

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 27 April 1993

HEALTH AND DISABILITY SERVICES BILL

Proposed Amendments

Right Hon. W. F. BIRCH, in Committee, to move the following amendments:

Clause 1: To insert in line 20 on page 4, after the expression "(3)", the expression "(3A)".

To omit from lines 24 and 25 on page 4 the words "1st day of April 1993", and substitute the words "21st day of June 1993".

To insert, after line 25 on page 4, the following subclause:

(3A) Sections 38, 38A, and 47 of this Act shall be deemed to have come into force on the 1st day of April 1993.

To omit subclause (4) (all the words in lines 26 to 28 on page 4), and substitute the following subclause:

(4) Sections 50 to 58, 62 (1), 63A (3) and (4), 65A (2) and (4), 66 to 149, and 164 (1) of, and the Fourth, Sixth, and Seventh Schedules to, this Act shall come into force on the 1st day of July 1993.

Clause 2: To omit the definitions of the terms "disability services" (all the words in lines 8 to 11 on page 5), "health services" (all the words in lines 38 to 40 on page 5), and "public health" (all the words in lines 14 and 15 on page 6), and substitute the following definitions:

"Disability services" includes goods, services, and facilities—

(a) Provided to people with disabilities for their care or support or to promote their independence; or

(b) Provided for purposes related or incidental to the care or support of people with disabilities or to the promotion of the independence of such people:

"Health services" includes goods, services, and facilities provided to people for health purposes or provided for related or incidental purposes:

"Public health" means the health of all of—

(a) The people of New Zealand; or

(b) A community or section of such people:

Clause 8: To omit paragraph (a) of subclause (2) (all the words in line 41 on page 10), and substitute the following paragraph:

(a) Negotiate and enter into funding agreements containing such terms and conditions as may be agreed; and

Clause 9: To omit paragraph (a) of subclause (2) (all the words in line 16 on page 11), and substitute the following paragraph:

- (a) Negotiate and enter into purchase agreements containing such terms and conditions as may be agreed; and

Clause 40: To insert in line 11 on page 34, after the word “class”, the words “, or, in respect of any such asset or liability, identify a means by which, or a document in which, the asset or liability is so described;”.

To insert in line 16 on page 34, after the word “service”, the words “or assets of which the transferor is not the beneficial owner”.

To omit paragraph (a) of subclause (4) (all the words in lines 24 to 28 on page 35), and substitute the following paragraph:

- (a) All assets and liabilities of a transferor that the proposal states are to be transferred to a transferee shall, by virtue of this Act, vest in that transferee with effect from the commencement of the transfer date; and

To insert in line 10 on page 36, after the word “proposal”, the words “with effect from the commencement of the transfer date”.

To omit from line 14 on page 36 the word “on”, and substitute the words “with effect from the commencement of”.

Clause 41: To omit from line 30 on page 37 the words “on and after the transfer date”, and substitute the words “with effect from the commencement of the transfer date (or such other time as is specified in the agreement, proposal, or Order in Council)”.

To omit paragraphs (a) and (b) of subclause (3) (all the words in lines 12 to 17 on page 38), and substitute the following paragraphs:

- (a) To the extent (if any) that the third party has agreed that—
- (i) The Crown shall not be so liable; or
 - (ii) The asset or liability may be transferred to the transferee or to any person on the basis that the transferor would cease to be liable, and the Crown would not become liable, in respect of the asset or liability; or
- (b) If, under any law of general application and without the third party’s consent, the asset or liability could have been transferred to the transferee or to any person on the basis that the transferor ceased to be liable in respect of the asset or liability.

Clause 46: To insert in line 37 on page 42, after the words “of this Act,” the words “except as otherwise specified in the agreement, proposal, or Order in Council,”.

To omit paragraph (a) of subclause (1) (all the words in lines 38 to 42 on page 42), and substitute the following paragraph:

- (a) The employee shall, with effect from the commencement of the transfer date, become an employee of the transferee; and the contract of service shall, from the commencement of that date, apply as a contract between the employee and the transferee; and

To omit from line 31 on page 43 the words “immediately after”, and substitute the words “with effect from the commencement of”.

