c 121 The Hamilton Civic Hospitals Act, 1978
CHAPTER 121

An Act to revise
The Hamilton Civic Hospitals Act, 1961-62

Assented to June 23rd, 1978

WHEREAS the Hamilton Civic Hospitals hereby represents that it was incorporated by a special Act of the Legislative Assembly of the Province of Ontario entitled The Hamilton Civic Hospitals Act, 1961-62, being chapter 152, under the name "The Board of Governors of the Hamilton Civic Hospitals"; that by supplementary letters patent dated the 17th day of May, 1977, the name of the corporation was changed to "Hamilton Civic Hospitals"; that The Regional Municipality of Hamilton-Wentworth Act, 1973, being chapter 74, gave certain powers to and imposed certain duties on the Regional Council of The Regional Municipality of Hamilton-Wentworth; that the said special Act conflicts with The Regional Municipality of Hamilton-Wentworth Act, 1973; that because of the change of the corporate name of the corporation and as a result of the conflict between the said special Act and the public Act it is desirable to revise the said special Act; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

(a) "board" means the board of directors of the corporation;

(b) "City" means The Corporation of the City of Hamilton;

(c) "corporation" means Hamilton Civic Hospitals;

(d) "hospitals" means the hospitals owned or acquired by the City or the Region;
(c) "Region" means The Regional Municipality of Hamilton-Wentworth;

(f) "Regional Council" means the council of The Regional Municipality of Hamilton-Wentworth.

2.—(1) The corporation established by section 1 of The Hamilton Civic Hospitals Act, 1961-62, being chapter 152, with the corporate name of "The Board of Governors of the Hamilton Civic Hospitals" is continued as a corporation with the corporate name of "Hamilton Civic Hospitals".

(2) The corporation is responsible for the general management, operation and maintenance of the hospitals.

(3) The corporation, under its corporate name, shall have perpetual succession and a corporate seal and under its corporate name may sue and be sued, contract and be contracted with, and acquire and hold personal property or movables for the purposes for which the corporation is constituted.

Composition of corporation.

3.—(1) The corporation shall be composed of twenty-four members all of whom shall be members of the board and the corporation shall be composed of,

(a) the mayor of the City or an alderman thereof appointed by the mayor to act in his stead for the remainder of the term for which the mayor was elected, the president and vice-president of the Medical Staff and the chairman of the Medical Staff Advisory Committee and the president of the Volunteer Association of Hamilton Civic Hospitals, who shall be members during their term of office;

(b) three members of the Regional Council appointed for the term of the Regional Council, but should any member so appointed for any reason cease to be a member of the Regional Council, he shall cease to be a member of the corporation;

(c) sixteen members appointed by the Regional Council, of whom eight shall be nominated by the Regional Council and eight shall be nominated by the Hamilton Hospital Associates, all of whom shall be members for a term of four years.

(2) Notwithstanding subsection 1, any member of the corporation appointed prior to this section coming into force pursuant to section 2 of The Hamilton Civic Hospitals
Act, 1961-62 shall continue as a member of the corporation until the expiry of the term for which such member was appointed.

(3) No actions of the corporation shall be challenged solely on the ground that members of the corporation appointed prior to the coming into force of this Act were not appointed in accordance with The Hamilton Civic Hospitals Act, 1961-62.

4. No member of the Regional Council is eligible to be appointed a member of the corporation under the provisions of clause c of subsection 1 of section 3 during his term of office or, in the event that he has for any reason ceased to be a member of the Regional Council, during the unexpired term for which he was elected.

5. In the case of a vacancy in the membership of the corporation from any cause, other than the expiration of the term for which a member was appointed, the Regional Council shall, as soon as possible, fill the vacancy by appointing in the manner aforesaid a member who shall hold office for the remainder of the term for which his predecessor was appointed.

6. Any member of the corporation appointed by the Regional Council is eligible for reappointment upon the expiration of his term of office if he is otherwise qualified.

7. The term of office of any or all of the members of the corporation appointed by the Regional Council may be terminated at any time by a majority vote of the members of the Regional Council present and voting.

8. Appointments to the corporation under clause c of subsection 1 of section 3 shall be made at the first regular meeting of the Regional Council in each year or as soon thereafter as is possible.

9. The board shall appoint a secretary and a treasurer, who shall hold office at the pleasure of the board or for such period as the board may prescribe.

10. The board shall meet at least once every three months.

11. In addition to such standing committees as the board may from time to time determine, the board may elect from among its members an executive committee, consisting of not less than three and not more than seven members, and may delegate to it such powers of the board as the board may by by-law determine from time to time.
12. No business shall be transacted at any special or general meeting of the board without a quorum and a quorum shall be nine members present and voting.

13. The members of the board shall serve without remuneration, but each member shall be entitled to receive his actual disbursements for expenses incurred for any services rendered by him at the direction of the board.

14. Subject to The Public Hospitals Act and The Health Insurance Act, 1972, the board may exercise all the powers formerly exercised by the Board of Governors under The Hamilton Civic Hospitals Act, 1961-62, prior to the day this Act comes into force, including, but without limiting the generality of the foregoing, the power,

(a) to enact by-laws for the general management, operation and maintenance of the hospitals;

(b) to appoint and to suspend or remove such employees as may be deemed necessary for the general management, operation and maintenance of the hospitals, and to fix their remuneration and prescribe their duties and working conditions;

(c) to provide pensions, to establish a plan of sick leave credit gratuities, and to provide group life insurance for such employees or any class thereof, as the board may determine, and to provide group accident insurance and group sickness insurance and hospital, medical, surgical, nursing or dental services, or payment thereof, for such employees or any class thereof and their spouses, as defined in clause b of section 14 of The Family Law Reform Act, 1978, and any child, as defined in clause a of section 1 of the said Act, of such employees and to contribute toward the cost thereof, and toward the cost to such employees of the plan for hospital care insurance provided under The Health Insurance Act, 1972;

(d) subject to The Health Insurance Act, 1972 and the regulations thereunder, to fix the fees to be charged patients for accommodation in and services rendered at the hospitals;

(e) to plan, contract for and supervise the erection, equipping and furnishing of additional hospitals and the alteration or enlargement of existing hospitals to the extent of any funds available from any source for such purposes; and
to invest from time to time any funds authorized by the board.

