

Hon. Mr. Parr.

## HOSPITALS AND CHARITABLE INSTITUTIONS AMENDMENT.

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### A BILL INTITULED

AN ACT to amend the Hospitals and Charitable Institutions Act, Title, 1909.

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

1. (1.) This Act may be cited as the Hospitals and Charitable Institutions Amendment Act, 1921, and shall be read together with and deemed part of the Hospitals and Charitable Institutions Act, 1909 (hereinafter referred to as the principal Act).

(2.) This Act shall come into force on the first day of April, nineteen hundred and *twenty-two*, save that all elections, appointments, Orders in Council, notices, and regulations required for the

purpose of bringing any of the provisions of this Act into operation on that date may be held, made, or issued at any time after the passing of this Act.

### *Hospital Boards.*

Approval of  
Minister to be given  
to certain  
appointments.

2. (1.) A Board shall not appoint any medical officer (including an honorary medical officer), or a matron, master, manager, house steward, or engineer of an institution under the principal Act, or a Secretary to the Board without first obtaining the approval of the Minister to such appointment. 5

(2.) This section is in substitution for section thirty-four of the principal Act, and that section and section four of the Hospitals and Charitable Institutions Amendment Act, 1913, are hereby accordingly repealed. 10

Section 38 of  
principal Act  
(relative to subsidies  
to Boards) amended.

3. Section thirty-eight of the principal Act is hereby amended as follows :— 15

(a.) By omitting from paragraph (a) of subsection two the words "Ten shillings," and substituting the words "One pound" : 20

(b.) By omitting from paragraph (b) of subsection two the words "Twenty-four shillings," and substituting the words "One pound." 20

Boards to furnish  
estimates of receipts  
and expenditure.

4. (1.) Every Hospital Board shall, for each financial year, make an estimate in the prescribed form of the amount of its expenditure for all purposes and of its receipts in that year. Such estimate shall show separately the estimated amount of capital expenditure and of maintenance expenditure, and in respect of capital expenditure shall show what portion (if any) it is proposed to borrow pursuant to section ten of the Hospitals and Charitable Institutions Amendment Act, 1920 (No. 2). 25

(2.) The estimate aforesaid shall be confirmed at a special meeting of the Board to be held on or before the eighteenth day of April of the year to which the estimate relates. 30

(3.) The estimate, as confirmed by the Board, shall be forwarded to the Minister on or before the twenty-first day of April of the same year, and the Minister may, if he thinks it necessary so to do, require the Board to amend the estimate. 35

(4.) If any Board fails to make an estimate of its receipts and expenditure as aforesaid for any year, or to furnish the same to the Minister as required by this Act, or to amend the same in accordance with the requirements of the Minister, the Board shall not while such default continues be paid any subsidy under paragraph (c) of subsection two of section thirty-eight of the principal Act, anything to the contrary in that Act notwithstanding. 40

(5.) In this section the term "receipts" shall include all moneys in the hands of the Board at the commencement of the financial year and all capital moneys received by the Board during that year as well as other receipts. 45

Deficiency in  
revenue for  
preceding year to  
be included as  
expenditure.

5. Every estimate under the *last preceding* section shall include the amount (if any) of any deficiency in the revenues of the Board during the preceding or any former financial year, and the amount of the deficiency so estimated shall be deemed to form part of the expenditure of the Board in the year to which the estimate relates. 50

6. From the amount of expenditure estimated in accordance with the foregoing provisions of this Act there shall be deducted the estimated receipts of the Board during the same year from all sources other than contributions to be levied from contributory local authorities and subsidies payable out of the Consolidated Fund in respect of those contributions; and the remainder, after making such deduction, is hereinafter referred to as the net estimated expenditure.

Net estimated expenditure.

7. (1.) The net estimated expenditure of the Board, after deducting therefrom the amount estimated by the Minister of Finance as the amount receivable by the Board from the Consolidated Fund by way of subsidy in respect of the contributions of local authorities, shall be apportioned by the Board among the contributory local authorities within its district in proportion to the capital value of the rateable property in each contributory district as determined by the Valuer-General under the Valuation of Land Act, 1908, as being approximately correct as on the first day of April in the financial year in which the apportionment is made.

