

Artificial Limb Service Bill

(Divided from the Social Security Legislation Rewrite Bill)

Government Bill

As reported from the committee of the whole House

This Bill was formerly part of the Social Security Legislation Rewrite Bill as reported from the Social Services and Community Committee. The committee of the whole House has further amended the Bill and divided it into the following Bills:

- Social Security Bill comprising clauses 1 and 2, Parts 1 to 8, and Schedules 1 to 12
- Residential Care and Disability Support Services Bill comprising Part 9 and Schedules 13 to 15
- this Bill comprising Part 10 and Schedule 16.

Hon Carmel Sepuloni

Artificial Limb Service Bill

Government Bill

Contents

	Page
1 Title	2
2 Commencement	2
.	
<i>General provisions</i>	
514 Purpose of this Act	2
515 Interpretation	2
516 Transitional, savings, and related provisions	2
517 Act binds the Crown	2
<i>Service's continuation, functions, and operation</i>	
518 New Zealand Artificial Limb Service continued	2
519 Functions	3
520 Crown entity	3
521 Membership	3
522 Deputies of members	4
523 Superannuation	4
524 Exemption from income tax	4
525 Review of Service's operation and this Act	4
<i>Repeal and consequential amendment</i>	
526 Repeal	5
527 Public Bodies Contracts Act 1959 amended	5
.	
Schedule 16	
Transitional, savings, and related provisions for Artificial Limb Service	
	6

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Artificial Limb Service Act **2018**.

2 Commencement

This Act comes into force on **26 November 2018**.

5

General provisions

514 Purpose of this Act

The purpose of this **Act** is to continue, state the functions of, and otherwise provide for, a New Zealand Artificial Limb Service.

10

515 Interpretation

In this **Act**, unless the context otherwise requires,—

artificial limb means a device that is—

- (a) an artificial arm, hand, leg, or foot; or
- (b) a similar device

15

Minister means the Minister who is, with the authority of the Prime Minister, for the time being responsible for the administration of this **Act**

Service means the New Zealand Artificial Limb Service continued by **section 518**.

Compare: 1938 No 7 s 106B; 1963 No 47 s 56; 1964 No 136 s 126; 1990 No 26 s 42

20

516 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 16** have effect according to their terms.

517 Act binds the Crown

This **Act** binds the Crown.

25

Service's continuation, functions, and operation

518 New Zealand Artificial Limb Service continued

(1) This section continues the New Zealand Artificial Limb Service.

(2) The Service is the New Zealand Artificial Limb Board—

- (a) established on 1 April 1990 by section 43(1) of the Social Welfare (Transitional Provisions) Act 1990, which on 5 December 2013 was renamed

30

the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990; and

- (b) replacing the Artificial Limb Board (also known as the New Zealand Artificial Limbs Board) that the Rehabilitation Board, purporting to act under section 13 of the Rehabilitation Act 1941, purported to establish under an instrument of delegation made pursuant to a resolution of the Rehabilitation Board dated 5 March 1970; and 5
 - (c) renamed, and to be known as, the New Zealand Artificial Limb Service, after the commencement, on 5 December 2013, of the Social Welfare (Transitional Provisions) Amendment Act 2013. 10
- (3) After 4 December 2013, a reference to the New Zealand Artificial Limb Board (established on 1 April 1990 by section 43(1) of the Social Welfare (Transitional Provisions) Act 1990) in an agreement, or in any other document, in force at the close of 4 December 2013 must be read as a reference to the Service. 15

Compare: 1990 No 26 s 43(1), (1A)

519 Functions

The functions of the Service are—

- (a) to manufacture, import, export, market, distribute, supply, fit, repair, and maintain artificial limbs: 20
- (b) to provide rehabilitative and other services to persons in connection with artificial limbs:
- (c) to carry out research and development in relation to artificial limbs:
- (d) to advise the Minister on matters relating to artificial limbs. 25

Compare: 1990 No 26 s 44

520 Crown entity

- (1) The Service is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.
- (2) The Crown Entities Act 2004 applies to the Service except to the extent that this **Act** expressly provides otherwise. 30
- (3) Members of the Service are the board for the purposes of the Crown Entities Act 2004.

