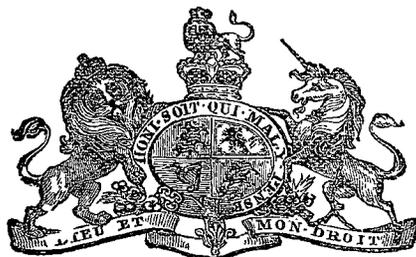


New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Amendments of Act of 1885. 3. Maintenance of destitute children. 4. Guardians of orphans in charitable institutions may be appointed. 5. Repeal. 6. Representation on District Boards to be proportioned to amount of contribution thereto by the several contributories. 7. Extraordinary vacancies. 8. Governor may appoint Commissioners where no Board exists. 9. Districts may become united by resolution. 10. Chairman or President on original and casting vote. 11. Annual subsidies to Boards. 12. Annual subsidies to separate institutions. 13. Advances may be made on account of subsidies. 14. Expenses of administration. 15. Section 14 of this Act retrospective. 16. As to refund to local authority of expenses paid to its representative. 17. Payment of bonus validated. 18. Declaration before payment of travelling expenses. 19. Holders of free passes not to be paid railway expenses. 20. Payment of expenses of separate institutions and of Trustees. | <ol style="list-style-type: none"> 21. Corporate name of united separate districts. 22. Division of Hospital and Charitable Aid Fund. 23. Application of surplus funds. And of proceeds from investments. 24. Receipts exempt from stamp duty. 25. Board may subdivide district for purpose of distributing charitable aid. 26. Board to collect contributions on an uniform scale. 27. Board may remit contributions in case of excess. 28. Property-tax Commissioner may levy contributions in districts where no rates levied. 29. Board may appoint local authorities to distribute charitable aid. 30. Dissolution of certain united districts. Allocation of assets and liabilities. 31. Annual subscriptions. 32. Life contributors. 33. Limitation of votes. 34. Election of Trustees of separate institutions. 35. Definition of contributory local authority. 36. Mode of election by contributory local authorities. 37. Controller and Auditor-General to audit accounts of Trustees of separate institutions. 38. Cost of appeals and inquiry to be paid by losing party. 39. Reserves and endowments may be granted to institutions. 40. First Schedule of Act of 1885 amended. |
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1886, No. 36.

AN ACT to amend "The Hospitals and Charitable Institutions Act, 1885." Title.
[17th August, 1886.]

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

1. The Short Title of this Act is "The Hospitals and Charitable Institutions Act 1885 Amendment Act, 1886." Short Title.

It shall be read and construed together with "The Hospitals and Charitable Institutions Act, 1885" (herein referred to as "the said Act").

2. The said Act is hereby amended, as follows:—

In section four, the definition of "District" and "District Board" shall be omitted, and the following substituted:—

"District" means a hospital district, or an united district con-

Amendments of
Act of 1885.

stituted under the said Act, and includes a separate district as defined by this Act.

“District Board” or “Board” includes a Hospital and Charitable Aid Board, a Hospital Board, and a Charitable Aid Board.

“Separate district” means a hospital district which has control of hospitals but not of charitable aid being united to another district for the purpose.

Maintenance of
destitute children.

3. Every order heretofore made or hereafter to be made at any place under subsection one of section sixteen of “The Industrial Schools Act, 1882,” for commitment of a child as an inmate of an industrial school shall be deemed to have been made within the hospital district wherein such place is situate: And the Board of such district, or the Board of the united district wherein such hospital district is comprised, shall defray the cost of maintaining such inmate at the aforesaid school, whether such inmate was committed to such school at any time before or after the first day of October, one thousand eight hundred and eighty-five.

Every Board liable as aforesaid,—

- (1.) Which shall not have made provision for the maintenance of children who were committed before the first day of October aforesaid may, under the authority of this section, require a special contribution from the local authorities within the districts under the jurisdiction of such Board, which shall be sufficient to defray the cost of such maintenance for the whole period included between the thirtieth day of November in the last past year and the first day of April in the now next ensuing year. All the provisions of the said Act relating to the levying of annual contributions from local authorities for defraying the cost of charitable aid, and for the recovery thereof if not paid, shall apply *mutatis mutandis* for the purpose of levying the special contribution authorized under this section;
- (2.) Shall include the cost of maintaining such children in the annual estimate of the cost of affording charitable aid in the district under its jurisdiction required to be made by such Board on or before the thirty-first day of March in the now next ensuing year, and in every year thereafter.

