

Pae Ora (Disestablishment of Māori Health Authority) Amendment Bill

Government Bill

Explanatory note

General policy statement

This Bill disestablishes the Māori Health Authority, giving effect to the coalition Government's policy commitment in its 100-day plan. Relevant joint decision-making provisions will be repealed.

It is intended that the majority of functions and staff are transferred between agencies using the provisions of the Health Sector (Transfers) Act 1993, with the vast majority of Māori Health Authority staff moving to Health New Zealand. This Bill includes provisions to transfer any remaining assets or obligations to Health New Zealand on commencement.

The Bill makes related changes to provisions relating to Iwi-Māori Partnership Boards, the Hauora Māori Advisory Committee, and timeframes for implementing localities.

Iwi-Māori partnership boards are a mechanism for ensuring local health services can meet the needs and aspirations of Māori recognised within the Pae Ora (Healthy Futures) Act 2022. The Government considers that the wider functions of the boards remain relevant to help planning and commissioning decisions respond to local need and circumstances and can help to improve health services.

The Hauora Māori Advisory Committee continues to have a valuable role in providing independent advice to ministers with respect to Māori health. Committee membership will be changed to being made by Ministerial appointment.

The timeframe for localities has been extended to allow for time to determine the appropriate future model with the removal of joint decision-making provisions.

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=2024&no=26>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 states that the Bill comes into force on **30 June 2024**.

Clause 3 states that the Bill amends the Pae Ora (Healthy Futures) Act 2022 (the **Act**).

Part 1

Amendments to Parts 1 to 3

Clauses 4 and 5 remove references to the Māori Health Authority from section 4 (which provides for interpretation of terms) and section 5 (which is a guide to the Act).

Clause 6 amends section 6, which describes how the Act provides for the Crown's intention to give effect to the principles of te Tiriti o Waitangi (the Treaty of Waitangi), to reflect changes made by the Bill.

Clause 7 amends section 10, which provides an overview of the role of the Minister of Health (the **Minister**) in the health system, to remove the reference to the Māori Health Authority.

Clause 8 repeals section 12(4), which provides that the chairperson of the Māori Health Authority is an ex officio member of the board of Health New Zealand.

Clause 9 amends section 13 to add the following to Health New Zealand's objectives:

- to achieve the best possible health outcomes for all New Zealanders; and
- to ensure that planning and service delivery respond to the aspirations and needs of the population.

Clause 10 amends section 14 to remove the functions of Health New Zealand that relate to working with the Māori Health Authority. The amendment also adds a new function of Health New Zealand, which relates to the provision of accessible and understandable information about the performance of the publicly funded health sector.

Clause 11 replaces section 15, which currently requires Health New Zealand to provide information to iwi-Māori partnership boards to support them in achieving their purpose.

New section 15 is based on section 21 (repealed by *clause 14*) and requires Health New Zealand to—

- take reasonable steps to support iwi-Māori partnership boards to achieve their purpose; and
- engage with iwi-Māori partnership boards when determining priorities for kaupapa Māori investment.

Clause 12 amends section 16, which states additional collective duties of the board of Health New Zealand, by—

- requiring the board to ensure that Health New Zealand has the capacity and capability to understand kaupapa Māori services and cultural safety and responsiveness of services; and
- consequentially removing the duty to work collaboratively with the Māori Health Authority.

Clause 13 inserts *new section 16A*, which is based on the role of the Māori Health Authority under section 20 (which is repealed by *clause 14*).

New section 16A requires Health New Zealand to have systems for engaging with Māori about their aspirations and needs for hauora Māori, and for using responses to that engagement to inform the performance of its functions.

Clause 14 repeals subpart 3 of Part 2, which relates to the establishment, functions, and operation of the Māori Health Authority.

Clause 15 amends section 30, which states the functions of iwi-Māori partnership boards. The amendments—

- remove the functions of agreeing to locality plans and nominating members to the Hauora Māori Advisory Committee; and
- add a new function of developing priorities for improving hauora Māori by working with Health New Zealand.

Clause 15 also amends section 30 to reflect the transfer of certain functions from the Māori Health Authority to Health New Zealand.

Clause 16 amends section 31, which sets out the process for recognition of iwi-Māori partnership boards. The amendment provides that the Director-General of Health, instead of the Māori Health Authority, will consider and advise whether the statutory criteria for recognition have been met by organisations seeking recognition.

Clause 17 repeals subpart 5 of Part 2, which provides a means for the resolution for disputes. This subpart is no longer required as a result of changes made by this Bill.

