

NORTHERN TERRITORY OF AUSTRALIA

HOSPITAL MANAGEMENT BOARDS ACT

No. 20 of 1980

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SCHEDULE

THE NORTHERN TERRITORY OF AUSTRALIA

No. 20 of 1980

AN ACT

Relating to the management and operation of
hospitals

[Assented to 14 March 1980]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the Hospital Management Boards Act 1980.

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The Ordinances listed in the Schedule are repealed.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 -

"Board" means a Hospital Management Board established by this Act;

"Chief Executive Officer", in relation to a hospital, means the person appointed to be the person in charge of the hospital under section 15 of the Hospitals and Medical Services Act;

"Chief Medical Officer" means the Chief Medical Officer appointed under the Public Health Act;

"hospital" means premises declared or deemed to be a hospital under the Hospitals and Medical Services Act;

"member" means a member of a Board.

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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. MEMBERS

Each Board consists of 8 members.

7. APPOINTMENT OF MEMBERS

(1) Subject to this Act, the Minister may appoint a person to be a member.

(2) The Chief Executive Officer of a hospital is a member of the Board established in respect of that hospital.

(3) One member of a Board shall be the matron in charge of nursing services of the hospital in respect of which the Board is established.

(4) One member of a Board shall be the employee within the meaning of the Public Service Act in the Department of Health who has general responsibility for the administration of the area in which the hospital in respect of which the Board is established is situated.

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 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

(1) Each member of a Board, other than a member appointed by reference to section 7(2), (3) or (4) holds office for -

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

whichever is the shorter, but, subject to sub-section (2), is eligible for reappointment.

(2) A person, other than a member appointed by reference to section 7(2), (3) or (4) shall not be appointed as a member of a Board for more than 2 consecutive terms.

12. REMOVAL

(1) The Minister may remove a member from office if the member is, in the opinion of the Minister, guilty of misbehaviour or incompetence.

(2) The Minister shall remove a 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) A 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 sub-section (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 sub-section (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 69C of the Companies Act in; or

(b) has a relevant interest within the meaning of section 6A of that Act 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 a member; or

(b) a 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 member.

(2) The power of the Minister under sub-section (1) includes the power to authorize a person to act in the office of a member from time to time during the absence or inability to act of the 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.

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;

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- (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. SECRETARY

The Minister shall make the employee within the meaning of the Public Service Act who carries out or performs the duties of secretary to the hospital available to be the secretary of the Board established in respect of that hospital.

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 -

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- (a) to give directions and offer advice, not inconsistent with the Public Service Act or the Financial Administration and Audit Act or the directions of the Minister, to the Chief Executive Officer 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 for such uses in the hospital as are approved by the Minister;
- (f) to maintain liaison with other persons or bodies in the area served by the hospital; and
- (g) 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.

(3) The Chief Executive Officer of a hospital shall consider any advice and comply with any directions given to him under sub-section (1).

23. COMPLAINTS

A Board may make such recommendations as it thinks fit to the Minister or the Chief Executive Officer 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) A Board shall ensure that the hospital in respect of which it is established is inspected not less frequently than once in every 3 months by the Board.

(2) A person working in a hospital shall give the Board inspecting the hospital under sub-section (1) such assistance as that Board requires in relation to the inspection.

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- (3) One of the inspections carried out under sub-section (1) -
- (a) shall take place in June in each year; and
 - (b) shall be made in the presence of the Departmental Head of the Department of Health within the meaning of the Public Service Act.

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 sub-section (1) to be tabled in the Legislative Assembly within 6 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)



