



ANALYSIS

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1970, No. 12

An Act to amend the Hospitals Act 1957

[17 July 1970]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, 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).

(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—

- (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”:
- (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”.

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

“‘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:

“‘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:”.

(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:”.

(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:

“(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:

“(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:

“(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 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 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, subject to any general or special direction of the Board, be signed by the Chairman, or by any two 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 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—

(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”:

- (b) By omitting from paragraph (a) of subsection (1A) the words “or the New Zealand Government Railways Department”, and substituting the words “the New Zealand Government Railways Department, or any university in New Zealand”:
- (c) By inserting, after the word “Department” in paragraph (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 employment 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 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.

“(2) Notwithstanding the provisions of subsection (1) of this section, no Board may establish a health centre until it has consulted the professional organisations, or the local branch of any such organisations, whose members are likely to be directly affected by the establishment of the centre.

“(3) 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.

“(4) 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 maintaining the centre thinks necessary.

“(5) Without prejudice to any other powers conferred on Hospital Boards by this Act, any Board establishing a health centre may lease the 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.

“(6) Where a Board leases a health centre or any part of a health centre to any person as aforesaid, or any person 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 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 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 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 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. **Application of certain provisions of Transport Act 1962**—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 for the purposes of sections 52 to 54, sections 57 to 60, and sections 68B and 68C of the Transport Act 1962; and the provisions of those sections, together with those of Part IV, sections 61, 62, 68, 68A, and 192, and sections 193 to 197 of that Act, shall apply accordingly.

“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.

“(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.

“(3) Sections 65 to 67, sections 68c and 192A, and subsection (3) and paragraphs (a), (c), and (d) of subsection (1) of section 68B of the Transport Act 1962 shall be construed, in relation to any road or land owned by or vested in a Board, whether it is a road for the purposes of that Act or by virtue of section 66A of this Act or otherwise, and in relation to the regulation of traffic on any such road, as if the term ‘traffic officer’ included a special traffic officer appointed under subsection (1) of this section.”

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.”

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”.

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

“(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:”.

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

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

(3) The Public Bodies Contracts Act 1959 is hereby consequentially amended by repealing so much of Part I of the First Schedule as relates to Boards of Trustees of separate institutions, and by repealing so much of the Third Schedule as relates to the principal Act.

(4) The Disabled Persons Employment Promotion Act 1960 is hereby consequentially amended by omitting from the definition of the term “sheltered workshop” the words “hospital, licensed hospital, or separate institution”, and substituting the words “hospital or licensed hospital”.

(5) The Local Authorities (Members’ Interests) Act 1968 is hereby consequentially amended by repealing so much of Part I of the First Schedule as relates to Boards of Trustees of separate institutions.

(6) Section 10 of the Hospitals Amendment Act 1968 is hereby consequentially amended by repealing subsection (2).

(7) Section 3 of the Police Offences Act 1927 (as amended by section 2 (1) of the Police Offences Amendment Act 1952) is hereby further amended by omitting from paragraph (gg) the words “or any separate institution within the meaning of the Hospitals Act 1957”.

(8) The following Orders in Council are hereby consequentially revoked:

(a) The Hospitals Act (Separate Institutions) Amendment Order 1964 (S.R. 1964/34):

(b) The Hospitals Act (Separate Institutions) Amendment Order 1968 (S.R. 1968/14):

(c) The Hospitals Act (Separate Institutions) Amendment Order (No. 2) 1968 (S.R. 1968/52).

(9) Regulation 3 of the Fire Safety (Evacuation of Buildings) Regulations 1970 is hereby consequentially amended by revoking paragraph (g) of subclause (1).

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.

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

(3) The West Coast Hospital District Order 1967 (S.R. 1967/166) is hereby consequentially amended by revoking clause 6.

(4) The Taranaki Hospital District Order 1968 (S.R. 1968/130) is hereby consequentially amended by revoking clause 6.

(5) The Wanganui Hospital District Order 1968 (S.R. 1968/131) is hereby consequentially amended by revoking clause 6.

SCHEDULES

FIRST SCHEDULE

Section 14

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".

Section 15

SECOND SCHEDULE

NEW FIRST SCHEDULE TO PRINCIPAL ACT

Section 14

"FIRST SCHEDULE

"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.

SECOND SCHEDULE—*continued*NEW FIRST SCHEDULE TO PRINCIPAL ACT—*continued*"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, Waipukurau.
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, Westland.

This Act is administered in the Department of Health.
