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HEALTH AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill makes several amendments to the Health Act 1956.

Clause 2 recognises that Deputy Directors of divisions established under the principal Act may be appointed as well as Assistant Directors.

Clauses 3 and 4: Sections 70 and 71 of the principal Act confer extensive powers on Medical Officers of Health for the purpose of enabling them to prevent or deal with outbreaks of infectious diseases. These powers can only be exercised with the authority of the Minister. These sections are being amended so that the authority of the Minister will not be required if a state of national major disaster has been declared under the Civil Defence Act 1962.

Clause 5 makes a tidying-up amendment to section 74 of the principal Act. This section requires medical practitioners to give notice of cases of notifiable diseases. In 1962 notifiable infectious diseases were divided into two classes. Those in one class had to be notified to the Medical Officer of Health and those in the other class to both the Medical Officer of Health and the local authority of the district. This clause makes a consequential amendment relating to patients in hospitals. This amendment was overlooked in 1962.

Clause 6 inserts a new section 87A in the principal Act. The proposed new section provides a procedure whereby the Medical Officer of Health can be notified about communicable diseases occurring in animals. The diseases to which the section relates are to be specified from time to time by the Governor-General by Order in Council. Section 117 of the principal Act is also amended by *clause 7 (2) (a)* of this Bill so that regulations made under the Act may provide for the payment of a fee to the persons who are to make the notifications.

Clause 7: Paragraph (a) amends paragraph (r) of subsection (1) of section 117 of the principal Act so that regulations can be made providing for the payment of fees to veterinary surgeons and persons in charge of laboratories for notifications in respect of disease.

Paragraph (b) amends paragraph (w) of subsection (1) of section 117 of the principal Act so that regulations can be made for the protection of food from the infection of any communicable disease on any premises used for the storage of any article of food for sale. Regulations can at present be made for the like purpose in relation to premises used for the manufacture, preparation, packing, or handling of any article of food for sale.

Paragraph (c) amends paragraph (y) of subsection (1) of section 117 of the principal Act. This paragraph enables regulations to be made prescribing reasonable fees to be paid under regulations for certain purposes. This provision is amended so that the regulations may instead of prescribing the fee provide for it to be fixed.

Clause 8 extends the power to make regulations as to the quarantine of persons arriving in New Zealand. The regulations may now relate to persons arriving in New Zealand who are suffering from infectious diseases that are not quarantinable diseases or who are suspected to have been exposed to the infection of a quarantinable disease.

Power is also given to require persons who are quarantined to pay for their treatment and maintenance while in isolation.

Clause 9 amends section 120 of the principal Act. This section empowers the making of regulations providing for the registration by local authorities of premises used for certain purposes.

Premises used for the manufacture, preparation, or packing of any article of food for sale form one class of such premises. This class is extended by the proposed amendment to include premises used for the storage of any article of food for sale.

Two new types of premises which it is proposed may be required to be registered are premises used:

- (a) As hairdressers' shops or barbers' shops:
- (b) As funeral directors' premises, that is to say premises in which persons registered under regulations made pursuant to paragraph (b) of subsection (1) of section 120 of the principal Act regularly embalm dead bodies or prepare the dead for burial or cremation.

Regulations have been in force since 1928 in many parts of New Zealand requiring the registration of hairdressers' premises and these regulations are validated.

Clause 10 amends section 120A of the Act. This section authorises the making of regulations providing for the registration, licensing, and control of old people's homes. The section has been amended to allow—

- (a) Temporary licences to be granted:
- (b) Conditions to be prescribed subject to which persons may be accommodated in such homes, whether those persons have attained the age of 65 years or not:
- (c) Provision to be made in regulations for the exemption of any such home or any class or classes of such homes from all or any of the provisions of the regulations.

The definition of "home" has also been changed. At present at least two persons who have attained the age of 65 years and are not related by blood or marriage to the householder must be boarding on any premises before those premises are an old people's home within the meaning of the section. This number has been increased from two to six.

A further change is that it is made an offence to hold out that any "home" is a licensed private hospital or that any premises which are not registered as a "home" are in fact so registered.

Clause 11 provides that the Minister of Health, on the recommendation of the Board of Health, may apply to the Supreme Court for a writ of mandamus to compel a local authority to perform any statutory duty that it has failed to perform under the principal Act.

Clause 12 sets out a special form of service for documents which relate to any land or premises in which more than five persons hold an estate or interest as tenants in common.

