VICTORIA

GOVERNMENT GAZETTE.

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COMMONWEALTH NATIONAL SECURITY (GENERAL) REGULATIONS.

STATE OF VICTORIA.

EMERGENCY HOSPITALS ORDER.

ORDER No. 6.

WHEREAS by Regulation 35A of the Commonwealth National Security (General) Regulations it is provided *inter alia* that the Premier of any State after consultation with the Minister of State for Home Security or an officer of the Department of Home Security authorized by that Minister to act on his behalf and with the Commandant of a Military District or an officer authorized by the Minister of State for Defence Co-ordination or the Minister of State for the Army to act on behalf of such Commandant, may by Order make such provision as he deems necessary to protect the persons and property of the civil population in that State or any part thereof in case of emergency:

Now therefore I, Albert Arthur Dunstan, Premier of the State of Victoria, having duly held such consultations, do hereby make the following Order:—

1. This Order may be cited as the Emergency Hospitals Order. Citation.

2. In this Order unless inconsistent with the context or subject-matter— Definitions.

"Hospital" includes any hospital registered under the Hospitals and Charities Acts and any private hospital within the meaning of the Health Acts.

"Land" includes buildings or parts of buildings.

"Managing authority" of any hospital means the committee of management, board of directors, governing body, owner, occupier or person having the management and control of the hospital.

3. (1) A Minister designated by the Premier for the State of Victoria shall be charged with the administration of this Order. Administration.

(2) The Inspector of Charities under the Hospitals and Charities Acts shall subject to the Minister be the principal executive officer for carrying this Order into effect.

(3) The Minister may by writing under his hand delegate any of his powers (except this power of delegation) under this Order to the Inspector of Charities or any other person or persons.

(4) Every delegation under this clause shall be revocable at will, and no such delegation shall prevent the exercise of any power or function by the Minister.

Emergency hospitals and hospital accommodation for civilian casualties.

4. For the purposes of providing adequate hospital accommodation and treatment for civilian casualties in the event of any attack by the enemy and generally for the purpose of making arrangements for the provision of such accommodation and treatment—

(*a*) the Minister may himself establish and conduct or may require or authorize the managing authority of any hospital to establish and conduct emergency hospitals;

(*b*) the Minister may require or authorize the managing authority of any hospital to provide or make or keep available accommodation at any hospital;

(*c*) the Minister may require or authorize the managing authority of any hospital to remove or discharge patients from such hospital or to transfer patients and equipment thereat to any other hospital or to any emergency hospital;

(*d*) the Minister may require or authorize the managing authority of any hospital to which patients are or may be transferred to provide adequate accommodation and treatment for such patients.

Application of No. 3699 Part III. as amended by No. 4432, s. 10, as regards transferred patients and civilian casualties.

5. (1) Part III. of the *Hospitals and Charities Act* 1928 as amended by any Act shall subject to any law of the Commonwealth apply (with such adaptations as are necessary for the purposes of this Order) with respect to—

(*a*) patients transferred to any hospital or emergency hospital pursuant to this Order; and

(*b*) patients admitted to any hospital or emergency hospital as civilian casualties as a result of enemy action—

and the hospital or emergency hospital to which patients are so transferred or admitted shall for the purposes of the application of that Part be deemed to be a registered institution under the Hospitals and Charities Acts.

Power to Minister in emergency to require admission and accommodation of patients at hospitals and to apply provisions of No. 3699, Part III., to hospitals.

(2) In an emergency arising in the event of enemy action—

(*a*) the Minister may require the managing authority of any hospital or emergency hospital to admit and provide accommodation and treatment for any patients or any specified class of patients; and

(*b*) the Minister may declare that the provisions of Part III. of the *Hospitals and Charities Act* 1928 as amended by any Act shall subject to any law of the Commonwealth apply (with such adaptations as are necessary for the purposes of this Order) to any hospital or emergency hospital in respect of patients or specified classes of patients thereat and thereupon the said provisions shall apply accordingly as if the said hospital or emergency hospital were a registered institution under the Hospitals and Charities Acts.

Provision of gas, electricity, water supply and sewerage services at emergency hospitals.

6. For the purposes of this Order the Minister may require or authorize any public authority controlling any gas electricity water supply or sewerage undertaking to provide gas electricity water supply or sewerage services at any emergency hospital.

Powers of taking possession of land.

7. (1) For the purposes of the establishment of any emergency hospital pursuant to this Order the Minister or the managing authority of any hospital authorized or required so to do by the Minister may—

(*a*) take possession of any land; and

(*b*) give such directions as may be necessary or expedient in connexion with the taking possession of the land.

(2) While such land is in the possession of the Minister or of the managing authority of a hospital the land may notwithstanding any restriction imposed on the use thereof whether by law or otherwise be used by or under the authority of the Minister or such managing authority for the purpose of carrying this Order into effect.

(3) The owner or occupier of any land shall if requested by the Minister or the managing authority of any hospital authorized by him so to do furnish to such Minister or managing authority such information in his possession relating to the land (being information which reasonably may be demanded in connexion with the execution of this Order) as is specified in the request.

(4) Any person authorized in that behalf by the Minister or the managing authority of any hospital may—

(*a*) enter on and inspect any land for the purpose of determining whether and in what manner any of the powers under this clause are to be exercised in relation to the land;

(*b*) enter on any land for the purposes of the exercise of any of the powers conferred by this clause.

(5) Such compensation shall be payable for any damage or loss sustained by the owner or occupier of or other party interested in the land by reason of the taking of possession of the land or of anything done in relation to the land in pursuance of this clause as is determined by the Minister.

Powers of requisitioning property other than land.

8. (1) For the purposes of the establishment and conduct of any emergency hospital or the provision of or making or keeping available of accommodation at any hospital or the provision of accommodation and treatment at any hospital pursuant to this Order the Minister or the managing authority of any hospital authorized or required so to do by the Minister may by requisition take possession of any property (other than land) reasonably necessary for all or any of those purposes.

(2) Where any property is requisitioned in pursuance of the powers conferred under this clause the Minister or the managing authority of the hospital may use or deal with or authorize the use of or dealing with the property for such purpose and in such manner as he or it thinks necessary or expedient for the purposes of this Order, and he or it may hold or sell or otherwise dispose of the property as if he or it were the owner thereof.

(3) Such compensation shall be payable in respect of property requisitioned in pursuance of the powers conferred by this clause as is determined by the Minister.

Financial provision.

9. With the consent of the Premier of the State of Victoria the Minister may make such financial provision as he deems necessary for the carrying into effect of this Order, and in particular for reimbursing managing authorities of hospitals in respect of costs and expenses incurred by such managing authorities in carrying this Order into effect.

Enforcement of Order.

10. (1) Every managing authority of a hospital and every person to which or to whom any direction requirement or demand is addressed or directed by under or pursuant to this Order shall comply with such direction requirement or demand.

(2) No person shall obstruct or hinder the Minister the managing authority of any hospital or any person in the exercise of any act authorized or required to be done by under or pursuant to this Order.

A. A. DUNSTAN,
Premier of the State of Victoria.

Dated this 29th day of January, 1942.

No. 63.

By Authority: H. E. DAW, Government Printer, Melbourne.