To insert in line 12 on page 44, after the words “transfer date”, the words “(or such other time as is specified in the agreement, proposal, or Order in Council)”.

Clause 47: To omit from lines 17 and 18 on page 45 the words “becomes an employee (in any capacity) of a transferee with 9 months of so ceasing”, and substitute the words “is employed (in any capacity) by a transferee within 9 months of so ceasing (whether or not that employment with the transferee commenced before the employee ceased employment with the transferor)”.

Clause 48: To omit from lines 25 to 28 on page 46 the words “in respect of that employee in accordance with the terms of the scheme and shall be deemed to be a local authority for the purposes of section 40 of the National Provident Fund Restructuring Act 1990”, and substitute the words “as a corporate contributor in respect of that employee in accordance with the terms of the scheme and shall be deemed to be a corporate contributor for the purposes of section 40 of the National Provident Fund Restructuring Act 1990”.

Clause 56: To omit subclause (2) (all the words in lines 4 to 7 on page 49), and substitute the following subclauses:

(2) Subject to subsection (2A) of this section, the assets and liabilities of each area health board shall with effect from the commencement of the 1st day of July 1993 vest by virtue of this Act in the Residual Health Management Unit.

(2A) Subsection (2) of this section shall not apply in respect of any assets and liabilities of an area health board that are transferred to a transferee (other than the Residual Health Management Unit) with effect from the commencement of the 1st day of July 1993.

Clause 58: To insert, after line 5 on page 50, the following subclause:

(1A) The enactments specified in Part II A of the Seventh Schedule to this Act are hereby repealed.

To insert, after line 7 on page 50, the following subclause:

(3) Notwithstanding subsections (1) and (1A) of this section, section 100A of the Social Security Act 1964 (as inserted by section 25 of the Social Security Amendment Act 1973) shall continue to have effect as if those subsections had not been enacted.

Clause 60: To omit from lines 25 to 27 on page 53 the words “, being services for which payments are made by purchasers and whose price was controlled”, and substitute the words “for which payments are made by purchasers, being maternity, immunisation, diagnostic, pharmaceutical, or other services for which the amounts that could be charged were limited”.

To insert in line 4 on page 54, after the words “specified in”, the words “Part II A or”.

Clause 61: To insert, after line 37 on page 54, the following paragraph:

(ca) Providing for reviews or appeals, or both, of any decisions made under any regulations authorised by this section:

To insert, after line 40 on page 54, the following subclauses:

(2) The Governor-General may from time to time, by Order in Council made on the recommendation of the Minister, make regulations prescribing rules by which disputes or differences between any one or more purchasers or providers of services or

other persons may be mediated or arbitrated with the agreement of the persons concerned.

(3) Before making any recommendation under subsection (2) of this section, the Minister shall consult as to the principal content of the proposed regulations with such persons as the Minister thinks fit.

Clause 65: To omit this clause (all the words in lines 21 to 31 on page 56), and substitute the following clauses:

65. Application of Commerce Act 1986—(1) Nothing in Part II of the Commerce Act 1986 shall apply to—

(a) Any agreement (within the meaning of section 38 of this Act) or covenant that—

(i) Is entered into (after consultation with the Minister) by any one or more of—

(A) The regional health authorities;

(B) The Public Health Commission; and

(C) Any persons wholly owned by one or more of the authorities and the Commission—

either among themselves or with any other person or persons; and

(ii) Relates to pharmaceuticals or associated medical devices of kinds for which payments (whether full or part) are being, or are to be, made by one or more of the authorities, the Commission, and any persons wholly owned by one or more of the authorities and the Commission; or

(b) Any act done to give effect to a provision of an agreement or covenant of a kind described in paragraph (a) of this subsection.

(2) For the purposes of section 2 (7) of the Commerce Act 1986 (which relates to interconnected bodies corporate), neither the Public Health Commission nor any regional health authority or Crown health enterprise shall be regarded as a subsidiary (within the meaning of section 158 of the Companies Act 1955) of the Crown.

