

## HOSPITALS AMENDMENT BILL

### EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to the Hospitals Act 1957.

*Clause 1* relates to the Short Title and commencement of the Bill.

*Clause 2* makes miscellaneous amendments to section 2 of the principal Act, which section defines the terms used in that Act.

The amendment to the definition of the term "constituent district" is consequential on the abolition of the Waiheke Road District.

The term "hospital" is being amended so that the term will in future include psychiatric hospitals.

A new definition of the term "institution" is being introduced consequent on *clause 8* which provides for the establishment of health centres and on *clause 14* which repeals Part IV of the principal Act relating to separate institutions. A new definition of "health centre" and a wider definition of land are also included in the clause.

*Clause 3* amends section 3 of the principal Act, which prescribes the functions of the Minister of Health in respect of hospitals. The clause makes it one of the Minister's functions to encourage and maintain health centres.

*Clause 4* amends section 5 of the principal Act, which empowers the Minister to give directions to hospital boards. The clause enables the Minister to authorise boards to operate within general policy prescribed by him without the need to refer a particular case to him for his consent if the case falls within his previously enunciated policy.

*Clause 5* amends section 15 of the principal Act, which provides that those cities, boroughs, and town districts which are contiguous with counties specified in the First Schedule to the Bill are included in the same hospital district as the specified counties. Some cities, boroughs, and town districts are not contiguous with any city, borough, or town district which itself is not contiguous with any county, and the amendment is being made to clarify which hospital district they belong to.

*Clause 6* rewrites section 46 of the principal Act, which relates to the execution of documents by hospital boards. Under the rewritten section it will not normally be necessary for a board to execute documents under its seal unless sealing is required by some other enactment.

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*Clause 7* amends section 52A of the principal Act, which authorises hospital boards to pay gratuities on the retirement of employees who have at least 10 years service either with the board, or with the board and some other board, or with the board and the government service. The section is being extended to enable persons who have at least 10 years cumulative service with a board and a university to be paid a gratuity on retiring from service with the board. The clause will be deemed to have come into force on 1 April 1969.

*Clause 8* inserts a new *section 64A* in the principal Act to enable hospital boards, with the consent of the Minister, to establish and maintain health centres at which medical, obstetrical, dental, nursing, pharmaceutical, and other health services may be provided. A board will be empowered to lease a health centre or part of a health centre to, or to enter into arrangements with, any qualified person to enable him to provide any of the aforementioned services at the centre.

*Clause 9* empowers a hospital board to make bylaws under section 65 of the principal Act for controlling motor vehicles on its property.

*Clause 10* declares land (other than buildings) to be "road" for the purposes of the Transport Act 1962. A board will be empowered to appoint special traffic officers who will be authorised to enforce traffic law within the area under its control.

*Clauses 11 and 12* remove the need for obtaining ministerial consent under sections 77 and 78 of the principal Act, which sections respectively relate to contracts for recovery of the cost of relief and contracts for the granting of relief.

*Clause 13* amends section 94 of the principal Act, which relates to the control of hospital board expenditure. The clause will enable regulations to be made under the section empowering the Minister to discriminate between boards.

*Clause 14* abolishes "separate institutions" and repeals Part IV of the principal Act and the Second and Third Schedules to that Act. Consequential amendments are being made to the principal Act in the First Schedule to the Bill.

*Clause 15* substitutes a new First Schedule to the principal Act. The First Schedule lists the various hospital districts in New Zealand and the counties comprising them.

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*Hon. Mr McKay*

## HOSPITALS AMENDMENT

### ANALYSIS

Title	10. Traffic on Hospital Board property
1. Short Title and commencement	66A. Certain Hospital Board property deemed to be a road for purposes of Transport Act
2. Interpretation	66B. Appointment of special traffic officers by Hospital Boards
3. Functions of Minister	11. Contracts for recovery of cost of relief
4. Directions to Boards	12. Contracts for granting of relief by other persons
5. Hospital district to include cities, boroughs, and town districts	13. Control of expenditure
6. Execution of documents	14. Abolition of separate institutions
7. Grants on retirement or death of officers or employees	15. Hospital districts
8. Health centres	Schedules
9. Bylaws	

### A BILL INTITULED

#### An Act to amend the Hospitals Act 1957

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 and commencement**—(1) This Act may be cited as the Hospitals Amendment Act 1970, and shall be read together with and deemed part of the Hospitals Act 1957\* (hereinafter referred to as the principal Act).

\*1957 Reprint, Vol. 6, p. 119

Amendments: 1961, No. 84; 1962, No. 43; 1964, No. 91; 1966, No. 35; 1967, No. 80; 1968, No. 57

(2) Except as provided in subsection (3) of this section, this Act shall come into force on the date of its passing.

