

# Health and Disability Services Act 1993

Public Act 1993 No 22  
Date of assent 10 May 1993

## Contents

	Page
Title	3
1 Short Title and commencement	3
2 Interpretation	3
3 Act to bind the Crown	5
<b>Part I</b>	
<b>Purpose, Structure, Objectives, and Accountability</b>	
4 Purpose	5
5 Structure	6
6 National advisory committee on kinds and priorities of services	6
7 National advisory committee on health and disability services ethics	7
<i>Objectives</i>	
8 Objectives of the Crown	7
9 Objectives of Public Health Commission	8
10 Objectives of regional health authorities	8
11 Objectives of Crown health enterprises	8
<i>Accountability</i>	
12 Responsibility of Minister of Health	9
13 Responsibility of shareholding Ministers	9
14 Application of Public Finance Act 1989	9
15 Auditor	9
16 Application of Ombudsmen Act 1975	9
17 Application of Official Information Act 1982	10

18	Consultation	10
19	Maintenance of appropriate standards	10

## Part II

### Purchasers of Health and Disability Services

20	Definition of “purchaser”	10
21	Funding agreements	10
22	Purchase agreements	11
23	Public Finance Act 1989 and audit	11
24	Statements of intent and annual reports of other purchasers	12
25	Powers of Minister to give directions	12
26	Provision of financial information	12

#### *Public Health Commission*

27	Establishment of Commission	13
28	Functions of Commission	13
29	Commission to consult	13
30	Board of Commission	13
31	Further provisions applying to Commission	14

#### *Regional Health Authorities*

32	Establishment of regional health authorities	14
33	Functions of regional health authorities	14
34	Regional health authorities to consult	15
35	Boards of regional health authorities	15
36	Further provisions applying to regional health authorities	15

## Part III

### Crown Health Enterprises

37	Incorporation of Crown health enterprises	15
38	Shareholding Ministers to hold all voting shares in Crown health enterprises	16
39	Boards of Crown health enterprises	16
40	Ministers may require provision of services	16
41	Audit Office to be auditor of Crown health enterprises and subsidiaries	17
42	Application of Public Finance Act 1989 to Crown health enterprises	17
43	Employees	18
44	Provisions relating to Ministers’ shareholding	18
45	Application of Companies Act 1955 to Crown health enterprises	18

## Part IV

### Miscellaneous Provisions

46	Ministerial committees	19
47	Inquiries and investigations	19
48	Protection from disclosure of sensitive information	20

49	Saving of certain transactions	20
50	Power of member of Executive Council to exercise Minister's powers	20
51	Arrangements relating to payments for health and disability services	21
52	Regulations	21
	<b>FIRST SCHEDULE</b>	23
	<b>Information to be Included in Purchasers' Statements of Intent</b>	
	<b>SECOND SCHEDULE</b>	25
	<b>Provisions Applying in Respect of the Public Health Commission and Every Regional Health Authority</b>	

**An Act to reform the public funding and provision of health services and disability services in order to—**

- (a) **Secure for the people of New Zealand—**
- (i) **The best health; and**
  - (ii) **The best care or support for those in need of services; and**
  - (iii) **The greatest independence for people with disabilities—**  
**that is reasonably achievable within the amount of funding provided; and**
- (b) **Facilitate access to personal health services and to disability services; and**
- (c) **Achieve appropriate standards of health services and disability services**

**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 Act 1993.
- (2) Except as provided in subsection (3) of this section, this Act shall come into force on the day after the date on which this Act receives the Royal assent.
- (3) Sections 27 to 31 of this Act shall come into force on the 21st day of June 1993.

## **2 Interpretation**

In this Act, unless the context otherwise requires,—

“Board”, in relation to the Public Health Commission, a regional health authority, or a Crown health enterprise, means the board of directors of that Commission, authority, or enterprise:

“Crown” means Her Majesty the Queen in right of New Zealand:

“Crown health enterprise” and “enterprise” mean a company formed and registered by the shareholding Ministers in accordance with section 37 of this Act:

“Director”, in relation to the Public Health Commission, a regional health authority, or a Crown health enterprise, means a director of that Commission, authority, or enterprise:

“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 or people with disabilities or to the promotion of the independence of such people:

“Funding agreement” has the meaning given to it by section 21 of this Act:

“Good employer” means an employer who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring—

- (a) Good and safe working conditions; and
- (b) An equal employment opportunities programme; and
- (c) The impartial selection of suitably qualified persons for appointment; and
- (d) Opportunities for the enhancement of the abilities of individual employees; and
- (e) Recognition of—
  - (i) The aims and aspirations of Maori; and
  - (ii) The employment requirements of Maori; and
  - (iii) The need for greater involvement of Maori as employees of the employer; and
- (f) Recognition of the aims and aspirations, and the cultural differences, of ethnic or minority groups; and
- (g) Recognition of the employment requirements of women; and
- (h) Recognition of the employment requirements of persons with disabilities:

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

“Minister” means the Minister of Health:

“Minister for Crown Health Enterprises” means, subject to any enactment, the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for Crown health enterprises:

“Ministry of Health” means the department of the Public Service referred to by that name:

“Monitor” includes analyse:

“Personal health” means the health of an individual:

“Personal health services” means health services provided to an individual for the purpose of improving or protecting the health of that individual, whether or not they are also provided for another purpose:

“Public health” means the health of all of—

- (a) The people of New Zealand; or
- (b) A community or section of such people:

“Public Health Commission” and “Commission” mean the Public Health Commission established by section 27 of this Act:

“Public health services” means goods, services, or facilities provided for the purpose of improving or protecting public health:

“Purchase agreement” has the meaning given to it by section 22 of this Act:

“Purchaser” has the meaning given to it by section 20 of this Act:

“Regional health authority” and “authority” mean a body corporate established by Order in Council in accordance with section 32 of this Act:

“Rules” means, in relation to a Crown health enterprise, the memorandum of association and articles of association of that enterprise:

“Services” means health services or disability services or both:

“Shareholding Ministers” means the Minister of Finance and the Minister for Crown Health Enterprises:

“Sitting day” means a sitting day of the House of Representatives:

“Statement of intent” means a statement of intent prepared under the Public Finance Act 1989 or under this Act:

“Subsidiary” has the same meaning as in section 158 of the Companies Act 1955.