Clause 18 makes consequential amendments to the overview of important health documents provided in section 33.

Clause 19 makes consequential amendments to section 35, which relates to the preparation of the Government Policy Statement on Health (the **GPS**).

Clause 20 amends section 36, which sets out requirements for the content of the GPS, to correct an error by replacing a reference to rural people with a reference to Pacific peoples.

Clause 21 repeals the requirement in section 42 for the Hauora Māori Strategy to be jointly prepared by the Ministry of Health and the Māori Health Authority.

Clause 22 amends section 47, which sets out the process for making a health strategy. The amendment requires the Minister to have regard to any advice from the Hauora Māori Advisory Committee (instead of the Māori Health Authority).

Clause 23 amends section 50, which relates to the development of a New Zealand Health Plan. The effect of the amendment is that the plan will be developed solely by Health New Zealand.

Clause 24 amends section 51, which specifies the content of the New Zealand Health Plan, to remove references to the Māori Health Authority.

Clause 25 amends section 52, which relates to the preparation of the annual performance report. The effect of the amendment is that Health New Zealand will be solely responsible for preparing the annual performance report.

Clause 26 amends section 53, which sets out the process of preparing the New Zealand Health Plan, to remove references to the Māori Health Authority.

Clause 27 amends section 54, which requires Health New Zealand to determine geographic areas for localities, to remove the requirement for the Māori Health Authority's agreement.

Clause 28 amends section 55, which relates to the development of locality plans by Health New Zealand. The amendments—

- remove the requirement for Health New Zealand to engage with and obtain the agreement of the relevant iwi-Māori partnership board before making a locality plan; and
- remove the requirement for the relevant iwi-Māori partnership board to agree to the annual report assessing progress against outcomes in the plan; and
- remove references to the Māori Health Authority.

Clause 29 amends section 57, which relates to the making of the New Zealand Health Charter. The effect of the amendment is that Health New Zealand will be solely responsible for facilitating the making of the charter.

Clause 30 amends section 58 by removing the reference to the Māori Health Authority. The effect of the amendment is that Health New Zealand will be solely responsible for reporting on the charter.

Clause 31 removes references to the Māori Health Authority from section 61. Section 61 enables the appointment of Crown observers.

Clause 32 removes references to the Māori Health Authority from section 62. Section 62 enables the Minister to dismiss all members of the board of Health New Zealand and the Māori Health Authority and appoint commissioners.

Clause 33 amends section 66, which prevents directions under the Crown Entities Act 2004 being given to some health entities, to remove the subsection relating to the Māori Health Authority.

Clause 34 amends section 80, which describes the functions of the Health Quality and Safety Commission, to remove the requirement to work collaboratively with the Māori Health Authority.

Clauses 35 and 36 replace sections 89 to 91, which relate to the establishment and membership of the Hauora Māori Advisory Committee, with *new section 89*.

New section 89 requires the Minister to establish a Hauora Māori Advisory Committee to advise the Minister on matters relating to hauora Māori as requested.

The key differences are that the advice of the Hauora Māori Advisory Committee in relation to the Māori Health Authority is no longer required and the appointment process and committee procedure are subject to section 87.

Clause 37 consequentially amends section 93 to remove the requirement for the expert advisory committee on public health to provide advice to the Māori Health Authority.

Part 2

Amendments to Part 4 and schedules

Clause 38 consequentially amends section 94 to remove references to the Māori Health Authority. Section 94 currently enables the Crown, Health New Zealand, and the Māori Health Authority to give notice of the terms and conditions on which it will make any payments.

Clause 39 amends section 100 to remove the requirement for the Director-General of Health to consult with the Māori Health Authority when reviewing the Act.

Clause 40 amends section 102, which enables the Governor-General to make regulations, to remove references to the Māori Health Authority and consequentially repeal section 102(1)(n).

Clause 41 and *Schedule 1* deal with transitional matters. Among other things, *Schedule 1*—

- disestablishes the Māori Health Authority on the commencement of the Bill when enacted; and
- delays the commencement of sections 54 and 55 (which relate to localities and locality plans) to take effect on **1 July 2029** and **1 July 2030** respectively; and
- continues the membership of the current Hauora Māori Advisory Committee; and
- provides for the transfer of matters from the Māori Health Authority to Health New Zealand.

Clause 42 repeals Schedule 2 of the Act as a consequence of the repeal of section 90. Schedule 2 relates to organisations that may nominate members of the Hauora Māori Advisory Committee.

