



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

New Zealand Public Health and Disability (Waikato DHB) Elections Bill: Approval for Introduction

Portfolio Health

On 21 May 2019, the Cabinet Legislation Committee:

- 1 **noted** that on 15 April 2019, Cabinet:
 - 1.1 noted that the Minister of Health is seriously dissatisfied with the performance of the Waikato DHB Board and intends to begin a process that may result in a Commissioner replacing the Board;
 - 1.2 noted that if a Commissioner is appointed to Waikato DHB, any appointment is only until the next DHB election, and if the appointment is to extend after 2019, legislation will be required to cancel the upcoming 2019 Waikato DHB election;
 - 1.3 authorised the Minister of Health to issue drafting instructions for Bill, so that the election of members for the Waikato DHB Board will not be held with the triennial general election under the Local Electoral Act 2001 for the year 2019;

[CAB-19-MIN-0165]

- 2 **noted** that the New Zealand Public Health and Disability (Waikato DHB) Elections Bill holds a category two priority on the 2019 Legislation Programme (must be passed in 2019);
- 3 **noted** that the Bill will cancel the Waikato District Health Board election for the year 2019, and consequently extend the newly appointed commissioner's term until the following DHB elections in 2022;
- 4 **approved** for introduction the New Zealand Public Health and Disability (Waikato DHB) Elections Bill [PCO 22147/3.0], subject to the final approval of the government caucuses and sufficient support in the House of Representatives;
- 5 **agreed** that the Bill be introduced on the earliest available sitting date;

- 6 agreed that the government propose that the Bill be:
- 6.1 referred to the Health Committee, with a report-back date of 18 June 2019;
 - 6.2 enacted by 31 July 2019.

Vivien Meek
Committee Secretary

Present:

Hon Chris Hipkins (Chair)
Hon Stuart Nash
Hon Iain Lees-Galloway
Hon Tracey Martin
Hon Kris Faafoi
Hon Peeni Henare
Hon Eugenie Sage

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

Hard-copy distribution:

Minister of Health



Cabinet

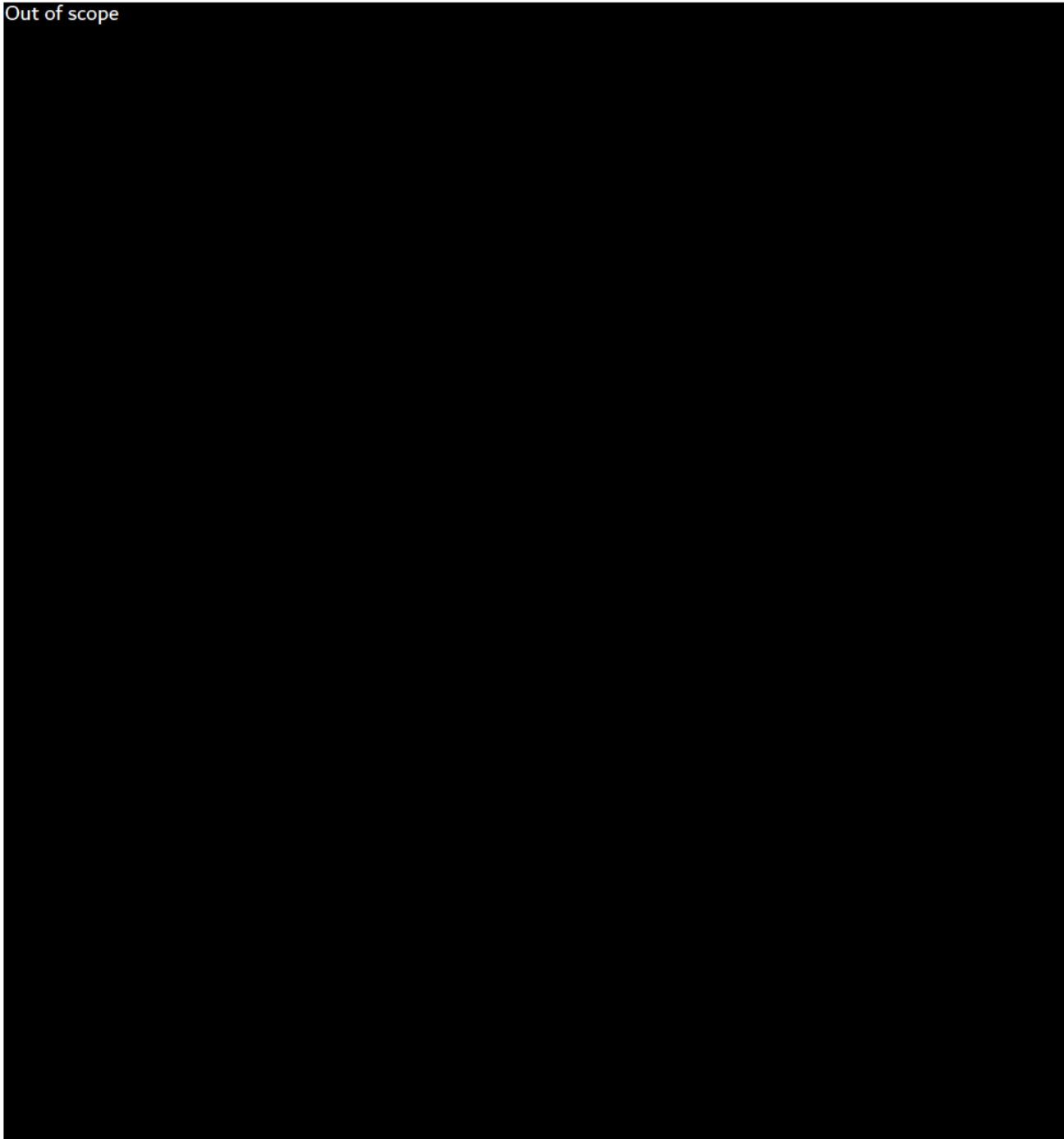
Minute of Decision

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Report of the Cabinet Legislation Committee: Period Ended 24 May 2019

On 27 May 2019, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 24 May 2019:

Out of scope



Out of scope



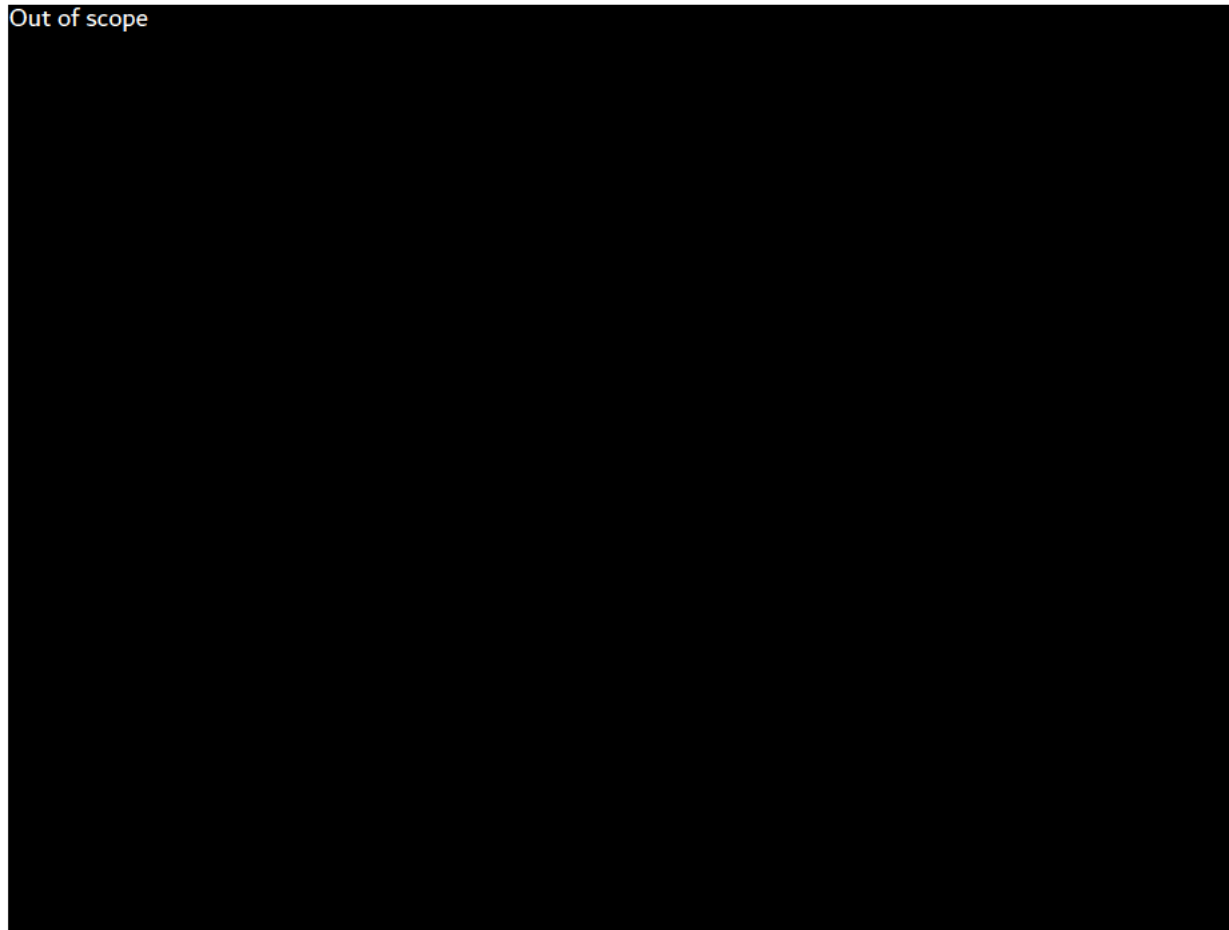
LEG-19-MIN-0063

**New Zealand Public Health and Disability
(Waikato DHB) Elections Bill: Approval for
Introduction**

CONFIRMED

Portfolio: Health

Out of scope



Michael Webster
Secretary of the Cabinet

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Minister of Customs

In Confidence

Office of the Minister of Health
Chair, Cabinet Legislation Committee

New Zealand Public Health and Disability (Waikato DHB) Elections Bill: Approval for introduction

Proposal

- 1 This paper proposes that the New Zealand Public Health and Disability (Waikato DHB) Elections Bill be approved for introduction to the House of Representatives.

Policy

- 2 The Bill suspends of the relevant provisions of the New Zealand Public Health and Disability Act 2000 to exempt Waikato District Health Board (DHB) from holding an election for its 2019 board.
- 3 On 6 May 2019 the Minister of Health decided to dismiss the Waikato DHB, based on his serious dissatisfaction with the board's performance, and appoint a commissioner.
- 4 Section 31(6) of the Act provides that a DHB commissioner can only hold office until the members of a board come into office following the next scheduled DHB election. The Act requires DHB elections to be held in conjunction with the triennial general elections for local government.
- 5 The next scheduled election for Waikato DHB is on 12 October 2019, and new board members would take office in December 2019. Given the challenges faced by Waikato DHB, and the work required from the Commissioner, it has been acknowledged that the Commissioner's work will need to extend past the next scheduled election.
- 6 On 15 April 2019 Cabinet [CAB-19-MIN-0165]:
 - 6.1 agreed that if the Minister of Health appoints a commissioner to Waikato DHB, the New Zealand Public Health and Disability (Waikato DHB) Elections Bill would be included on the 2019 Legislation Programme with a category 2 priority (to be passed in 2019);
 - 6.2 authorised the Minister of Health to issue drafting instructions to the Parliamentary Counsel Office for a New Zealand Public Health and Disability (Waikato DHB) Elections Bill, so that the election of members for the Waikato DHB Board will not be held with the triennial general election under the Local Electoral Act 2001 for the year 2019.
- 7 There are no outstanding policy issues.

Impact analysis

- 8 No Impact Statement is required as the proposal has no or only minor impacts on businesses, individuals, or not for profit entities.

Compliance

- 9 The Bill is consistent with:
- 9.1 the principles of the Treaty of Waitangi
 - 9.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993
 - 9.3 the principles and guidelines set out in the Privacy Act 1993
 - 9.4 relevant international standards and obligations
 - 9.5 the Legislation Design and Advisory Committee's Legislation Guidelines (2018 edition).
- 10 A disclosure statement has been prepared and is attached.

Consultation

- 11 The following departments have been consulted on the paper: the Treasury, the State Services Commission, the Department of Internal Affairs, the Parliamentary Counsel Office, the Department of the Prime Minister and Cabinet, and the Ministry of Justice.

Binding on the Crown

- 12 The principal Act binds the Crown. The Bill does not create new agencies or amend law relating to existing agencies.

Allocation of decision-making powers

- 13 The Bill does not allocate any new decision-making powers.

Associated regulations

- 14 The Bill does not create any regulation-making powers. Regulations are not needed to bring the Bill into operation. The 28 day rule does not apply.

Other instruments

- 15 The Bill does not include any provision empowering the making of other instruments.

Definition of Minister/department

- 16 The Bill does not contain a definition of the Minister or department.

Commencement of legislation

17 The Bill will come into force the day after it receives Royal assent.

Parliamentary stages

- 18 s 9(2)(g)(i) [REDACTED] The Bill should be introduced by 28 May 2019 and passed as soon as possible.
- 19 The Bill should be referred to the Health Committee for consideration, with a report-back date of 18 June 2019 to allow it to be passed by 31 July 2019.

Proactive release

20 The Minister of Health intends to proactively release this paper in whole within 30 business days of final decisions being taken by Cabinet.

Recommendations

The Minister of Health recommends that the Committee:

1. note that the New Zealand Public Health and Disability (Waikato DHB) Elections Bill holds a proposed category two priority on the 2019 Legislation Programme (must be passed in 2019);
2. note that the Bill will cancel the Waikato DHB board election for the year 2019, and consequently extend the newly appointed commissioner's term until the following DHB elections in 2022.
3. approve for introduction the New Zealand Public Health and Disability (Waikato DHB) Elections Bill;
4. agree that the New Zealand Public Health and Disability (Waikato DHB) Elections Bill be introduced on the earliest available sitting date;
5. agree that the government propose that the Bill be:
 - 5.1 referred to the Health Committee for consideration, with a report-back date of 18 June 2019.
 - 5.2 enactment date is 31 July 2019.