Guardians of
orphans in charit-
able institutions
may be appointed.

4. The Board or Trustees respectively having the control of any institution wherein orphan children who have lost both their parents are maintained may appoint any fit person, to be approved by the Colonial Secretary, to be the manager of such institution for the purposes of this section, and may apply to a Resident Magistrate under the provisions of section twenty-eight of “The Destitute Persons Act, 1877,” for an order appointing the said manager to have the custody of any such orphan child.

- (1.) The Resident Magistrate is hereby authorized to grant such order, notwithstanding any previous order for the maintenance of such child may not have been previously made by him or any other Magistrate under the said Act; and thereupon the guardianship of every child in respect

whereof such order is made, shall vest in the manager so appointed.

- (2.) Every manager so appointed shall, as such guardian, have all and singular the powers and authorities over the person over whom such guardianship is exercised which a guardian of the person of an infant appointed by the Supreme Court would have; and shall have and may exercise all the powers and authorities in respect of such person as the manager of any school under "The Industrial Schools Act, 1882," has and may exercise over any inmate of such school as the guardian of such inmate.

With the consent of the only surviving parent of an orphan child, to be expressed to a Resident Magistrate at a private examination to be made by him of such parent, such Magistrate may make a similar order in respect of any orphan child, having one parent surviving, if he shall think fit, and every order so made shall have the same effect as an order made as hereinbefore first mentioned. And upon the making thereof, the surviving parent of the child in respect whereof the order is made shall wholly cease to have any legal control or guardianship over such child so long as the said order remains in force.

Any Resident Magistrate may rescind or vary any order made under this section whether by himself or by any other Magistrate, and may transfer the guardianship of any orphan child from one manager to another appointed as aforesaid, whether of the same or any other institution as aforesaid; and every such order shall remain in force until the person over whom the guardianship is exercised by virtue of any such order or orders shall have attained the age of twenty-one years.

5. Subsection five of section eight of the said Act is hereby Repeal.
repealed.

6. The Governor, by Order in Council, shall, before the month of November ensuing next after the commencement of this Act, and at the same period in every third year thereafter, apportion the representation of the various contributory local authorities in any district on the Board of such district in the proportion to the amount contributed by such local authorities respectively to the Hospital and Charitable Aid Fund thereof during the year ending on the thirty-first day of March previous to the date of such Order in Council, and in proportion to the population of the districts of the various contributory local authorities.

Representation on District Boards to be proportioned to amount of contribution thereto by the several contributories.

Where a new district is constituted the apportionment, so far as contributions are concerned, shall be made according to the contributions of the local authorities therein to the fund of the district whereof the new district had previously formed a part.

Every apportionment of representation as aforesaid shall be made so that no local authority shall have more than four members on the Board; and all members so apportioned shall be elected, as provided in section seven of the said Act, in the month of November ensuing next after the date of the Order in Council whereby such apportionment is made.

It shall not be necessary to grant a representative to each con-

tributory local authority, but the local authorities may be grouped and return a member or members for such group.

The Governor shall also have power to adjust the representation of United Boards on the principles laid down regarding the representation of District Boards.

So much of the aforesaid section seven of the said Act as is repugnant to this section is hereby repealed.

Extraordinary
vacancies.

7. Extraordinary vacancies may be created in any Board in the same manner as provided by section fifty-three of the said Act in relation to the trustees of a separate institution; and for this purpose the said section shall apply *mutatis mutandis* in respect to every Board, the word "Board" being read therein in the place of the word "trustees."

If a sufficiency of members be not elected to supply any extraordinary vacancies, the Governor may appoint such persons as he may think fit to the Board, as provided in section seven of the said Act, on failure of election.

Governor may
appoint Commis-
sioners where no
Board exists.