### **3 Act to bind the Crown**

This Act binds the Crown.

## **Part I**

### **Purpose, Structure, Objectives, and Accountability**

#### **4 Purpose**

The purpose of this Act is to reform the public funding and provision of health services and disability services in order to—

- (a) Secure for the people of New Zealand—
  - (i) The best health; and

- (ii) The best care or support for those in need of those services; and
- (iii) The greatest independence for people with disabilities—  
that is reasonably achievable within the amount of funding provided; and
- (b) Facilitate access to personal health services and to disability services; and
- (c) Achieve appropriate standards of health services and disability services.

## **5 Structure**

- (1) This Act establishes, or provides for the establishment of,—
  - (a) A national advisory committee on the kinds, and relative priorities, of personal health services and disability services that should be publicly funded; and
  - (b) A national advisory committee on ethics relating to health services and disability services; and
  - (c) The Public Health Commission, which is to be a purchaser within the meaning of this Act; and
  - (d) Regional health authorities, each of which is to be a purchaser within the meaning of this Act; and
  - (e) Crown health enterprises.
- (2) This Act provides for—
  - (a) The Crown and purchasers to enter into funding agreements within the meaning of section 21 of this Act; and
  - (b) Purchasers and persons (including Crown health enterprises) who provide, or arrange the provision of, services to enter into purchase agreements within the meaning of section 22 of this Act.

## **6 National advisory committee on kinds and priorities of services**

- (1) The Minister shall appoint a committee, to be known as the National Advisory Committee on Core Health and Disability Support Services, under section 46 of this Act to advise the Minister on—
  - (a) The kinds, and relative priorities, of personal health services and disability services that should, in the committee's opinion, be publicly funded; and
  - (b) Such other matters as the Minister specifies by notice to the committee.
- (2) The advice given by the committee to the Minister under subsection (1) of this section shall be formulated after consultation by the committee with such members of the public, persons involved in the provision of services, and other persons as the committee considers appropriate.

- (3) The committee shall, at least once each year, deliver to the Minister a report setting out its advice on the matters referred to in subsection (1)(a) of this section.
- (4) As soon as practicable after giving a notice under subsection (1)(b) of this section, or receiving a report under subsection (3) of this section, the Minister shall,—
  - (a) In the case of a notice, publish in the *Gazette* and lay before the House of Representatives a copy of the notice; and
  - (b) In the case of a report, lay a copy of the report before the House of Representatives.

#### **7 National advisory committee on health and disability services ethics**

- (1) The Minister may appoint a committee under section 46 of this Act to advise the Minister on ethical issues of national significance in relation to such matters as the Minister specifies by notice to the committee.
- (2) The advice given by the committee to the Minister under subsection (1) of this section shall be formulated after consultation by the committee with such members of the public, persons involved in the provision of services, and other persons as the committee considers appropriate.

#### *Objectives*

#### **8 Objectives of the Crown**

- (1) Before entering into a funding agreement with a purchaser (other than the Public Health Commission), the Minister shall give to the purchaser written notice of the Crown's objectives in relation to the following matters:
  - (a) The health status of the communities served by the purchaser:
  - (b) The health services or disability services, or both, to be purchased by the purchaser:
  - (c) The terms of access to those services; and the assessment and review procedures to be used in determining access to those services or such of those services as are specified in the notice:
  - (d) The standard of those services:
  - (e) The special needs of Maori and other particular communities or people for those services.
- (2) Before entering into a funding agreement with the Public Health Commission, the Minister shall give to the Commission written notice of the Crown's objectives in relation to public health.
- (3) Every objective given to a purchaser under this section must be an objective that, if met, will, in the Minister's opinion, assist in securing for the people of New Zealand—

- (a) The best health; and
  - (b) The best care or support for those in need of services; and
  - (c) The greatest independence for people with disabilities—  
that is reasonably achievable within the amount of funding provided.
- (4) The Minister may at any time, by written notice to a purchaser, amend a notice given to that purchaser under this section.
- (5) Where a notice is given to a purchaser under this section, the Minister shall, as soon as practicable after the giving of the notice, publish in the *Gazette* and lay before the House of Representatives a copy of the notice.

## **9 Objectives of Public Health Commission**

The objectives of the Public Health Commission, in carrying out its functions, shall be—

- (a) To improve and protect the public health; and
- (b) To meet the Crown's objectives notified to it under section 8 of this Act—

in accordance with, and to the extent enabled by, its funding agreement.

## **10 Objectives of regional health authorities**

The objectives of every regional health authority, in carrying out its functions, shall be—

- (a) To promote the personal health of people; and
- (b) To promote the care or support for those in need of personal health services or disability services; and
- (c) To promote the independence of people with disabilities; and
- (d) To meet the Crown's objectives notified to it under section 8 of this Act—

in accordance with, and to the extent enabled by, its funding agreement.

## **11 Objectives of Crown health enterprises**

- (1) The principal objective of every Crown health enterprise shall be to—
- (a) Provide health services or disability services, or both; and
  - (b) Assist in meeting the Crown's objectives under section 8 of this Act by providing such services in accordance with its statement of intent and any purchase agreement entered into by it—

while operating as a successful and efficient business.

- (2) Without limiting subsection (1) of this section, every Crown health enterprise shall have the following objectives:

- (a) To exhibit a sense of social responsibility by having regard to the interests of the community in which it operates:
- (b) To uphold the ethical standards generally expected of providers of health services or disability services, or both, as the case may be:
- (c) To be a good employer:
- (d) To be as successful and efficient as comparable businesses that are not owned by the Crown.

### *Accountability*

#### **12 Responsibility of Minister of Health**

The Minister of Health shall be responsible to the House of Representatives for—

- (a) Monitoring the extent to which the purpose of this Act has, and the objectives of the Crown, the Public Health Commission, and regional health authorities have, been achieved; and
- (b) The performance or exercise of the functions, duties, and powers given to him or her by this Act.

#### **13 Responsibility of shareholding Ministers**

The shareholding Ministers shall be responsible to the House of Representatives for the performance or exercise of the functions, duties, and powers given to them by this Act or by the rules of a Crown health enterprise.

