

# House of Representatives

# Supplementary Order Paper

Wednesday, 1 June 2022

## Pae Ora (Healthy Futures) Bill

### *Proposed amendments*

Hon Andrew Little, in Committee, to move the following amendments:

#### *Clause 4*

In *clause 4*, definition of **Government Policy Statement or GPS**, replace “**43A**” (page 6, line 30) with “**30**”.

In *clause 4*, definition of **health strategy**, replace *paragraph (e)* (page 7, line 6) with:

- (e) the Women’s Health Strategy;
- (f) the Rural Health Strategy

#### *Clause 10*

In *clause 10(1)*, before *paragraph (a)* (page 12, before line 31), insert:

- (aa) issuing a Government Policy Statement; and

Replace *clause 10(1)(a)(v)* (page 13, line 2) with:

- (v) Women’s Health Strategy;
- (vi) Rural Health Strategy; and

Delete *clause 10(1)(aa)* (page 13, line 3).

#### *Clause 19*

In *clause 19(1)(ga)*, delete “on its own initiative or in collaboration with the Public Health Agency” (page 17, lines 4 and 5).

#### *New clause 25A*

After *clause 25* (page 20, after line 8), insert:

**25A Application of Anti-Money Laundering and Countering Financing of Terrorism Act 2009 to Māori Health Authority**

The Anti-Money Laundering and Countering Financing of Terrorism Act 2009 applies to the Māori Health Authority as if it were a Crown entity.

*Clause 29*

In *clause 29(1)*, before *paragraph (a)* (page 24, before line 7), insert:

- (aa) the Minister to issue a Government Policy Statement that sets out the Government's priorities and objectives for the publicly funded health sector:

After *clause 29(1)(a)(v)* (page 24, after line 13), insert:

- (vi) Rural Health Strategy:

Delete *clause 29(1)(b)* (page 25, lines 14 to 16).

*New clauses 30 to 36*

After *clause 29* (page 24, after line 31), insert:

*Government Policy Statement on Health*

- 30 GPS**
- (1) The Minister must issue a GPS at intervals of no more than 3 years apart.
  - (2) The purpose of the GPS is to—
    - (a) set priorities for the publicly funded health sector; and
    - (b) set clear parameters for the development of the New Zealand Health Plan.
  - (3) The GPS priorities for the publicly funded health sector must, where appropriate, specify measurable outcomes, including outcomes that are culturally specific.
  - (4) The GPS—
    - (a) must cover a period of at least 3 consecutive financial years; and
    - (b) expires on the close of the third consecutive financial year to which it applies.
  - (5) The Minister must issue the GPS before the start of the first financial year to which it applies.
  - (6) The Minister must issue the first GPS no later than 2 years after the commencement of this Act.

### **31 Preparation of GPS**

When preparing a GPS, the Minister must—

- (a) be satisfied that the GPS contributes to the purpose of this Act; and
- (b) have regard to, but is not bound by, any health strategy; and
- (c) consult Health New Zealand and the Māori Health Authority and have regard to their views; and
- (d) engage with organisations and individuals that the Minister considers appropriate.

### **32 Content of GPS**

- (1) The GPS must include the following:
  - (a) the Government's priorities and objectives for the publicly funded health sector:
  - (b) how the Government expects health entities to meet the Government's priorities and objectives for the publicly funded health sector:
  - (c) the Government's priorities for engaging with, and improving health outcomes for, Māori:
  - (d) the Government's priorities for improving health outcomes for rural people, disabled people, women, rural communities, and other populations:
  - (e) a framework for regular monitoring of progress and reporting requirements.
- (2) The GPS may include any other matters the Minister considers relevant.
- (3) To avoid doubt, the GPS may not impose an obligation on any health entity to approve or decline funding for a particular product, service, or provider.

### **33 GPS must be made available**

- (1) As soon as practicable after issuing a GPS, the Minister must present a copy of the GPS to the House of Representatives.
- (2) The GPS must be made publicly available as soon as practicable after it is issued.