8. In case all the members of any Board shall resign, so that the functions thereof cannot be exercised, the Governor may appoint any persons as he may think fit as Commissioners to exercise the functions of the Board, and such Commissioners shall be deemed to be the Board of the district for which they are appointed, and shall exercise all the powers and authorities of a Board under the said Act and this Act.

Districts may
become united by
resolution.

9. Notwithstanding anything contained in the said Act, any two or more hospital districts may, by resolution passed by the respective Boards thereof, become joined into an united district under the said Act. A copy of such resolutions shall be transmitted to the Colonial Secretary, who shall thereupon notify in the *Gazette* the fact of such union, if he approve it, but such union shall not take effect until the first day of April or October next succeeding the gazetting thereof.

Chairman or Presi-
dent an original and
casting vote.

10. At every meeting of the Board of any district under the said Act or this Act, or of the Board of Trustees of any separate institution, the Chairman or President of such meeting shall have an original vote, and, in case of an equality of votes on any question, shall also have a second or a casting vote.

Annual subsidies to
Boards.

11. Section fifteen of the said Act is hereby repealed, and in lieu thereof it is hereby enacted as follows:—

There shall be issued and paid out of the Consolidated Fund to every Board the following sums during each financial year, for five years, commencing from the first day of October, in the year one thousand eight hundred and eighty-six; that is to say,—

In respect of the sums received by the Board during such year from the sources following:—

- (1.) Ten shillings for every pound of bequests, but in no case exceeding five hundred pounds in respect of any one bequest;
- (2.) Twenty-four shillings for every pound of voluntary contributions; and
- (3.) One pound for every pound of contributions received from any local authority.

During each financial year after the said five years, unless the Colonial Treasurer shall be satisfied that the Board has a sufficiency of funds to carry out the administration of this Act during such year, there shall be paid the like sums or such lesser sums as the Colonial Treasurer shall think sufficient.

Every Board which shall not have made sufficient provision for the cost of maintenance of institutions within the district under the jurisdiction of such Board respectively, or the distribution of charitable aid therein, or for both of such objects during the now current year, and until the first day of April in the now next ensuing year, may require a special contribution from the local authorities in such district for the purpose of providing so much of the aforesaid cost as has not been already provided.

All the provisions of the said Act relating to the levying of contributions from local authorities for any of the objects aforesaid, and for the recovery thereof if not paid, shall apply *mutatis mutandis* for the purpose of levying the special contributions authorized under this section.

12. Section fifty-eight of the said Act is hereby repealed, and in lieu thereof it is hereby enacted as follows:—

Annual subsidies to separate institutions.

There shall be paid the following sums to each separate institution in the same manner in each year as are payable under the last-preceding section of this Act in respect of institutions under the control of District Boards, and subject as in the said section mentioned; that is to say,—

In respect of the sums received by the Trustees during such year from the sources following:—

- (1.) Ten shillings for every pound of bequests, but in no case exceeding five hundred pounds in respect of any one bequest;
- (2.) Twenty-four shillings for every pound of voluntary contributions; and
- (3.) One pound for every pound of contributions received from any local authority, but only in case such local authority has not received, or is not entitled to, a subsidy in respect of the amount of such contribution.

13. Out of any moneys from time to time appropriated by the General Assembly for the purposes of this Act the Colonial Treasurer may in each year advance to any Board or Trustees under the said Act, in anticipation of its estimated revenue for such year, any sums not exceeding in any case a sum equivalent to the half of the amount of the estimated revenue from all sources exclusive of subsidies.

Advances may be made on account of subsidies.

All sums so advanced to any Board or Trustees shall be deemed to have been paid on account of subsidies, and shall be deducted from the first subsidy thereafter payable under the said Act or this Act to the Board or Trustees receiving such advance.

14. Every District Board constituted under sections seven or eight of the said Act, and the Board of every united district constituted under section thirty-four thereof, out of the district funds under their respective control,—

Expenses of administration

- (1.) May pay such salaries and general expenses as shall be

necessary in and towards the due administration of the said Act within such districts respectively; and

- (2.) May pay the actual cost of the fare by road, railway, or water conveyance incurred by any member of such Board in going to or returning from any meeting of the Board when duly summoned, or in making any official visit of inspection to any institution when appointed to do so by the Board.

Section 14 of this Act retrospective.

