

# PUBLIC HOSPITALS ORDINANCE, 1911.<sup>(1)</sup>

## No. 25 of 1911.

### An Ordinance to amend the Law relating to Public Hospitals.

**B**E it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Public Hospitals Ordinance, 1911.*<sup>(1)</sup> Short title.

2. *The Public Hospitals Ordinance of 1898* is repealed. Repeal.

Such repeal shall not affect any act done or liability incurred under the said repealed Ordinance. Saving.

3. In this Ordinance unless the contrary intention appears— Interpretation.

“Lieutenant-Governor”<sup>(2)</sup> means the Lieutenant-Governor<sup>(2)</sup> of the Territory or other the person for the time being administering the Government of the Territory acting with the advice of the Executive Council thereof.

“Public Hospital” means a public hospital established or continued under the provisions of this Ordinance for the reception or relief of persons requiring medical or surgical treatment or suffering from any disease whether infectious or not.

4. All real and personal property given bequeathed or acquired for hospital purposes which immediately before the coming into operation of this Ordinance was vested in the Government Secretary of the Territory under his official title of “The Trustee of Public Hospitals” shall continue to be vested in and held by the Government Secretary for the time being of the Territory under the like official title and he may hold and deal with such property for hospital purposes as directed by the Lieutenant-Governor.<sup>(2)</sup>

Property already acquired to vest as heretofore.  
Pap. No. 11 of 1898, s. 10.  
  
How to be dealt with.  
Pap. *ib.* s. 7.

(1) Particulars of this Ordinance are as follows:—

Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
21.7.1911	6.12.1911	21.7.1911 ( <i>Statute Law of Papua, 1888 to 1916, Vol. III, p. 894</i> )

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

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Property already acquired how disposed of and proceeds applied.

Pap. No. 11 of 1898, ss. 7 and 8.

5. The Lieutenant-Governor<sup>(2)</sup> may at any time cause such property to be sold leased or exchanged and the proceeds thereof or the property obtained therefor shall be used either for hospital purposes generally or if the property was given bequeathed or acquired for some particular hospital then for the purposes of such hospital.

Other property to belong to the Crown.

6. All real and personal property whatsoever other than that mentioned in Section 4 hereof which belongs to or was used for hospital purposes in any hospital established under the Ordinance hereby repealed at the time of such repeal shall vest in and become the property of His Majesty.

Hospitals may be established and maintained.

Pap. *Ib.* s. 2.

7.—(1.) The Lieutenant-Governor<sup>(2)</sup> may establish and maintain public hospitals<sup>(3)</sup> at any place or places in the Territory.

(2.) Every public hospital shall be maintained and carried on under and in accordance with the provisions of this Ordinance.

(3.) The Lieutenant-Governor<sup>(2)</sup> may close any public hospital.

Official name.

Pap. *Ib.* s. 3.

8. Every public hospital shall have an official name to be fixed by the Lieutenant-Governor<sup>(2)</sup> the last two words of which shall be "Public Hospital."

Port Moresby Public Hospital continuance.

9. The hospital known as "The Port Moresby Public Hospital" shall continue to be a public hospital under that name but shall be maintained and carried on as a public hospital as if the same were established under this Ordinance.

Management.

Q. 29 Vic. No. 19, ss. 2 and 3, altered.

10.—(1.) Each public hospital shall be managed by such medical officer or such medical and other officers<sup>(4)</sup> as may be appointed for that purpose by the Lieutenant-Governor<sup>(2)</sup> from time to time.

