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*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES,
and, having this day passed as now printed, is transmitted to
the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,
27th August, 1923.*

Hon. Sir Maui Pomare.

HOSPITALS AND CHARITABLE INSTITUTIONS AMENDMENT.

ANALYSIS.

| Title. | |
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| <p>1. Short Title and commencement.</p> <p style="text-align: center;"><i>Hospital Boards.</i></p> <p>2. Notice to be given to Minister of certain appointments, and list of applicants to be forwarded.</p> <p>3. Section 38 of principal Act (relative to subsidies to Boards) amended. Consequential amendment of other Act providing for subsidy.</p> <p>4. Boards to furnish estimates of receipts and expenditure.</p> <p>5. Deficiency in revenue for preceding year to be included as expenditure.</p> <p>6. Net estimated expenditure.</p> <p>7. Apportionment of net estimated expenditure among contributory local authorities.</p> <p>8. Recovery of contributions.</p> <p>9. Amount of unpaid contribution may be deducted from subsidies payable to contributory local authority.</p> <p>10. Contributory local authority may pay contribution out of ordinary funds or may raise by special rate.</p> <p>11. In case of deficiency of Board's estimate of capital expenditure, Board may make supplementary estimate and apportionment.</p> <p>12. In case of deficiency of Board's estimate of maintenance expenditure, Minister may advance amount on account of subsidy for following year.</p> | <p>13. Consequential repeals.</p> <p>14. Section 20 of principal Act (relative to disqualification of members of Boards) amended.</p> <p>15. Committee established under section 66 of principal Act may be empowered to hold its own funds.</p> <p>16. Travelling allowances to members of joint committees established under section 66 of principal Act.</p> <p>17. Section 72 of principal Act (as to cost of relief granted by Boards to non-residents) extended.</p> <p>18. Special provisions as to by-laws.</p> <p>19. Section 2 of Hospitals and Charitable Institutions Amendment Act, 1915, amended.</p> <p>20. Section 6 of the Amendment Act, 1920 (No. 2) amended.</p> <p style="text-align: center;"><i>Private Hospitals.</i></p> <p>21. Section 108 of principal Act amended.</p> <p>22. License fees. Repeal.</p> <p>23. Section 116 of principal Act amended.</p> <p>24. Section 118 of principal Act amended.</p> <p>25. Licensee of private hospital must be qualified.</p> <p>26. Records to be kept in private hospitals.</p> <p>27. Medical practitioners to furnish particulars.</p> <p>28. Right to refer to Board of Health matters affecting administration of principal Act in relation to private hospitals.</p> <p>29. Regulations. Schedule.</p> |

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
5 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, 1923, and shall be read together with
and deemed part of the Hospitals and Charitable Institutions Act,
10 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-four*.

Hospital Boards.

2. (1.) No appointment of any medical officer (including an
15 honorary medical officer), or of a matron, master, manager, or engineer
of an institution under the principal Act, or of the secretary of a Board,

Short Title and
commencement.

Notice to be given
to Minister of
certain
appointments, and
list of applicants to
be forwarded.

shall be made until the expiration of *twenty-one* days after the Minister has been notified of the intention to make such appointment, unless the Minister has previously approved a proposal to make such appointment.

(2.) Before notifying to the Minister its intention to make any appointment as aforesaid the Board shall forward to the Minister a list of the applicants, and the Minister shall, as soon as conveniently may be, submit to the Board for its guidance such reports and recommendations as he thinks fit, and the Board shall give due and fair consideration to such recommendations before making any appointment. 5

(3.) 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. (1.) 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" :

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

(c.) By repealing subsection three.

(2.) The Fourth Schedule to the principal Act is hereby repealed, and the Schedule to this Act substituted therefor. The reference in section thirty-eight of the principal Act to the said Fourth Schedule shall hereafter be read as a reference to the Schedule to this Act. 25

Consequential amendment of other Act providing for subsidy.

(3.) Section thirteen of the Social Hygiene Act, 1917, is hereby amended by repealing subsections two and three thereof.