15. The provisions of section fourteen shall be construed retrospectively, and be deemed to have been in force from the date of the commencement of the said Act.

As to refund to local authority of expenses paid to its representative.

16. Every Board mentioned in section fourteen may refund to any local authority any money for travelling expenses of the nature mentioned in subsection two of the aforesaid section, which such local authority may at any time intervening between the commencement of the said Act and this Act have paid to the representative of such local authority on any of the aforesaid Boards, subject, however, that to every application for any such refund, there shall be annexed a statutory declaration under "The Justices of the Peace Act, 1882," made and signed by the Chairman of the local authority making the application to the effect that the said local authority has not been paid, and is not entitled to be paid in respect of the same expenses by any other person, Board, or local authority under any other Act.

Payment of bonus validated.

17. All payments of money made before the passing of this Act to any officer or servant of an institution as a bonus on his retirement from his office or service are hereby validated; but nothing in this section contained shall be construed to authorize any such payments in the future.

Declaration before payment of travelling expenses.

18. Before any person shall be paid any money for travelling expenses under subsection two of section fourteen, he shall deliver to the Chairman of the Board from which he claims the same a statutory declaration made and signed by him under "The Justices of the Peace Act, 1882," that he has not been paid, and is not entitled to receive any sum in respect of the same travelling expenses from any other Board or corporation under any other Act.

Holders of free passes not to be paid railway expenses.

19. No person, being the holder of a free pass on a railway, shall be paid any money in respect of expenses for travelling on such railway.

Payment of expenses of separate institutions and of Trustees.

20. The Trustees of any separate institution may, out of the funds thereof, pay such salaries and general expenses as shall be necessary in and towards the due administration of the said Act in respect of such institution, and may pay to any Trustee the actual cost of the fare by railway, if he is not the holder of a free pass on such railway, or by coach or water conveyance, or by horse, incurred by any such Trustee in going to or returning from any meeting of the Trustees when duly summoned; but not more than five pounds in the whole shall be paid to any Trustee under this section in any one year.

Corporate name of united separate districts.

21. Every hospital district under the said Act which becomes united to another hospital district for the purpose of distribution of charitable aid, shall thereafter, in respect of the maintenance of hospitals, be known as a separate district, and the corporate name of

the Board thereof shall be changed into "The [*naming the district*] Hospital Board."

The corporate name of the Board of an united district shall be "The [*naming the district*] Charitable Aid Board."

On the formation of an united district the Hospital and Charitable Aid Fund of each separate district forming part of such united district shall be called the Hospital Fund; and the fund of the united district shall be called the Charitable Aid Fund.

22. In section fourteen of the said Act all words antecedent to subsection one shall be omitted, and the following substituted:—

Division of Hospital and Charitable Aid Fund.

For every hospital district there shall be an Hospital and Charitable Aid Fund, and for every separate district an Hospital Fund, and for every united district a Charitable Aid Fund, consisting respectively of the moneys arising from the following sources:—

23. Any surplus funds not required for immediate expenditure, and remaining at the end of any year in the hands of any Board under the said Act or the Trustees of any separate institution, shall be carried forward to the credit of the succeeding year, in reduction of the amount of contribution to be collected for the expenses of the institution in such year.

Application of surplus funds.

All surplus funds belonging to any institution which, at the time of the passing of this Act, are invested in any manner, shall remain so; and the yearly proceeds of such investments shall be applied towards the current expenses of the institution in reduction of the contributions to be collected for such purpose.

But the Governor, if he thinks fit, may at any time permit such investments to be realized, and the proceeds to be applied in any case of emergency or for such special objects permissible under the said Act as such Board or Trustees may from time to time direct.

And of proceeds from investments.

24. All receipts given by or on behalf of any Board constituted under the said Act shall be exempt from stamp duty.

Receipts exempt from stamp duty.

25. Every Board may from time to time divide the district under its jurisdiction into subdivisions, and also may vary, alter, or abolish any such subdivisions and create new ones; but it shall not be lawful for any Board to dis sever any subdivision of a district from such district, and every such severance heretofore made or purported to be made shall be deemed to be illegal.

Board may subdivide district for purpose of distributing charitable aid.