Authorised for lodgement

Hon Dr David Clark
Minister of Health

IN CONFIDENCE

New Zealand Public Health and Disability (Waikato DHB) Elections Bill

Government Bill

Explanatory note

General policy statement

The New Zealand Public Health and Disability (Waikato DHB) Elections Bill exempts the Waikato District Health Board (the **Waikato DHB**) from the 2019 triennial general election. This legislation will have the effect of extending the time that the Waikato DHB is governed by a commissioner until a newly elected board takes office following the 2022 triennial general election.

The Waikato DHB has long-standing financial and organisational performance issues that will require time to address. Improving the DHB's performance is likely to require a range of solutions, some of which could include more medium-term actions that need to be implemented after the commissioner's current term expires on 9 December 2019. This Bill would allow the commissioner more time to undertake further work in improving the Waikato DHB's performance. A new board taking office in 2022 should then have a more secure financial and organisational position from which to begin its term.

This legislation impacts on only 1 election for the Waikato DHB and is not expected to result in any additional costs for the Waikato DHB or other agencies. It does not provide for any additional powers for the Minister of Health or the Government, but it extends the application of an existing power.

Departmental disclosure statement

The Ministry of Health is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at [PPU to insert URL and link].

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The Bill comes into force on the day after the date on which it receives the Royal assent.

Clause 3 provides that the Bill is repealed on the day that elected members of the Waikato DHB take office after the triennial general election of 2022, as provided for by clause 14 of Schedule 2 of the New Zealand Public Health and Disability Act 2000, namely the 58th day after polling day.

Part 1

Preliminary provisions

Clause 4 sets out the purpose of the Bill, which is to cancel the 2019 triennial general election of the Waikato DHB in order to provide for the continuation of the term of office of a commissioner for the Waikato DHB until the repeal date.

Clause 5 sets out the definitions of certain terms used in the Bill.

Clause 6 is the operative provision for Schedule 1, which contains transitional, savings, and related provisions. There are currently no provisions of this nature.

Clause 7 provides that the Bill will, when enacted, bind the Crown.

Part 2

Cancellation of election

Clause 8 cancels the 2019 triennial general election for the Waikato DHB and, in relation to that triennial general election for the Waikato DHB, the clause disapplies certain provisions of the New Zealand Public Health and Disability Act 2000 and the Local Electoral Act 2001 for the period that the Bill is in force.

Hon Dr David Clark

New Zealand Public Health and Disability (Waikato DHB) Elections Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the New Zealand Public Health and Disability (Waikato DHB) Elections Act **2019**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Repeal

This Act is repealed on the day on which elected members of the Waikato DHB come into office after the triennial general election of 2022, in accordance with clause 14 of Schedule 2 of the 2000 Act.

Part 1

Preliminary provisions

4 Purpose

The purpose of this Act is to cancel the 2019 triennial general election of the Waikato DHB in order to provide, until the repeal date, for the continuation of the term of office of a commissioner for the Waikato DHB.

5 Interpretation

In this Act, unless the context otherwise requires,—

2000 Act means the New Zealand Public Health and Disability Act 2000

commissioner means a person appointed under section 31 of the 2000 Act to be a commissioner for the Waikato DHB

repeal date means the day specified for the repeal of this Act by **section 3**

triennial general election has the meaning given in clause 1 of Schedule 2 of the 2000 Act

Waikato DHB means the district health board of that name listed in Schedule 1 of the 2000 Act.

6 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in **Schedule 1** have effect according to their terms.

7 Act binds the Crown

This Act binds the Crown.

Part 2

Cancellation of election

8 Cancellation of 2019 election of Waikato DHB

- (1) The triennial general election for the Waikato DHB in 2019 is cancelled.

- (2) The following provisions do not apply to the Waikato DHB in relation to the triennial general election of 2019:
- (a) clause 8 of Schedule 2 of the 2000 Act (which provides for the application of the provisions of the Local Electoral Act 2001 and regulations made under that Act to every election of a DHB, subject to the provisions of the 2000 Act and to any regulations made under that Act); and
 - (b) clause 9 of Schedule 2 of the 2000 Act (which requires the election of all DHBs to be held in conjunction with every triennial general election); and
 - (c) section 7(f) of the Local Electoral Act 2001 (which applies that Act to every election of a DHB).

Schedule 1
Transitional, savings, and related provisions

s 6

Part 1
Provisions relating to this Act as enacted

There are no transitional, savings, or related provisions relating to this Act as enacted.