

HEALTH LEGISLATION AMENDMENT BILL 2003

AMENDMENTS AGREED TO IN COMMITTEE

1 Clause 2—

At page 10, line 11, ‘2001’—

omit, insert—

‘2002’.

2 After clause 59

At page 45, after line 8—

insert—

‘PART 8A—AMENDMENT OF HOSPITALS FOUNDATIONS ACT 1982

‘59A Act amended in pt 8A

‘This part amends the *Hospitals Foundations Act 1982*.

‘59B Insertion of new s 71A

‘After section 71—

insert—

‘71A Amalgamation of bodies corporate

‘(1) Two or more bodies corporate may apply to the Minister to be amalgamated as a single body corporate.

‘(2) The application must—

- (a) state the names of the bodies corporate applying to be amalgamated; and

- (b) state whether—
 - (i) all the bodies corporate are to be dissolved and a new body corporate established; or
 - (ii) 1 of the bodies corporate is to continue and the others are to be dissolved and subsumed into the body corporate that is to continue; and
- (c) for an application to which paragraph (b)(i) applies, state the name proposed for the proposed new body corporate; and
- (d) for an application to which paragraph (b)(ii) applies, state which body corporate is to continue; and
- (e) state the object or objects to which it is intended the proposed new or continuing body corporate will apply its property; and
- (f) state the name of each hospital proposed to be an associated hospital for the proposed new or continuing body corporate; and
- (g) include or be accompanied by the other information or documents the Minister reasonably requires.

‘(3) If the Minister is satisfied the bodies corporate should be amalgamated, the Minister may recommend the Governor in Council make a regulation for the purpose of amalgamating the bodies corporate.

‘(4) A regulation under subsection (3)—

- (a) must amalgamate the bodies corporate by—
 - (i) dissolving each body corporate (the “**discontinued body corporate**”) and establishing a new body corporate (the “**new body corporate**”); or
 - (ii) identifying the body corporate that is to continue (the “**continuing body corporate**”), dissolving each of the other bodies corporate (the “**discontinued body corporate**”) and subsuming it into the continuing body corporate; and
- (b) may do any of the following—
 - (i) provide for the assets and liabilities of a discontinued body corporate, without any conveyance, transfer or assignment, to become the assets and liabilities of the new body corporate or continuing body corporate;

- (ii) provide that the rights and obligations of a discontinued body corporate become the rights and obligations of the new body corporate or continuing body corporate;
- (iii) provide that if a legal proceeding might have been continued or started by or against a discontinued body corporate, it may be continued or started by or against the new body corporate or continuing body corporate;
- (iv) provide that in an instrument (other than a statutory instrument) in existence at the amalgamation, a reference to a discontinued body corporate is a reference to the new body corporate or continuing body corporate;
- (v) provide that the general fund established by a discontinued body corporate becomes part of the general fund of the new body corporate or continuing body corporate;
- (vi) provide that any trust fund of a discontinued body corporate becomes a trust fund of the new body corporate or continuing body corporate;
- (vii) provide that a bequest to a discontinued body corporate, whether made before or after the amalgamation, is a bequest to the new body corporate or continuing body corporate;
- (viii) make provision to facilitate anything else for, or relating to, the amalgamation.

‘(5) On the dissolution of a body corporate under this section, its members go out of office.

‘(6) A new body corporate is taken to have been established under section 7.

‘(7) To remove any doubt, it is declared sections 56 to 61 do not apply to an amalgamation under this section.

‘(8) In this section—

“**bequest**” of property includes devise, gift and grant of property.’.

3 Part 13, heading—

At page 71, line 4, ‘**ACT**’—

omit, insert—

‘**ACTS**’.

4 Clause 114—

At page 71, line 7, ‘Act’—

omit, insert—

‘Acts’.

5 Schedule—

At page 72, line 2, ‘ACT’—

omit, insert—

‘ACTS’.

6 Schedule—

At page 72, after line 3—

insert—

‘HEALTH RIGHTS COMMISSION ACT 1991**‘1 Section 3, definition “professional conduct committee”—**

omit.

‘2 Section 3—

insert—

‘**“Nursing Tribunal”** means the Nursing Tribunal under the *Nursing Act 1992*.’.

‘3 Section 3, definition “disciplinary body”, paragraph (c)—

omit, insert—

‘(c) the Nursing Tribunal; or’.

‘4 Section 130(4), ‘a professional conduct committee’—*omit, insert—*

‘the Nursing Tribunal’.’.

7 Schedule—

At page 73, line 8, ‘2001’—

omit, insert—

‘2002’.