The division of a district into subdivisions shall be for the purposes only of facilitating the levying and collecting contributions from the contributory local authorities in such district, and the distribution of charitable aid therein, or for one or other of such objects.

26. Every Board, according to its respective functions, shall declare what local authorities within the district under its jurisdiction shall be liable to contribute to the support of the institution therein, or to afford charitable aid therein, or both, and shall appoint the proportion of the contribution to be made by each such local authority respectively on an uniform or equivalent scale throughout the entire district, but proportioned as mentioned in section twenty-three of the said Act; and may appoint the time for the payment thereof. No differential proportion of contributions shall be made in any district.

Board to collect contributions on an uniform scale.

Section twenty-two of the said Act is hereby repealed.

Board may remit contributions in case of excess.

27. In case any contributions required from local authorities shall prove to be in excess of the actual necessities of the district or united district, the Board of any such district may, by resolution, acquit such local authorities from the payment of any part of such contributions, but every such release shall be made uniformly and to the same degree to all the contributory local authorities in proportion to their respective contributions.

Property-tax Commissioner may levy contributions in districts where no rates levied.

28. If any contribution authorized or required to be paid under the said Act within any part of a district cannot be recovered by reason of the absence of any local authority therein, or by reason of no rates being levied by any local authority therein, and no subsidies being payable under the said Act or any other Act to any such local authority, the Colonial Treasurer, on the application of the Board and on receiving from it an account of the amount of contribution required from such part of the district, shall send such account to the Property-tax Commissioner. It shall be the duty of the Property-tax Commissioner forthwith upon the receipt of such account to raise, by means of rates upon all rateable property within any such part of a district as aforesaid, the amount stated in such account, together with the amount of the estimated cost of making and collecting such rates.

For the purpose of making and collecting any such rate, the assessment-roll made by the Property-tax Commissioner shall be deemed to be the valuation-roll of the rateable property in the aforesaid part of a district; and the Property-tax Commissioner shall be deemed to be a local body within the meaning of "The Rating Act, 1882," and any Act amending the same or passed in substitution thereof, all the provisions whereof respectively, as the case may be, shall apply to the making and collecting any such rate.

All rates so raised shall be paid to the Board of the district for which they were collected, less the amount of expenses for collecting the same, which shall be paid into the Public Account, and form part of the Consolidated Fund.

Board may appoint local authorities to distribute charitable aid.

29. The Board of any district may appoint any one or more local authorities in the district, or in any subdivision thereof respectively, to distribute or to collect and distribute the charitable aid funds of the Board within the district under the jurisdiction of such local authority, and may from time to time vary or rescind any such appointment in part or in whole.

Dissolution of certain united districts.

30. Subsections one and six of section thirty-four of the said Act are hereby repealed; the North of Auckland District, the Auckland District, the Waikato District, the Nelson District, the Buller District, and the Inangahua District are hereby constituted hospital districts under the said Act, as if they had never formed part of any united district.

Allocation of assets and liabilities.

The Boards of the united districts of the North of Auckland with the Auckland Districts, and of the Inangahua and Buller with the Nelson District, are hereby dissolved; and all the assets and liabilities of the Boards of such united districts at the time of their dissolution respectively shall be apportioned among the Boards of the several districts forming part of such united districts respectively in manner

as shall be allocated by such person as the Governor may appoint for the purpose.

This section shall not come into force before the first day of April next after the passing thereof.

Nothing in this section shall affect any moneys or lands specially bequeathed or granted to any institution in the City of Auckland, and such moneys or lands so bequeathed shall not be deemed assets of the Board in the meaning of this section.

31. In section thirty-eight of the said Act, the words "in yearly sums of not less than five shillings an amount of not less than one hundred pounds" shall be omitted, and the words following substituted: "in sums of not less than five shillings a yearly amount of not less than one hundred pounds." Annual subscriptions.

32. The District Board or trustees having the control of any institution may elect any person who gives or has given a donation in one sum of not less than twenty pounds to the institution to be a life contributor thereof; and to have thereby all the privileges of an annual contributor thereto, with the same right of voting at any meeting of the contributors to such institution, and the power of exercising his vote by a proxy given in writing under his hand. Life contributors.