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). 30

(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. 35

(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. 40

(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. 45

(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. 50

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.
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.
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.
- (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.
- (2.) The said amount shall be payable to the Board by equal monthly or quarterly instalments as the Board may from time to time decide, and such instalments shall be due respectively on the last day of each month or quarter, as the case may be, 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.

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

Net estimated expenditure.

Apportionment of net estimated expenditure among contributory local authorities.

Recovery of contributions.

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

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 capital expenditure Board may make supplementary estimate and apportionment.

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

Consequential repeals.

Section 20 of principal Act (relative to disqualification of members of Boards) amended.

Committee established under section 66 of principal Act may be empowered to hold its own funds.

Travelling-allowances to members of joint committees established under section 66 of principal Act.

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.

11. 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, 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.

12. (1.) 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 expenditure (other than capital expenditure) are insufficient, 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.

(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.

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.

14. Section twenty of the principal Act is hereby amended by omitting from paragraph (*h*) of subsection one the words "neither a director nor the general manager," and substituting the words "not the general manager or a local manager."

15. (1.) The powers which may, by virtue of subsection four of section sixty-six of the principal Act, be vested in the joint committee of any institution established under that section shall include the power to receive and expend moneys on account of the institution.

(2.) All moneys received by the committee shall be paid into such bank as the committee from time to time determines, and shall be paid thereout only by cheques signed and countersigned in such manner as the committee may, by resolution approved by the Minister, from time to time determine.

(3.) Notwithstanding anything to the contrary in any Act, the committee shall have no power to overdraw its account, save with the consent of the Board in which the institution is vested.

16. (1.) The provisions of section two of the Hospitals and Charitable Institutions Amendment Act, 1915 (making provision for the payment of travelling-allowances and travelling-expenses to members of Boards) shall extend, with the necessary modifications, to authorize the payment by any joint committee established under section sixty-six of the principal Act of travelling-allowances and travelling-expenses to the members of that committee.

(2.) Section sixty-six of the principal Act is hereby consequentially amended by omitting from subsection six the words "(including the reasonable travelling-expenses actually incurred by members of the joint committee)."

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17. For the purposes of section seventy-two of the principal Act, the cost of relief granted by a Board in respect of any child shall be deemed to include all moneys (if any) paid by the Board in respect of that child pursuant to subsection ten of section one hundred and
5 twenty-seven of the Education Act, 1914.

Section 72 of principal Act (as to cost of relief granted by Boards to non-residents) extended.

18. (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 prescribing scales of fees to be paid in respect of relief granted by the Board in such institution.

Special provisions as to by-laws.

10 (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
15 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 prescribing the fees to be paid in respect of relief granted as aforesaid.

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

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
25 by him in respect of any meeting or visit of inspection as aforesaid."

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

20. Section six of the Hospitals and Charitable Institutions Amendment Act, 1920 (No. 2) is hereby amended by omitting the words "nurses, and midwives," and substituting the words "dentists, nurses, dental nurses, midwives, and other officers."

Section 6 of the Amendment Act, 1920 (No. 2) amended.

30 *Private Hospitals.*

21. 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

35 (b.) By repealing subsection two thereof.

22. (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 may be prescribed:

License fees.

40 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 may be prescribed,
45 in respect of the continuance of the license.

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

Repeal.

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

Section 116 of principal Act amended.

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

Section 118 of principal Act amended.

“(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.”

Licensee of private hospital must be qualified.

25. 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.

Records to be kept in private hospitals.

26. (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 as to the use therein of anæsthetics (whether general or local) and as to temperature charts.

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

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

Medical practitioners to furnish particulars.

27. (1.) Every registered medical practitioner in attendance on 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 records prescribed under the *last preceding* section.

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

Right to refer to Board of Health matters affecting administration of principal Act in relation to private hospitals.

28. Any licensee or manager of a private hospital and any medical practitioner may, by way of appeal, refer to the Board of Health any matter affecting him in respect of the administration of the principal Act in relation to private hospitals, and in any such case that Board shall have power to hear the appeal and to make such recommendations in the matter as in the circumstances it thinks proper.

Regulations.