Clause 13 inserts a new section 132A in the principal Act. It provides for the granting of bursaries by the Minister of Health and for the taking of bonds to enforce those bursaries. The new section is to come into force on 1 August 1965.

Hon. Mr McKay

HEALTH AMENDMENT

ANALYSIS

Title	
1. Short Title	6. Communicable diseases occurring in animals
2. Deputy Directors	7. Regulations as to public health
3. Special powers of Medical Officer of Health	8. Regulations as to quarantine
4. Powers of Medical Officer of Health on outbreak of disease	9. Regulations as to registration
5. Notice of cases of notifiable disease	10. Regulations as to homes for old people
	11. Mandamus
	12. Service of documents
	13. Bursaries

A BILL INTITULED

An Act to amend the Health Act 1956

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

1. Short Title—This Act may be cited as the Health Amendment Act 1964, and shall be read together with and deemed part of the Health Act 1956* (hereinafter referred to as the principal Act).

10 **2. Deputy Directors**—Section 6 of the principal Act is hereby amended by inserting in paragraph (e) of subsection (1), before the word “Assistant”, the words “Deputy or”.

*1957 Reprint, Vol. 6, p. 1
Amendments: 1958, No. 68; 1959, No. 67; 1960, No. 96; 1961, No. 113;
1962, No. 76

3. Special powers of Medical Officer of Health—Section 70 of the principal Act is hereby amended by inserting in subsection (1), after the word “Minister”, the words “or if a state of national major disaster has been declared under the Civil Defence Act 1962”.

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4. Powers of Medical Officer of Health on outbreak of disease—Section 71 of the principal Act is hereby amended by inserting in subsection (1), after the word “Minister”, the words “or during a state of national major disaster under the Civil Defence Act 1962”.

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5. Notice of cases of notifiable disease—Section 74 of the principal Act (as amended by section 2 (1) of the Health Amendment Act 1962) is hereby further amended by omitting from paragraph (a) of subsection (2) the words “to the local authority of the district and to the Medical Officer of Health”, and substituting the words “to the Medical Officer of Health, and, except where the disease is specified in Section B of Part I of the First Schedule to this Act, to the local authority of the district”.

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6. Communicable diseases occurring in animals—The principal Act is hereby amended by inserting, after section 87, the following section:

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“87A. (1) The Governor-General may from time to time by Order in Council specify the communicable diseases to which this section shall apply.

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“(2) Every veterinary surgeon who has reason to believe that any animal professionally attended by him is suffering from a communicable disease to which this section applies shall forthwith give notice in the prescribed form to the Medical Officer of Health.

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“(3) Every person in charge of a laboratory who has reason to believe, as a result of investigations made in that laboratory, that any animal is suffering or has suffered from a communicable disease to which this section applies shall, unless he is satisfied that notice has been given pursuant to subsection (2) of this section, forthwith give notice in the prescribed form to the Medical Officer of Health for the Health District in which that animal is or was so suffering.

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“(4) Every person commits an offence against this Act who fails to comply with the provisions of this section.

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“(5) This section shall bind the Crown.”

7. Regulations as to public health—Section 117 of the principal Act is hereby amended—

- 5 (a) By inserting in paragraph (r) of subsection (1), after the words “medical practitioners” in the second place where they occur, the words “, veterinary surgeons, or persons in charge of laboratories”:
- (b) By inserting in paragraph (w) of subsection (1), after the word “packing”, the word “storage”:
- 10 (c) By inserting in paragraph (y) of subsection (1), after the word “Prescribing”, the words “or providing for the fixing of”.

8. Regulations as to quarantine—Section 118 of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraphs:

- 15 “(c) The isolation and treatment of persons arriving in New Zealand who are or are suspected to be suffering from any quarantinable disease or who have or are suspected to have been exposed to the infection of a quarantinable disease or who are otherwise liable to quarantine under section 97 of this Act:
- 20 “(cc) The payment by any person who has been isolated pursuant to regulations made under this section of the reasonable cost of his treatment and maintenance while in isolation, and the exemption of any person, in whole or in part, from liability to make such payment:”.
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9. Regulations as to registration—(1) Section 120 of the principal Act (as amended by section 5 (4) of the Health Amendment Act 1960) is hereby further amended by omitting from paragraph (c) of subsection (2) the words “or packing”, and substituting the words “packing, storage, or handling”.

