

Version
as at 1 July 2022



Artificial Limb Service Act 2018

Public Act 2018 No 34
Date of assent 28 September 2018
Commencement see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Social Development.

Repeal and consequential amendment

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Schedule
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.

*General provisions***3 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.

4 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

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 7.

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

5 Transitional, savings, and related provisions

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

6 Act binds the Crown

This Act binds the Crown.

Service's continuation, functions, and operation

7 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 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
 - (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.
- (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.

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

8 Functions

The functions of the Service are—

- (a) to manufacture, import, export, market, distribute, supply, fit, repair, and maintain artificial limbs:
- (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.

Compare: 1990 No 26 s 44

9 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.

- (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)

10 Membership

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

- (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 Health New Zealand, and appointed on the nomination of the Minister of Health:
- (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)

Section 10(d): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

11 Deputies of members

- (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.

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

12 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—
 - (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.

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

13 Exemption from income tax

The income of the Service is exempt from income tax.

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

14 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—

- (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—
 - (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.

Compare: 1990 No 26 s 48

Repeal and consequential amendment

15 Repeal

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

16 Public Bodies Contracts Act 1959 amended

- (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 “Artificial Limb Service Act 2018 (2018 No 34)”.

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

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1 Members

- (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 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
 - (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 11(1).

3 Ministerial approvals of superannuation schemes

- (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.
- (2) Those approvals continue in force with all necessary modifications, and may be amended, revoked, or replaced, as if given under section 12(1)(b).

Notes

1 *General*

This is a consolidation of the Artificial Limb Service Act 2018 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104