

New Zealand.



ANALYSIS.

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1932, No. 22.

AN ACT to amend the Hospitals and Charitable Institutions Act, 1926. Title.
[9th December, 1932.]

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

Short Title.

1. This Act may be cited as the Hospitals and Charitable Institutions Amendment Act, 1932, and shall be read together with and deemed part of the Hospitals and Charitable Institutions Act, 1926 (hereinafter referred to as the principal Act).

Provision for inquiry by Commissions into certain matters.

2. (1) If at any time it appears to him to be expedient so to do, the Governor-General may by Order in Council appoint a Commission under the Commissions of Inquiry Act, 1908, consisting of a Magistrate alone or of a Magistrate and two other persons, to inquire into and report upon any one or more of the following questions:—

- (a) Whether any two or more contiguous hospital districts should be reconstituted so as to form a smaller number of districts :
- (b) Whether the boundaries of any two or more contiguous hospital districts should be altered :
- (c) Whether any institution under the control of a Hospital Board should be closed, or whether the forms of relief granted in or from any such institution should be restricted :
- (d) Whether any two or more Hospital Boards should combine to establish or maintain any institution.

(2) No such Commission shall recommend the closing of an institution or the restriction of the forms of relief granted in or from an institution unless it is satisfied that the relief proposed to be discontinued by such closing or restriction is in excess of the reasonable requirements of the district or can be provided by other means at less expense.

Reduction in number of hospital districts.

3. (1) If any Commission appointed under the last preceding section so recommends, the Governor-General may by Order in Council abolish as from a date to be specified in the Order any two or more contiguous hospital districts, and constitute as from the same date a smaller number of new hospital districts, or one new hospital district, as the Commission recommends, under a name or names to be specified in the Order, and comprising the whole of the area included in the hospital districts so abolished. Where two or more new hospital districts are so constituted each of them shall comprise such counties as are recommended by the Commission and specified in the Order.

(2) Subject to the provisions of this section, every Order in Council under this section shall have the same force and effect as an Order in Council under section ten of the principal Act, and all the provisions of that section (except subsections one to three thereof) and of section eleven of the principal Act shall, so far as applicable and with all necessary modifications, apply accordingly.

(3) In any case where two or more new hospital districts are constituted by an Order in Council under this section the Board of such one of those districts as is specified in that behalf in the Order shall for the purposes of sections ten and eleven of the principal Act be deemed to be the successor of the Board of any hospital district that is abolished by the Order :

Provided that in any such case the Governor-General may, by the same or any subsequent Order in Council, apportion the property, contracts, debts, and liabilities of the Board of any hospital district so abolished, in such manner and proportions and on such terms and conditions as the Governor-General determines, between the Boards of any two or more of the new hospital districts so constituted.

(4) Subject to the terms and conditions (if any) specified in the Order, all property so apportioned to any Board shall vest in that Board, and all contracts, debts, and liabilities so apportioned to any Board shall become the contracts, debts, and liabilities of that Board, in the same manner in all respects as if that Board were for the purposes of section eleven of the principal Act the successor of the Board to which such property, contracts, debts, and liabilities formerly belonged.

(5) It shall be the duty of the Boards between which any such apportionment is made to comply with the terms and conditions (if any) on which the apportionment is made, and no conveyance or instrument required in that behalf shall be subject to any duty under the Stamp Duties Act, 1923.

(6) If any question, whether of law or fact, arises between any Boards as to an apportionment under this section, or as to the terms and conditions on which it is made, or as to the mode of carrying the apportionment into effect or of complying with the terms and conditions,

the question shall be determined by the Governor-General in Council, and not otherwise, and his decision thereon shall be final and conclusive as between the Boards, and it shall be the duty of the Boards to give effect to it accordingly.

Transmission of rights, powers, and authorities of abolished Boards.

4. (1) A Hospital Board that is the successor for the purposes of sections ten and eleven of the principal Act of the Board of a hospital district that is abolished by an Order in Council under the said section ten or under the last preceding section shall have and may exercise all the rights, powers, and authorities that the Board of which it is the successor could have exercised.

