

HOSPITALS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill provides for the abolition of hospital rates over a period of five years. It also makes miscellaneous amendments to the Hospitals Act 1926.

Clause 2: The effect of this clause is to abolish the levy on contributory local authorities by an annual reduction of the rate of levy during the next five financial years. The first reduction will be for the year ending 31 March 1953, when the rate of levy will be five-twelfths of a penny (instead of a halfpenny) on the capital value. After 31 March 1957 there will be no levy.

Clause 3: Under section 32 of the principal Act, the remuneration of Chairmen of Hospital Boards is fixed in relation to a percentage of the annual maintenance expenditure, with a maximum in any case of £250 a year. This clause raises the maximum to £400 a year or, in the cases of Auckland, Wellington, and North Canterbury, £500 a year.

By *clause 4* the maximum amount that may be held in a Board's Imprest Account is increased from £50 to £75, or to such higher amount as may be approved by the Audit Office where the account is operated on by two persons.

Clause 5: Under section 149 (c) of the principal Act, regulations may be made regulating the admission into private hospitals of persons suffering from "any infectious or contagious disease", but that expression is not defined. The new paragraph substituted by this clause refers to communicable diseases as defined in the Health Act 1920, and also gives power to make regulations prescribing precautions to be taken in private hospitals to prevent the spread of any communicable disease.

Clause 6 authorizes the making of regulations for the prevention of the occurrence or spread of any infection in maternity hospitals and in maternity wards of hospitals; and the making, in respect of maternity hospitals or wards, of any regulations that may be made in relation to private hospitals.

Under *clause 7* the Minister may delegate any of his powers or functions under the principal Act to the Director-General; and the Director-General may, with the Minister's consent in each case, delegate to officers of the Department any power or function so delegated to him.

Hon. Mr. Marshall

HOSPITALS AMENDMENT

Title.	ANALYSIS
1. Short Title.	5. Section 149 of principal Act (as to regulations in respect of private hospitals) amended.
2. Provision for abolition of levy on contributory local authorities.	6. Regulations in respect of maternity hospitals and wards.
3. Increasing remuneration of Chairmen of Boards.	7. Repeal.
4. Section 64 of principal Act (as to Imprest Accounts) amended.	7. Power of Minister to delegate to Director-General.

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:—

5 **1.** This Act may be cited as the Hospitals Amendment Act 1951, 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.

10 **2.** Notwithstanding anything in subsection three of section fifteen of the Finance Act (No. 2) 1946, the rate of the levy referred to in that subsection shall—

Provision for abolition of levy on contributory local authorities. 1946, No. 41

(a) In respect of the financial year ending with the thirty-first day of March, nineteen hundred and fifty-three, be five-twelfths of a penny:

- (b) In respect of the financial year ending with the thirty-first day of March, nineteen hundred and fifty-four, be four-twelfths of a penny:
- (c) In respect of the financial year ending with the thirty-first day of March, nineteen hundred and fifty-five, be three-twelfths of a penny: 5
- (d) In respect of the financial year ending with the thirty-first day of March, nineteen hundred and fifty-six, be two-twelfths of a penny:
- (e) In respect of the financial year ending with the thirty-first day of March, nineteen hundred and fifty-seven, be a twelfth of a penny. 10

(2) No contribution from contributory local authorities shall be levied by any Hospital Board in respect of any financial year after the year ending with the thirty-first day of March, nineteen hundred and fifty-seven. 15

(3) The said section fifteen is hereby consequentially amended by adding to subsection two the words " or, as the case may require, in accordance with section two of the Hospitals Amendment Act 1951 ". 20

3. Section thirty-two of the principal Act is hereby amended as follows:—

- (a) By omitting from paragraph (b) the words " two hundred and fifty pounds ", and substituting the words " four hundred pounds ": 25
- (b) By adding to paragraph (b) the following proviso:—

" Provided that in the case of the Auckland, Wellington, and North Canterbury Hospital Boards, the sum payable under this section shall not exceed an amount equal to such percentage as aforesaid or the sum of five hundred pounds, whichever is the less." 30

4. Section sixty-four of the principal Act, as substituted by section three of the Hospitals Amendment Act 1950, is hereby amended by repealing subsection six, and substituting the following subsection:— 35

"(6) The Board shall from time to time, by resolution, fix the maximum amount that may be held at any time in each Imprest Account under this section: 40

" Provided that—

- "(a) Where the Imprest Account may be operated on by one person acting alone, the amount that may be held therein at any time shall not exceed seventy-five pounds: 45

Increasing remuneration of Chairmen of Boards.