#### **14 Application of Public Finance Act 1989**

The Public Health Commission and every regional health authority and Crown health enterprise shall be a Crown entity for the purposes of the Public Finance Act 1989 and, in particular, shall prepare statements of intent, annual financial statements, and annual reports in accordance with its obligations under that Act.

#### **15 Auditor**

- (1) Pursuant to section 23 of this Act, the Audit Office shall be the auditor of the Public Health Commission and of every regional health authority.
- (2) Pursuant to section 41 of this Act, the Audit Office shall be the auditor of every Crown health enterprise and of every subsidiary of a Crown health enterprise.

#### **16 Application of Ombudsmen Act 1975**

The Ombudsmen Act 1975 shall apply to the Public Health Commission and every regional health authority and Crown health enterprise in accordance with section 30 of the Health Reforms (Transitional Provisions) Act 1993.

**17 Application of Official Information Act 1982**

The Public Health Commission and every regional health authority and Crown health enterprise shall be an organisation within the meaning of section 2(1) of the Official Information Act 1982 by virtue of section 30 of the Health Reforms (Transitional Provisions) Act 1993, and the Official Information Act 1982 shall apply accordingly.

**18 Consultation**

- (1) The advice given by the National Advisory Committee on Core Health and Disability Support Services to the Minister under section 6 of this Act shall be formulated after consultation by the committee in accordance with subsection (2) of that section.
- (2) The advice given by the national advisory committee on health and disability services ethics to the Minister under section 7 of this Act shall be formulated after consultation by the committee in accordance with subsection (2) of that section.
- (3) The Public Health Commission shall consult in regard to matters relating to public health in accordance with section 29 of this Act.
- (4) Every regional health authority shall consult in regard to its intentions relating to the purchase of services in accordance with section 34 of this Act.

**19 Maintenance of appropriate standards**

Every purchaser shall purchase services only from persons who maintain standards (including ethical standards) that the purchaser considers appropriate for those services.

**Part II****Purchasers of Health and Disability Services****20 Definition of “purchaser”**

In this Act, “purchaser” means—

- (a) The Public Health Commission; or
- (b) A regional health authority; or
- (c) Any person that has agreed, and that has been declared by the Minister by notice in the *Gazette*, to be a purchaser for the purposes of this Act.

**21 Funding agreements**

- (1) In this Act, the term “funding agreement” means an agreement under which the Crown agrees to provide money to a purchaser in return for the purchaser purchasing, or arranging the purchase of, health services or disability services, or both, for the people described in the agreement.

- (2) The Minister may from time to time, on behalf of the Crown, and with such advice and assistance from the Ministry of Health or such other persons as the Minister may require,—
  - (a) Negotiate and enter into funding agreements containing such terms and conditions as may be agreed; and
  - (b) Monitor the performance of each funding agreement.
- (3) Nothing in this section limits—
  - (a) Any other enactment; or
  - (b) Any powers that the Minister or the Crown has under any enactment or rule of law.

## **22 Purchase agreements**

- (1) In this Act, the term “purchase agreement” means an agreement under which a purchaser agrees to provide money to a person in return for the person providing, or arranging the provision of, health services or disability services, or both.
- (2) Each purchaser may from time to time—
  - (a) Negotiate and enter into purchase agreements containing such terms and conditions as may be agreed; and
  - (b) Monitor the performance of each purchase agreement.
- (3) Nothing in this section limits any other enactment or rule of law.

## **23 Public Finance Act 1989 and audit**

- (1) Without limiting sections 41c to 41h of the Public Finance Act 1989,—
  - (a) Every statement of intent of the Public Health Commission or of a regional health authority shall include, in respect of each financial year to which it relates, the information specified in the First Schedule to this Act; and
  - (b) For the purposes of the Public Finance Act 1989, that information shall be deemed to be provisions of a kind referred to in paragraphs (a) to (h) of section 41d(1) of that Act.
- (2) For the purposes of the Public Finance Act 1989, the Minister shall be the Responsible Minister in relation to the Public Health Commission and each regional health authority.
- (3) The Audit Office shall be the auditor of the Public Health Commission and of every regional health authority. The Public Health Commission and every regional health authority shall pay to the Audit Office for carrying out its duties and functions as auditor fees at such rates as may be prescribed by the Minister of Finance.

**24 Statements of intent and annual reports of other purchasers**

- (1) Every person that is declared to be a purchaser under section 20(c) of this Act shall deliver to the Minister,—
  - (a) Not later than the beginning of each financial year of the purchaser during which it is expected that the purchaser will receive funds from the Crown, a statement of intent containing the information specified in Part I of the First Schedule to this Act; and
  - (b) Within 3 months after the end of each such financial year, a report on the operations of the purchaser during that year, and on the extent to which the intentions expressed in the purchaser's statement of intent for that year have been achieved.
- (2) Within 12 sitting days of receiving a statement of intent or report under this section, the Minister shall lay a copy of the statement or report before the House of Representatives.

**25 Powers of Minister to give directions**

- (1) The Minister may from time to time, by written notice to the Public Health Commission or a regional health authority, give to the Commission or authority such directions as the Minister considers necessary or expedient in relation to any matter relating to the Commission or authority, and the Commission or authority shall comply with every such direction.
- (2) No direction given under subsection (1) of this section may require the supply to any person of any information relating to an individual that would enable the identification of the individual concerned.
- (3) Before giving any notice under subsection (1) of this section, the Minister shall consult the Commission or authority as to the direction to be given in the notice.
- (4) Where a notice is given to the Commission or any authority under subsection (1) of this section, the Minister shall, as soon as practicable after the giving of the notice, publish in the *Gazette* and lay before the House of Representatives a copy of the notice.

**26 Provision of financial information**

The Minister of Finance may from time to time, by written notice, require the Public Health Commission or a regional health authority to supply to that Minister or such other person or class of persons as that Minister specifies, such financial forecasts or other financial information relating to the Commission or authority as that Minister specifies in the notice, and the Commission or authority shall comply with the requirement.

*Public Health Commission*

**27 Establishment of Commission**

- (1) There is hereby established a commission called the Public Health Commission.
- (2) The Commission shall be a body corporate with perpetual succession and a common seal and shall have and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity.