Apportionment of net estimated expenditure among contributory local authorities.

(2.) On making such apportionment the Board shall furnish to each contributory local authority a statement setting forth—

(a.) The Board's receipts and expenditure in the preceding financial year; and

(b.) The Board's estimated receipts and expenditure for the current financial year, and the amount apportioned to each of the contributory local authorities.

8. (1.) The amount so apportioned by the Board to any contributory local authority shall constitute a debt payable by the corporation of that authority to the Board, and may be recovered by the Board by action in any Court of competent jurisdiction.

Recovery of contributions.

(2.) The said amount shall be payable to the Board by equal monthly instalments, and such instalments shall be due respectively on the last day of each month in the financial year for which the apportionment is made.

(3.) Interest at such rate as the Minister of Finance may from time to time decide shall be payable by the local authority to the Board on the amount of any instalment, or part thereof, remaining unpaid after the expiration of fourteen days from the date on which such amount became due.

9. If any contributory local authority fails to pay the required contribution, or any part thereof, the Minister of Finance, on the application of the Board, may deduct from the subsidies payable to that local authority under any Act or authority a sum equal to the amount of the contribution or to the part so remaining unpaid, together with interest thereon at the rate fixed by the Minister of Finance under the *last preceding* section, and may pay the same to the Hospital Board in satisfaction or part satisfaction of the contribution so due by the contributory local authority.

Amount of unpaid contribution may be deducted from subsidies payable to contributory local authority.

10. Every contributory local authority liable to pay any contribution under the foregoing provisions of this Act may pay the same out of its ordinary funds, or may, if it thinks fit, in addition to its other rating-powers, raise the required amount by a rate to be made and levied for that purpose.

Contributory local authority may pay contribution out of ordinary funds or may raise by special rate.

In case of deficiency of Board's estimate of maintenance expenditure, Minister may advance amount on account of subsidy for following year.

11. (1.) If at any time during any financial year it appears to the Board that its estimated expenditure (other than capital expenditure) for that year is less than the expenditure (other than capital expenditure) actually incurred or proposed to be incurred by it for that year, the Minister of Finance may, on application by the Board and without further appropriation than this Act, pay to the Board out of the Consolidated Fund the deficiency or any part thereof. 6

(2.) The amount so paid to the Board shall, with interest thereon at the prescribed rate, be deducted by the Minister from the subsidy payable to that Board in respect of the next financial year. 10

In case of deficiency of Board's estimate of capital expenditure Board may make supplementary estimate and apportionment.

12. If at any time during any financial year a Board is of opinion that the contributions required by it from the contributory local authorities as aforesaid in respect of capital expenditure are insufficient (together with moneys borrowed for the purposes of capital expenditure) to meet the capital expenditure of the Board for that year, the Board may, in respect of the deficiency, make a supplementary estimate and apportionment in the same manner as in the case of its main estimate and apportionment of expenditure, and the foregoing provisions shall apply accordingly, with the necessary modifications, to any supplementary contribution so required from any local authority. 15 20

Consequential repeals.

13. Sections *four to twelve* hereof are in substitution for section forty-one and section forty-two of the principal Act, and those sections and section eight of the Hospitals and Charitable Institutions Amendment Act, 1913, are hereby repealed accordingly.

Special provisions as to by-laws.

14. (1.) The Minister may at any time, by writing under his hand, require any Board to make, in respect of any institution under its control, by-laws as to any matter with respect to which the Board is empowered to make by-laws. 25

(2.) If any Board refuses or fails to make such by-laws when required so to do by the Minister, or if any by-laws made by the Board are not approved by the Minister, acting under subsection three of section sixty-five of the principal Act, or are disallowed by the Governor-General, acting under subsection four of the said section, the Governor-General may, in respect of such institution, by Order in Council make regulations for the purposes or any purpose for which the Board has been required by the Minister to make by-laws. 30 35

(3.) Any regulations so made by the Governor-General in respect of any institution shall have the same force and effect as if they were by-laws duly made by the Board.

Section 72 of principal Act amended.

