



ANALYSIS

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1991, No. 153

An Act to amend the Health Research Council Act 1990

[20 December 1991]

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

1. Short Title—This Act may be cited as the Health Research Council Amendment Act 1991, and shall be read together with and deemed part of the Health Research Council Act 1990 (hereinafter referred to as the principal Act).

2. Interpretation—Section 2 of the principal Act is hereby amended by repealing the definition of the term “appointed member”.

3. New sections substituted—The principal Act is hereby amended by repealing sections 8 to 11, and substituting the following sections:

“**8. Membership of Council**—(1) The Council shall consist of—

“(a) Five persons who are or have been actively engaged in health research:

“(b) Five persons who have skills and experience in areas such as community affairs, health administration, law, or management or knowledge of health issues from a consumer perspective.

“(2) The persons appointed under subsection (1) of this section shall be appointed by the Minister.

Cf. 1950, No. 20, s. 4 (1)

“9. **Term of office**—(1) Every member of the Council shall be appointed for a term of 3 years.

“(2) Subject to subsection (3) of this section, every member of the Council shall be eligible for reappointment from time to time.

“(3) Upon the completion by any person of 2 consecutive terms as a member of the Council, that person shall cease to be eligible for reappointment until after the lapse of 3 years during which that person did not hold office as a member of the Council.

“(4) Where the term for which a member of the Council has been appointed expires, that member, unless sooner vacating or removed from office under section 10 of this Act, shall continue to hold office, by virtue of the appointment for the term that has expired, until—

“(a) That member is reappointed; or

“(b) A successor to that member is appointed; or

“(c) That member is informed in writing by the Minister that that member is not to be reappointed and that a successor to that member is not to be appointed.

Cf. 1950, No. 20, s. 4 (3), (4), (5), (7); 1965, No. 29, s. 3 (2), (3)

“10. **Extraordinary vacancies**—(1) Any member of the Council may at any time be removed from office by the Minister for disability affecting performance of duty, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister.

“(2) Any member of the Council may at any time resign his or her office by giving written notice to that effect to the Minister.

“(3) If any member of the Council dies or resigns or is removed from office, the vacancy so created shall be deemed to be an extraordinary vacancy.

“(4) An extraordinary vacancy shall be filled in the manner in which the appointment to the vacant office was originally made.

“(5) The powers of the Council shall not be affected by any vacancy in its membership.

Cf. 1956, No. 20, s. 4 (3), (6), (8); 1965, No. 29, s. 3 (2)

“11. **Chairperson**—(1) The Minister shall from time to time appoint one of the members of the Council to be its Chairperson.

“(2) If the Chairperson ceases to be a member of the Council, he or she shall thereupon vacate the office of Chairperson.”

Cf. 1950, No. 20, s. 5 (1); 1965, No. 29, s. 4

4. Transitional provisions—(1) Notwithstanding the provisions of the principal Act or of this Act, every member of the Council in office immediately before the commencement of this Act shall—

- (a) If appointed under section 8 (1) (c) of the principal Act (as repealed by section 3 of this Act) be deemed to have been appointed under section 8 (1) (a) of the principal Act (as substituted by section 3 of this Act); and
- (b) If appointed under section 8 (1) (b) or section 8 (1) (d) of the principal Act (as repealed by section 3 of this Act) be deemed to have been appointed under section 8 (1) (b) of the principal Act (as substituted by section 3 of this Act).

(2) The term of office of every person deemed by subsection (1) of this section to have been appointed to the Council shall, subject to subsection (3) of this section, expire on the date on which, but for the passing of this Act, his or her term would have expired under the provisions of the principal Act.

(3) With respect to the first appointed members of the Council, the following provisions shall apply:

- (a) Three of those members shall retire on the 1st day of October 1992:
- (b) The members to retire pursuant to paragraph (a) of this subsection shall (unless they otherwise agree among themselves) be determined by lot, but in no event shall the members who retire on the 1st day of October 1992 include—
 - (i) More than 2 of the members appointed or deemed to have been appointed under section 8 (1) (a) of the principal Act (as substituted by section 3 of this Act); or
 - (ii) More than 2 of the members appointed or deemed to have been appointed under section 8 (1) (b) of the principal Act (as substituted by section 3 of this Act).