**28 Functions of Commission**

- (1) The functions of the Public Health Commission are—
  - (a) To monitor the state of the public health and to identify public health needs:
  - (b) To advise the Minister on matters relating to public health, including—
    - (i) Personal health matters relating to public health; and
    - (ii) Regulatory matters relating to public health:
  - (c) To purchase, or arrange for the purchase of, public health services, by means of purchase agreements or otherwise:
  - (d) To monitor the performance of purchase agreements and other arrangements by persons with whom it has entered into such agreements or arrangements:
  - (e) Such other functions as it is for the time being—
    - (i) Given by or under any enactment; or
    - (ii) Authorised to perform by the Minister, by written notice to the Commission after consultation with the Commission.
- (2) Where a notice is given to the Commission under subsection (1)(e)(ii) of this section, the Minister shall, as soon as practicable after the giving of the notice, publish in the *Gazette* and lay before the House of Representatives a copy of the notice.

**29 Commission to consult**

The Commission shall, in accordance with its statement of intent, consult in regard to matters relating to public health with such members of the public, persons involved in the provision of health services, and other persons as the Commission considers appropriate.

**30 Board of Commission**

- (1) All decisions relating to the operation of the Public Health Commission shall be made by or under the authority of the board of the Commission in accordance with its statement of intent.

- (2) The board of the Commission shall consist of up to 7 directors who shall be appointed from time to time by the Minister by notice in the *Gazette*; and clauses 3 and 4 of the Second Schedule to this Act shall apply to such appointments.
- (3) The directors of the Public Health Commission shall be persons who, in the opinion of the Minister, will assist the Commission to achieve its objectives.

### **31 Further provisions applying to Commission**

The provisions set out in the Second Schedule to this Act shall apply in respect of the Public Health Commission.

#### *Regional Health Authorities*

### **32 Establishment of regional health authorities**

- (1) The Governor-General may from time to time, by Order in Council,—
  - (a) Establish one or more regional health authorities; and
  - (b) Determine or change the name of any regional health authority.
- (2) Each regional health authority shall be a body corporate with perpetual succession and a common seal and shall have and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity.

### **33 Functions of regional health authorities**

- (1) The functions of each regional health authority are—
  - (a) To monitor the need for health services and disability services of the people who are described for this purpose in its funding agreement:
  - (b) To purchase health services and disability services for those people, by means of purchase agreements or otherwise:
  - (c) To monitor the performance of purchase agreements or other arrangements by persons with whom it has entered into such agreements or arrangements:
  - (d) Such other functions as it is for the time being—
    - (i) Given by or under any enactment; or
    - (ii) Authorised to perform by the Minister, by written notice to the authority after consultation with the authority.
- (2) Where a notice is given to a regional health authority under subsection (1)(d)(ii) of this section, the Minister shall, as soon as practicable after the giving of the notice, publish in the *Gazette* and lay before the House of Representatives a copy of the notice.

**34 Regional health authorities to consult**

Every regional health authority shall, in accordance with its statement of intent, on a regular basis consult in regard to its intentions relating to the purchase of services with such of the following as the authority considers appropriate:

- (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.

**35 Boards of regional health authorities**

- (1) All decisions relating to the operation of a regional health authority shall be made by or under the authority of the board of the regional health authority in accordance with its statement of intent.
- (2) Each board of a regional health authority shall consist of up to 7 directors who shall be appointed from time to time by the Minister by notice in the *Gazette*; and clauses 3 and 4 of the Second Schedule to this Act shall apply to such appointments.
- (3) The directors of a regional health authority shall be persons who, in the opinion of the Minister, will assist the authority to achieve its objectives.

**36 Further provisions applying to regional health authorities**

The provisions set out in the Second Schedule to this Act shall apply in respect of every regional health authority.

## Part III Crown Health Enterprises

**37 Incorporation of Crown health enterprises**

- (1) The shareholding Ministers may, from time to time,—
  - (a) Form and register under Part II or Part VIII of the Companies Act 1955 companies whose rules state that they are Crown health enterprises for the purposes of this Act; and
  - (b) Subscribe for or otherwise acquire shares in the capital of such companies on behalf of the Crown.
- (2) Any money required to be paid by a shareholding Minister for the purpose of subsection (1) of this section shall be paid out of money appropriated by Parliament for the purpose.
- (3) The number of shares held by a shareholding Minister in a Crown health enterprise shall be the same as the number of shares held in that enterprise by the other shareholding Minister.

- (4) The Minister for Crown Health Enterprises shall lay before the House of Representatives the rules of a Crown health enterprise, and any change to those rules, within 12 sitting days after the date on which the enterprise is formed and registered under the Companies Act 1955, or the date of the change, whichever is applicable.

### **38 Shareholding Ministers to hold all voting shares in Crown health enterprises**

- (1) No shareholding Minister shall—
- (a) Sell or otherwise dispose of shares in a Crown health enterprise held in the Minister's name; or
  - (b) Permit shares in a Crown health enterprise to be allotted to any person other than a shareholding Minister.
- (2) Nothing in subsection (1) of this section shall apply to redeemable preference shares that—
- (a) Are not convertible into shares of any other class; and
  - (b) Do not confer any rights to vote at any general meeting of the Crown health enterprise.

### **39 Boards of Crown health enterprises**

- (1) Except as otherwise provided in any enactment or rule of law or in the rules of the enterprise, all decisions relating to the operation of a Crown health enterprise shall be made by or under the authority of the board of the enterprise in accordance with its statement of intent.
- (2) The directors of a Crown health enterprise shall be appointed by the shareholding Ministers in accordance with the rules of the enterprise.
- (3) The directors of a Crown health enterprise shall be persons who, in the opinion of the shareholding Ministers, will assist the enterprise to achieve its objectives.

### **40 Ministers may require provision of services**

- (1) Subject to subsection (3) of this section, the shareholding Ministers may, from time to time, by written notice to a Crown health enterprise, require the enterprise to provide such health services or disability services, or both, as are specified in the notice.
- (2) Where a Crown health enterprise is required to provide health services or disability services, or both, by a notice given under subsection (1) of this section,—
- (a) The enterprise shall be entitled to be paid a reasonable price for providing those services, but any dispute as to such price shall not entitle the enterprise to withhold those services; and
  - (b) The notice shall specify the person or persons who are to pay that price.

