

New Zealand Public Health and Disability (Waikato DHB) Elections Bill

Government Bill

Explanatory note

General policy statement

The New Zealand Public Health and Disability (Waikato DHB) Elections Bill exempts the Waikato District Health Board (the **Waikato DHB**) from the 2019 triennial general election. This legislation will have the effect of extending the time that the Waikato DHB is governed by a commissioner until a newly elected board takes office following the 2022 triennial general election.

The Waikato DHB has long-standing financial and organisational performance issues that will require time to address. Improving the DHB's performance is likely to require a range of solutions, some of which could include more medium-term actions that need to be implemented after the commissioner's current term expires on 9 December 2019. This Bill would allow the commissioner more time to undertake further work in improving the Waikato DHB's performance. A new board taking office in 2022 should then have a more secure financial and organisational position from which to begin its term.

This legislation impacts on only 1 election for the Waikato DHB and is not expected to result in any additional costs for the Waikato DHB or other agencies. It does not provide for any additional powers for the Minister of Health or the Government, but it extends the application of an existing power.

Departmental disclosure statement

The Ministry of Health is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2019&no=145>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The Bill comes into force on the day after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

Clause 3 sets out the purpose of the Bill, which is to cancel the 2019 triennial general election of the Waikato DHB in order to provide for the continuation of the term of office of a commissioner for the Waikato DHB until the repeal date.

Clause 4 sets out the definitions of certain terms used in the Bill.

Clause 5 is the operative provision for Schedule 1, which contains transitional, savings, and related provisions. There are currently no provisions of this nature.

Clause 6 provides that the Bill will, when enacted, bind the Crown.

Part 2

Cancellation of election

Clause 7 cancels the 2019 triennial general election for the Waikato DHB and, in relation to that triennial general election for the Waikato DHB, the clause disapplies certain provisions of the New Zealand Public Health and Disability Act 2000 and the Local Electoral Act 2001 for the period that the Bill is in force.

Clause 8 provides that the Bill is repealed on the day on which elected members of the Waikato DHB take office after the triennial general election of 2022, as provided for by clause 14 of Schedule 2 of the New Zealand Public Health and Disability Act 2000, namely on the 58th day after polling day.

Hon Dr David Clark

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the New Zealand Public Health and Disability (Waikato DHB) Elections Act **2019**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1
Preliminary provisions

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3 Purpose

The purpose of this Act is to cancel the 2019 triennial general election of the Waikato DHB in order to provide, until the repeal date, for the continuation of the term of office of a commissioner for the Waikato DHB.

4 Interpretation

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In this Act, unless the context otherwise requires,—

2000 Act means the New Zealand Public Health and Disability Act 2000

commissioner means a person appointed under section 31 of the 2000 Act to be a commissioner for the Waikato DHB

repeal date means the day specified for the repeal of this Act by **section 8** 15

triennial general election has the meaning given in clause 1 of Schedule 2 of the 2000 Act

Waikato DHB means the district health board of that name listed in Schedule 1 of the 2000 Act.

5 Transitional, savings, and related provisions

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The transitional, savings, and related provisions (if any) set out in **Schedule 1** have effect according to their terms.

6 Act binds the Crown

This Act binds the Crown.

Part 2
Cancellation of election

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7 Cancellation of 2019 election of Waikato DHB

- (1) The triennial general election for the Waikato DHB in 2019 is cancelled.
- (2) The following provisions do not apply to the Waikato DHB in relation to the triennial general election of 2019: 30
 - (a) clause 8 of Schedule 2 of the 2000 Act (which provides for the application of the provisions of the Local Electoral Act 2001 and regulations made under that Act to every election of a DHB, subject to the provisions of the 2000 Act and to any regulations made under that Act); and

- (b) clause 9 of Schedule 2 of the 2000 Act (which requires the election of all DHBs to be held in conjunction with every triennial general election);
and
- (c) section 7(f) of the Local Electoral Act 2001 (which applies that Act to every election of a DHB).

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8 Repeal

This Act is repealed on the day on which elected members of the Waikato DHB come into office after the triennial general election of 2022, in accordance with clause 14 of Schedule 2 of the 2000 Act.

Schedule 1
Transitional, savings, and related provisions

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Part 1
Provisions relating to this Act as enacted

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There are no transitional, savings, or related provisions relating to this Act as enacted.