### **34 Status of GPS**

- (1) A GPS is not a direction for the purposes of Part 3 of the Crown Entities Act 2004.
- (2) **Sections 30 to 35** do not limit other provisions relating to directions in the Crown Entities Act 2004.

**35 Health entities must give effect to GPS**

A health entity must give effect to the GPS to the extent it is relevant to its functions and subject to any applicable directions under section 103 of the Crown Entities Act 2004.

**36 Amending GPS**

- (1) The Minister may amend the GPS at any time.
- (2) **Sections 31 to 33** do not apply to an amendment to the GPS if the Minister considers the amendment is not significant.

*New clause 40B*

After *clause 40A* (page 28, after line 24), insert:

**40B Rural Health Strategy**

- (1) The Minister must prepare and determine a Rural Health Strategy.
- (2) The purpose of the Rural Health Strategy is to provide a framework to guide health entities in improving health outcomes for rural communities.
- (3) The Rural Health Strategy must—
  - (a) contain an assessment of the current state of health outcomes of people in rural areas and the performance of the health sector in relation to rural communities; and
  - (b) contain an assessment of the medium and long-term trends that will affect the health of rural communities and health sector performance; and
  - (c) set out priorities for services and health sector improvements relating to the health of rural communities, including workforce development.
- (4) Subsection (3) does not limit what may be included in the Rural Health Strategy.

*Clauses 43A to 43G*

Delete the cross-heading above *clause 43A* (page 29, line 11).

Delete *clauses 43A to 43G* (page 29, line 12 to page 30, line 36).

*Clause 50*

Replace *clause 50(2)* (page 35, lines 3 to 6) with:

- (2) The charter is a statement of the values, principles, and behaviours that—
  - (a) health entities are expected to demonstrate; and

- (b) workers throughout the health sector are expected to demonstrate—
  - (i) collectively, at an organisational level; and
  - (ii) individually.

*Clause 53*

After *clause 53(4)* (page 36, after line 15), insert:

- (5) The code is secondary legislation for the purposes of the Legislation Act 2019.

*Clause 97*

After *clause 97(1)(q)* (page 59, after line 39), insert:

*General*

- (r) providing for anything this Act says may or must be provided for by regulations:
- (s) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.

*Schedule 1*

In *Schedule 1, clause 2(1)*, replace “and the Women’s Health Strategy” (page 63, lines 32 and 33) with “the Women’s Health Strategy, and the Rural Health Strategy”.

In *Schedule 1*, after *clause 11* (page 67, after line 31), insert:

**11A References to DHB in visas granted under Immigration Act 2009**

On and from the commencement date, a reference to a District Health Board or DHB in a condition imposed on a visa granted under the Immigration Act 2009 must be read as a reference to Health New Zealand.

*Schedule 2*

In *Schedule 2, Part 1*, item relating to the Accident Compensation Act 2001, section 6(1), replace the new definition of **Health New Zealand, Māori Health Authority, or other provider** (page 78, lines 12 to 14) with:

**Health New Zealand, Māori Health Authority, or other provider** means Health New Zealand, the Māori Health Authority, or provider as each of those terms are defined in section 4 of the **Pae Ora (Healthy Futures) Act 2021**

In *Schedule 2, Part 1*, item relating to the Contraception, Sterilisation, and Abortion Act 1977, section 16(1), after “Minister of Health” (page 80, line 31), insert “must,”.

In *Schedule 2, Part 1*, item relating to the Contraception, Sterilisation, and Abortion Act 1977, section 16(2), replace “Minister” (page 80, line 35) with “the Minister”.

In *Schedule 2, Part 1*, item relating to the Disabled Persons Community Welfare Act 1975, section 25A(1)(b), replace “**section 87**” (page 82, line 2) with “**section 90**”.

In *Schedule 2, Part 1*, item relating to the Disabled Persons Community Welfare Act 1975, section 25A(2)(a) and (b), replace “**section 87**” (page 82, line 5) with “**section 90**”.

In *Schedule 2, Part 1*, item relating to the Disabled Persons Community Welfare Act 1975, section 25C(3)(d)(i), replace “**section 87**” (page 82, line 12) with “**section 90**”.