(2) A Hospital Board to which any property, contracts, debts, or liabilities of a Board are apportioned under the last preceding section shall have and may exercise such of the rights, powers, and authorities that such last-mentioned Board could have exercised as may be specified in that behalf by the Governor-General in Council.

Alteration of boundaries of hospital districts.

5. If any Commission appointed under section two hereof so recommends, the Governor-General may by Order in Council alter as from a date to be specified in the Order the boundaries of any two or more contiguous hospital districts by excluding any county from any such hospital district and including such county in another hospital district to which it is contiguous.

Closing institutions, or restricting forms of relief granted therein.

6. (1) If any Commission appointed under section two hereof recommends that any institution under the control of a Hospital Board should be closed, the Governor-General, if he thinks fit, may by Order in Council direct either that the institution be closed not later than a date to be specified in the Order or that the forms of relief granted in or from the institution be restricted as specified in the Order as from a date not later than a date to be so specified.

(2) If any such Commission recommends that the forms of relief granted in or from any institution should be restricted, the Governor-General may by Order in Council direct that the forms of relief granted in or from the institution be restricted accordingly, or to such smaller extent as may be specified in the Order, as from a date not later than a date to be so specified.

(3) Any Order in Council under this section may, by a subsequent Order in Council, be at any time revoked,

or be from time to time varied, but not so as to impose any greater restrictions than those recommended by the Commission.

(4) It shall not be lawful for a Board to maintain any institution or to grant any relief in contravention of an Order in Council under this section.

7. (1) If any Commission appointed under section two hereof so recommends, the Governor-General may by Order in Council direct that any two or more Hospital Boards shall combine, as from a date to be specified in the Order, to establish and maintain any institution of any kind which a single Board may lawfully establish under the principal Act or to maintain any such institution established before the date of the Order.

Combination of Boards to establish or maintain institutions.

(2) Any institution to which an Order in Council under this section relates, and all land, buildings, and other property acquired or used for the purposes thereof, shall be vested in such one of the Boards as is specified in the Order; and for all the purposes of the principal Act, except so far as in section eighty-one of that Act and in this section expressly provided, the institution shall be deemed to be an institution under the control of that Board, and subject to the provisions of the principal Act accordingly.

(3) Boards that have been so directed to combine to establish or maintain any institution shall be deemed to be contributory Boards within the meaning of the said section eighty-one of the principal Act, and, subject to this section, all the provisions of that section (except subsections one and two thereof) shall, so far as applicable and with all necessary modifications, apply accordingly as if such Boards had combined under that section to establish and maintain the institution.

(4) A combination of Boards under this section shall not be cancelled or determined unless the Governor-General by Order in Council so directs.

(5) In any case where an Order in Council is made under subsection one hereof the Governor-General may from time to time, by the same or any subsequent Order in Council, specify the forms of relief to be granted in or from the institution, and it shall be the duty of each contributory Board to utilize the institution, so far as accommodation is available, for the reception or relief of persons requiring the forms of relief so specified.

Section 23 of principal Act (as to disqualification for membership of Boards) amended.

8. Section twenty-three of the principal Act is hereby amended by repealing paragraph (f) and substituting the following paragraph :—

“(f) A person who is concerned or interested (otherwise than as a member of an incorporated company in which there are more than twenty members and of which he is not the general manager or a local manager) in any contract made by the Board, if the payment made or to be made by or on behalf of the Board in respect of any such contract or contracts exceeds ten pounds in the case of any contract, or twenty-five pounds altogether in any financial year, except in special cases to be previously approved by the Audit Office on the application of the Board. In any such special case the Audit Office may authorize the payment and receipt of such amount as it thinks fit, not exceeding in the aggregate fifty pounds in any financial year :

“Provided that an interest in any loan raised by the Board, whether on security or otherwise, or in any newspaper in which the Board inserts advertisements, or in any lease granted or agreed to be granted to or by the Board, shall not constitute a disqualification under this paragraph :

“Provided further that no person shall be disqualified from being elected or appointed as a member of any Board by virtue of his being concerned or interested in any contract made before his election or appointment, if before such election or appointment his obligation under such contract has been performed and the amount to be paid by or on behalf of the Board has been fixed ; and any payment made thereafter by or on behalf of the Board pursuant to such contract shall not operate to disqualify such person from continuing to hold office or be taken into account for the purpose of computing the amount that may lawfully be paid to him as a member in the same financial year in respect of any contract or contracts.”