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(2) Section 120 of the principal Act is hereby further amended by adding to subsection (2) the following paragraphs:

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- “(f) As hairdressers’ shops or barbers’ shops:
- 40 “(g) As funeral directors’ premises, that is to say premises in which persons registered under regulations made pursuant to paragraph (b) of subsection (1) of this section regularly embalm dead bodies or prepare the dead for burial or cremation”.

(3) The Hairdressers (Health) Regulations 1931, as from time to time amended and applied, shall be deemed to be and to have always been valid and to have been lawfully amended and applied.

10. Regulations as to homes for old people—(1) Section 120A of the principal Act (as inserted by section 2 of the Health Amendment Act 1958) is hereby amended— 5

(a) By inserting in paragraph (a) of subsection (2), after the word “Prescribe”, the words “, either by reference to other enactments or otherwise,”: 10

(b) By inserting in paragraph (f) of the said subsection, after the word “Exempt”, the words “or provide for the exemption of”:

(c) By omitting from subsection (3) the word “two”, and substituting the word “six”. 15

(2) Section 120A of the principal Act is hereby further amended by adding to subsection (2) the following paragraphs:

“(g) Provide for the granting of temporary licences in respect of homes which do not comply with the minimum standards prescribed: 20

“(h) Prescribe the conditions subject to which persons may be accommodated in homes, whether those persons have attained the age of sixty-five years or not.”.

(3) Section 120A of the principal Act is hereby further amended by inserting, after subsection (2), the following subsection: 25

“(2A) Every person commits an offence against this Act who holds out, or uses any words which are likely to lead persons to believe, that any home is a licensed private hospital or that premises which are not registered or licensed under regulations made pursuant to this section are in fact so registered or licensed.” 30

11. Mandamus—The principal Act is hereby further amended by inserting, after section 123, the following section: 35

“123A. The Minister on the recommendation of the Board of Health, may apply to the Supreme Court for a writ of mandamus to compel a local authority to perform any duty that the local authority has failed to perform under this Act.” 40

12. Service of documents—Section 131 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) In the case of a document relating to any land or premises in which more than five persons hold an estate or interest as tenants in common, service of such document on any five of those persons shall, without prejudice to the provisions of subsection (5) of section 42 of this Act or to the other provisions of this section, be deemed to be service on all the tenants in common. Every document which is served in accordance with the provisions of this subsection shall notify the persons on whom it is served that it is served upon them as representatives of all the owners of such estate or interest.”

13. Bursaries—(1) The principal Act is hereby further amended by inserting, after section 132, the following section:

“132A. (1) For the purpose of assisting suitable persons to qualify for professions, occupations, and callings concerned with the maintenance or promotion of public health, or for obtaining additional qualifications in such professions, occupations, or callings, the Minister may establish bursaries which shall be of such number and value as he may determine, with the concurrence of the Minister of Finance, in respect of any particular case or class of cases.

“(2) All payments in connection with bursaries so established shall be paid out of money appropriated by Parliament for the purpose.

“(3) Without limiting the power to make regulations under section 117 of this Act, it is hereby declared that regulations may be made under that section prescribing conditions, in addition to or in lieu of the condition referred to in subsection (4) of this section, subject to which such bursaries shall be held and the circumstances in which and the persons by whom such bursaries may be cancelled or suspended.

“(4) Any person to whom a bursary is awarded under this section (in this section referred to as the bursar) may be required as a condition of receiving that bursary to sign a bond in a form to be determined by the Minister requiring him to pay to the Crown the sum therein specified if he makes default in the performance of any condition of the bond:

“Provided that, in any case where the bursar is required, as a condition for the discharge of the bond, to render a period or periods of service, the said sum shall be reduced during the currency of the bond by an amount equivalent to the proportion that the service rendered by the bursar in accordance with the condition of the bond bears to the full period of service required for the discharge of the bond.

“(5) The Minister may require that such a bond shall also be signed by a parent or guardian, or by some person approved by the Minister, as surety; and in that event the bursar and such surety shall be jointly and severally liable thereunder.

“(6) Every such bond shall be enforceable against the bursar and the surety who signs it, notwithstanding anything in this Act or any other Act or any rule of law. 5

“(7) Nothing in this section shall affect any bursary awarded by or on behalf of the Minister otherwise than pursuant to this section or the validity of any agreement, bond, or acknowledgment, whether executed before or after the commencement of this section, relating to any such bursary.” 10

(2) This section shall come into force on the first day of August, nineteen hundred and sixty-five.