

## HEALTH AMENDMENT BILL

### EXPLANATORY NOTE

THIS Bill makes a number of amendments to the Health Act 1956.

*Clause 2:* Under section 5 of the principal Act the Deputy Director-General of Health is authorised to act in the place of the Director-General of Health if he is absent from duty or his office is vacant. The amendment now proposed authorises the Deputy Director-General of Health (Public Health) to act in the place of the Director-General of Health if both the Director-General and Deputy Director-General of Health are not available.

*Clause 3:* Under section 25 of the principal Act local authorities may be obliged to provide mortuaries. This obligation is abolished but local authorities are still authorised, under section 84 of the principal Act, to provide mortuaries if they think fit.

*Clause 4: Subclause (1)* effects a metric conversion by substituting a reference to 8 kilometres for a reference to 5 miles in 2 places. The sections being amended relate to the case where a local authority consents to the establishment of an offensive trade and the premises on which it is being established are within 5 miles of any part of the boundary of the district of any other local authority. That other local authority must be notified and may appeal against the decision.

The change from 5 miles to 8 kilometres represents a fractional reduction in the distance as 8 kilometres = approximately 4.97 miles.

*Subclauses (2) and (3)*, which come into force on 1 April 1974, effect an amendment and a repeal which are both consequential on the passing of the Clean Air Act 1972.

*Clause 5* amends sections 70 and 71 of the principal Act. These sections authorise the Medical Officer of Health to exercise wide-ranging powers, in certain circumstances, for the purpose of preventing the outbreak or spread of any infectious disease or in the event of an outbreak of any infectious disease. The proposed amendments enable those powers to be exercised not only by authority of the Minister or during a state of national civil defence emergency but also during a state of regional civil defence emergency.

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*Clause 6* effects a metric conversion by substituting a reference to 50 metres for a reference to 50 yards. The section being amended makes it unlawful, subject to certain exceptions, for any boat, launch, or vessel to be brought within 50 yards of any ship liable to quarantine. The change from 50 yards to 50 metres is a small increase in the distance as 50 metres = approximately 54.681 yards.

*Clause 7: Subclause (1)* substitutes new paragraphs (a) and (b) in subsection (2) of section 120A. The new paragraphs will enable regulations to be made—

- (a) Prescribing standards of accommodation for persons who are admitted to old people's homes for day care; and
- (b) Providing for the inspection of premises reasonably believed to be old people's homes.

*Subclause (2)* amends the definition of "home". At present at least 6 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 section 120A of the principal Act. The number of such persons required to bring a home within the definition is reduced from 6 to 5.

*Subclause (3)* adds new subsections (4) and (5) to section 120A. The new subsections authorise the making of regulations in respect of day care centres for old people.

*Hon. Mr Tizard*

## HEALTH AMENDMENT

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### ANALYSIS

Title		4. Offensive trades
1. Short Title		5. Special powers of Medical Officer of Health
2. Powers of Director-General of Health		6. Ships liable to quarantine
3. Abolition of obligation to provide mortuaries		7. Regulations as to homes for old people

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### 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 1973, and shall be read together with and deemed part of the Health Act 1956\* (hereinafter referred to as the principal Act).
- 10 2. **Powers of Director-General of Health**—Section 5 of the principal Act (as amended by section 2 (1) of the Health Amendment Act 1970) is hereby further amended by inserting, after subsection (5), the following subsection:
- 15 “(5A) On the occurrence of a vacancy in the office of the Deputy Director-General of Health, whether by reason of death, resignation, or otherwise, or in the absence from duty

\*Reprinted 1972, Vol. II, p. 1449

of the Deputy Director-General of Health, and so long as the vacancy or absence continues, subsections (4) and (5) of this section shall apply as if references to the Deputy Director-General of Health (Public Health) were substituted for the references therein to the Deputy Director-General of Health.” 5

**3. Abolition of obligation to provide mortuaries—**

(1) Section 25 of the principal Act is hereby amended by repealing paragraph (g) of subsection (1).

(2) Section 84 of the principal Act is hereby amended by omitting from subsection (1) the words “, and when so required by the Board of Health shall,”. 10

**4. Offensive trades—**(1) The principal Act is hereby amended by omitting from subsection (2) of section 54, and also from subsection (2) of section 55, the expression “5 miles”, and substituting in each case the expression “8 kilometres”. 15

(2) Section 54 of the principal Act (as amended by section 2 of the Health Amendment Act 1959) is hereby further amended by revoking the proviso to subsection (5). 20

(3) The Health Amendment Act 1959 is hereby consequentially repealed.

(4) Subsections (2) and (3) of this section shall come into force on the 1st day of April 1974.

**5. Special powers of Medical Officer of Health—** 25

(1) Section 70 of the principal Act (as amended by section 3 of the Health Amendment Act 1964) is hereby further amended by omitting from subsection (1) the words “major disaster”, and substituting the words “civil defence emergency or a state of regional civil defence emergency”. 30

(2) Section 71 of the principal Act (as amended by section 4 of the Health Amendment Act 1964 and section 19 (3) of the Civil Defence Amendment Act 1968) is hereby further amended by inserting in subsection (1), after the word “emergency”, the words “or a state of regional civil defence emergency”. 35

**6. Ships liable to quarantine—**Section 99 of the principal Act is hereby amended by omitting from paragraph (e) of subsection (1) the word “yards”, and substituting the word “metres”. 40

7. 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 and amended by section 10 (1) (a) of the Health Amendment Act 1964) is hereby further amended by repealing paragraphs (a) and (b) of subsection (2), and substituting the following paragraphs:

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“(a) Prescribe, either by reference to other enactments or otherwise, minimum standards of accommodation (including accommodation for persons who have attained the age of 65 years and who are admitted to the home for care during the day but who are not resident in the home) and staffing to be provided in all such homes or in any class or classes of such homes:

“(b) Provide for the inspection of all such homes and of premises reasonably believed to be such homes:”.

(2) The said section 120A is hereby further amended by omitting from subsection (3) the figure “6”, and substituting the figure “5”.

(3) The said section 120A is hereby further amended by adding the following subsections:

“(4) Subsections (1) and (2) of this section shall apply in respect of day care centres as if for the references therein to homes there were substituted references to day care centres and as if the words in brackets in paragraph (a) of the said subsection (2) were omitted.

“(5) In subsection (4) of this section the term ‘day care centre’ means any premises which are or purport to be used regularly, although not necessarily continuously, for the accommodation, for care, occupation, recreation, or entertainment, during the day, of 5 or more persons who have attained the age of 65 years, who are not related by blood or marriage to the occupier of the premises, and by whom or on whose behalf payment is made in respect of such accommodation or in respect of one or more meals provided in the course of such accommodation, whether or not the premises are used at the same time for the accommodation of other persons or for other purposes; but does not include—

“(a) A home; or

40 “(b) Any premises expressly excepted from the definition of ‘home’ in subsection (3) of this section; or

“(c) Any premises in which such accommodation may be provided by virtue of powers conferred by, or (b) of a licence issued by a local authority under, any other enactment.”

(4) Section 10 of the Health Amendment Act 1964 is hereby consequentially amended by repealing paragraphs (a) and (c) of subsection (1). 5