(3) No person (other than the Commerce Commission) may commence any proceedings against a regional health authority under section 81 or section 82 of the Commerce Act 1986 in respect of anything that occurs before the 1st day of July 1994.

Amendments to Ombudsmen Act 1975

65A. Amendments to Ombudsmen Act 1975—(1) The Ombudsmen Act 1975 is hereby amended by adding to section 2 (as substituted by section 2 of the Ombudsmen Amendment Act 1992 and amended by section 46 (1) of the Crown Research Institutes Act 1992) the following subsection:

“(4) For the purposes of Part II of the First Schedule to this Act, a company is a related company of a Crown health enterprise if the Crown health enterprise, whether alone or together with any other Crown health enterprise, directly or indirectly, owns, or controls the exercise of, all the voting rights attaching to, the equity share capital (as defined in section 158 of the Companies Act 1955) of the company.”

(2) Part I of the First Schedule to the Ombudsmen Act 1975 is hereby amended—

(a) By omitting from Part I of the First Schedule the words “The Department of Health”; and

(b) By inserting in Part I of the First Schedule, in its appropriate alphabetical order, the following item:
 "The Ministry of Health."

(3) Part II of the First Schedule to the Ombudsmen Act 1975 is hereby amended by inserting, in their appropriate alphabetical order, the following items:

"Crown health enterprises.

"Regional health authorities.

"The Public Health Commission.

"Related companies of Crown health enterprises (within the meaning of section 2 (4) of this Act).

"The Residual Health Management Unit."

(4) Part III of the First Schedule to the Ombudsmen Act 1975 is hereby amended by omitting the item relating to area health boards (as inserted by section 98 of the Area Health Boards Act 1983).

Clause 71: To add, after line 23 on page 60, as subsections (5) to (7) of section 7A, the following subsections:

"(5) Notwithstanding any other enactment, the Director-General may from time to time designate, as officers who have functions, duties, or powers under any enactment administered by the Ministry that is specified in the designation, such persons as, in the opinion of the Director-General, are required.

"(6) Any designation by the Director-General under this section of any person as a Medical Officer of Health, Health Protection Officer, or other officer may be made on such terms and conditions as the Director-General considers appropriate; and that person shall exercise the functions, duties, and powers of that office in accordance with any direction of the Director-General.

"(7) Where by virtue of any enactment, a reasonable belief in any particular state of affairs is a prerequisite for the exercise of any power by a Medical Officer of Health, Health Protection Officer, or other officer designated by the Director-General, it shall be sufficient if that officer exercises that power at the direction of the Director-General (or any other person designated by the Director-General for the purposes of this subsection) so long as, at the time of giving the direction, the Director-General or other person held such a belief in that state of affairs."

Clause 74: To insert, after line 24 on page 61, the following subclause:

(3) The following notices are hereby revoked:

(a) The Health Districts Notice 1988 (S.R. 1988/211):

(b) The Health Districts Notice 1988, Amendment No. 1 (S.R. 1988/275):

(c) The Health Districts Notice 1988, Amendment No. 2 (S.R. 1989/9).

Clauses 78 and 79: To omit these clauses (all the words in lines 10 to 40 on page 62, and on pages 63 to 67, and in lines 1 to 25 on page 68).

Clause 120: To insert, after line 3 on page 85, the following subclause:

(3) The following regulations and orders are hereby revoked:

(a) The Private Hospitals (Hours of Work) Regulations 1938 (S.R. 1938/71):

- (b) The Hospital Boards Finance Regulations 1958 (S.R. 1958/52);
- (c) The West Coast Hospital District Order 1967 (S.R. 1967/166);
- (d) The Northland Hospital District Order 1967 (S.R. 1967/177);
- (e) The Taranaki Hospital District Order 1968 (S.R. 1968/130);
- (f) The Wanganui Hospital District Order 1968 (S.R. 1968/131);
- (g) The West Coast Hospital District Order 1967, Amendment No. 4 (S.R. 1968/132);
- (h) The Hospital Boards Finance Regulations 1958, Amendment No. 2 (S.R. 1969/265).