- (3) Before giving any notice under subsection (1) of this section, the shareholding Ministers shall—
  - (a) Have regard to section 11 of this Act; and
  - (b) Consult the enterprise as to the services that are to be required to be provided, and the price to be paid for those services.
- (4) Where a notice is given to an enterprise under subsection (1) of this section, the Minister for Crown Health Enterprises shall, as soon as practicable after the giving of the notice, publish in the *Gazette* and lay before the House of Representatives a copy of the notice.

#### **41 Audit Office to be auditor of Crown health enterprises and subsidiaries**

- (1) Notwithstanding sections 163 to 165 and section 354(3) of the Companies Act 1955, the Audit Office shall be the auditor of every Crown health enterprise, and of every subsidiary of every such enterprise, and for the purposes of that Act shall have and may exercise the functions, duties, and powers of an auditor appointed under that Act and all such powers as it has under the Public Finance Act 1977 in respect of public money and public stores.
- (2) Every Crown health enterprise shall pay to the Audit Office for carrying out its duties and functions under this section fees at such rates as may be prescribed by the Minister of Finance.
- (3) Without limiting subsection (1) or subsection (2) of this section, a Crown health enterprise may, after consultation with the Audit Office and if the Minister for Crown Health Enterprises so approves, appoint a person or firm that is qualified for appointment as an auditor of a company to be an additional auditor of the enterprise or any of its subsidiaries.

#### **42 Application of Public Finance Act 1989 to Crown health enterprises**

- (1) Without limiting sections 41c to 41h of the Public Finance Act 1989,—
  - (a) Every statement of intent of a Crown health enterprise shall include provisions stating the procedure for any disposal of land transferred to, or vested in, the enterprise pursuant to the Health Reforms (Transitional Provisions) Act 1993; and
  - (b) For the purposes of the Public Finance Act 1989, those provisions shall be deemed to be provisions of a kind referred to in paragraphs (a) to (h) of section 41d(1) of that Act.
- (2) Without limiting section 41i of the Public Finance Act 1989, every annual report of a Crown health enterprise shall contain a summary of those provisions of the personnel policy operated by the enterprise that the enterprise considers will assist it in meeting its objective of being a good employer.

**43 Employees**

- (1) The terms and conditions of employment of a chief executive appointed by a Crown health enterprise shall be determined by agreement between the board of the enterprise and the chief executive, except that the board shall not finalise those terms and conditions without first consulting with the State Services Commissioner.
- (2) A Crown health enterprise shall not enter into a collective employment contract with any or all of its employees unless the enterprise or its representative has first consulted with the State Services Commissioner with respect to the terms and conditions of the contract.
- (3) The Governor-General may from time to time, by Order in Council,—
  - (a) Declare that either or both of subsections (1) and (2) of this section shall not apply in respect of any Crown health enterprise, or any enterprise specified in the order; or
  - (b) Revoke any order made under paragraph (a) of this subsection and reinstate the application of either or both of those subsections to the enterprises or enterprise concerned;—

and every such order shall have effect according to its tenor.

**44 Provisions relating to Ministers' shareholding**

- (1) Shares in a Crown health enterprise held in the name of a person described as the Minister of Finance or the Minister for Crown Health Enterprises shall be held by the person for the time being holding the office of Minister of Finance or Minister for Crown Health Enterprises, as the case may be.
- (2) Notwithstanding any other enactment or rule of law, it shall not be necessary to complete or register a transfer of shares in a Crown health enterprise consequent upon a change in the person holding the office of Minister of Finance or Minister for Crown Health Enterprises, as the case may be.
- (3) Each shareholding Minister may exercise all the rights and powers attaching to the shares in a Crown health enterprise held by that Minister.
- (4) A shareholding Minister may at any time or times, by written notice to the secretary of a Crown health enterprise, authorise (on such terms and conditions as are specified in the notice) such person as the Minister thinks fit to act as the Minister's representative at any or all of the meetings of shareholders of the enterprise, and any person so authorised shall be entitled to exercise the same powers on behalf of the Minister as the Minister could exercise if present in person at the meeting or meetings.

**45 Application of Companies Act 1955 to Crown health enterprises**

- (1) Notwithstanding the Companies Act 1955, the shareholding Ministers may form and register a Crown health enterprise under Part II of that Act as if the

- reference to the figure “7” in section 13(1) of that Act were a reference to the figure “2”.
- (2) In the application of the Companies Act 1955 to a Crown health enterprise, the following provisions of that Act shall be construed as if references therein to 7 members were references to 2 members:
    - (a) Section 41, as to carrying on business when the number of members is reduced below the legal minimum:
    - (b) Section 217(d), as to winding up by the Court when the number of members is reduced below the legal minimum:
    - (c) Section 219(a)(i), as to the presentation of a winding-up petition by a contributory when the number of members is reduced below the legal minimum.
  - (3) Nothing in section 134 of the Companies Act 1955 (which relates to statutory meetings) shall apply to a Crown health enterprise.

## **Part IV**

### **Miscellaneous Provisions**

#### **46 Ministerial committees**

- (1) The Minister may from time to time appoint such committees as the Minister considers necessary or desirable for any purpose relating to this Act or its administration.
- (2) Every committee appointed under this section (other than the committees referred to in sections 6 and 7 of this Act) shall have such functions as the Minister from time to time determines by written notice to the committee.
- (3) Every committee appointed under this section—
  - (a) Shall consist of such members as the Minister determines from time to time; and
  - (b) May, subject to any written directions of the Minister, regulate its procedure in such manner as the committee thinks fit.
- (4) Members of any committee appointed under this section shall be appointed on such terms and conditions (including terms and conditions as to remuneration and travelling allowances and expenses) as the Minister may from time to time determine.
- (5) Nothing in this section or in section 6 or section 7 of this Act limits any powers that the Minister has under any other enactment or rule of law.