Clause 43 makes consequential amendments to other legislation. The amendments are set out in *Schedule 2* of the Bill.

Hon Dr Shane Reti

Pae Ora (Disestablishment of Māori Health Authority) Amendment Bill

Government Bill

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Amendment Bill**

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Schedule 1

New Part 2 inserted into Schedule 1

Schedule 2

15

Consequential amendments to enactments

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act **2024**.

2 Commencement

This Act comes into force on **30 June 2024**.

3 Principal Act

This Act amends the Pae Ora (Healthy Futures) Act 2022.

Part 1

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Amendments to Parts 1 to 3

4 Section 4 amended (Interpretation)

- (1) In section 4, definition of **health entity**, delete “the Māori Health Authority,”.
- (2) In section 4, repeal the definition of **Māori Health Authority**.

5 Section 5 amended (Guide to this Act)

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In section 5(2), delete “the Māori Health Authority,”.

6 Section 6 amended (Te Tiriti o Waitangi (the Treaty of Waitangi))

- (1) In section 6, repeal paragraphs (b), (e), (h), (i), and (j).
- (2) Replace section 6(c) with:
 - (c) requires the Minister to establish a permanent committee, the Hauora Māori Advisory Committee, to advise the Minister; and
- (3) In section 6(d), replace “Māori Health Authority” with “Hauora Māori Advisory Committee”.
- (4) In section 6(1), before “mātauranga Māori”, insert “kaupapa Māori services, cultural safety and responsiveness of services,”.
- (5) In section 6(m) and (n), replace “the Māori Health Authority” with “Health New Zealand”.
- (6) In section 6(n), replace “section 20” with “**section 16A**”.

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7 Section 10 amended (Overview of Minister’s role)

In section 10(1)(c), delete “and the Māori Health Authority”.

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8 Section 12 amended (Board of Health New Zealand)

- (1) In section 12(2), delete “(other than the member referred to in subsection (4))”.
- (2) Repeal section 12(4).

9 Section 13 amended (Objectives of Health New Zealand)

After section 13(c), insert:

- (d) to achieve the best possible health outcomes for all New Zealanders; and
- (e) to ensure that planning and service delivery respond to the aspirations and needs of the population.

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- 10 Section 14 amended (Functions of Health New Zealand)**
- (1) Replace section 14(1)(a) with:
- (a) develop and implement a New Zealand Health Plan; and
- (2) Repeal section 14(1)(l).
- (3) In section 14(1)(p), after “New Zealand”, insert “and the performance of the publicly funded health sector”. 5
- 11 Section 15 replaced (Health New Zealand must provide information to iwi-Māori partnership boards)**
- Replace section 15 with:
- 15 Health New Zealand must support and engage with iwi-Māori partnership boards** 10
- Health New Zealand must—
- (a) take reasonable steps to support iwi-Māori partnership boards to achieve their purpose in section 29, including by providing—
 - (i) administrative, analytical, or financial support where needed; and 15
 - (ii) sufficient and timely information; and
 - (b) engage with iwi-Māori partnership boards when determining priorities for kaupapa Māori investment.
- 12 Section 16 amended (Additional collective duties of board of Health New Zealand)** 20
- (1) Repeal section 16(1)(b).
- (2) In section 16(1)(d)(ii), before “mātauranga Māori”, insert “kaupapa Māori services, cultural safety and responsiveness of services,”.
- 13 New section 16A inserted (Engaging with and reporting to Māori)** 25
- After section 16, insert:
- 16A Engaging with and reporting to Māori**
- Health New Zealand must—
- (a) have systems in place for the purpose of—
 - (i) engaging with Māori in relation to their aspirations and needs for hauora Māori; and 30
 - (ii) enabling the responses from that engagement to inform the performance of its functions; and
 - (b) report back to Māori from time to time on how engagement under this section has informed the performance of its functions.

