



ANALYSIS

Title
1. Short Title

2. Deputies of chairman or members
of Review Committee
3. Transfer and election

1972, No. 68

An Act to amend the Hospitals Act 1957

[20 October 1972]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Hospitals Amendment Act 1972, and shall be read together with and deemed part of the Hospitals Act 1957 (hereinafter referred to as the principal Act).

2. Deputies of chairman or members of Review Committee—Section 51A of the principal Act (as inserted by section 6 of the Hospitals Amendment Act 1968) is hereby amended by inserting, after subsection (4), the following subsections:

“(4A) Without limiting the proviso to paragraph (c) of subsection (3), or subsection (4), of this section if—

“(a) The chairman or any member of the committee is prevented by illness, absence, or other sufficient cause, from performing the duties of his office; or

“(b) It appears to the Minister that it would be inconvenient or inappropriate that the chairman or any member of the committee should act as such in respect of any particular complaint or appeal—

the Minister, on such nomination (if any) as is required by subsection (3) of this section, may appoint a person to act in the place of the chairman or member while the prevention lasts, or during the hearing of the complaint or appeal and any other complaint or appeal heard on the same day, as the case may be.

“(4B) The fact that any person appointed under the proviso to paragraph (c) of subsection (3), or subsection (4A), of this section acts as the chairman or as a member of the committee shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether the occasion requiring or authorising his appointment has arisen or has ceased. Every person so appointed shall for all purposes be deemed to be the chairman or a member of the committee, as the case may be.”

3. Transfer and election—Section 3 of the Hospitals Amendment Act (No. 2) 1971 is hereby amended by repealing subsection (11), and substituting the following subsection:

“(11) If—

“(a) Any person resumes employment in the Public Service pursuant to an election under subsection (2) of this section; or

“(b) Any question arises as to the application of any provision of the State Services Act 1962 relating to the appointment, promotion, or transfer of employees, in the case of a person who has made such an election—

the employment of that person in the Public Service shall be deemed to have continued without interruption, or shall be deemed for the purposes of that provision to have continued without interruption, as the case may require, notwithstanding any enactment to the contrary; but no such person shall be entitled to receive any remuneration as an employee of the Public Service in respect of any period during which he was actually employed by a Hospital Board:

“Provided that any leave of absence (whether annual leave or otherwise) taken by that person while employed in the Hospital Service shall be deemed to be leave of absence taken in the Public Service.”

This Act is administered in the Department of Health.