#### **47 Inquiries and investigations**

- (1) The Minister, or the Director-General of Health, may from time to time appoint one or more persons to conduct an inquiry or investigation into the purchase or provision of health services or disability services, or both.

- (2) Subject to the provisions of any enactment, any appointment in accordance with subsection (1) of this section shall be on such terms and conditions as the Minister or the Director-General of Health (as the case may be) may from time to time determine.
- (3) Any person or persons appointed by the Minister to conduct an inquiry or investigation under this section shall, if the Minister so directs, have the powers of a Commission under the Commissions of Inquiry Act 1908, and the provisions of that Act, except sections 11 and 12 (which relate to costs), shall apply as if the inquiry or investigation were an inquiry under that Act.
- (4) There may be paid out of money appropriated by Parliament for the purpose to any person or persons appointed by the Minister under this section remuneration by way of fees, salary, and allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the person or persons so appointed were a statutory Board within the meaning of that Act.
- (5) Subject to the provisions of any enactment and to any terms and conditions determined under subsection (2) of this section, any persons appointed under this Act may determine their own procedure.
- (6) Nothing in this section limits any powers that the Minister, or the Director-General of Health, has under any enactment or rule of law.

#### **48 Protection from disclosure of sensitive information**

Nothing in this Act shall be construed as requiring the inclusion in any statement of intent or annual report referred to in any of sections 23, 24, and 42 of this Act of any information that could be properly withheld if a request for that information were made under the Official Information Act 1982.

#### **49 Saving of certain transactions**

A failure by the Crown or any purchaser or a Crown health enterprise to comply with—

- (a) Any provision of Part I, or of sections 28, 29, 30, 33, 34, 35, 39, and 43, of this Act; or
  - (b) Any provision of the Second Schedule to this Act; or
  - (c) Any provision in any statement of intent; or
  - (d) Any direction or requirement given under this Act or any other Act,—
- shall not affect the validity or enforceability of any deed, agreement, right, or obligation entered into, or incurred by, the Crown or the purchaser or enterprise.

#### **50 Power of member of Executive Council to exercise Minister's powers**

Without limiting section 7 of the Constitution Act 1986, any function, duty, or power exercisable by or conferred on a Minister of the Crown (by whatever

designation that Minister is known) under or by this Act, or the rules of a Crown health enterprise, may be exercised or performed by any member of the Executive Council.

### **51 Arrangements relating to payments for health and disability services**

- (1) Where the Public Health Commission or a regional health authority gives notice of the terms and conditions on which the Commission or authority will make a payment to any person or persons, and, after notice is given, such a payment is accepted by any such person from the Commission or authority, then—
  - (a) Acceptance by the person of the payment shall constitute acceptance by the person of the terms and conditions; and
  - (b) Compliance by the person with the terms and conditions may be enforced by the Commission or authority as if the person had signed a deed under which the person agreed to the terms and conditions.
- (2) Any terms and conditions of which notice is given under subsection (1) of this section shall, unless they expressly provide otherwise, be deemed to include a provision to the effect that four weeks' notice must be given of any amendment or revocation of the terms and conditions.
- (3) For the purposes of this section, notice may be given individually or by public notice.

### **52 Regulations**

- (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:
  - (a) Providing for the issue of entitlement cards (including cards that may record information of any description that is capable of being read or processed by a computer but not including cards that are themselves capable of processing information) to various classes of persons or the continuation of use of such cards issued pursuant to the Social Security (Entitlement Cards) Regulations 1991:
  - (b) Prescribing the classes of persons eligible to be issued with such cards:
  - (c) Prescribing and regulating the use of such cards, including (but not limited to)—
    - (i) Their use to obtain any payment or exemption from payment for health services or disability services supplied to the holder of such a card, or his or her dependent spouse or child:
    - (ii) Specifying time limits on the validity of such cards:
    - (iii) Requiring holders to return such cards to the Ministry of Health:
    - (iv) Any other conditions relating to their use:

- 
- (d) Providing for reviews or appeals, or both, of any decisions made under any regulations authorised by this section:
  - (e) Prescribing offences relating to the improper use of such cards and the fines (not exceeding \$10,000) that may be imposed in respect of any such offences.
- (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.

## SCHEDULES

### FIRST SCHEDULE

#### Information to be Included in Purchasers' Statements of Intent

Sections 23(1)(a), 24(1)(a)

#### PART I

##### *Purchasing Information*

**1 Crown's objectives**

A description of any social or other objectives of the Crown that have been notified to the purchaser under section 8 of this Act.

**2 Services to be purchased**

A summary of the services that the purchaser intends to purchase and the policies of the purchaser with regard to—

- (a) The persons for whom the services will be purchased; and
- (b) The categories of those services; and
- (c) The standards of those services; and
- (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 51 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.

**3 Factors and priorities**

The factors and priorities that have been taken into account in deciding the services intended to be purchased.

**4 Funding**

The amount of money that the purchaser expects to receive from the Crown.

**5 Monitoring**

The steps that the purchaser intends to take—

- (a) To measure the performance; and
- (b) To monitor the standards—  
of the services to be purchased.

**6 Information**

The kind of information to be provided to the Minister.

**7 Consultation**

A description of the steps that the purchaser intends to take to consult in accordance with this Act.

**8 Disputes resolution**

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

**9 Other matters**

Any other matters that are agreed by the Minister and the purchaser.

## PART II

### *Ownership Information Relating to Public Health Commission and Regional Health Authorities*

Section 23(1)(a)

**1 Funding**

The total funding, and the total income, expected to be received.

**2 Expenditure**

The total operating expenditure, the total purchasing expenditure, and the total expenditure expected to be made.

**3 Liabilities**

The total term liabilities, the total current liabilities, and the total contingent liabilities.

**4 Risk management**

A description of the risk management strategies intended to be implemented.

**5 Disposal**

The procedure for the disposal of land transferred or vested pursuant to the Health Reforms (Transitional Provisions) Act 1993.

**6 Other information**

The information required to be included by the Public Finance Act 1989.

**SECOND SCHEDULE**  
**Provisions Applying in Respect of the Public Health Commission**  
**and Every Regional Health Authority**

Sections 31, 36

**1 Definition**

In this Schedule, “Government purchaser” means the Public Health Commission or a regional health authority.