(3) Section 7 of this Act shall be deemed to have come into force on the 1st day of April 1969.

**2. Interpretation**—(1) Section 2 of the principal Act is hereby amended— 5

(a) By omitting from the definition of the term “constituent district” the words “and, in relation to the Auckland Hospital District, includes the Waiheke Road District”: 10

(b) By omitting from paragraph (a) of the definition of the term “hospital” the words “not being an institution within the meaning of the Mental Health Act 1911”:

(c) By omitting from paragraph (c) of the definition of the term “hospital” the words “any separate institution as hereinafter defined or”. 15

(2) The said section 2 is hereby further amended by inserting, after the definition of the term “Financial year”, the following definition: 20

“‘Health centre’ means a health centre established under section 64A of this Act:”.

(3) The said section 2 is hereby further amended by repealing the definition of the term “institution”, and substituting the following definition: 25

“‘Institution’ means any hospital or other institution under the control of a Hospital Board under this Act; and, except in sections 2, 3, 54, 76, 95, 118, 150, 153, and 156, and paragraph (d) of subsection (1) of section 4, of this Act, includes a health centre:” 30

(4) The said section 2 is hereby further amended by repealing the definition of the term “land”, and substituting the following definition:

“‘Land’ has the same meaning as in section 2 of the Land Transfer Act 1952:” 35

(5) The said section 2 is hereby further amended by repealing the definition of the term “separate institution”.

**3. Functions of Minister**—Section 3 of the principal Act is hereby amended by inserting after paragraph (c), the following paragraph:

- 5 “(cc) To encourage Hospital Boards to establish and maintain health centres to such extent as he considers necessary:”.

**4. Directions to Boards**—Section 5 of the principal Act is hereby amended by adding to subsection (2) the following paragraphs:

- 10 “(c) Where the duty, power, or function is required to be exercised with the prior consent of the Minister, grant his consent generally or in relation to any particular case or class of case or in relation to any Board or class of Board:
- 15 “(d) Where the Minister has granted any consent under paragraph (c) of this subsection, revoke that consent.”

**5. Hospital district to include cities, boroughs, and town districts**—Section 15 of the principal Act is hereby amended

20 by inserting in subsection (2), after the word “contiguous” where it last appears, the words “or deemed to be contiguous”.

**6. Execution of documents**—The principal Act is hereby further amended by repealing section 46, and substituting

25 the following section:

- “46. (1) Where a Board desires or is required to execute a document which is not required by any enactment or by any general or special direction of the Board to be under seal, that document may be signed by the Chairman, or by any two
- 30 members of the Board, or by the Secretary to the Board.

- “(2) Where a Board desires or is required to execute a document which is required by any enactment or by a general or special direction of the Board to be under seal, that document shall be executed by affixing the seal of the Board
- 35 in the presence of at least two of its members who shall attest to that fact on the document.”

**7. Grants on retirement or death of officers or employees—**  
 Section 52A of the principal Act (as inserted by section 2 of  
 the Hospitals Amendment Act 1962, and amended by  
 section 2 of the Hospitals Amendment Act 1964, and by  
 section 6 of the Hospitals Amendment Act 1966) is hereby  
 further amended— 5

- (a) By omitting from subsection (1) the words “or the  
 New Zealand Government Railways Department”,  
 and substituting the words “the New Zealand  
 Government Railways Department, or the service  
 of any university in New Zealand”: 10
- (b) By omitting from paragraph (a) of subsection (1A)  
 the words “or the New Zealand Government Rail-  
 ways Department”, and substituting the words “the  
 New Zealand Government Railways Department,  
 or any university in New Zealand”: 15
- (c) By inserting, after the word “Department” in para-  
 graph (a) of subsection (4), the words “or of any  
 university in New Zealand”:
- (d) By adding to subsection (7) the words “and the method  
 by which the total length of service in the employ- 20  
 ment of a Board, and the rate of pay on retirement,  
 shall be assessed in the case of any officer or  
 employee who has been employed by a Board on  
 a part-time basis for all or part of his period of 25  
 service”.

**8. Health centres—**The principal Act is hereby amended  
 by inserting, after section 64, the following heading and  
 section:

*“Health Centres*

“64A. (1) Subject to the provisions of this Act, any Board  
 may from time to time, with the prior consent of the Minister,  
 establish and maintain one or more health centres at which  
 medical, obstetrical, dental, nursing, pharmaceutical, and  
 other health services may be provided. 30

“(2) A health centre may be established in any part of the  
 Board’s district or in any place outside that district, and either  
 in connection with or incidental to any hospital operated by  
 the Board or otherwise. 35

“(3) A health centre shall consist of one or more buildings and any land occupied by or in connection with the building or buildings, and may be provided with such furniture, equipment, and other amenities and facilities as the Board  
5 maintaining the centre thinks necessary.

