	1 July 1993 (s 2, s 2 <i>Public Sector Employment and Management Act 1993</i> (Act No. 11, 1993) and Gaz S53, 29 June 1993)

***Financial Management (Consequential Amendments) Act 1995 (Act No. 5, 1995)***

Assent date	21 March 1995
Commenced	1 April 1995 (s 2, s 2 <i>Financial Management Act 1995</i> (Act No. 4, 1995) and Gaz S13, 31 March 1995)

### **3 LIST OF AMENDMENTS**

s 4	amd No. 4, 1986, s 4; No. 23, 1993, s 3
s 6	sub No. 23, 1993, s 4
s 7	amd No. 4, 1986, s 5; No. 9, 1987, s 2 rep No. 23, 1993, s 4
ss 10 – 12	amd No. 23, 1993, s 6
s 14	amd No. 18, 1986, s 3; No. 59, 1990, s 4
s 16	amd No. 23, 1993, s 6
s 20	sub No. 23, 1993, s 5
s 22	amd No. 18, 1985, s 4; No. 23, 1993, s 6; No. 28, 1993, s 3; No. 5, 1995, s 19
s 23	amd No. 23, 1993, s 6
s 24	amd No. 18, 1985, s 5; No. 4, 1986, s 6; No. 9, 1987, s 2; No. 33, 1990, s 9; No. 28, 1993, s 3
s 25	amd No. 23, 1993, s 6