



## Proactive Release

The following documents have been proactively released by the Department of the Prime Minister and Cabinet (DPMC), on behalf of Hon Andrew Little, Minister of Health:

### Health and Disability System Reform Briefings

The following documents have been included in this release:

**Title of paper:** Health Reform Strategy and Approach to Legislation

**Title of paper:** Health Reforms: Implementation and Transition Cabinet Paper

**Title of paper:** Health Reforms: Planning and Accountability Framework

**Title of paper:** Health Reforms: Implementation of a Consumer Voice Framework

**Title of paper:** Health Reforms: Legislation Cabinet Paper Summary and Talking Points

**Title of paper:** Health Reform: Legislation and Transition Update

**Title of paper:** Health Reforms: Legislating for Public Health Structures

**Title of paper:** Health Reforms: Legislating Intervention Powers and Obligations Relating to Health New Zealand

**Title of paper:** Health Reforms: Final Decisions for Legislation

**Title of paper:** Health Reforms: Implementation Cabinet Paper Summary and Talking Points

**Title of paper:** Confirming Hauora Māori System Settings

**Title of paper:** Health Reforms: Employment Relations Settings

**Title of paper:** Further Policy Decisions for the Health Reform Bill: Cabinet Paper Summary and Talking Points

**Title of paper:** Health Reforms: Development of the NZ Health Charter and Associated Legislative Provisions

**Title of paper:** Health Reforms: Independent Alcohol Advice and Research Function and Levy

**Title of paper:** Health Reforms: Remaining Transitional and Consequential Provisions for Decision

**Title of paper:** Joint Te Kawa Mataaho/ Health Transition Unit Report: Māori Health Authority – Proposed Application of Crown Entities Act 2004 and Public Service Act 2020

**Title of paper:** Health Reforms: Draft Cabinet Paper to Approve Bill for Introduction and Health System Principles

**Title of paper:** Pae Ora (Healthy Futures) Bill: Approval for Introduction at Cabinet



Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant section of the Act that would apply has been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

**Key to redaction codes:**

- section 9(2)(a), to protect the privacy of individuals;
- section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials;
- section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion; and
- section 9(2)(h), to maintain legal professional privilege.



# Briefing

## HEALTH REFORMS: FINAL DECISIONS FOR LEGISLATION

To: Hon Andrew Little, Minister of Health; Hon Peeni Henare, Associate Minister of Health

Date	13/08/2021	Priority	Routine
Deadline	17/08/2021	Briefing Number	DPMC-2021/22-149

### Purpose

This briefing covers a draft Cabinet paper seeking the final Cabinet decisions necessary to draft health reform legislation. It outlines the proposed content of the paper and seeks your comments on the content.

### Recommendations

1. **Note** that the draft Cabinet paper attached is intended to seek what we anticipate are the final Cabinet decisions necessary to inform drafting of the health reform legislation
2. **Note** we have drafted the paper in anticipation of your decisions on certain matters.
3. **Provide** any comments on the draft paper.
4. **Note** an early draft of the reform legislation is attached, and we would appreciate the opportunity to discuss it with you next Tuesday.

Hon Andrew Little  
Minister of Health

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Hon Peeni Henare  
Associate Minister of Health

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Stephen McKernan  
Director  
Health Transition Unit

13 / 08 / 2021

**Contact for telephone discussion if required:**

Name	Position	Telephone	1st contact
Stephen McKernan	Director, Health Transition Unit	s9(2)(a)	
Simon Medcalf	Health Team Lead	s9(2)(a)	X

**Minister's office comments:**

- Noted
- Seen
- Approved
- Needs change
- Withdrawn
- Not seen by Minister
- Overtaken by events
- Referred to

# HEALTH REFORMS: FINAL DECISIONS FOR LEGISLATION

## Purpose

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1. This briefing covers and seeks your initial feedback on a draft paper seeking the final Cabinet decisions necessary to inform drafting of health reform legislation. Officials would like to discuss your feedback at your Tuesday 17 August meeting with Transition Unit and Ministry of Health officials.

## Outline of the Cabinet paper

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2. The draft Cabinet paper seeks decisions on matters relating to the Māori Health Authority and iwi/Māori partnership boards. It also provides an update to Cabinet on decisions you have made on intervention powers and public health statutory amendments, following Cabinet's delegation of those decisions to you.
3. The content of the paper reflects the decisions you have made on the issues, and largely follows the content of our briefings to you. Where there were options in the briefings, we have anticipated decisions for the sake of clarity in the paper, and would particularly appreciate your comments on those matters.
4. We have assumed:
  - a. A requirement for a Māori Health Advisory Committee to be established by the Minister
  - b. A requirement for the Minister to consult that Committee before exercising powers to:
    - i. appoint Board members of the Māori Health Authority
    - ii. set requirements for statements of intent and service expectations
    - iii. direct the Authority to give effect to government policy
    - iv. Require an improvement plan
  - c. A requirement that the Minister may only exercise the following powers relating to the Māori Health Authority with the Committee's agreement:
    - i. replace the Board with a Commissioner
    - ii. Appoint a Crown observer

### *Treaty provisions*

5. Cabinet has previously agreed treaty provisions giving effect to the principles identified in the Hauora Inquiry, in the standard modern form. That is, a descriptive clause setting out how the provisions of the legislation address the Crown's Treaty obligations. They further agreed that you would provide further advice once officials had worked through options on how to give effect to them. The paper sets out our current thinking on this.
6. We are seeking advice from Crown Law, Te Arawhiti, and the Ministry of Justice before wider consultation.

*Regulatory impact analysis for this paper*

7. Although a Supplementary Analysis report was completed for the March 2021 Cabinet decisions, that analysis related to the overall package of reform and did not focus specifically on the hauora Māori decisions made at that time, or those which are being made in this paper.
8. We have agreed with the Treasury that the major decision requiring further analysis is the choice of organisational form for the Māori Health Authority, and are drafting a Regulatory Impact Statement based on the preferred option we have confirmed with you this week, although for analytical purposes the document will also need to reference the 'Crown Agent' and fully independent options that have been ruled out. The document will also need to include an analysis of estimated costs and benefits for the Māori Health Authority. Although it will not be possible to quantify all relevant benefits, we expect to highlight selected examples where equalising the access to and effectiveness of services for Māori (compared with non-Māori) would yield significant benefits.
9. We will provide you with a copy prior to lodging and advise you as to the nature of the quality assurance assessment.

*Draft Bill*

10. We have received a draft Bill, which is attached. It is an early draft, with several sets of content still to come, but it does set out the general scheme of the structures and planning architecture fairly completely. We would like to discuss this draft with you in our meeting on Tuesday 17 August.

**Next steps**

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11. Subject to your feedback, we will continue to revise and update the draft paper, with the aim of commencing consultation on Wednesday 18 August. We will confirm the date of commencing Ministerial consultation with your office, in light of the request to provide this content for an August meeting of the Ministerial Oversight Group (date of this meeting to be confirmed).
12. We will continue to seek comments from the Ministry of Health, Treasury and Public Service Commission on the current draft and advise you on any issues that arise from those discussions.