In *Schedule 2, Part 1*, item relating to the Disabled Persons Community Welfare Act 1975, section 25D(4)(c), replace “**section 87**” (page 82, line 17) with “**section 90**”.

In *Schedule 2, Part 1*, item relating to the Employment Relations Act 2000, Schedule 1B, clause 3, definition of **good employer** (page 83, lines 25 to 26), delete “has the same meaning as in”.

In *Schedule 2, Part 1*, item relating to the Goods and Services Act 1985, section 25(7), new definition of **Pharmac**, replace “**section 58**” (page 84, line 18) with “**section 60**”.

In *Schedule 2, Part 1*, item relating to the Health Act 1956, replace the amendment to section 22G(1) (page 86, lines 18 and 19) with:

Replace section 22G(1)(a) with:

- (a) a department of the Crown that funds services within the meaning of **section 4 of the Pae Ora (Healthy Futures) Act 2021**:

In *Schedule 2, Part 1*, item relating to the Health and Disability Commissioner Act 1994, section 7(b), replace “for” (page 87, line 3) with “of”.

In *Schedule 2, Part 1*, item relating to the Health Sector (Transfers) Act 1993, amendment relating to the new definition of **Māori Health Authority**, replace “inserted” (page 88, line 6) with “insert”.

In *Schedule 2, Part 1*, item relating to the Health Sector (Transfers) Act 1993, *new section 11B(2)*, replace “11B(2)” (page 88, line 36) with “11B(2)(b)”.

In *Schedule 2, Part 1*, item relating to the Home and Community Support (Payment for Travel Between Clients) Settlement Act 2016, section 4, new definition of **Health New Zealand**, after “**4**” (page 90, line 1), insert “**of**”.

In *Schedule 2, Part 1*, item relating to the Home and Community Support (Payment for Travel Between Clients) Settlement Act 2016, section 4, new definition of **Māori Health Authority**, after “**4**” (page 90, line 11), insert “**of**”.

In *Schedule 2, Part 1*, item relating to the Medicines Act 1981, after the amendment to *new section 49A(3)(b)* (page 92, after line 8), insert:

After section 55F(4), insert:

- (5) Subsection (1) does not apply to Health New Zealand established by **section 11 of the Pae Ora (Healthy Futures) Act 2021**.

Replace section 96F(3), with:

- (3) Parts 2 and 3 of the Inquiries Act 2013 apply, with all necessary modifications, to the establishment and procedures of a committee that is to be, or has been, established under subsection (1) as if it were an inquiry established that Act.

In *Schedule 2, Part 1*, item relating to the Residential Care and Disability Support Services Act 2018, amendment to section 29(1) (page 97, line 2), replace with:

In section 29(1), replace “A DHB that receives an application under section 27(1)” with “If Health New Zealand receives an application under section 27(1), it”.

In *Schedule 2, Part 1*, item relating to the Sport and Recreation New Zealand Act 2002, amendment to section 5 (page 98, lines 5 to 7), replace with:

In section 5, replace the definition of **New Zealand health strategy** with:

**New Zealand health strategy** means the New Zealand Health Strategy referred to in **section 4 of the Pae Ora (Healthy Futures) Act 2021**

In *Schedule 2, Part 2*, item relating to the Crown Entities (Financial Powers) Regulations 2005, regulation 13(4), replace the amendment to the definition of **Crown funding agreement** (page 100, lines 7 to 12) with:

In regulation 13(4), revoke the definition of **Crown funding agreement**.

In *Schedule 2, Part 2*, after the item relating to the Crown Entities (Financial Powers) Regulations 2005, delete the item relating to the Health Entitlement Cards Regulations 1993 (page 100, lines 14 to 19).

In *Schedule 2, Part 2*, item relating to the Health (Immunisation) Regulations 1995, replace “**section 90**” (page 100, lines 22 and 23) with “**section 60**”.

In *Schedule 2, Part 2*, item relating to the Health Entitlement Cards Regulations 1993, regulation 22(1), delete the amendments to the definition of **prescription item** (page 101, lines 25 to 29).

