



ANALYSIS

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1994, No. 73

An Act to make provision with respect to public finances and other matters

[6 July 1994]

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

1. Short Title and commencement—(1) This Act may be cited as the Finance Act 1994.

(2) Except as provided in subsection (3) of this section, this Act shall come into force on the day on which it receives the Royal assent.

(3) Subject to subsections (4) and (5) of this section, sections 5 to 8 of this Act shall come into force on a day to be appointed by the Governor-General by Order in Council; and one or more Orders in Council may be made bringing different sections into force on different days.

(4) A day may be appointed pursuant to subsection (3) of this section bringing section 6 or section 7 of this Act into force only if the Governor-General is satisfied, at the time of the making of the Order in Council, that at least 50 percent of the shares in

GCS Limited are no longer held by Ministers of the Crown on behalf of the Crown.

(5) A day may be appointed pursuant to subsection (3) of this section bringing section 8 of this Act into force only if the Governor-General is satisfied, at the time of the making of the Order in Council, that none of the shares in GCS Limited is held by Ministers of the Crown on behalf of the Crown.

Application of Part II of Commerce Act 1986 to Certain Agreements relating to Pharmaceuticals

2. Application of Part II of Commerce Act 1986 to regional health authorities, Public Health Commission, and certain subsidiaries—(1) In this section, unless the context otherwise requires,—

“Agreement”—

(a) Includes any agreement, arrangement, contract, covenant, deed, or understanding, whether oral or written, whether express or implied, and whether or not enforceable at law; and

(b) Without limiting the generality of paragraph (a) of this definition, includes any contract of service and any agreement, arrangement, contract, covenant, or deed, creating or evidencing a trust:

“Authority” means a regional health authority established by Order in Council in accordance with section 32 of the Health and Disability Services Act 1993:

“The commission” means the Public Health Commission established by section 27 of the Health and Disability Services Act 1993:

“Pharmaceuticals” means substances or things that are medicines, therapeutic medical devices, or products or things related to pharmaceuticals:

“Reached” includes entered into, granted, and made; and “reaching” has a corresponding meaning:

“Specified body” means a body that is an authority, the commission, or any person wholly owned by a specified body or 2 or more specified bodies:

“Subsidiary” has the meaning given to that term by section 158 of the Companies Act 1955 or, as the case may require, sections 5 and 6 of the Companies Act 1993.

(2) This subsection applies to an agreement (whether reached before or after the commencement of this Act) if, and only if,—

(a) At least 1 party to it was a specified body at the time it was reached; and

- (b) It was reached after consultation between the Minister of Health and 1 or more of the parties to it; and
 - (c) It relates to pharmaceuticals for which full or part payments may be made by 1 or more specified bodies.
- (3) It is hereby declared that nothing in Part II of the Commerce Act 1986 applies, or has ever applied, to—
- (a) Any agreement to which subsection (2) of this section applies; or
 - (b) Any act, matter, or thing, done by any person to give effect to such an agreement.
- (4) For the purposes of section 2 (7) of the Commerce Act 1986 (which relates to interconnected bodies corporate), neither the commission nor any authority or Crown health enterprise (within the meaning of section 2 of the Health and Disability Services Act 1993) shall be regarded as, or as having ever been, a subsidiary of the Crown.
- (5) No person other than the Commerce Commission may commence any proceedings against an authority under section 81 or section 82 of the Commerce Act 1986 in respect of any act, matter, or thing, that has been done or will be done before the 1st day of July 1994.
- (6) Section 29 of the Health Reforms (Transitional Provisions) Act 1993 is hereby consequentially repealed.

Accident Rehabilitation and Compensation Insurance Corporation

3. Validation of payment of motor spirits excise duty to Accident Rehabilitation and Compensation Insurance Corporation—All—

- (a) Actions of the Crown in paying to the Accident Rehabilitation and Compensation Insurance Corporation from the Crown Bank Account the sum of \$14,625,000, inclusive of goods and services tax, (being the first quarterly instalment payable under section 109 of the Accident Rehabilitation and Compensation Insurance Act 1992 in respect of the financial year ending with the close of the 30th day of June 1994); and
 - (b) Actions of the Corporation in crediting that sum (purportedly pursuant to subsection (4) of that section) to the Motor Vehicle Account established under section 108 of that Act,—
- shall, notwithstanding that the payment was made without the authority of an Order in Council made under section 109 of that Act, be deemed to have been, and continue to be, as valid

and effectual as they would have been if the Accident Rehabilitation and Compensation Insurance (Motor Spirits Excise Duty) Order 1993 had been in force when the sum was paid.

