

# **Health and Disability Services Amendment Act 1995**

Public Act 1995 No 84  
Date of assent 15 December 1995

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**An Act to amend the Health and Disability Services Act 1993 to abolish the Public Health Commission, and to provide for matters consequential thereto**

**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 Amendment Act 1995, 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) Except as provided in subsection (3) of this section, this Act shall come into force on a date to be appointed by the Governor-General by Order in Council.
- (3) Section 6 of this Act shall come into force on the day after the date on which this Act receives the Royal assent.

**2 Interpretation**

In this Act, unless the context otherwise requires, the term **appointed day** means the date appointed by the Governor-General by Order in Council made under section 1(2) of this Act as the date on which this Act (other than section 6) shall come into force.

**3 Abolition of Public Health Commission**

- (1) On the commencement of this section,—
  - (a) The Public Health Commission is hereby dissolved; and
  - (b) The directors of the Public Health Commission shall cease to hold office as directors of the Commission; and no such director shall be entitled to any compensation in respect of loss of office.
- (2) The principal Act is hereby consequentially amended in the manner set out in Schedule 1 to this Act.
- (3) The enactments specified in Schedule 2 to this Act are hereby consequentially amended in the manner set out in that Schedule.

**4 Transitional provisions relating to abolition of Public Health Commission**

- (1) Subject to subsection (2) of this section, the assets and liabilities of the Public Health Commission shall, with effect from

the commencement of the appointed day, vest by virtue of this Act in the Crown.

- (2) Subsection (1) of this section shall not apply in respect of any assets and liabilities of the Public Health Commission that, pursuant to the Health Reforms (Transitional Provisions) Act 1993, are transferred to a transferee (other than the Crown) with effect from the commencement of the appointed day.
- (3) Section 6 and sections 8 to 15 of, and Schedule 1 to, the Health Reforms (Transitional Provisions) Act 1993 shall, subject to section 6 of this Act, apply in respect of the vesting of assets and liabilities by subsection (1) of this section as if those assets and liabilities were transferred to the Crown under section 5 of that Act.
- (4) The vesting of any assets or liabilities of the Public Health Commission in the Crown by virtue of subsection (1) of this section—
  - (a) Shall not, for the purposes of the Goods and Services Tax Act 1985, be treated as a supply of any goods or services; and
  - (b) Shall not, for the purposes of the Stamp and Cheque Duties Act 1971, be treated as a conveyance of any property; and
  - (c) Shall not, for the purposes of the Estate and Gift Duties Act 1968, be treated as a dutiable gift.
- (5) In this section and section 6 of this Act, unless the context otherwise requires, the terms **assets**, **liabilities**, **transfer**, **transfer date**, **transferee**, and **transferor** shall have the same meanings as they have in section 2 of the Health Reforms (Transitional Provisions) Act 1993.

## **5 Transitional provisions relating to annual reports and financial statements**

- (1) As soon as reasonably practicable after the appointed day, the Director-General of Health shall—
  - (a) Arrange for a final report of the Public Health Commission to be sent to the Minister showing the Public Health Commission's operations for the financial period beginning with the 1st day of July 1995 and ending with the close of the day before the appointed day; and

- (b) Attach to the report a copy of the Public Health Commission's financial statements for that period, which financial statements shall—
  - (i) Be prepared in accordance with the requirements of section 41 of the Public Finance Act 1989; and
  - (ii) Be accompanied by an audit opinion prepared by the Audit Office in accordance with section 43 of that Act.
- (2) A copy of the report and financial statements shall be laid before the House of Representatives as soon as practicable after their receipt by the Minister.

**6 Modification of application of Health Reforms  
(Transitional Provisions) Act 1993**

- (1) This section applies to any person who—
  - (a) On the date of the commencement of this section, is an employee of the Public Health Commission; or
  - (b) Becomes an employee of the Public Health Commission at any time after that date.
- (2) Where, at any time after the commencement of this section, any person (being a person to whom this section applies) is or becomes, or is deemed to be or to have become, an employee of a transferor, whether by virtue of—
  - (a) The vesting of any assets or liabilities of the Public Health Commission in the Crown by section 4(1) of this Act; or
  - (b) The transfer, under section 4 or section 5 of the Health Reforms (Transitional Provisions) Act 1993, of any assets or liabilities of the Public Health Commission to any transferee, where the transfer date applicable to the transfer is before the appointed day; or
  - (c) The transfer, under section 4 or section 5 of the Health Reforms (Transitional Provisions) Act 1993, of any assets or liabilities of the Public Health Commission that, by virtue of section 4(1) of this Act, have vested in the Crown, where the transfer date applicable to the transfer is on or after the appointed day,—then, for the purposes of the application of section 13 of the Health Reforms (Transitional Provisions) Act 1993 in respect

of that person in his or her capacity as an employee of a transferor,—

- (d) The reference in section 13(2) of that Act to 9 months shall be read as a reference to 3 months; and
  - (e) The reference in section 13(6) of that Act to the 31st day of December 1994 shall be read as a reference to the 31st day of December 1996.
- (3) Where, at any time after the commencement of this section, any person (being a person to whom this section applies) is or becomes, or is deemed to be or to have become, an employee of a transferee by virtue of the vesting or transfer of any assets or liabilities, or former assets or liabilities, of the Public Health Commission in any of the ways described in any of paragraphs (a) to (c) of subsection (2) of this section, then, for the purposes of the application of section 15 of the Health Reforms (Transitional Provisions) Act 1993 in respect of that person in his or her capacity as an employee of a transferee, the reference in section 15(1) of that Act to the 31st day of March 1994 shall be read as a reference to the 31st day of March 1996.

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Sections 10 to 12 were repealed, as from 30 June 1998, by section 5(7)(b) Health and Disability Services Amendment Act 1998 (1998 No 74).

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Sections 10 to 12 were repealed, as from 30 June 1998, by section 5(7)(b) Health and Disability Services Amendment Act 1998 (1998 No 74).

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**Schedule 1** Section 3(2)  
**Amendments to principal Act  
consequential on abolition of Public  
Health Commission**

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**Schedule 2** Section 3(3)  
**Consequential amendments to other  
enactments**