“(4) Any Board establishing or maintaining a health centre may itself provide any of the services referred to in subsection (1) of this section at the centre, or may lease the  
10 whole or any part of the centre under section 71 of this Act to, or enter into arrangements (whether contractual or otherwise) with, any person so as to enable that person to provide any such service at the centre.

“(5) Where a Board leases a health centre or any part of a health centre to any person as aforesaid, or any person  
15 provides at a health centre any of the services referred to in subsection (1) of this section under arrangements made with the Board maintaining the centre, that person shall not be deemed to be employed or engaged by the Board by reason  
20 only of the fact that he practises his profession or occupation at the centre.”

**9. Bylaws**—Section 65 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (f), the following paragraph:

“(ff) For the purpose of ensuring the safety of members  
25 of the public using land owned by or vested in the Board, or for the better preservation of any such land, or for the better regulation of traffic using roads under the Board’s control—

“(i) Prohibiting or restricting the entry of  
30 vehicles or any specified class of vehicles on to any such land:

“(ii) Prohibiting or restricting vehicles or any  
specified class of vehicles from being stopped or  
35 parked on any such land:

“(iii) Fixing the maximum speeds of vehicles or  
specified classes of vehicles on specified roads or  
classes of roads under the Board’s control:

“(iv) Generally regulating traffic on any such  
roads or land.”

**10. Traffic on Hospital Board property**—The principal Act is hereby further amended by inserting, after section 66, the following sections:

**“66A. Certain Hospital Board property deemed to be a road for purposes of Transport Act**—All land (not forming part of a building) owned by or vested in a Board, whether used as a road or not, shall be deemed to be a road within the meaning of the Transport Act 1962; and all the provisions of that Act relating to roads, so far as they are applicable and with any necessary modifications, shall apply to the land accordingly. 5 10

**“66B. Appointment of special traffic officers by Hospital Boards**—(1) Any Board may from time to time appoint any suitable person (whether already employed by the Board or not) to be a special traffic officer to exercise the powers conferred on him by this section in respect of any land owned by or vested in the Board which is deemed to be a road by virtue of section 66A of this Act. 15

“(2) Every Board which appoints a special traffic officer shall supply to him a distinctive uniform (including a cap and cap badge) indicating that he is a special traffic officer. 20

“(3) Every special traffic officer appointed under this section shall, within any area of land owned by or vested in the Board employing him, have all the powers of a traffic officer under the Transport Act 1962; and all the provisions of that Act, so far as they relate to traffic officers, shall apply to a special traffic officer appointed under this section when exercising his authority in the area of land owned by or vested in the Board employing him as if he were a traffic officer within the meaning of that Act.” 25 30

**11. Contracts for recovery of cost of relief**—Section 77 of the principal Act is hereby amended by repealing subsection (2).

**12. Contracts for granting of relief by other persons**—Section 78 of the principal Act is hereby amended by omitting from subsection (1) the words “with the prior consent of the Minister.” 35

**13. Control of expenditure**—(1) Section 94 of the principal Act is hereby amended by adding to paragraph (b) of subsection (2) the words “or in relation to different Boards”

5 (2) The said section 94 is hereby further amended by inserting in subsection (2), after paragraph (b), the following paragraph:

10 “(bb) Prescribing the conditions to be satisfied before a Board may incur expenditure without the consent of the Minister under the authority of this section or any such regulations, and authorising the Minister to permit Boards or certain Boards or classes of Boards, subject to any limitations imposed by him, to incur expenditure as aforesaid without being required to comply with those conditions:”.

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**14. Abolition of separate institutions**—(1) The principal Act is hereby further amended by repealing Part IV and the Second and Third Schedules.

20 (2) The principal Act is hereby consequentially amended in the manner indicated in the First Schedule to this Act.

**15. Hospital districts**—(1) The principal Act is hereby further amended by repealing the First Schedule, and substituting the First Schedule set out in the Second Schedule to this Act.

25 (2) Section 18 of the Hospitals Amendment Act 1966 is hereby consequentially repealed.

