

## SEPARATE INSTITUTIONS.

### ANALYSIS.

Title.	
1. Short Title.	6. Votes of voluntary contributors limited.
2. Number of trustees for each separate institution, and mode of election. Proviso.	7. Present trustees continued in office.
3. Procedure for first election of trustees by voluntary contributors and contributory local authorities.	8. Provisions subject to which incorporation of separate institutions may be revoked.
4. Procedure as to subsequent elections.	9. District Board may expend funds on additions to or furniture for separate institution.
5. When local authority deemed to contribute.	10. Appeal when requisition for expenditure refused by Board.
	11. Repeal.

### A BILL INTITULED

AN ACT to amend the Law relating to Separate Institutions under Title.  
"The Hospitals and Charitable Institutions Act, 1885."

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

1. The Short Title of the Act is "The Separate Institutions Short Title.  
Act, 1898," and it shall form part of and be read together with "The Hospitals and Charitable Institutions Act, 1885" (hereinafter called "the principal Act").

10 2. (1.) Every separate institution shall be governed by nine trustees, who shall be elected by the voluntary contributors and by the contributory local authorities in manner hereinafter provided. Number of trustees for each separate institution, and mode of election. Proviso.  
Provided that in the case of the separate institution known as the Waimate Hospital, the local authorities entitled to elect its  
15 trustees shall be the respective Councils of the County and Borough of Waimate.

(2.) The trustees shall hold office for one year, or until the completion of the election of their successors, and the election shall in each case be deemed to be completed when the whole nine trustees  
20 are duly elected.

3. For the purposes of the first election of the trustees, subsequent to the incorporation of the separate institution, the following provisions shall apply:— Procedure for first election of trustees by voluntary contributors and contributory local authorities.

25 (1.) Of the whole nine trustees the number, not exceeding six in all, to be elected by the voluntary contributors shall be in the proportion of one trustee for every complete hundred pounds of the voluntary contributions, and the remaining trustees shall be elected by the contributory local authorities.

30 (2.) The first election by the voluntary contributors shall be held at a meeting thereof, at such time and place as the Governor by public notice appoints.

(3.) The first election by the contributory local authorities shall be conducted by the District Board, and be held as soon as practicable after the election by the voluntary contributors  
35

has been completed, each such authority having the voting-power prescribed by subsection three of section forty-seven of the principal Act, and exercising its votes in manner thereby directed.

(4.) Subject as last aforesaid, the provisions of section forty-seven of the principal Act, and section thirty-six of "The Hospitals and Charitable Institutions Act 1885 Amendment Act, 1886" (hereinafter called "the amending Act"), shall not apply in the case of the first election. 5

(5.) For the purposes of this section the expression "contributory local authority" means a local authority which will be liable to contribute upon requisition of the District Board any sum to the funds of that Board, out of which moneys will be payable in respect of the separate institution. 10

Procedure as to  
subsequent  
elections.

4. For the purpose of each annual election of the trustees after the first election, the following provisions shall apply:— 15

(1.) The election by the voluntary contributors shall be held at a meeting thereof on the second Thursday in the month of January in each year.

(2.) The number of trustees to be elected by the voluntary contributors shall be proportionate to the share which the total amount of all the voluntary contributions during the preceding year bears to the total amount required for the maintenance of the institution during such year, and such proportion shall be computed as follows, that is to say,— 20

(a.) Two trustees, where such share is less than one-tenth;

(b.) Three trustees, where such share is less than one-eighth but not less than one-tenth; 30

(c.) Four trustees, where such share is less than one-sixth but not less than one-eighth;

(d.) Five trustees, where such share is less than one-third but not less than one-sixth;

(e.) Six trustees, where such share is not less than one-third: 35

Provided that, for the purposes of every election held after the expiration of twelve months after the coming into operation of this Act, the voluntary contributors shall not be entitled to elect any of the trustees if the total amount of the voluntary contributions, as aforesaid, is less than one hundred pounds. 40

(3.) Of the whole nine trustees, the contributory local authorities shall elect all who are not elected by the voluntary contributors under the provisions of the *last-preceding* subsection hereof. 45

(4.) The election by the contributory local authorities shall be held on the first Thursday in the month of February, and each such authority shall have the voting power prescribed by subsection three of section forty-seven of the principal Act, and shall exercise the same in manner thereby directed. 50