*Directors*

**2 Chairperson and deputy chairperson of directors**

- (1) The Minister shall appoint one director of every Government purchaser as the chairperson of the board of that Government purchaser.
- (2) The Minister may, after consultation with the board of a Government purchaser, appoint one director of that Government purchaser as the deputy chairperson of the board of that Government purchaser.
- (3) Any director holding the office of chairperson or deputy chairperson of the board of a Government purchaser may at any time be removed from the office of chairperson or deputy chairperson by the Minister.
- (4) Any director holding the office of chairperson or deputy chairperson of the board of a Government purchaser may at any time resign the office of chairperson or deputy chairperson by written notice to the Minister.
- (5) If the chairperson or deputy chairperson of the board of a Government purchaser ceases to be a director of that Government purchaser, he or she shall thereupon vacate, as the case may require, the office of chairperson or the office of deputy chairperson.
- (6) If the deputy chairperson of the board of a Government purchaser is appointed as chairperson of that board, he or she shall vacate the office of deputy chairperson.

**3 Terms and conditions of appointment**

Every director of a Government purchaser—

- (a) Shall be appointed for a term not exceeding 3 years; and
- (b) Shall be paid such remuneration as the board may from time to time determine, except that the aggregate amount for directors’ remuneration in respect of any financial year shall not exceed an amount approved by the Minister for that purpose; and
- (c) Subject to the provisions of this Act, shall be appointed on such terms and conditions as the Minister from time to time determines; and
- (d) Shall be eligible for reappointment.

**4 Vacation of office**

Notwithstanding any provision of this Act or of any deed or agreement, the office of a director of a Government purchaser shall immediately be vacated if—

- (a) The Minister so notifies the director and the Government purchaser in writing; or
- (b) The director resigns his or her office by notice in writing to the Minister and to the Government purchaser; or
- (c) The term of appointment of the director expires.

**5 Alternate directors**

- (1) Any director of a Government purchaser may, by written notice to the Government purchaser delivered by hand or sent by post, telex, facsimile, or other written message,—
  - (a) Appoint any other director of the Government purchaser to act as an alternate director in his or her place, either for a specified period, or generally during the absence or inability to act from time to time of the director; and
  - (b) Revoke at any time any appointment made under paragraph (a) of this subclause.
- (2) The appointment of an alternate director shall cease if—
  - (a) His or her appointor ceases to be a director of the Government purchaser; or
  - (b) He or she ceases to be a director of the Government purchaser.
- (3) An alternate director shall, unless otherwise provided by the terms of his or her appointment and while acting in the place of the director he or she represents, have all the powers, rights, privileges, and duties of the director appointing him or her (including without limitation the right to receive notice of meetings and the power to sign or assent to resolutions) and be subject in all respects to the same terms and provisions as the appointing director; except that an alternate director shall not have the right in his or her capacity as an alternate director (as distinct from his or her capacity as a director) to receive remuneration from the Government purchaser, to witness the affixing of the seal of the Government purchaser, or to act as chairperson or deputy chairperson of the Government purchaser.
- (4) Subject to clause 6(4) of this Schedule, a director who is also an alternate director shall be entitled to exercise his or her voting and other powers as an alternate director in addition to and independently of the exercise of his or her powers as a director.

*Meetings of Directors***6 Meetings**

- (1) Meetings of the board of a Government purchaser shall be held—
  - (a) At such times; and
  - (b) Either—
    - (i) At such places; or
    - (ii) As provided in clause 10 of this Schedule (which relates to tele-conference meetings)—  
as the board or its chairperson from time to time appoints.
- (2) Notice of a meeting of a board of a Government purchaser shall be given to each director of the Government purchaser and shall be delivered by hand or sent by post, telex, facsimile, or other written message; except that it shall not be necessary to give notice to any director for the time being absent from New Zealand.
- (3) At any meeting of the board of a Government purchaser the quorum necessary for the transaction of business shall be—
  - (a) If the board comprises not more than 3 directors, the directors who comprise the board; or
  - (b) If the board comprises more than 3 directors, 3 directors.
- (4) A director who is also an alternate director shall, for the purposes of determining the quorum, be counted once only.
- (5) A meeting of the board of a Government purchaser at which the quorum is present shall be competent to exercise all or any of the authorities, powers, and discretions exercisable by the board of that Government purchaser generally.

**7 Chairperson to preside at meetings**

- (1) At each meeting of the board of a Government purchaser the chairperson of the board shall preside if that person is present and willing to preside.
- (2) If the chairperson is not present or willing to preside at any such meeting, the deputy chairperson, if present and willing to preside, shall preside.
- (3) If neither the chairperson nor a deputy chairperson is present and willing to preside at any such meeting, the directors present shall elect a director who is present to preside at that meeting, and the person so elected shall have and may exercise all the powers and functions of the chairperson for the purposes of that meeting.

**8 Voting at meetings**

All questions arising at any meeting of the board of a Government purchaser shall be decided by a majority of the votes cast by the directors present. In the

case of an equality of votes, the chairperson of the meeting shall not have a second or casting vote.

**9 Resolution assented to by all directors**

A resolution in writing signed or assented to by letter, telex, facsimile, or other written message, by every director for the time being of a Government purchaser shall be as valid and effective as if it had been passed at a meeting of the board of the Government purchaser duly called and constituted. Any such resolution may consist of several documents in like form, each signed or purported to have been despatched by one or more directors.

**10 Teleconference meeting**

- (1) The contemporaneous linking together by telephone or other means of communication of a number of directors of a Government purchaser, being not less than the relevant quorum provided by clause 6(3) of this Schedule, whether or not one or more of the directors is out of New Zealand, shall be deemed to constitute a meeting of the board of the Government purchaser, and all of the provisions of this Schedule shall apply to that meeting, if the following conditions are met:
- (a) Notice shall have been given, by telephone or other means of communication, to every director of the Government purchaser for the time being entitled to receive notice of a meeting of the board; and
  - (b) Each of the directors taking part in the meeting by telephone or other means of communication must—
    - (i) Be linked by telephone or such other means for the purposes of the meeting; and
    - (ii) At the commencement of the meeting acknowledge, to all the other directors taking part, the director's presence for the purpose of a meeting of the board of the Government purchaser; and
    - (iii) Be able throughout the meeting to hear each of the other directors taking part; and
    - (iv) On any vote, individually express his or her vote to the meeting.
- (2) A director shall not leave a meeting held under subclause (1) of this clause by disconnecting the director's telephone or other means of communication unless the director has previously obtained the express consent of the chairperson of the meeting. A director shall be conclusively presumed to have been present, and to have formed part of the quorum, at all times during the meeting by telephone or other means of communication unless the director has previously obtained the express consent of the chairperson to leave the meeting.
- (3) A minute of the proceedings at a meeting held under subclause (1) of this clause shall be sufficient evidence of those proceedings, and the observance of

all necessary formalities, if certified as a correct minute by the chairperson of the meeting.