## SCHEDULES

Section 14

## FIRST SCHEDULE

## AMENDMENTS TO PRINCIPAL ACT CONSEQUENTIAL ON THE REPEAL OF PROVISIONS RELATING TO SEPARATE INSTITUTIONS

Section	Amendment
Section 1	By omitting from subsection (3) the words, "PART IV—Separate Institutions (Sections 100 to 117)".
Section 53	By repealing paragraph (c).
Section 72	By omitting the words, "any body corporate in accordance with this Act", and substituting the words "the Crown in accordance with this Act or with the Mental Health Act 1969".
Section 118	By repealing paragraph (b) in the definition of the term "private hospital".
Section 147	By repealing subsection (4), and substituting the following subsection: " (4) Any such appointment may be made in respect of institutions or licensed hospitals generally or in respect of any specified institution or licensed hospital or in respect of any specified class of institution or licensed hospital".
Section 148	By omitting from subsection (1) the words "separate institution". By omitting from paragraph (b) of subsection (2) the words "or any separate institution".
Section 150	By repealing subsection (1).
Section 151	By omitting from subsection (1) the words "or of the Trustees of any separate institution"; and by omitting from that subsection the words "or Trustees"; and by omitting from that subsection the words "or the Trustees". By omitting from subsection (3) the words "or of the separate institution, as the case may require". By omitting from subsection (4) the words "or the Trustees, as the case may require". By omitting from subsection (4) the words "or of the separate institution". By omitting from the proviso to that subsection in each case where they occur the words "or the Trustees".
Section 153	By omitting from the definition of the term "maternity hospital" in subsection (2) the words "or is a separate institution". By omitting from the definition of the term "maternity ward" in subsection (2) the words "separate institution".

## Hospitals Amendment

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### SECOND SCHEDULE

Section 15

#### NEW FIRST SCHEDULE TO PRINCIPAL ACT

#### "FIRST SCHEDULE

Section 14

#### "HOSPITAL DISTRICTS

Hospital Districts	Areas Included in Hospital Districts
1. Ashburton Hospital District .....	Ashburton.
2. Auckland Hospital District .....	Rodney, Waitemata, Franklin, Great Barrier Island, Waiheke.
3. Bay of Plenty Hospital District .....	Whakatane.
4. Cook Hospital District .....	Cook, Waikohu.
5. Dannevirke Hospital District .....	Dannevirke, Woodville.
6. Hawke's Bay Hospital District .....	Hawke's Bay.
7. Maniototo Hospital District .....	Maniototo.
8. Marlborough Hospital District .....	Marlborough, Awatere.
9. Nelson Hospital District .....	Waimea, Golden Bay.
10. North Canterbury Hospital District .....	Kaikoura, Amuri, Cheviot, Waipara, Ashley, Oxford, Rangiora, Eyre, Malvern, Paparua, Waimairi, Heathcote, Mount Herbert, Akaroa, Wairewa, Ellesmere, Chatham Islands.
11. Northland Hospital District .....	Mangonui, Whangaroa, Bay of Islands, Hokianga, Whangarei, Hobson, Otamatea.
12. Opotiki Hospital District .....	Opotiki.
13. Otago Hospital District .....	Waihemo, Waikouaiti, Taieri, Tuapeka.
14. Palmerston North Hospital District .....	Kiwitea, Pohangina, Oroua, Manawatu, Kairanga, Horo- whenua.
15. South Canterbury Hospital District .....	Geraldine, Mackenzie, Levels, Waimate.
16. Southland Hospital District .....	Lake, Southland, Stewart Island, Wallace, Fiord.
17. South Otago Hospital District .....	Bruce, Clutha.
18. Taranaki Hospital District .....	Clifton, Egmont, Taranaki, Ingle- wood, Stratford, Hawera, Waimate West, Eltham.
19. Taumarunui Hospital District .....	Taumarunui.
20. Tauranga Hospital District .....	Tauranga.
21. Thames Hospital District .....	Thames, Ohinemuri, Hauraki Plains, Coromandel.

Section 15SECOND SCHEDULE—*continued*NEW FIRST SCHEDULE TO PRINCIPAL ACT—*continued*

## Section 14

"FIRST SCHEDULE—*continued*"HOSPITAL DISTRICTS—*continued*

Hospital Districts	Areas Included in Hospital Districts
22. Vincent Hospital District .....	Vincent.
23. Waiapu Hospital District .....	Waiapu.
24. Waikato Hospital District .....	Waikato, Waipa, Piako, Raglan, Waitomo, Taupo, Otorohanga, Matamata, Rotorua.
25. Waipawa Hospital District .....	Waipawa, Patangata, Waipukura- rau.
26. Wairarapa Hospital District .....	Pahiatua, Akitio, Eketahuna, Masterton, Wairarapa South, Featherston.
27. Wairoa Hospital District .....	Wairoa.
28. Waitaki Hospital District .....	Waitaki.
29. Wanganui Hospital District .....	Patea, Wanganui, Waimarino, Waitotara, Rangitikei.
30. Wellington Hospital District .....	Hutt.
31. West Coast Hospital District .....	Buller, Inangahua, Grey, West- land.