



ANNO VICESIMO PRIMO

GEORGII V REGIS.

A.D. 1930.

No. 1957.

An Act to amend the Hospitals Acts, 1867 to 1921.

[Assented to, October 23rd, 1930.]

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

1. (1) This Act may be cited as the "Hospitals Act Amendment Act, 1930". Short titles.

(2) The Hospitals Acts, 1867 to 1921, and this Act may be cited together as the "Hospitals Acts, 1867 to 1930".

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation.

3. (1) The cost of the maintenance, whether incurred before or after the passing of this Act, of any person in a public hospital shall be a debt due to the Crown for which the following persons shall be jointly and severally liable:— Maintenance of patients in public hospitals. Cf. 1122, 1913, s. 156.

I. The person so maintained:

II. The husband or wife of the said person:

III. If the said person is under the age of twenty-one years, the father of the said person or, if the father is dead, the mother of the said person:

IV. The children of the said person who were over twenty-one years of age at the time the liability was incurred.

(2) The cost of maintenance shall, for the purposes of this section, be such daily sum as the Inspector-General of Hospitals determines from time to time in respect of the particular case, either before or after

Hospitals Act Amendment Act.—1930.

after the cost has been incurred, together with all other special costs and charges which may be incurred with respect to the patient. The Inspector-General of Hospitals may, in writing, authorise any person to exercise any of the powers conferred upon him by this subsection. Any such authority may be of such general or limited application as is determined by the said Inspector-General.

(3) When any person as first mentioned in subsection (1) hereof dies in any public hospital, any funeral expenses incurred in respect of that person by the Crown shall be recoverable in the same manner as the cost of his maintenance in the public hospital.

(4) All moneys payable under this section for the maintenance of any person shall accrue from day to day, and may, whether incurred before or after the passing of this Act, be recovered by the Inspector-General of Hospitals, either summarily upon the complaint of the said Inspector-General, or any person authorised in writing by him for the purpose, or by action in any Court of competent jurisdiction by action at the suit of the said Inspector-General or any person authorised as aforesaid, and shall be payable to the said Inspector-General or to any person authorised in writing by him to receive the same. In any proceedings pursuant to this subsection, the averment that any place is a public hospital within the meaning of this section shall be deemed proved in the absence of proof to the contrary.

(5) When two or more persons are jointly and severally liable under this section for the same sum, they shall be entitled as against each other to such indemnity or contribution as is directed by the Court.

(6) Nothing in this section shall take away or restrict the liability of any person for the maintenance of any other person under any other Act or law for the time being in force, or the power of any Court to make any order under any such Act or law in respect of the maintenance of any person.

(7) The Inspector-General of Hospitals may at any time make an agreement with any person that he will pay a fixed sum towards the maintenance in any public hospital of any patient, and any sum so agreed to be paid shall constitute a debt payable to the Crown and recoverable in accordance with the foregoing provisions of this section; and every such person is hereby empowered to reimburse himself for all moneys paid by him in pursuance of any such agreement out of any property of the patient coming into his hands, or otherwise to recover the same in accordance with the said provisions of this section.

(8) No such agreement shall take away or restrict any liability that would otherwise lie on the person making the same or on any other person in respect of the maintenance of the patient.

(9) This section shall apply to any moneys incurred as maintenance as aforesaid before the passing of this Act only when such amounts have been incurred within five years before the passing of this Act.

(10) In

Hospitals Act Amendment Act.—1930.

(10) In this section—

“Cost of maintenance” includes all expenses incurred in respect of any patient in a public hospital:

“Public hospital” means—

- (a) the Adelaide Hospital:
- (b) any place declared to be a public hospital pursuant to The Hospitals Act, 1867:
- (c) any other hospital which is under the management of the Inspector-General of Hospitals.

4. (1) The Governor may, on the recommendation of the Inspector-General of Hospitals, by proclamation declare that this Act shall apply to any hospital (other than a hospital referred to in section 3) for the purposes of which any Government grant or subsidy is paid by the Government to the board or committee of management thereof.

Application of section 3 to subsidised hospitals.

(2) Upon the making of any such proclamation, the provisions of section 3 shall apply with respect to such hospital, and the said section shall be read as if the words “board or committee of management of the hospital” were substituted for the words “Crown”, “Inspector-General of Hospitals”, and “said Inspector-General” wherever occurring therein.

(3) The Governor may, on the recommendation of the Inspector-General of Hospitals, by proclamation revoke any such proclamation, in which event the provisions of section 3 shall cease to apply with respect to the hospital referred to in the proclamation.

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

A. HORE-RUTHVEN, Governor.