Section 64 of principal Act (as to Imprest Accounts) amended. 1950, No. 57

5 “(b) Where the Imprest Account is established under paragraph (b) of subsection one of this section, the amount that may be held therein at any time, except on the 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 that day, shall not exceed seventy-five pounds or such greater amount as may for the time being be approved by the Audit Office.”

10 5. Section one hundred and forty-nine of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraph:—

Section 149 of principal Act (as to regulations in respect of private hospitals) amended.

15 “(c) Regulating or prohibiting the admission into private hospitals of persons suffering or suspected of suffering from any communicable disease within the meaning of the Health Act 1920, and prescribing precautions to be taken in private hospitals for preventing the spread of any such disease.”

See Reprint of Statutes, Vol. VI, p. 1061

20 6. (1) Section one hundred and fifty-one of the principal Act is hereby amended by repealing subsection two, as added by section five of the Hospitals Amendment Act 1950, and substituting the following subsections:—

Regulations in respect of maternity hospitals and wards. 1950, No. 57

25 “(2) Without limiting the generality of the provisions of subsection one of this section, it is hereby declared that such regulations may be made under this section in respect of maternity hospitals and maternity wards as may in the opinion of the Governor-General be necessary or expedient for all or any of the following purposes:—

30 “(a) For any of the purposes for which regulations may be made in respect of private hospitals under section one hundred and forty-nine of this Act; or applying to maternity hospitals and maternity wards, with such modifications as may be necessary or expedient, any regulations for the time being in force under that section:

35 “(b) Safeguarding the health of patients and infants:

40 “(c) Preventing the occurrence or spread of any infection:

“(d) Prohibiting or restricting the use of any class of sanitary appliances:

“(e) Prescribing methods and procedures to be followed in respect of all or any of the aforesaid matters:

“(f) Prescribing precautions to be taken and conditions and requirements to be complied with in respect of all or any of the aforesaid matters.

“(3) For the purposes of subsection *two* of this section,—

“ ‘Maternity hospital’ means any maternity hospital which is under the control of any Hospital Board, or is a separate institution, or is a licensed maternity hospital under Part III of this Act; and includes, in the case of any private hospital under the said Part III, any part of that hospital which is licensed as a maternity hospital:

“ ‘Maternity ward’ means any ward or annexe which is maintained in or in connection with any maternity hospital, or in or in connection with any institution, separate institution, or private hospital, and in which there are maternity patients.”

Repeal.
1950, No. 57

Power of
Minister to
delegate to
Director-
General.

(2) Section five of the Hospitals Amendment Act 1950 is hereby consequentially repealed.

7. (1) The Minister may from time to time, either generally or particularly, delegate to the Director-General any power or function conferred on him by the principal Act.

(2) Where any power or function is delegated to the Director-General as aforesaid, he may from time to time, with the consent in each case of the Minister, delegate, either generally or particularly, to any officer of the Department of Health the power or function so delegated to him by the Minister.

(3) Subject to any general or special directions given or conditions or restrictions attached by the Minister or by the Director-General, as the case may be, any person to whom any power or function is delegated under this section may exercise or perform the power or function in the same manner and with the same effect as if it had been conferred on him directly by the principal Act and not by delegation.

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(4) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation, in the absence of proof to the contrary.

5 (5) Any delegation by the Director-General pursuant to this section may be made to a specified officer or person or to officers or persons of a specified class, or may be made to the holder for the time being of a specified office or appointment or to the holders of offices or
10 appointments of a specified class.

(6) Any delegation made under this section may be at any time revoked in whole or in part by the Minister or, as the case may require, by the Director-General.

(7) No delegation under this section shall prevent
15 the exercise of any power or function by the Minister or, as the case may require, by the Director-General.