



ANALYSIS

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1989, No. 36

An Act to amend the Hospitals Act 1957

[6 June 1989]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Hospitals Amendment Act 1989, and shall be read together with and deemed part of the Hospitals Act 1957 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of July 1989.

2. Interpretation—Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “constituent district” (as substituted by section 8 (3) of the Local Government Amendment Act 1979), and substituting the following definition:

“ ‘Constituent district’ means—

“(a) In relation to a hospital district (other than a hospital district to which paragraph (b) of this definition applies), the district of a territorial authority within the meaning of the Local Government Act 1974; or

“(b) In relation to a hospital district whose boundaries are declared by an Order in Council that includes a declaration of the kind described in section 21A (1) of this Act, each area declared by that order to be a constituent district of that hospital district.”.

3. Hospital districts—(1) Section 14 of the principal Act is hereby amended by repealing subsections (2) to (4) (as amended by section 8 (3) of the Local Government Amendment Act 1979), and substituting the following subsection:

“(2) Subject to the provisions of this Part of this Act, each of those hospital districts shall comprise the districts specified in the second column of the said First Schedule opposite the name of the hospital district.”

(2) Sections 15 and 16 of the principal Act (as amended by section 8 (3) of the Local Government Amendment Act 1979) are hereby repealed.

(3) The Local Government Amendment Act 1979 is hereby consequentially amended by repealing so much of Part III of the Third Schedule as relates to sections 14 to 16 of the Hospitals Act 1957.

4. Union or reconstitution of districts—Section 17 (1) of the principal Act is hereby amended by omitting the words “counties and other areas (if any)”, and substituting the word “areas”.

5. Alteration of boundaries of hospital districts at time of triennial general election—The principal Act is hereby amended by inserting, after section 21, the following section:

“21A. (1) Notwithstanding anything in section 21 of this Act, the Governor-General may, by Order in Council (including an Order in Council made under subsection (1) of that section), declare, in respect of a hospital district, the boundaries—

“(a) That, for the purposes of the next triennial general election of members of local authorities as prescribed by section 4 of the Local Elections and Polls Act 1976 to be held after the making of the order, will be deemed to be the boundaries of that hospital district; and

“(b) That, on the 58th day after polling day for the triennial general elections referred to in the order pursuant to paragraph (a) of this subsection, will become the boundaries of that hospital district.

“(2) Every Order in Council that includes a declaration of the kind described in subsection (1) of this section shall also declare, in relation to the hospital district whose boundaries are declared by the order, the areas within that district that, for the purposes of the triennial general elections referred to in the order, are to be constituent districts of that hospital district.

“(3) Each constituent district so declared shall be—

- “(a) A district of a territorial authority within the meaning of the Local Government Act 1974; or
- “(b) A district of a territorial authority within the meaning of the Local Government Act 1974 and one or more wards of any other such district; or
- “(c) One or more wards of a district of a territorial authority within the meaning of the Local Government Act 1974.

“(4) Where an order that includes a declaration of the kind described in subsection (1) of this section is made in relation to any hospital district, the areas within that hospital district that are declared by that order to be constituent districts of that hospital district for the purposes of the triennial general elections referred to in the order shall, on the 58th day after polling day for those elections, become constituent districts of that hospital district.”

6. Constitution of boards—Section 26 (3) of the principal Act (as inserted by section 5 (1) of the Hospitals Amendment Act (No. 3) 1988) is hereby amended by inserting, after the words “this Act”, the words “and to any Order in Council that includes a declaration of the kind described in section 21A (1) of this Act”.

7. Election of representatives of constituent districts—(1) Section 29 of the principal Act is hereby amended by repealing subsections (2A) to (2F) (as inserted by section 3 of the Hospitals Amendment Act 1986), and substituting the following subsections:

“(2A) Subject to subsection (2B) of this section, the representatives on a hospital board of a constituent district shall be elected by the electors of the whole of that district.

“(2B) The Governor-General may by Order in Council, made on the recommendation of the Minister, direct that the representatives on a hospital board of a constituent district shall be elected—

“(a) By the electors of each ward of that district; or

“(b) Partly by the electors of that district as a whole and partly by the electors of each ward of that district; or

“(c) Where the election of representatives on a hospital board of a district is for the time being required to be in accordance with paragraph (a) or paragraph (b) of this subsection, by the electors of that district as a whole;—

and shall, in respect of an Order in Council under paragraph (a) or paragraph (b) of this subsection, also specify—

“(d) Whether or not any wards are to be combined for the purpose of elections held in accordance with that order; and

“(e) The number of representatives to be elected by each ward and combined ward.

“(2c) Where an Order in Council is made under subsection (2B) of this section, all elections of representatives on the hospital board concerned of the constituent district concerned held more than 3 months after the commencement of that order shall be held in accordance with it.”

(2) Section 3 of the Hospitals Amendment Act 1986 is hereby consequentially repealed.

8. Remuneration of members of Board and its committees—(1) The principal Act is hereby amended by repealing section 95A (as substituted by section 39 (2) of the Local Government Amendment Act 1985 and as amended by section 11 of the Hospitals Amendment Act (No. 2) 1986), and substituting the following section:

“95A. The salaries, allowances, travelling allowances, and travelling expenses of the members of the Board and of the members of its committees shall be determined and paid in accordance with Part IVc of the Local Government Act 1974.”

(2) The following enactments are hereby consequentially repealed:

(a) So much of Part II of the Third Schedule to the Local Government Amendment Act 1985 as relates to the Hospitals Act 1957:

(b) Section 11 of the Hospitals Amendment Act (No. 2) 1986.