Any person who before the passing of the said Act may have been elected or appointed to be a life governor, director, or subscriber to any former institution, but which now is existing under the said Act, shall be deemed to be a life contributor to such institution under the said Act.

Except as aforesaid, no contributor shall be permitted to vote by proxy.

33. At any election of Trustees of an institution every contributor shall have and may give one vote only in respect of each Trustee to be elected, anything contained in the said Act notwithstanding. Limitation of votes.

34. Section forty-six of the said Act is hereby repealed, and in lieu thereof it is enacted: Every such incorporated institution as aforesaid shall be governed by not less than six nor more than nine Trustees, to be elected by the voluntary contributors for the time being and by the contributing local authorities for the time being to the maintenance of such institution. Election of Trustees of separate institutions.

If the voluntary contributors contribute in respect of the total amount required for the maintenance of the said institution during the last-preceding financial year,—

- (1.) Less than one-sixth they shall elect two Trustees; and
- (2.) If one-sixth and less than one-third they shall elect three Trustees; and
- (3.) If one-third and less than one-half, they shall elect five Trustees; and
- (4.) If more than one-half and less than the total amount, they shall elect six Trustees.

The local authorities contributing for the time being to the maintenance of such institution shall elect the remainder of such Trustees, so as to make the total number of Trustees nine.

35. A local authority shall be deemed to contribute to the funds of a separate institution when it contributes any sum to the District Board for the purpose of the same being paid to the separate institution. Definition of contributory local authority.

Mode of election by contributory local authorities.

36. Subsections one and two of section forty-seven are hereby repealed and the following substituted :

- (1.) If there are no more local authorities contributing to such separate institution than Trustees to be elected by them, then each shall elect one Trustee at the time of the first incorporation of the institution as a separate institution, and thereafter at the date and at the time when members of the District Board are elected, and such Trustees shall hold office for one year or until their successors are elected.
- (2.) If there are more local authorities contributing than Trustees to be elected, then each local authority contributing not less than the total amount contributed by the whole of the local authorities divided by the number of Trustees to be elected shall elect one Trustee, and the remaining local authorities shall elect the remaining Trustees to be elected.

Controller and Auditor-General to audit accounts of Trustees of separate institutions.

37. Section ninety-two of the said Act is hereby amended by the omission of all the words thereof after "audited," and the substitution in lieu thereof of the following: "by the Controller and Auditor-General in the same manner as provided in section ninety-one of the said Act in respect to the auditing of the accounts of Boards."

Cost of appeals and inquiry to be paid by losing party.

38. The cost of every appeal under sections twenty-five and sixty respectively of the said Act, and of every inquiry under section forty-four thereof, shall be defrayed by the party to such appeal or inquiry against whom the decision shall be given; and may be recovered from such party by the Colonial Secretary as a debt due to the Crown; or the amount may be stopped by the Colonial Treasurer out of any subsidy which may at any time be payable under the said Act to such party.

Reserves and endowments may be granted to institutions.

39. Section eighty-two of the said Act is hereby repealed, and in lieu thereof it is enacted as follows:—

Except as provided in section eighty-eight of the said Act, lands now or hereafter reserved or set apart for the purposes of or as endowments for any institution may be granted to the Board or trustees of the institution for which the same has been so reserved or set apart, anything contained in "The Public Reserves Act, 1881," to the contrary notwithstanding. This Act shall be deemed to be a special Act for the purpose of making any such grant as aforesaid.

First Schedule of Act 1885 amended.

40. The First Schedule of the said Act is hereby amended, as follows:—

In the description of the North of Auckland District, after the words "Bay of Islands," omit the word "and"; and after the word "Hokianga" add the words "Whangarei, Hobson, and Otamatea."

In the description of the District of Auckland, omit the words "Hobson, Whangarei." Also after the word "Eden," insert "and"; omit the words "Raglan, Waikato, and Waipa." After the aforesaid description insert,—

DISTRICT OF WAIKATO.

All that area in the colony, being the Counties of Waikato, Waipa, Piako, and Raglan, and including all boroughs therein.

In the description of the District of Thames omit the words "and Piako"; and insert the word "and" between "Thames" and "Ohinemuri."