Clause 132A: To omit the subsection (10) that appears in lines 5 to 8 on page 90, and substitute the following subsection:

“(10) Where a licence that is deemed by section 119 (3) of this Act to have been issued by the Minister is in force in respect of any premises used as a hospital, nothing in this section shall apply to that hospital.”

Clause 150A: To omit from lines 18 to 21 on page 95 the definitions of the terms “funding agreement” and “personal health services”.

Clause 151: To omit this clause (all the words in lines 19 to 39 on page 96 and in lines 1 to 12 on page 97), and substitute the following clause:

151. Treatment and physical rehabilitation—The principal Act is hereby amended by repealing section 27, and substituting the following section:

“27. (1) Where a person requires any treatment, service, physical rehabilitation, related transport, or certificate in respect of that person’s personal injury that is covered by this Act (in this section called a ‘specified service’), the Corporation shall contribute to the cost of that specified service to the extent required or permitted by regulations made under this Act.

“(2) Notwithstanding subsection (1) of this section,—

“(a) The Minister may from time to time, after consultation with and on behalf of the Corporation, enter into an agreement with the Minister of Health, on behalf of the Crown, as to specified services to be purchased by purchasers, the conditions on which those services will be purchased, the amounts to be paid by the Corporation to the Crown in respect of the purchase of those services, including any amounts to be paid to meet administration costs of purchasers in respect of the Corporation’s requirements, and such other matters as the parties may agree (and any such agreement may provide for any matters to be determined by agreement between the Corporation and the purchasers); and

“(b) The Corporation may from time to time, with the consent of the Minister, enter into agreements with purchasers or providers of specified services, as to specified services to be purchased or provided, the conditions on which those services will be purchased or provided, the amounts to be paid by the

Corporation in respect of those services, including any amounts to be paid to meet administration costs of purchasers in respect of the Corporation's requirements, and such other matters as the parties may agree; and

“(c) Where any specified service is the subject of an agreement made under this section, no payment shall be made by the Corporation under any regulations made under this Act in respect of that service, except to the extent that the regulations expressly provide that the payment is to be made in addition to any payment under that agreement.

“(3) Without limiting subsection (2) of this section, every agreement entered into by the Minister under paragraph (a), or by the Corporation under paragraph (b), of that subsection shall provide for—

“(a) Any payments by the Corporation under the agreement to be made from one or more of the Accounts referred to in Part VII of this Act; and

“(b) The Corporation to receive all information reasonably necessary to enable it to carry out the functions and duties conferred or imposed upon it by this Act in respect of the specified services; and

“(c) The Corporation to be able to legally enforce obligations relating to the provision of the specified services or the provision of information to the Corporation; and

“(d) Purchasers, and providers, of any specified services to comply with orders or decisions of any person appointed under section 90 of this Act, or of any Court, as to claims or entitlements under this Act in respect of those services; and

“(e) Procedures to resolve disputes arising out of the agreement or any subsidiary agreement,—

and the parties shall comply with those provisions notwithstanding any other provision of this Act or any other enactment or rule of law.

“(4) Neither the Minister nor the Corporation shall enter into an agreement under this section which prescribes the kinds of services to be provided without first consulting in regard to those kinds of services with such persons or organisations as the Minister considers appropriate.

“(5) As soon as practicable after an agreement is entered into under this section, the Minister shall publish in the *Gazette* and lay before the House of Representatives a copy of those provisions of the agreement on which there was consultation under subsection (4) of this section.

“(6) The Corporation shall not make any payment in respect of any specified service unless it is satisfied that the specified service is necessary, appropriate, timely, of the required quality, and not excessive in number or duration.

“(7) Where the Corporation considers that any specified service was unnecessary, inappropriate, untimely, not of the required quality, or excessive in number or duration, it—

“(a) Shall give the provider (and, if appropriate, the purchaser) a reasonable opportunity to comment on the matter; and

“(b) May report the circumstances to any appropriate body with a view to the institution of disciplinary

proceedings, and to any other body that may be appropriate.”

Clause 153: To omit paragraphs (a) and (b) of subsection (4) of section 28 (all the words in lines 34 on page 97 and in lines 2 to 4 on page 98), and substitute the following paragraphs:

- “(a) Costs that are not the subject of an agreement under section 27 of this Act; or
- “(b) Where the costs are the subject of an agreement under section 27 of this Act, only to the extent that they are not met under that agreement.”