4. Corporation payment to Crown Bank Account for public health care costs in respect of year ending 30 June 1995—(1) In respect of the year ending with the close of the 30th day of June 1995, the Accident Rehabilitation and Compensation Insurance Corporation shall, not later than that day, pay to a Crown Bank Account nominated by the Minister of Finance the sum of \$120,003,000 (inclusive of goods and services tax) in respect of the costs of health and disability services purchased by the regional health authorities in respect of—

- (a) Motor vehicle injuries; and
 - (b) Work injuries (including subsequent work injuries); and
 - (c) Injuries referred to in paragraph (a) or paragraph (b) of this subsection that are suffered by overseas visitors.
- (2) Of the amount specified in subsection (1) of this section,—
- (a) Notwithstanding section 100 (3) (a) of the Accident Rehabilitation and Compensation Insurance Act 1992, the Corporation shall debit \$41,176,000 (inclusive of goods and services tax) to the Employers' Account established under section 100 of that Act; and
 - (b) Notwithstanding section 108 (3) (a) of that Act, the Corporation shall debit \$78,827,000 (inclusive of goods and services tax) to the Motor Vehicle Account established under section 108 of that Act;—

and section 121 (4) of that Act shall have effect accordingly.

(3) The Corporation is hereby authorised—

- (a) To apply the funds in the said Employers' Account towards payment of the amount referred to in paragraph (a) of subsection (2) of this section;
- (b) To apply the funds in the said Motor Vehicle Account towards payment of the amount referred to in paragraph (b) of that subsection.

GCS Limited

5. Amendment to State-Owned Enterprises Act 1986—

(1) The First Schedule to the State-Owned Enterprises Act 1986 (as amended by section 8 of the Finance Act 1991) is hereby amended by omitting the name "GCS Limited".

(2) Notwithstanding the coming into force of subsection (1) of this section, section 22 of the State-Owned Enterprises Act 1986 shall, so long as Ministers of the Crown continue to hold shares in GCS Limited (in this section called “the Corporation”), continue to apply in relation to the Corporation as if—

- (a) The Corporation were a State enterprise; and
- (b) The Minister of Finance and the Minister for State Owned Enterprises were the shareholding Ministers for the Corporation.

(3) The Second Schedule to the State-Owned Enterprises Act 1986 (as amended by section 8 of the Finance Act 1991) is hereby amended by omitting the name “GCS Limited”.

(4) Each Minister of the Crown who holds shares in the Corporation on behalf of Her Majesty the Queen may exercise all or any of Her Majesty’s rights and powers as the holder of those shares.

(5) Section 8 of the Finance Act 1991 is hereby consequentially repealed.

6. Amendment to Ombudsmen Act 1975—(1) The Ombudsmen Act 1975 is hereby amended by omitting from Part II of the First Schedule (as amended by section 9 (1) of the Finance Act 1991) the name “GCS Limited”

(2) The Second Schedule to the Finance Act 1991 is hereby consequentially amended by repealing the item relating to the Ombudsmen Act 1975.

7. Amendment to Official Information Act 1982—(1) The Official Information Act 1982 is hereby amended by omitting from the First Schedule (as substituted by section 23 (1) of the Official Information Amendment Act 1987 and amended by section 9 (1) of the Finance Act 1991) the name “GCS Limited”.

(2) The Second Schedule to the Finance Act 1991 is hereby consequentially amended by repealing the item relating to the Official Information Act 1982.

8. Amendment to Income Tax Act 1976—(1) The Income Tax Act 1976 is hereby amended by omitting from the Fourteenth Schedule (as substituted by section 23 (1) of the State Services Conditions of Employment Amendment Act 1987 and amended by section 9 (1) of the Finance Act 1991) the name “GCS Limited”.

(2) The Second Schedule to the Finance Act 1991 is hereby consequentially amended by repealing the item relating to the Income Tax Act 1976.

Health Reforms (Transitional Provisions)

9. Amendment to Health Reforms (Transitional Provisions) Act 1993—(1) The Fourth Schedule to the Health Reforms (Transitional Provisions) Act 1993 is hereby amended, as from the commencement of that Fourth Schedule, by repealing the item relating to paragraph (b) of section 8 (1) of the Health Research Council Act 1990.

(2) Without limiting subsection (1) of this section, it is hereby declared that the repeal of paragraph (b) of section 8 (1) of the Health Research Council Act 1990 by section 32 of the Health Reforms (Transitional Provisions) Act 1993 shall be deemed not to have affected—

- (a) The membership of the Health Research Council; or
- (b) The validity of any appointment made under section 8 (1) (b) of the Health Research Council Act 1990 (as substituted by section 3 of the Health Research Council Amendment Act 1991) in the period beginning on the 1st day of July 1993 and ending with the commencement of this subsection; or
- (c) The validity of any action taken by the Council or any member of the Council in the period beginning on the 1st day of July 1993 and ending with the commencement of this subsection.

This Act is administered in the Treasury.