Compare: 1990 No 26 ss 43(2), (3), 46(2)

521 Membership

The Service consists of 6 members appointed under section 28(1)(a) of the Crown Entities Act 2004, including— 35

- (a) 1 member to be appointed by the Minister to represent the interests of war amputees:

- (b) 1 member to be appointed by the Minister on the nomination of the Amputees Federation of New Zealand Incorporated:
- (c) 1 member to be appointed by the Minister on the nomination of the New Zealand Orthopaedic Association:
- (d) 1 member to be appointed by the Minister to represent District Health Boards, and appointed on the nomination of the Minister of Health: 5
- (e) 1 member to be appointed by the Minister on the nomination of a majority of the current members of the Service.

Compare: 1990 No 26 s 46(1)

522 Deputies of members 10

- (1) The Minister may appoint a person to be the deputy of an appointed member of the Service.
- (2) The person may be appointed under **subsection (1)** only if eligible to be appointed as an appointed member of the Service.
- (3) A person appointed as the deputy of an appointed member of the Service may attend a meeting of the Service in the place of that appointed member. 15

Compare: 1990 No 26 s 49, Schedule 3 cl 7

523 Superannuation

- (1) To help provide a superannuation fund or retiring allowance for officers or employees of the Service, sums by way of subsidy may from time to time be paid into— 20
 - (a) an existing scheme containing provision for employer subsidy; or
 - (b) an employer-subsidised scheme approved by the Minister of Finance for the purposes of this section.
- (2) In **subsection (1)(a)**, **existing scheme** has the meaning in sections 2 and 34(c) of the National Provident Fund Restructuring Act 1990. 25

Compare: 1990 No 26 s 49, Schedule 3 cl 16

524 Exemption from income tax

The income of the Service is exempt from income tax.

Compare: 1990 No 26 s 49, Schedule 3 cl 22 30

525 Review of Service's operation and this Act

As soon as practicable after 5 years after the date of the last review carried out under section 48 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990, and then at intervals of not more than 5 years, the Service must— 35

- (a) review the Service's operation since—

- (i) the date of the last review carried out under that Act (for the first review carried out under this paragraph); or
 - (ii) the date of the last review carried out under this paragraph (for every later review); and
- (b) consider— 5
- (i) whether the Service should be retained or abolished; and
 - (ii) whether any amendments to this **Act** are necessary or desirable; and
- (c) report its findings to the Minister. 10
- Compare: 1990 No 26 s 48 10

Repeal and consequential amendment

526 Repeal

Repeal Part 3 and Schedule 3 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990.

527 Public Bodies Contracts Act 1959 amended 15

- (1) This section amends the Public Bodies Contracts Act 1959.
- (2) In Schedule 1, Part 2, replace “Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990 (1990 No 26)” with “**Part 10 of the Social Security Legislation Rewrite Act 2016 (2016 No 000)**”.

. 20

Schedule 16
Transitional, savings, and related provisions
for Artificial Limb Service

s 516

Contents

		Page
1	Members	6
2	Deputies	6
3	Ministerial approvals of superannuation schemes	6
1	Members	5
(1)	This clause applies to members—	
	(a) appointed under section 46 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990; and	
	(b) in office on the repeal of that section.	
(2)	Those members are taken to have been appointed for the same period, and on the same terms and conditions, under section 521 .	10
2	Deputies	
(1)	This clause applies to deputies—	
	(a) appointed under section 49 and clause 7 of Schedule 3 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990; and	15
	(b) in office on the repeal of that clause.	
(2)	Those deputies are taken to have been appointed for the same period, and on the same terms and conditions, under section 522(1) .	
3	Ministerial approvals of superannuation schemes	20
(1)	This clause applies to approvals—	
	(a) given by the Minister of Finance under section 49 and clause 16 of Schedule 3 of the Social Welfare (Reciprocity Agreements, and New Zealand Artificial Limb Service) Act 1990; and	
	(b) in force on the repeal of that clause.	25
(2)	Those approvals continue in force with all necessary modifications, and may be amended, revoked, or replaced, as if given under section 523(1)(b) .	

Artificial Limb Service Bill

Legislative history

24 July 2018

Divided from Social Security Legislation Rewrite Bill (Bill 122–2) as Bill 122–3C