29. Without restricting the generality of section one hundred and twenty-seven of the principal Act, the Governor-General may from time to time make regulations, not inconsistent with that Act, for all or any of the following purposes:—

- (a.) Prescribing the staff to be maintained in connection with private hospitals and the sanitary appliances and sterilizing-apparatus to be provided and maintained therein;
- (b.) Regulating or prohibiting the performance of any specified class of surgical operation in private maternity hospitals; and
- (c.) Regulating or prohibiting the admission into private hospitals of persons suffering from any infectious or contagious disease.

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SCHEDULE.

Schedule.

SUBSIDIES PAYABLE TO HOSPITAL BOARDS IN RESPECT OF MAINTENANCE EXPENDITURE.

1. In this Schedule the expression "maintenance expenditure" means all expenditure other than capital expenditure.

2. For the purposes of this Schedule the capital value of the rateable property in a hospital district shall be deemed and taken to be the amount certified by the Valuer-General as being approximately correct as on the first day of April in the financial year in which the levy on its contributory local authorities is made by the Hospital Board.

3. (1.) Subject to the provisions of this Schedule, the levy made by any Board for maintenance purposes on its contributory local authorities shall consist of the sum of—

(a.) An amount equal to sixteen-fortieths of the net estimated expenditure of the Board for maintenance purposes; and

(b.) An amount bearing to four-fortieths of the net estimated expenditure for maintenance purposes of all Boards during the preceding year the same proportion as the capital value of the rateable property in the district of the Board in question bears to the capital value of the rateable property in all hospital districts.

(2.) If the levy for any year, determined in accordance with the foregoing provisions, is more than twenty thirty-fourths of the net estimated expenditure of the Board for maintenance purposes for that year, the amount of the levy shall be reduced accordingly to twenty thirty-fourths of such net estimated expenditure.

(3.) If the levy for any year, determined in accordance with the foregoing provisions, is less than twenty forty-sixths of the net estimated expenditure of the Board for maintenance purposes for that year, the amount of the levy shall be increased accordingly to twenty forty-sixths of such net estimated expenditure.

4. The subsidy payable to any Board in respect of its maintenance expenditure shall be the difference between its net estimated expenditure for maintenance purposes and the levy determined in accordance with the foregoing rules.

5. The rate of subsidy is the amount of subsidy payable in respect of each £1 of levy.

6. The subsidy payable in accordance with the foregoing rules shall be payable in the first place at a rate calculated to the nearest penny per pound of levy, and all adjustments necessary to give full effect to the provisions herein shall be made as soon as practicable thereafter.

ADJUSTMENTS AS BETWEEN SUBSIDY AND LEVY IN ANY YEAR CONSEQUENT ON PAYMENT OF EXCESSIVE OR DEFICIENT SUBSIDY FOR PRECEDING YEAR.

7. (1.) Where the total amount of subsidy for any year, calculated in accordance with the foregoing rules, is less than the total levy of all Boards for that year, there shall in the next succeeding year be paid to each Board, out of the Consolidated Fund, without further appropriation, an amount (in satisfaction of the deficiency of the subsidy paid for the preceding year), bearing to the total amount of the deficiency for the preceding year the same proportion as the capital value of the rateable property in the district of the Board bears to the capital value of the rateable property in all hospital districts.

(2.) The amount payable as aforesaid to any Board in any year in satisfaction of any deficiency of the subsidy paid for the preceding year shall be taken into account in estimating its receipts for that year.

8. (1.) Where the total amount of subsidy for any year, calculated in accordance with the foregoing rules, exceeds the total levy of all Boards for that year there shall in the next succeeding year be payable by each Board to the Consolidated Fund an amount (as a set-off against the over-payment of subsidy for the preceding year) bearing to the total amount of the excess for the preceding year the same proportion as the capital value of the rateable property in the district of the Board bears to the capital value of the rateable property in all hospital districts.

(2.) The amount payable by any Board to the Consolidated Fund in any year as a set-off against any excess of subsidy paid for the preceding year shall be taken into account in estimating its expenditure for that year.

9. For the purposes of the *two last* preceding clauses, the expression "the total amount of the deficiency" or "the total amount of the excess" means the difference between the total amount of the subsidy for all Boards in any year and the total amount of the levy of all Boards for that year.