New clause 153A: To insert, after *clause 153* on page 98, the following clause:

153A. Conveyance for immediate treatment for work injury—Section 29 of the principal Act is hereby amended by adding the words “or under any agreement made under section 27 of this Act”.

Clause 156: To omit from lines 7 and 8 on page 99 the words “referred to in section 27 (1A) (a)”, and substitute the words “made under section 27”.

Clause 157: To omit from lines 27 to 29 on page 99 the words “a funding agreement entered into pursuant to an agreement referred to in section 27 (1A) (a)”, and substitute the words “an agreement made under section 27”.

To omit from lines 1 and 2 on page 100 the words “referred to in section 27 (1A) (a) of this Act”.

Clause 158: To omit from lines 10 and 11 on page 101 the words “by a purchaser pursuant to a funding agreement”, and substitute the words “under an agreement under section 27 of this Act”.

Clause 161: To omit from lines 32 and 33 on page 102 the words “referred to in section 27 (1A) (a)”, and substitute the words “made under section 27”.

Clause 161A: To omit from lines 8 and 9 on page 103 the words “the agreement referred to in section 27 (1A) (a)”, and substitute the words “any agreement made under section 27”.

First Schedule, Part I: To omit from *clause 2* on page 105 the word “including”, and substitute the words “and the policies of the purchaser with regard to”.

To omit *paragraph (d)* of *clause 2* on page 105, and substitute the following paragraph:

(d) In the case of services of kinds—

(i) Where the amounts that could be charged for the provision of the services were, on the 30th day of June 1993, limited by any Act or regulations, any limits proposed by the purchaser on the amounts that recipients of those services may be charged for those services; or

(ii) To be purchased on terms and conditions agreed to or accepted by providers of the services (whether by means of purchase agreements, section 59 of this Act, or otherwise), any limits proposed by the purchaser (after consultation with such persons as the purchaser considers appropriate) on the amounts that recipients of those services may be charged for those services.

To insert, after *clause 7* on page 105, the following clause:

7A. Disputes resolution—A description of the dispute resolution procedures that the purchaser intends to provide for.

Second Schedule: To omit from *clause 15 (4)* on page 112 the expression “**section 41J**”, and substitute the expression “**section 41i**”.

To insert on page 113, after *clause 17*, the following clause:

17A. Powers—Every Government purchaser shall have all such powers as are reasonably necessary or expedient to enable it to carry out its functions.

Third Schedule: To insert in *clause 12 (1)* on page 118, after the words “Order in Council” in the third line, the words “(whether made under this clause or **section 40** of this Act or otherwise)”.

To insert in *clause 12 (1) (a)* on page 118, after the words “in the order”, the words “or in a proposal approved by that or another order”.

To omit from *clause 12 (1) (d)*, and also from *clause 12 (2)*, on page 118 the words “under this section”, and substitute in each case the words “for the purposes of this clause”.

Sixth Schedule: To omit from pages 155 and 156 the item relating to the Ombudsmen Act 1975.

Sixth Schedule: To insert in its appropriate chronological order on page 158 the following provision:

1976, No. 65—The Income Tax Act 1976 (R.S. Vol. 12, p. 1)

By adding to the definition of the term “special corporate entity” in section 8B (as inserted by section 7 of the Income Tax Amendment Act (No. 2) 1992) the following subparagraph:

“(i) Any Crown health enterprise within the meaning of section 2 of the Health and Disability Services Act 1992.”

By adding to section 61 (2), after subparagraph (h), the following subparagraph:

“(i) Any Crown health enterprise within the meaning of section 2 of the Health and Disability Services Act 1992.”

Sixth Schedule: To omit from page 159 the words “Association Incorporated”, and substitute the word “Organisation Incorporation”.

Sixth Schedule: To omit from page 176 the item relating to the Official Information Act 1982.