- 14 Subpart 3 of Part 2 repealed**
Repeal subpart 3 of Part 2.
- 15 Section 30 amended (Functions of iwi-Māori partnership boards)**
- (1) In section 30(1)(a), delete “and the Māori Health Authority”.
- (2) Replace section 30(1)(c) with: 5
(c) to work with Health New Zealand in developing priorities for improving hauora Māori:
- (3) In section 30(1)(e), replace “the Māori Health Authority” with “Health New Zealand”.
- (4) In section 30(1)(f), replace “the activities of the Māori Health Authority” with “the hauora Māori activities of Health New Zealand”. 10
- (5) Repeal section 30(1)(g).
- 16 Section 31 amended (Recognition of iwi-Māori partnership boards)**
In section 31(4), (5), (6), and (7), replace “the Māori Health Authority” with “the Director-General” in each place. 15
- 17 Subpart 5 of Part 2 repealed**
Repeal subpart 5 of Part 2.
- 18 Section 33 amended (Overview of important health documents)**
- (1) In section 33(1)(c), delete “and the Māori Health Authority”.
- (2) Replace section 33(1)(d) with: 20
(d) Health New Zealand to develop locality plans for localities:
- (3) In section 33(1)(e), delete “and the Māori Health Authority”.
- 19 Section 35 amended (Preparation of GPS)**
- (1) In section 35(c), delete “and the Māori Health Authority”.
- (2) In section 35(c), replace “their” with “its”. 25
- 20 Section 36 amended (Content of GPS)**
In section 36(1)(d), replace “rural people” with “Pacific peoples”.
- 21 Section 42 amended (Hauora Māori Strategy)**
- (1) In section 42(1), after “must”, insert “prepare and”.
- (2) Repeal section 42(2). 30
- 22 Section 47 amended (Process for making health strategy)**
In section 47(1)(a), replace “Māori Health Authority” with “Hauora Māori Advisory Committee”.

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- 23 Section 50 amended (New Zealand Health Plan)**
- (1) In section 50(1), replace “and the Māori Health Authority must jointly” with “must”.
 - (2) In section 50(2), delete “and the Māori Health Authority”.
 - (3) In section 50(4), delete “and the Māori Health Authority”. 5
- 24 Section 51 amended (Content of New Zealand Health Plan)**
- (1) In section 51(d), delete “and the Māori Health Authority”.
 - (2) In section 51(h), delete “and the Māori Health Authority”.
 - (3) In section 51(h)(iii), replace “have” with “has”.
- 25 Section 52 amended (Report of performance against New Zealand Health Plan) 10**
- (1) In section 52(1), replace “and the Māori Health Authority must jointly” with “must”.
 - (2) In section 52(2)(a), delete “and the Māori Health Authority”.
 - (3) In section 52(2)(b)(i), replace “either health entity” with “Health New Zealand”. 15
- 26 Section 53 amended (Process for preparing New Zealand Health Plan)**
- (1) In section 53(1) and (4), delete “and the Māori Health Authority” in each place.
 - (2) In section 53(1)(c), replace “consider” with “considers”.
- 27 Section 54 amended (Determination of localities) 20**
- (1) In section 54(1), delete “, with the agreement of the Māori Health Authority,”.
 - (2) In section 54(2), delete “and the Māori Health Authority”.
 - (3) In section 54(4), replace “and the Māori Health Authority are” with “is”.
 - (4) In section 54(4), replace “have” with “has”.
 - (5) In section 54(5), delete “, with the agreement of the Māori Health Authority,”. 25
- 28 Section 55 amended (Locality plans)**
- (1) Repeal section 55(3)(d).
 - (2) Replace section 55(4) with:
 - (4) A locality plan is made when Health New Zealand makes it publicly available.
 - (3) In section 55(5), delete “and the Māori Health Authority”. 30
 - (4) Repeal section 55(6).
- 29 Section 57 amended (Making of charter)**
- (1) In section 57(1), delete “and the Māori Health Authority”.

- (2) In section 57(1)(c), replace “their” with “Health New Zealand’s”.
- 30 Section 58 amended (Report on charter)**
In section 58(1), delete “and the Māori Health Authority”.
- 31 Section 61 amended (Minister may appoint Crown observers)**
- (1) Replace section 61(1) with: 5
(1) The Minister may make an appointment under this section if the Minister considers it desirable for the purpose of assisting in improving the performance of Health New Zealand.
- (2) In section 61(2)(a), delete “or the Māori Health Authority (as the case may be)”. 10
- 32 Section 62 amended (Minister may dismiss board or appoint commissioner)**
- (1) In section 62(1), delete “or the Māori Health Authority”.
- (2) Replace section 62(2) with: 15
(2) The Minister may, by written notice, appoint a commissioner to replace the board of Health New Zealand if all the members of the board are removed from office under subsection (1) or the Crown Entities Act 2004.
- (3) Repeal section 62(8).
- 33 Section 66 amended (Restrictions on directions under section 103 of Crown Entities Act 2004)** 20
Repeal section 66(1).
- 34 Section 80 amended (Functions of HQSC)**
Repeal section 80(2)(d).
- 35 Section 89 replaced (Hauora Māori Advisory Committee)** 25
Replace section 89 with:
- 89 Hauora Māori Advisory Committee**
- (1) The Minister must establish a Hauora Māori Advisory Committee to advise the Minister on any matter relating to hauora Māori that the Minister requests.
- (2) The committee comprises 8 members appointed by the Minister after consulting the Minister for Māori Development. 30
- (3) Section 87 otherwise applies to the committee and the appointment of its members.
- 36 Sections 90 and 91 repealed**
Repeal sections 90 and 91.