9. Section twenty-four of the principal Act is hereby amended by repealing paragraph (*h*) and substituting the following paragraph :—

Section 24 of principal Act (as to vacation of office by members of Boards) amended.

“ (*h*) Is concerned or interested (otherwise than as a member of an incorporated company in which there are more than twenty members and of which he is not the general manager or a local manager) in any contract made by the Board, if the payment made or to be made by or on behalf of the Board in respect of any such contract or contracts exceeds ten pounds in the case of any contract, or twenty-five pounds altogether in any financial year, except in special cases to be previously approved by the Audit Office on the application of the Board. In any such special case the Audit Office may authorize the payment and receipt of such amount as it thinks fit, not exceeding in the aggregate fifty pounds in any financial year :

“ Provided that an interest in any loan raised by the Board, whether on security or otherwise, or in any newspaper in which the Board inserts advertisements, or in any lease granted or agreed to be granted to or by the Board, shall not constitute a cause of forfeiture of office under this paragraph.”

10. (1) Notwithstanding anything to the contrary in the principal Act or in any rule of law, a Hospital Board may enter into an agreement in writing with any person whom it proposes to appoint, or who has been appointed, an officer or servant of the Board to the effect that such person shall not, save as provided in the agreement, be removed from office during such period (not exceeding three years from the date of his appointment or the date of the agreement, as the case may be) as is specified in the agreement.

Hospital Board may contract with officers and servants as to tenure of office. Cf. 1928, No. 51, s. 7

(2) Any such agreement may from time to time be renewed for any period not exceeding three years at any one time from the date of such renewal.

Modification of method of fixing capital value of rateable property for apportionment of expenditure among contributory local authorities and for computation of subsidies on maintenance expenditure.

11. (1) Section forty-nine of the principal Act is hereby amended by repealing subsection one and substituting the following subsection :—

“(1) The net estimated expenditure of the Board, after deducting therefrom the amount estimated by the Minister of Finance as the amount receivable by the Board from the Consolidated Fund by way of subsidy in respect of the contributions of local authorities, shall be apportioned by the Board among the contributory local authorities within its district in proportion to the capital value of the rateable property in each contributory district as constituted on the first day of April in the financial year in which the apportionment is made. For the purposes of this section the capital value of rateable property shall be deemed to be the approximate capital value thereof as on the thirty-first day of December preceding the financial year in which the apportionment is made, such value being determined under the Valuation of Land Act, 1925, and certified as approximately correct by the Valuer-General.”

(2) The Fourth Schedule to the principal Act is hereby consequentially amended by repealing clause two and substituting the following clause :—

“2. For the purposes of this Schedule the rateable property in a hospital district shall be deemed to be the rateable property in such district as constituted on the first day of April in the financial year in which the levy on its contributory local authorities is made by the Hospital Board, and the capital value of such rateable property shall be deemed to be the approximate capital value thereof as on the thirty-first day of December preceding such financial year, such value being determined under the Valuation of Land Act, 1925, and certified as approximately correct by the Valuer-General.”

Commencement.

(3) This section shall be deemed to have come into force on the first day of April, nineteen hundred and thirty-two.

Hospital Board to provide maternity hospitals.

12. (1) It shall be the duty of every Hospital Board, in pursuance of any directions given from time to time in that behalf by the Director-General, to provide and at all times to maintain such maternity hospitals and to make such other provision for maternity cases as the Director-General considers requisite in any part of the hospital district.

(2) No action for damages shall lie against a Board at the suit of any person in respect of any failure of

that Board to conform to the requirements of this section.