Sixth Schedule: To omit from lines 4 and 5 on page 183 the words “Factories and Commercial Premises Act 1981 as an Inspector of Factories, or any person appointed under the Construction Act 1959 as a Construction Safety Inspector”, and substitute the words “Health and Safety in Employment Act 1992 as an inspector”.

Seventh Schedule: To insert, after Part II on pages 190 and 191, the following Part:

PART IIA

Section 58 (1A)

REPEALS RELATING TO SOCIAL SECURITY ACT 1964

1966, No. 85—The Social Security Amendment Act 1966. (R.S. Vol. 13, p. 561.)

1967, No. 4—The Social Security Amendment Act 1967: Part II. (R.S. Vol. 13, p. 561.)

- 1968, No. 44—The Social Security Amendment Act 1968. (R.S. Vol. 13, p. 563.)
- 1969, No. 46—The Social Security Amendment Act 1969: Part II. (R.S. Vol. 13, p. 564.)
- 1970, No. 9—The Social Security Amendment Act 1970. (R.S. Vol. 13, p. 566.)
- 1970, No. 149—The Social Security Amendment Act (No. 2) 1970. (R.S. Vol. 13, p. 567.)
- 1972, No. 133—The Social Security Amendment Act 1972: Part II. (R.S. Vol. 13, p. 571.)
- 1973, No. 34—The Social Security Amendment Act 1973: Part II. (R.S. Vol. 13, p. 575.)
- 1975, No. 123—The Social Security Amendment Act 1975: Part II. (R.S. Vol. 13, p. 580.)
- 1977, No. 120—The Social Security Amendment Act 1977. (R.S. Vol. 13, p. 587.)
- 1977, No. 133—The Social Security Amendment Act (No. 2) 1977: Part II. (R.S. Vol. 13, p. 590.)
- 1979, No. 14—The Social Security Amendment Act 1979: (R.S. Vol. 13, p. 596.)
- 1980, No. 158—The Social Security Amendment Act 1980: Part II. (R.S. Vol. 13, p. 598.)
- 1981, No. 46—The Social Security Amendment Act 1981: Part II. (R.S. Vol. 13, p. 600.)
- 1982, No. 16—The Social Security Amendment Act 1982: Part II. (R.S. Vol. 13, p. 607.)
- 1984, No. 19—The Social Security Amendment Act (No. 2) 1984.
- 1986, No. 5—The Commerce Act 1986: So much of the Second Schedule as relates to the Social Security Act 1964.
- 1986, No. 39—The Social Security Amendment Act 1986: Part II.
- 1990, No. 74—The Social Security Amendment Act (No. 2) 1990: Section 20.
- 1990, No. 107—The Nurses Amendment Act 1990: Sections 7 to 12.
- 1991, No. 83—The Social Security Amendment Act (No. 3) 1991.

Seventh Schedule: To insert in Part III on pages 192 to 195, in their appropriate chronological order, the following enactments:

The Hearing Aids Notice 1957, Amendment No. 1	1957/192
The Artificial Aids Notice 1964, Amendment No. 2	1966/124
The Hearing Aids Notice 1957, Amendment No. 3	1966/194
The Artificial Aids Notice 1964, Amendment No. 3	1967/194
The Artificial Aids Notice 1964, Amendment No. 4	1969/85
The Controlled Goods (Drug Tariff) Order (No. 2) 1986	1986/178
The Social Security (Dental Benefits) Regulations 1983, Amendment No. 10	1992/357
The Drug Tariff 1990, Amendment No. 13	1992/369

To insert on page 192, after the words “The Hearing Aids Notice”, the expression “1957”.

To insert on page 192, after the words “The Artificial Aids Notice”, the expression “1964”.

EXPLANATORY NOTE

Clause 1: The first and third of the proposed amendments provide for the clauses of the Bill relating to the recovery of certain redundancy payments to come into effect on 1 April 1993 rather than on the date of the enactment of the Bill.

The second of the proposed amendments provides for the Public Health Commission to be established on 21 June 1993 rather than on 1 April 1993.

The fourth of the proposed amendments corrects the timing of the commencement of certain provisions of the Bill.

Clause 2: The proposed amendments make minor drafting amendments to the definitions of the terms “disability services” and “health services” and also relocate the definition of “public health” from *clause 14* to *clause 2*.

