INTRODUCTION COPY

HEALTH AND DISABILITY SERVICES (CONSULTATION) AMENDMENT BILL

EXPLANATORY NOTE

THE purpose of this amendment is to establish a process for genuine consultation between communities and the regional health authorities and Crown health enterprises, acknowledging that the current Act does not require Crown health enterprises to consult at all, and there are no statutory guidelines on the requirements of consultation.

The purchaser/provider split makes public input virtually impossible where there is a conflict between the purchaser and a Crown health enterprise as a provider. The inability of the public to access information before decisions are made by regional health authorities or Crown health enterprises, means that "consultation" becomes meaningless.

The Minister of Health has stated that there is no difference between a Crown health enterprise and a Southern Cross hospital. This has meant that the Crown has been able to divest itself of public ownership of some services, without any form of consultation with the community.

This Bill simply states minimum guidelines for consultation and includes Crown health enterprises in the requirement to consult.

Lianne Dalziel

HEALTH AND DISABILITY SERVICES (CONSULTATION) AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Health and Disability Services Act 1993 to provide for consultation

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Health and Disability Services (Consultation) Amendment Act 1994, and shall be read together with and deemed part of the Health and Disability Services Act 1993 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the day after the date on which this Act receives the Royal assent.

2. Interpretation—Section 2 of the principal Act is hereby amended by inserting, after the definition of the term "Board", the following definition:

" 'Consultation' means a process that complies with the minimum standards set out in the Third Schedule to this Act:".

3. Objectives of Crown health enterprises—Section 11 (1) of the principal Act is hereby amended by omitting the words "while operating as a successful and efficient business".

4. Consultation—(1) Section 18 of the principal Act is hereby amended by inserting the words "Subject to subsection (6) of this section" before the words—

(a) "The advice" in subsection (1):

(b) "The advice" in subsection (2):

(c) "The Public Health Commission" in subsection (3):

(d) "Every regional health authority" in subsection (4).

(2) Section 18 of the principal Act is hereby further amended by adding the following subsections:

"(5) Every Crown health enterprise shall consult in regard to its intentions to alter or exit any of the health or disability support services it was providing at 1 July 1994 in accordance with **section 38A** of this Act.

"(6) Any action or decision made by a Crown health enterprise in contravention of subsection (5) of this section shall be void."

5. Regional health authorities to consult—The principal Act is hereby amended by repealing section 34, and substituting the following section:

"34. Every regional health authority shall, on a regular basis, consult the following on its intentions relating to the purchase of services:

"(a) Individuals and organisations from the communities served by it who receive or provide health services or disability services:

"(b) Other persons including voluntary agencies, private agencies, departments of State and territorial authorities."

6. Crown health enterprises to consult—The principal Act is hereby amended by inserting, after section 38, the following section:

"38A. Every Crown health enterprise shall, on a regular basis, consult the following on the provision of health and disability support services:

"(a) Individuals and organisations from the communities served by it who receive or provide health services or disability services:

"(b) Other persons including voluntary agencies, private agencies, departments of State and territorial authorities."

7. New Third Schedule added—The principal Act is hereby amended by adding the following Schedule:

"THIRD SCHEDULE **Section 38A**

CONSULTATION REQUIREMENTS

Consultation requires that the organisation undertaking the consultation—

(a) Sets out a proposal to be decided upon; and

(b) Adequately informs the parties of all relevant information upon which the proposal is based; and

(c) Allows sufficient time for those parties to respond, which in no case shall be less than 8 weeks; and

(d) Considers fully responses that the parties have given; and

(e) Involves the parties in constructive dialogue; and

(f) Reaches a decision in light of the consultation."

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