15. For the purposes of section seventy-two of the principal Act the term "relief" shall be deemed not to include relief granted to any person as a patient at a hospital. 40

Hospital districts abolished and others constituted.

16. (1.) The Wairau Hospital District and the Picton Hospital District are hereby abolished and the Boards thereof dissolved, and the area comprised in the said districts is hereby constituted a hospital district under the principal Act, to be called the Wairau Hospital District. 45

(2.) The Grey Hospital District and the Inangahua Hospital District are hereby abolished and the Boards thereof dissolved, and the area comprised in the said districts is hereby constituted a hospital district under the principal Act, to be called the Grey Hospital District. 50

(3.) The First Schedule to the principal Act is hereby consequentially amended in accordance with this section.

17. (1.) Subject to the provisions of section nine of the principal Act, the Boards of the hospital districts constituted by the *last preceding* section shall consist of such number of representatives of the contributory districts within their respective hospital districts as the Governor-General, by Order in Council, from time to time determines.

Boards of districts constituted.

(2.) The first election of members of each of the said Boards shall be held on such day as the Governor-General by Order in Council appoints; and by the same or any subsequent Order in Council the Governor-General shall make all such provisions as he deems necessary for the purposes of that election.

18. The property, contracts, debts, and liabilities of the several Boards dissolved by this Act shall become the property, contracts, debts, and liabilities of the Boards respectively constituted in lieu of the Boards so dissolved.

Assets and liabilities of new Boards.

19. Section two of the Hospitals and Charitable Institutions Amendment Act, 1915, is hereby amended by omitting from subsection one the words "or may pay to any such member a sum not exceeding the necessary travelling-expenses actually incurred and paid by him in respect of any meeting or visit of inspection as aforesaid."

Section 2 of Hospitals and Charitable Institutions Amendment Act, 1915, amended.

#### *Separate Institutions.*

20. (1.) The Seventh Schedule to the principal Act is hereby amended by omitting therefrom the reference to sections thirty-eight to forty of that Act.

Seventh Schedule to principal Act amended.

(2.) Sections thirty-eight to forty of the principal Act shall apply, with the necessary modifications, to the Mercury Bay Hospital and the Oamaru Hospital and to the Trustees and Corporations thereof respectively; and in those sections all references to a Hospital Board or to the members thereof shall be read as references to the Trustees or to the Corporation of either of the hospitals aforesaid, as may in the particular case be appropriate.

Provisions of principal Act applied to certain institutions.

#### *Private Hospitals.*

21. The definition of the term "private hospital" in section one hundred and five of the principal Act is hereby amended by omitting the word "two," and substituting the word "one"; and by omitting the words "at the same time."

Definition of "private hospital" amended.

22. Section one hundred and eight of the principal Act is hereby amended as follows:—

Section 108 of principal Act amended.

(a.) By adding to subsection one the following paragraph—  
 "(j.) Such other particulars as may be prescribed"; and  
 (b.) By repealing subsection two thereof.

23. (1.) On the grant of a license for a private hospital the licensee shall pay a fee of such amount, not exceeding *five* pounds, as is prescribed:

License fees.

Provided that if the license is granted after the thirty-first day of January in any year the prescribed license fee shall be reduced by one-twelfth for every complete month between the date of the grant of the license and the thirty-first day of December last preceding that date.

(2.) A licensee shall, in the month of December in each year, pay to the Crown such fee, not exceeding *five* pounds, as is prescribed, in respect of the continuance of the license.

Repeal.

(3.) This section is in substitution for section one hundred and eleven of the principal Act, and that section is hereby accordingly repealed. 5

Section 116 of principal Act amended.

24. Section one hundred and sixteen of the principal Act is hereby amended by inserting, after the word "insanitary" in paragraph (c) of subsection one, the words "insufficiently equipped or have become unsuitable."

Section 118 of principal Act amended.