Clauses 8 and 9: The proposed amendments make minor drafting amendments to these clauses.

Clauses 40 to 56: The proposed amendments (other than the amendment to *clause 47*) are technical amendments to the provisions of the Bill relating to the transfer of assets and liabilities from the existing organisations to the new organisations.

Clause 47: The proposed amendment ensures that an employee of a transferor who becomes an employee of a transferee will not be excluded from the provisions of *subclause (2)* of *clause 47* merely because the employment with the transferee commenced while the employee was still an employee of the transferor.

Clause 58: The first of the proposed amendments effect the consequential repeal of the Social Security Amendment Acts specified in *Part II_A* of the *Seventh Schedule*.

The second of the proposed amendments continues in force section 100A of the Social Security Act 1964, which allows the Government to use a patented invention for the production or supply of pharmaceutical products.

Clause 60: The first of the proposed amendments clarifies the services to which *paragraph (a)* of *subclause (1)* relates.

The second of the proposed amendments is consequential upon the first of the proposed amendments to *clause 58*.

Clause 61: The proposed amendments provide for the making of regulations establishing procedures for review or appeals of decisions relating to the issue and use of entitlement cards, and also for the making of regulations prescribing mediation and arbitration rules for disputes between purchasers, providers, and other persons.

Clause 65: The new *subclause (1)* is a clarification of the original provision. The new *subclause (2)* provides for the Public Health Commission, regional health authorities, and Crown health enterprises to be treated as separate organisations, with no common ownership, for the purposes of the Commerce Act 1986.

The new *subclause (3)* provides that no person (other than the Commerce Commission) may commence any proceedings against a regional health authority under Part II of the Commerce Act 1986 in respect of anything that occurs before 1 July 1994.

New clause 65A: This clause, which presently appears in the Sixth Schedule to the Bill, has been relocated to Part IV of the Bill so that the provisions relating to the application of the Ombudsmen Act 1975 to the Public Health Commission, regional health authorities, and Crown health enterprises will apply upon the formation of those bodies (and not just from 1 July 1993).

Clause 71: The proposed amendment enables officers, in addition to Medical Officers of Health and Health Protection Officers, to be designated for the purposes of certain health legislation.

The proposed amendment also provides that Medical Officers of Health, Health Protection Officers, and other designated officers may be appointed on such terms and conditions as the Director-General of Health considers appropriate, and that each such officer shall exercise his or her functions, duties, and powers in accordance with any direction of the Director-General.

Clause 74: The proposed amendments effect the consequential revocation of certain notices given under the Health Act 1956.

Clauses 78 and 79: The provisions of these clauses have been amended and incorporated into the Privacy of Information Bill. The clauses are therefore omitted from this Bill.

Clause 120: The proposed amendments effect the consequential revocation of certain regulations and orders made under the Hospitals Act 1957.

Clause 132A: The proposed amendment clarifies the meaning of the new *section 135 (10)* of the *Hospitals Act 1957*.

Clauses 150A to 161A: The proposed amendments to these clauses, which relate to the Accident Rehabilitation and Compensation Insurance Act 1992, make explicit—

- (a) The ability of the Minister in charge of the Corporation to enter into an agreement with the Minister of Health to enable the purchase by regional health authorities of services on behalf of the Corporation; and
- (b) The ability of the Corporation to purchase services outside the Ministerial agreement, either directly with providers or through regional health authorities; and
- (c) That the obligation to consult before entering any such agreement applies to the kinds of services to be provided rather than the agreement itself.

First Schedule: The proposed amendments, which relate to purchasers' statements of intent,—

- (a) Clarify the provisions relating to proposals for limits on amounts that recipients of services may be charged; and
- (b) Require the inclusion of descriptions of dispute resolution procedures that purchasers intend to provide for.

Second to Seventh Schedules: The proposed amendments to the above Schedules are of a minor, technical nature or correct omissions in the Bill. In addition, the provisions relating to the taxation of Crown health enterprises, which were formerly in the Taxation Reform (No. 6) Bill, are being moved to the Health and Disability Services Bill.