15. All real property hereafter acquired by the corporation pursuant to The Public Hospitals Act or otherwise, shall be vested in the city and, notwithstanding any other provision of this Act, the corporation has no power to sell, lease, mortgage or otherwise dispose of any land, buildings or fixtures owned by the City.

16.—(1) All personal property employed by the City in the operation of the hospitals on the 30th day of June, 1962, including furniture, equipment, supplies, accounts receivable and cash on hand, together with all personal property acquired by the corporation on or before the 31st day of December, 1973, is vested in the corporation in trust for the City and all personal property acquired since that date, where purchased from funds provided by the Region, is vested in the corporation in trust for the Region.

(2) The corporation shall,

(a) assume responsibility for the payment of all liabilities in respect of the general management, operation and maintenance of the hospitals; and

(b) obtain the approval of the Regional Council before authorizing any expenditure not wholly recoverable from the Ministry of Health for Ontario.

(3) This Act does not affect any collective agreement, as defined in The Labour Relations Act, between the corporation and any trade union or any right, privilege or duty of the corporation, its employees or any trade union under the said Act.

17. The auditors of the Region shall be the auditors of the corporation and all books, documents, transactions and accounts of the corporation shall be at all times open for the inspection of the treasurer and the auditors of the Region.

18. In addition to the powers now conferred by The Regional Municipality of Hamilton-Wentworth Act, 1973 to pass by-laws for granting aid to public hospitals, the Region may from time to time,

(a) make grants to the corporation for its purposes; and

(b) make temporary loans to the corporation of any money that, in the opinion of the treasurer of the
Region may be required by the corporation for the current operating expenses of the corporation, and may prescribe the interest chargeable therefor, the time for repayment thereof and the security to be given for any such loan.

19. — (1) The Region shall be responsible for the operating deficit, if any, incurred by the corporation during the preceding fiscal year according to the financial statements reported upon by the auditors of the Region, and shall pay over to the corporation the amount of any such operating deficit no later than the end of six months following the end of the fiscal year of the corporation in which such operating deficit was incurred.

(2) In determining whether or not an operating deficit has been incurred by the corporation within the meaning of subsection 1, the amount of the settlement of any claim, account or demand made upon the corporation and the amount of any final judgment obtained against the corporation, to the extent that such settlement or judgment is not recoverable from an insurer of the corporation, shall be paid by the corporation and charged against the operating revenues of the corporation.

20. The corporation shall submit to the Regional Council an annual report on the business affairs of the corporation for the preceding year in a form acceptable to the Regional Council.

21. All gifts, trusts, bequests, devises and grants of real or personal property or of the income or proceeds thereof, heretofore or hereafter expressed by any person in a deed or will, to be made over, given or conveyed to the City Hospital of Hamilton, now known as Hamilton General Hospital, the Mount Hamilton Hospital, the Nora-Frances Henderson Hospital or Hamilton Civic Hospitals, shall, in so far as the same shall not have vested in possession or been carried into effect at the date of the coming into force of this Act, in the absence of an expressed intention to the contrary set out in such deed or will, be construed as though the same had been expressed to be made, in the case of personal property, to the corporation and, in the case of real property, to the City for the purposes of the corporation, under this Act, and the executor, trustee, or other person or corporation charged with the duty of carrying into effect or administering such deed or will shall pay over or transfer all such personal property to the corporation and shall convey all such real property to the City, and the receipt of the corporation or the City, as the case may be, shall be a sufficient discharge therefor.
22. The corporation may recover from a patient, other than a person insured by The Health Insurance Act, 1972, the charges fixed by the Ministry of Health for Ontario and the corporation, or either of them, for services rendered at the hospitals to such patient.

23. Any payment made by the Region of an account to it by the corporation for treatment of a patient or the payment by the Region of any expenses of burial of a deceased patient shall be deemed to be a payment for which the Region is entitled to exercise the right of recourse from the patient or, in the event of his decease, from his estate or personal representatives or, in the case of a dependant, from any person liable in law with respect to such dependant, conferred upon municipalities by The Public Hospitals Act.

24. The corporation shall at all times cause to be insured all personal property vested in the corporation in trust for the City and the Region, and such insurance shall include public liability and indemnity insurance in connection with all phases of the general management, operation and maintenance of the hospitals, except only such items of liability as may be covered by The Workmen’s Compensation Act.

25. All claims, accounts and demands arising from or relating to the management, operation or maintenance of the hospitals or from the exercise of any of the powers of the board shall be made upon and brought against the corporation and not upon or against the City or the Region.

26. The lands, buildings and fixtures now owned by the City for hospital purposes shall continue to be vested in the City until the same or any portions thereof are sold or otherwise disposed of by the City, and the City may continue to acquire and hold lands, buildings and fixtures for hospital purposes and sell or otherwise dispose of the same or any portions thereof when no longer required for such purposes.

27. The Hamilton Civic Hospitals Act, 1961-62, being repealed, chapter 152, is repealed.

28. This Act comes into force on the day it receives Royal Assent.
