

HOSPITALS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to the Hospitals Act, 1926.

Clause 2 repeals the provision made in 1948, under which certain appointments made by Hospital Boards had to receive the prior approval of the Minister. It restores the original provisions of section 38 of the principal Act, under which the Board is free to make such appointments, but must first give the Minister notice of its intention to do so, and must give fair consideration to any recommendations made by the Minister. The new clause also includes dental officers, salaried architects, and Chief Engineers of Boards in the list of appointments affected.

Clause 3 allows Hospital Boards to keep separate Imprest Accounts, for payment of salaries and of emergency and petty expenditure, at institutions situated in different places, for example, the various district hospitals affected by the amalgamation of the Northland hospital districts.

Clause 4 substitutes a new section for section 78 of the principal Act, dealing with the appointment of committees. The existing section requires all the acts and proceedings of every committee to be reported to the Board and provides that those acts and proceedings shall have no effect until approved at a meeting of the Board. The new section authorizes the Board to delegate any of its powers, with specified exceptions, to committees, subject in all things to any general or special directions of the Board and to its standing orders. The new section is based on sections 48 and 50 to 52 of the Municipal Corporations Act, 1933, and has the effect of placing Hospital Boards in approximately the same position as city and borough councils in respect of delegation to committees.

Clause 5 authorizes the making, in respect of maternity wards in public hospitals, of regulations which may at present be made in respect of private hospitals, prescribing the staff, sanitary appliances, and sterilizing apparatus to be provided, regulating or prohibiting the performance of any specified class of surgical operation, and regulating or prohibiting the admission of persons suffering from infectious or contagious diseases.

Hon. Mr. Watts

HOSPITALS AMENDMENT

ANALYSIS

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A BILL INTITULED

AN ACT to Amend the Hospitals Act, 1926.

Title.

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

1. This Act may be cited as the Hospitals Amendment Act, 1950, and shall be read together with and deemed part of the Hospitals Act, 1926 (hereinafter referred to as the principal Act).

Short Title.

See Reprint of Statutes, Vol. III, p. 725

2. (1) The principal Act is hereby amended by repealing section thirty-eight, as amended by section six of the Hospitals Amendment Act, 1948, and substituting the following section:—

Notice to be given to Minister of certain appointments.

1948, No. 58

“ 38. (1) No appointment of any medical officer, or of any dental officer, or of any architect as an employee of a Board, or of any matron, or of any master, manager, or engineer of an institution under this Act, or of the Secretary or Chief Engineer to a Board, shall be made until the expiration of twenty-one days after the Minister has been notified by the Board of its intention

to make the appointment, unless the Minister has previously approved a proposal to make the appointment.

“(2) Before notifying the Minister of its intention to make any such appointment as aforesaid the Board shall send to the Minister a list of the applicants. The Minister shall, as soon as may be practicable, submit to the Board for its guidance such reports and recommendations as he thinks fit; and the Board shall give due and fair consideration to the recommendations before making any appointment.”

Consequential amendments.

(2) Section thirty-six of the principal Act is hereby amended by inserting, before the words “ A Board ”, at the beginning of subsection one, the words “ Subject to the provisions of section thirty-eight of this Act ”.

(3) Section thirty-seven of the principal Act is hereby amended by inserting, before the words “ It shall ”, at the beginning of the section, the words “ Subject to the provisions of section thirty-eight of this Act ”.

Repeal.

(4) Section six of the Hospitals Amendment Act, 1948, is hereby repealed.

Board may establish Imprest Accounts.

3. The principal Act is hereby further amended by repealing section sixty-four, and substituting the following section:—

“ 64. (1) The Board may, pursuant to a resolution in that behalf,—

“(a) Establish an Imprest Account at the place where the office of the Treasurer is situated; and

“(b) Establish an Imprest Account at any other place in respect of any institution that is situated there and is under the control of the Board.

“(2) The moneys belonging to any Imprest Account so established shall be kept at such bank, being a bank within the meaning of the Banking Act, 1908, as the Board from time to time determines.

See Reprint of Statutes, Vol. I, p. 447

“(3) An Imprest Account established under paragraph (a) of subsection one of this section may be held jointly in the names of and be operated on by the Secretary or Treasurer and one other person appointed

in that behalf by the Board, who shall be either a responsible officer of the Board or a member of the Board.

5 “(4) Any Imprest Account established under paragraph (b) of subsection *one* of this section may be held jointly in the names of and be operated on by a responsible officer of the Board, being an officer employed at the place where the account is established, appointed by the Board in that behalf and any one of such other
10 persons as may from time to time be authorized by the Board in that behalf. The persons so authorized as aforesaid shall be members of the Board or of the committee of management of the institution or responsible officers of the Board.