25. Section one hundred and eighteen of the principal Act is hereby amended by inserting after subsection two the following subsection:— 10

"(2A.) For every licensed medical and surgical hospital of which the manager is a registered medical practitioner, there shall, in addition to the manager, be at all times resident on the premises of the hospital a registered nurse; and for every licensed maternity hospital of which the manager is a registered medical practitioner, there shall, in addition to the manager, be at all times resident on the premises of the hospital a registered midwife; and for every hospital which is licensed both as a maternity hospital and as a medical and surgical hospital and of which the manager is a registered medical practitioner, there shall, in addition to the manager, be at all times resident on the premises of the hospital a registered nurse who is also a registered midwife or a registered nurse and a registered midwife." 15 20

Licensee of private hospitals must be qualified.

26. After the commencement of this Act no license for a private hospital shall be granted and no license (whether existing at the commencement of this Act or not) shall be transferred, to any person who is not qualified to be the manager of a licensed hospital in terms of section one hundred and eighteen of the principal Act. 25

Records to be kept in private hospitals.

27. (1.) In addition to the particulars required to be entered in the Register of Patients in terms of section one hundred and nineteen of the principal Act there shall be kept in the prescribed manner and at the prescribed times in every licensed hospital records of such other matters as may be prescribed. 30

(2.) Every person who knowingly makes a false entry in any prescribed records is liable to a fine not exceeding *fifty* pounds. 35

(3.) Every licensee who fails to keep or cause to be kept any prescribed records in the manner and at the times prescribed is liable to a fine not exceeding *ten* pounds.

Medical practitioners to furnish particulars.

28. (1.) Every registered medical practitioner in attendance upon a patient in a licensed hospital shall furnish to the licensee or manager of such hospital such particulars as may be necessary for making the prescribed entries in the Register of Patients referred to in section one hundred and nineteen of the principal Act or for keeping any prescribed records. 40

(2.) Every such registered medical practitioner who refuses or fails to furnish particulars as required in the *preceding* subsection or who furnishes any false particulars is liable to a fine not exceeding *fifty* pounds. 45

Regulations.

29. Without restricting the generality of section one hundred and twenty-seven of the principal Act, the Governor-General may from time 50

to time make regulations, not inconsistent with that Act, for all or any of the following purposes :—

- (a.) Prescribing the equipment and staff to be maintained in connection with private hospitals;
- 5 (b.) Regulating or prohibiting the performance of any class of surgical operation in private hospitals; and
- (c.) Regulating or prohibiting the admission of any class of patients into private hospitals, either generally or with respect to any specified class of private hospital.

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*Miscellaneous.*

30. Any local authority with the approval of the Minister of Internal Affairs, and any Hospital Board with the approval of the Minister of Health, may from time to time contribute out of its general funds such sums as it thinks fit for the assistance and development

15 of any society, organization, or institution whose object or one of whose objects is the promotion of health or the relief of the sick or indigent.

Local authority or Hospital Board may make grant to societies for promotion of health or relief of the sick.

31. (1.) In any Order in Council under section four of the Hospitals and Charitable Institutions Amendment Act, 1920 (providing for an apportionment of property, contracts, debts, and liabilities between the

20 Otago Hospital Board and the South Otago Hospital Board) the Governor-General may provide for the payment by the Otago Hospital Board to the South Otago Hospital Board of such sum as may be specified in that Order, not exceeding thirteen thousand nine hundred and fifty-

25 eight pounds, in satisfaction or partial satisfaction, in accordance with the tenor of the Order in Council, of all or any claims of the last-mentioned Board arising under or by virtue of the said section.

Authorizing payment by Otago Hospital Board to South Otago Hospital Board in satisfaction of claim for apportionment of property.

(2.) Any amount so specified as being payable by the Otago Hospital Board to the South Otago Hospital Board shall be deemed to be a debt due by the Otago Hospital Board to the South Otago

30 Hospital Board, and shall be recoverable by the last-mentioned Board accordingly :

Provided that the Otago Hospital Board may, with the approval of the Minister and subject to such conditions as he may impose, pay any amount due by it under this section to the South Otago Hospital Board,

35 by yearly or other periodical instalments, extending over a period to be fixed by the Minister, not exceeding three years from the date of the Order in Council aforesaid.

(3.) The moneys payable by the Otago Hospital Board pursuant to this section may be raised by that Board by way of contribution from

40 its contributory local authorities, but the said Board shall not be entitled to receive any moneys by way of subsidy in respect of any such contributions.