In *Schedule 2, Part 2*, item relating to the Health Entitlement Cards Regulations 1993, regulation 22(1), after the amendment to the definition of **pharmaceutical**, replace the amendment to the definition of **prescription item** (page 101, lines 32 to 34) with:

In regulation 22(1), definition of **prescription item**, replace “a Crown funding agreement or a service agreement or a notice given under section 88 of the New Zealand Public Health and Disability Act 2000” with “the New Zealand Health Plan or a notice given under **section 90 of the Pae Ora (Healthy Futures) Act 2021**”.

In *Schedule 2, Part 2*, item relating to the National Civil Defence Emergency Management Plan Order 2015, clause 51(3)(c) of the Schedule, (page 103, line 10), replace “considering” with “continuing”.

In *Schedule 2, Part 2*, item relating to the National Civil Defence Emergency Management Plan Order 2015, clause 69(3)(d) of the Schedule, replace “Health New Zealand” (page 103, line 20) with “with Health New Zealand and”.

In *Schedule 2, Part 2*, item relating to the New Zealand Public Health and Disability (Archives) Regulations 2001, replace “regulation 4(a)(i)” (page 103, line 34) with “regulation 4(1)(a)(i)”.

In *Schedule 2, Part 3*, item relating to the Health Sector Transfers (Southern DHB) Order 2010, replace “(R 210/79)” (page 106, line 17) with “(SR 2010/79)”.

In *Schedule 2, Part 3*, item relating to the New Zealand Public Health and Disability (Planning) Regulations 2011, replace “(LI 2011/147)” (page 106, line 23) with “(SR 2011/147)”.

#### *Schedule 5*

In *Schedule 5, clause 2(1)*, replace “expend” (page 112, line 17) with “spend”.

In *Schedule 5*, replace *clause 2(2) to (4)* (page 112, lines 22 to 34) with:

- (2) After assessing the aggregate expenditure figure for a financial year, the Minister must determine the aggregate levy figure for that year.
- (3) The Ministry—
  - (a) is not obliged to spend in a financial year the whole of its income received from the alcohol levy (**levy income**) in that year; and
  - (b) may accumulate any part of its levy income in a financial year and spend it as it sees fit, for a purpose referred to in **subclause (1)(a) or (b)** in any subsequent financial year.

In *Schedule 5, clause 3(1)*, replace “assessing” (page 112, line 36) with “determining”.

### **Explanatory note**

This Supplementary Order Paper amends the Pae Ora (Healthy Futures) Bill by proposing—

- an amendment to *clause 19* (which relates to the Māori Health Authority’s function to undertake and promote public health measures) to remove the words indicating how the Māori Health Authority may commission services to deliver public health programmes; and
- the addition of *new clause 25A* to provide that the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 applies to the Māori Health Authority as if it were a Crown entity; and
- amendments to reorder the placement of the provisions relating to the Government Policy Statement; and



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- the addition of *new clause 40B*, which requires the Minister of Health to prepare and determine a Rural Health Strategy; and
  - an amendment to *clause 50* to clarify that the New Zealand Health Charter applies to health entities as well as their workers; and
  - an amendment to *clause 53* to provide that the code of expectations for consumer and whānau engagement is secondary legislation for the purposes of the Legislation Act 2019; and
  - amendments to *clause 97* to enable regulations to provide for other matters contemplated by the Bill or necessary for giving the Bill full effect; and
  - an amendment to *Schedule 1* to provide that references to a DHB in visas granted under the Immigration Act 2009 must be read as references to Health New Zealand; and
  - amendments to *Schedule 2* (which contains consequential amendments to enactments) to provide further consequential amendments, including an amendment to provide that the prohibition in section 55F of the Medicines Act 1981 on companies operating more than 5 pharmacies does not apply to Health New Zealand; and
  - other amendments to *Schedule 2* to correct errors; and
  - amendments to *Schedule 5* (which relates to levies for alcohol related purposes) to enable the calculation of the aggregate levy figure to better reflect that the levy will be administered by the Ministry of Health rather than the Health Promotion Agency.

### Departmental disclosure statement

The Ministry of Health considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.