15 “(5) Notwithstanding anything in the foregoing provisions of this section, any Imprest Account established under this section may, with the express approval in writing of the Audit Office, but not otherwise, be in the sole name of and be operated on
20 by the Secretary or the Treasurer or any other responsible officer of the Board appointed by the Board in that behalf.

“ (6) The Board shall from time to time, by resolution, fix the maximum amount that may be held at any
25 time in each Imprest Account under this section:

“ Provided that the amount so fixed in any case where the Imprest Account may be operated on by one person acting alone shall not exceed fifty pounds:

30 “ Provided also that the amount so fixed in respect of any Imprest Account established under paragraph (b) of subsection *one* of this section shall not exceed fifty pounds, except on any day fixed for the payment of the salaries and wages of persons employed in the institution and during the period of five days immediately preceding
35 that day.

“ (7) Moneys in an Imprest Account established under paragraph (a) of subsection *one* of this section shall be available only for the payment of emergency and petty expenditure.

40 “ (8) Moneys in any Imprest Account established under paragraph (b) of subsection *one* of this section shall be available only for the payment of the salaries

and wages of officers and employees of the Board who are employed in the locality in which the account is established, and for the payment of emergency and petty expenditure.

“(9) A statement of all payments made from each Imprest Account under this section shall in every month be submitted to the Board for approval at its first ordinary meeting thereafter. 5

“(10) The payment of moneys out of any Imprest Account for any purpose not authorized by this section shall be deemed to be the misappropriation of the funds of the Board. 10

“(11) The provisions of section sixty-three of this Act shall be read subject to the provisions of this section.” 15

Committees.
Cf. Municipal
Corporations
Act, 1933
(No. 30),
ss. 48, 50-52

4. The principal Act is hereby further amended by repealing section seventy-eight, and substituting the following section:—

“78. (1) Any Board may from time to time appoint standing or special committees, consisting of two or more persons, for the management of any institution under the control of the Board, or for the regulation and management of, or for inquiring into and reporting upon, such matters as the Board thinks fit; and may from time to time, either generally or particularly, delegate to any such committee any of the powers and duties conferred or imposed on the Board by this Act, except the power to borrow money, to make a by-law, to enter into a contract, or to institute an action. 20 25

“(2) Any such committee may include persons who are not members of the Board: 30

“Provided that no person shall be qualified to become or to continue to be a member of any such committee who would be disqualified by virtue of section twenty-three or section twenty-four of this Act from becoming or continuing to be a member of the Board. 35

“(3) The Board may at any time discharge, alter, continue, or reconstitute any committee, or discharge any member thereof and, if it thinks fit, appoint another member in his place. Every committee shall, unless sooner discharged by the Board, be deemed to be discharged on the coming into office of the members of the Board at the general election next after the appointment of the committee. 40

“(4) Subject to the provisions of the *next succeeding* subsection, and to any regulations made by the Board pursuant to section forty-one of this Act, every committee to which any powers or duties are delegated
5 under this section may, without confirmation by the Board, exercise those powers or perform those duties in the same manner and with the same effect as if they had been directly conferred on the committee by this Act and not by delegation.

10 “(5) Every committee appointed under this section shall be subject in all things to the control of the Board, and shall carry out all directions, general or special, given by the Board in relation to the committee or its affairs.

15 “(6) Notwithstanding anything in this Act,—

“(a) The provisions of the Fifth Schedule to this Act shall apply to the institution referred to in that Schedule:

20 “(b) The provisions of section two of the Hospitals Amendment Act, 1929, shall apply to the institution referred to in that section:

25 “(c) Nothing in this section shall be construed to apply to any committee of management established under section four of the Hospitals Amendment Act, 1948.”

See Reprint
of Statutes,
Vol. III, p. 795

1948, No. 58

5. Section one hundred and fifty-one of the principal Act is hereby amended by adding the following as subsection two thereof:—

Regulations in
respect of
maternity wards
in institutions.

30 “(2) Without limiting the generality of the provisions of subsection one of this section, it is hereby declared that regulations may be made under this section in respect of maternity wards of institutions or separate institutions for all or any of the purposes for which regulations may be made in respect of private hospitals
35 under section one hundred and forty-nine of this Act, or applying to such maternity wards as aforesaid, with such modifications as may be necessary or expedient, any regulations for the time being in force under that section.”

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