(2.) Such management shall be under the control of the Chief Medical Officer or the other officer for the time being at the head of the Medical Department of the Territory and subject to the rules made under this Ordinance.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(3) By Proclamation dated 5.7.1915 and published in *Papua Govt. Gaz.* of 9.7.1915, the Lieutenant-Governor declared "that the hospital at Samarai, known as the Samarai Hospital shall be a Public Hospital, and I hereby fix as its official name that of 'The Samarai Public Hospital.'" No other notification of the establishment of a public hospital has been published in *Papua Govt. Gaz.*, but there is no statutory provision in the *Public Hospitals Ordinance, 1911*, requiring publication in *Papua Govt. Gaz.* (Semble, the Samarai Public Hospital was in existence before the Proclamation dated 5.7.1915 and published in *Papua Govt. Gaz.* of 9.7.1915, as the Administration, by notice dated 17.12.1902 and published in *British N.G. Govt. Gaz.* of 20.12.1902, appointed a "Committee of Management for the Samarai Public Hospital under the provisions of *The Public Hospitals Ordinance of 1898*"). For the "continuance" of the Port Moresby Public Hospital, see Section 9.

(4) By notices published in *Papua Govt. Gaz.*, the Lieutenant-Governor has from time to time appointed officers in charge of The Port Moresby Public Hospital and The Samarai Public Hospital. By notice dated 3.10.1928 and published in *Papua Govt. Gaz.* of 3.10.1928, the Lieutenant-Governor appointed a Board of Management for the Native Hospital Kwato.

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**11. The Lieutenant-Governor<sup>(2)</sup> may appoint—**

(1) such medical officers and other officers matrons nurses attendants and servants as he thinks fit to any public hospital;

Officers may be appointed.  
Pap. No. 11 of 1898, s. 21, altered.

(2) such district nurses as he thinks fit for the purpose of attending sick persons elsewhere than in a public hospital.

District nurses.  
New.

**12. The terms upon which patients can be admitted into a public hospital and the fees to be paid by them or any of them and all other matters affecting hospital patients except their medical treatment may be regulated by the rules hereinafter provided for.**

Admission of patients.  
Pap. *ib.* s. 13.

**13. All moneys earned by public hospitals shall be paid to the Treasurer and shall be accounted for by him in the Revenue Account for the Territory.**

Hospital earnings to be paid to revenue.  
Pap. *ib.* s. 11, altered.

**14. The Lieutenant-Governor<sup>(2)</sup> may appoint a Board of Advice<sup>(5)</sup> for any public hospital such board to consist of not less than three nor more than five persons and who shall hold office for three years or such less term as the Lieutenant-Governor<sup>(2)</sup> may appoint.**

Boards of Advice.  
New.

The Lieutenant-Governor<sup>(2)</sup> may appoint persons to vacancies that may from time to time occur in any such board from death resignation incapacity absence or otherwise.

The said board shall visit and report through the Chief Medical Officer to the Lieutenant-Governor<sup>(2)</sup> upon the public hospital for which they are so appointed.

Three members when the board shall consist of five and two members when the board shall consist of three or four members shall form a quorum.

Any member of the board may be removed by the Lieutenant-Governor.<sup>(2)</sup>

**15. The Lieutenant-Governor<sup>(2)</sup> may from time to time make rules<sup>(6)</sup> for giving due effect to this Ordinance and the objects thereof which rules shall be called "Public Hospital Rules."**

Rules.  
Pap. *ib.* s. 26.

Any rules so made may be applicable to all public hospitals or may be restricted in their application to one or more particular public hospitals.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(5) By notices published in *Papua Govt. Gaz.* the Lieutenant-Governor has from time to time appointed Boards of Advice for The Port Moresby Public Hospital and The Samarai Public Hospital. None of the appointments notified in *Papua Govt. Gaz.* were in force at the date of cessation of Civil Administration in the Territory, but there is no statutory provision in the *Public Hospitals Ordinance, 1911*, requiring the publication of such appointments in *Papua Govt. Gaz.*

(6) See the *Public Hospital Rules, 1923*, printed on p. 2159.

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All such rules shall be published in the *Gazette* and shall be laid before the Legislative Council within seven days after the publication thereof if the Legislative Council is then in session and if not then within seven days after the commencement of the next session.

If the Legislative Council passes a resolution at any time within fifteen days after such rules have been laid before it disallowing any rule such rule shall thereupon cease to have effect.