## **11 Procedure**

Subject to this Act, every board of a Government purchaser may regulate its procedure in such manner as it thinks fit.

### *Interested Directors*

## **12 Disclosure of interests**

- (1) Any director of a Government purchaser who, otherwise than as a director, is directly or indirectly interested in the exercise or performance of any function, power, or duty by the Government purchaser, or who is directly or indirectly interested in any arrangement, agreement, or contract made or entered into, or proposed to be made or entered into, by the Government purchaser shall, as soon as practicable after the relevant facts have come to the director's knowledge, disclose the nature of the interest to the board of the Government purchaser.
- (2) Where a director of a Government purchaser makes a disclosure under this clause, that director—
  - (a) Shall not take part, after the disclosure, in any deliberation or decision of the Government purchaser relating to the exercise or performance of the function, power, or duty by the Government purchaser or relating to the arrangement, agreement, or contract; and
  - (b) Shall be disregarded for the purpose of forming a quorum of the Government purchaser for any such deliberation or decision.
- (3) Failure to comply with this clause shall not affect the validity of any action taken, or arrangement, agreement, or contract made, by a Government purchaser.
- (4) The Minister may by written notice to a Government purchaser waive or modify any of the provisions of this clause in respect of any particular director or matter, or class of matters that, in the Minister's opinion, does not constitute a direct or indirect material interest.
- (5) The Minister shall lay before the House of Representatives a copy of any notice issued under subclause (4) of this clause within 12 sitting days after the date on which the Minister issues the notice.

### *Delegations by Board*

## **13 Committees**

The board of a Government purchaser may from time to time appoint and dissolve one or more committees of the board, and—

- (a) Any such committee may consist of or include persons who are not directors of the Government purchaser; and
- (b) The board shall regulate the procedure of each such committee in such manner as it thinks fit.

#### **14 Delegations**

- (1) The board of a Government purchaser may, by written notice, delegate any of its functions, duties, or powers, or any of the functions, duties, or powers of the Government purchaser, to any committee of the board, director, employee, consultant, or agent.
- (2) A delegation may be to any named person or to any member of a specified class of persons. If the delegation is to a class of persons, it shall, unless otherwise provided in the delegation, apply to each member of the class for the time being irrespective of any change in membership of the class.
- (3) Unless otherwise provided in the delegation, a delegate may exercise the function, duty, or power in the same manner and with the same effect as if the delegate were the board or the Government purchaser, as the case may be, and may further delegate the function, duty, or power.
- (4) Every delegation shall be revocable at will and no such delegation shall prevent the exercise of the function, duty, or power by the board or the Government purchaser, as the case may be.
- (5) Every delegate purporting to act under any delegation under this clause shall, until the contrary is proved, be presumed to be acting in accordance with the terms of the delegation.

#### *Miscellaneous Provisions*

#### **15 Employees**

- (1) It shall be an objective of every Government purchaser to be a good employer.
- (2) The terms and conditions of employment of a chief executive appointed by a Government purchaser shall be determined by agreement between the board of the purchaser and the chief executive, except that the board shall not finalise those terms and conditions without first consulting with the State Services Commissioner.
- (3) A Government purchaser shall not enter into a collective employment contract with any or all of its employees unless the purchaser or its representatives has first consulted with the State Services Commissioner with respect to the terms and conditions of the contract.
- (4) Without limiting section 41i of the Public Finance Act 1989, every annual report of a Government purchaser shall contain a summary of those provisions of the personnel policy operated by the purchaser that it considers will assist it in meeting its objective of being a good employer.

**16 Liability of directors and employees**

- (1) No director or employee of a Government purchaser shall be personally liable for any liability of the Government purchaser, or for any act done or omitted by the Government purchaser or by any of its directors or employees in good faith in pursuance or intended pursuance of the functions, duties, or powers of the Government purchaser.
- (2) No action for damages shall lie against any director or employee of a Government purchaser at the suit of any person in respect of any compliance with, or failure to comply with, any direction given by the Minister under section 25 of this Act or any requirement of the Minister of Finance under section 26 of this Act.

**17 The seal**

- (1) The board of a Government purchaser shall provide for the safe custody of the seal of the Government purchaser which shall be in such form as the board shall decide. The seal shall be used only by the authority of a resolution of the board, or of a committee of the board authorised in that behalf, and every document to which the seal is affixed shall be signed by two persons, each of whom is—
  - (a) A director of the Government purchaser; or
  - (b) A person appointed by the board for the purpose of signing that document or documents of that kind.
- (2) The seal of a Government purchaser shall be judicially noticed in all Courts and for all purposes.

**18 Powers**

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

**19 Restrictions on borrowing and investment**

- (1) Notwithstanding any other enactment, except with the consent of the Minister of Finance, it shall not be lawful for a Government purchaser to raise a loan (within the meaning of section 2(1) of the Public Finance Act 1989) or for any person to lend money to a Government purchaser.
- (2) Notwithstanding any other enactment, every Government purchaser shall invest any money it has that is not immediately required for expenditure by it in such securities as the Minister of Finance may from time to time approve.

**20 Archives Act 1957 to apply**

It is hereby declared that every Government purchaser is a Government office for the purposes of the Archives Act 1957.

**21 Tax status**

For the purposes of the Inland Revenue Acts (as defined in the Inland Revenue Department Act 1974) each Government purchaser shall be deemed to be a public authority.

This Act is administered in the Ministry of Health.