5. A local authority shall be deemed to have contributed to the funds of a separate institution in any year, whether before or after the passing of this Act, if during such year it has contributed, upon requisition by the District Board or otherwise, any sum to the funds of that Board out of which moneys are paid in respect of a separate institution.
6. At every election of the trustees by the voluntary contributors, each such contributor shall have one vote and no more in respect of each trustee to be elected by such contributors, and the votes shall not be cumulative.
7. All trustees in office at the coming into operation of this Act shall continue in office until the completion of the election of their successors under this Act.
8. If in any year the total amount contributed by the voluntary contributors in respect of a separate institution is less than *one hundred* pounds, the District Board, or any contributory local authority, may petition the Governor to revoke the incorporation of the institution, and thereupon the following provisions shall apply:—
- (1.) The Governor shall publish in the *Gazette* a copy of the petition, together with a notification that any person or local authority objecting thereto shall, within one month after such publication, deliver at the office of the Colonial Secretary notice of such objection, together with a statement of the grounds on which the objection is based.
  - (2.) Within *fourteen* days after the presentation of the petition to the Governor, a copy thereof shall, by or on behalf of the petitioners, be posted or delivered to the trustees (if any) of the separate institution concerned.
  - (3.) If no objection is duly delivered at the office of the Colonial Secretary within the aforesaid period of one month, the Governor, by Order in Council gazetted, may either revoke the incorporation or refer the matter to the Colonial Secretary, to be dealt with as if an objection had been duly lodged.
  - (4.) If any objection is duly lodged as aforesaid, the Colonial Secretary shall require the petitioners and the objectors to respectively appoint a Commissioner to inquire into the case.
  - (5.) The Colonial Secretary shall appoint as third Commissioner a Stipendiary Magistrate residing or exercising jurisdiction in the district in which the separate institution is situate, and the Stipendiary Magistrate shall be the Chairman of the Commissioners.
  - (6.) If either party fails to appoint a Commissioner within fourteen days after being required so to do, or, if there are no objectors, the Colonial Secretary shall make the necessary appointment.
  - (7.) The three Commissioners so appointed shall sit as a Court of inquiry, and shall have all the powers of Commissioners under "The Commissioners' Powers Act, 1867."
  - (8.) The Commissioners, after inquiry into the petition and the objections thereto, shall report their decision to the Colonial Secretary, and such decision shall be final.

When local authority deemed to contribute.

Votes of voluntary contributors limited.

Present trustees continued in office.

Provisions subject to which incorporation of separate institution may be revoked.

- (9.) If the decision is that the incorporation should be revoked, the Governor, by Order in Council, shall revoke the same.
- (10.) Upon the gazetting of the Order in Council revoking the incorporation, the trustees (if any) shall cease to hold office, and all the assets and liabilities of the separate institution (including in the assets all the estate and interest in any real or personal property held by such institution or by any person in trust for such institution), shall vest in and devolve upon the District Board.
- (11.) If the decision of the Commissioners is that the incorporation should not be revoked, the Colonial Secretary shall notify the fact in the *Gazette*, and in such case no petition for revocation shall be entertained during the period of at least twelve months next following the date of such notification.
- (12.) The costs of the inquiry shall be payable as provided in section thirty-eight of the amending Act.

District Board may expend funds on additions to or furniture for separate institution.

9. Notwithstanding anything contained in the principal Act, it shall be lawful for any District Board out of its funds to expend moneys for the purpose of defraying the cost of necessary enlargements of or additions to the buildings of any separate institution situated within its jurisdiction, or of providing for necessary additional furniture, appliances, or conveniences, whether the same are applied for by requisition of the trustees of such separate institution or otherwise.

Appeal when requisition for expenditure refused by Board.

10. If any requisition for such enlargements, additions, furniture, appliances, or conveniences is refused by the District Board, on the ground that, in the Board's opinion, the same are unnecessary or in excess of due requirements, the trustees may appeal as in the cases provided for by sections twenty-five, forty-four, and sixty of the principal Act, and those sections shall, *mutatis mutandis*, apply.

Repeal.

11. Subsection four of section forty-seven and sections forty-eight to fifty of the principal Act, and sections thirty-three to thirty-five of the amending Act, are hereby repealed.