(3) The provisions of this section are subject to the provisions of subsection three of section seventy-five of the principal Act.

13. (1) Section ninety-two of the principal Act is hereby amended by omitting from subsection one the words "three months" and substituting the words "six months".

Section 92 of principal Act amended.

(2) The said section ninety-two, as amended by this section, shall not apply in respect of relief granted by a Hospital Board to any person after he has resided in the district of that Board for three months, if such period of three months (computed in accordance with subsection seven of the said section ninety-two) has expired before the passing of this Act.

14. Section ninety-four of the principal Act is hereby amended by repealing subsection one.

Section 94 of principal Act amended.

15. (1) Where any person is liable to a Hospital Board for the cost of any relief granted (whether before or after the passing of this Act) in respect of bodily injury suffered by himself or by any other person, and such first-mentioned person has a right to recover damages against any other person in respect of such injury, the amount of such person's liability to the Hospital Board shall be a charge on all moneys that are or may become payable after the passing of this Act in respect of such right to recover damages.

Cost of relief granted to injured persons to be a charge on damages.

(2) Every such charge as aforesaid shall be enforceable by way of an action by the Hospital Board in the same way as if the action were an action by or on behalf of the person liable to the Hospital Board claiming the amount of such liability as special damages; and in respect of any such action, and of the judgment given therein, the parties shall, to the extent of the charge, have the same rights and liabilities, and the Court shall have the same powers, as if the action were by or on behalf of the person liable to the Hospital Board.

(3) Such an action may be brought notwithstanding any judgment recovered by or on behalf of the person liable to the Hospital Board, and notwithstanding any payment made to such person or any other person

except the Hospital Board in respect of the defendant's liability, and notwithstanding any complete or partial discharge given by any such person.

(4) Notwithstanding anything to the contrary in this section, any payment made or any complete or partial discharge given as aforesaid in respect of a claim for damages after the person injured has ceased to receive relief in respect of the injury, and after the cost of all such relief theretofore granted by any Hospital Board has been fully paid or satisfied, shall, to the extent of such payment or discharge, be a valid discharge to the person making such payment or receiving such discharge.

Extension
of power of
Trustees of
separate
institutions to
borrow on bank
overdraft.

16. (1) In addition to the amount authorized to be borrowed by way of bank overdraft by the Trustees of any separate institution pursuant to subsection two of section sixty of the principal Act, as applied by section one hundred and twenty-two of that Act, the Trustees may borrow under that subsection an amount by way of bank overdraft not exceeding at any time in any financial year one-fourth of the total amount of all moneys received by the Trustees during the preceding financial year and available when received for the maintenance of the institution, exclusive of any moneys borrowed by the Trustees.

Commencement.

(2) This section shall be deemed to have come into force on the first day of April, nineteen hundred and thirty-two.

Section 152 of
principal Act
(as to
regulations for
benefit of
nurses)
amended.

17. Section one hundred and fifty-two of the principal Act is hereby amended by omitting from subsection one the words "public hospitals" and substituting the words "hospitals under the control of Hospital Boards, or in private hospitals approved as training-schools for nurses".

Hours of
employment
for nurses.

18. (1) The hours of employment of unregistered nurses employed in hospitals under the control of Hospital Boards; or in private hospitals approved as training-schools for nurses under the Nurses and Midwives Registration Amendment Act, 1930, shall not exceed fifty-six in any one week.

Repeal.

(2) This section is in substitution for section one hundred and fifty-three of the principal Act, and that section is hereby accordingly repealed.

19. (1) The name of the separate institution heretofore known as the Jubilee Institute for the Blind, Auckland, is hereby changed to "The New Zealand Institute for the Blind".

Change of name
of the Jubilee
Institute for
the Blind.

(2) The Second Schedule and the Seventh Schedule to the principal Act are hereby consequentially amended by omitting the references to the Jubilee Institute for the Blind, Auckland, and substituting in each case a reference to the New Zealand Institute for the Blind.