- 37 Section 93 amended (Expert advisory committee on public health)**
In section 93(2), replace “Health New Zealand, and the Māori Health Authority” with “and Health New Zealand”.

Part 2
Amendments to Part 4 and schedules 5

- 38 Section 94 amended (Arrangements relating to payments)**
- (1) In section 94(1), replace “, Health New Zealand, or the Māori Health Authority” with “or Health New Zealand”.
 - (2) In section 94(3), replace “health entity” with “Health New Zealand”.
- 39 Section 100 amended (Act must be reviewed every 5 years)** 10
Replace section 100(3) with:
- (3) The Director-General must prepare a report of the review.
- 40 Section 102 amended (Regulations)**
- (1) In section 102(1)(a), delete “and the Māori Health Authority” in each place.
 - (2) In section 102(1)(e), delete “or the Māori Health Authority”. 15
 - (3) Repeal section 102(1)(n) and the heading above that paragraph.
 - (4) In section 102(2), delete “and the Māori Health Authority”.
 - (5) In section 102(5)(a), delete “or the Māori Health Authority”.
- 41 Schedule 1 amended**
- (1) In Schedule 1, repeal clauses 5 and 6(1). 20
 - (2) In Schedule 1,—
 - (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and
 - (b) make all necessary consequential amendments.
- 42 Schedule 2 repealed**
- Repeal Schedule 2. 25
- 43 Consequential amendments**
Amend the legislation specified in **Schedule 2** as set out in that schedule.

Schedule 1
New Part 2 inserted into Schedule 1

s 41(2)

Part 2		
Provisions relating to Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024		
32	Interpretation	5
	In this Part,—	
	amendment Act means the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024	10
	commencement date means the date on which the amendment Act comes into force.	
33	Disestablishment of Māori Health Authority	
	On the commencement date, the Māori Health Authority is disestablished.	
34	Determination of localities and locality plans	15
(1)	Section 54, which requires localities to be determined, takes effect on 1 July 2029 .	
(2)	Section 55, which requires a locality plan to be developed for each locality, takes effect on 1 July 2030 .	
35	Membership of Hauora Māori Advisory Committee continued	20
(1)	The Hauora Māori Advisory Committee established under this Act before the commencement date continues as if it were established under section 89 as amended by the amendment Act.	
(2)	A person who, immediately before the commencement date, was a member of the Hauora Māori Advisory Committee continues, subject to any terms and conditions of their appointment,—	25
	(a) to be a member of the committee after the commencement date; and	
	(b) to hold any office on the committee that they held immediately before the commencement date.	
36	Transfers from Māori Health Authority to Health New Zealand	30
(1)	On the commencement date,—	
	(a) all assets belonging to the Māori Health Authority vest in Health New Zealand; and	

- (b) all information and documents held by the Māori Health Authority are held by Health New Zealand; and
- (c) all money payable to or by the Māori Health Authority becomes payable to or by Health New Zealand; and
- (d) all rights, liabilities, contracts, entitlements, undertakings, and engagements of the Māori Health Authority become the rights, liabilities, contracts, entitlements, undertakings, and engagements of Health New Zealand; and 5
- (e) subject to **subclause (4)**, every employee of the Māori Health Authority becomes an employee of Health New Zealand on the same terms and conditions as applied immediately before they became an employee of Health New Zealand; and 10
- (f) anything done, or omitted to be done, or that is to be done, by or in relation to the Māori Health Authority is to be treated as having been done, or having been omitted to be done, or to be done, by or in relation to Health New Zealand; and 15
- (g) proceedings, inquiries, and investigations under any enactment that may be commenced, continued, or enforced by or against the Māori Health Authority (including as an interested party or intervenor) or in relation to the Māori Health Authority may instead be commenced, continued, or enforced by or against or in relation to Health New Zealand without amendment to the proceedings; and 20
- (h) a matter or thing that could, but for this clause, have been done or completed by the Māori Health Authority may be done or completed by Health New Zealand. 25
- (2) The transfer of information from the Māori Health Authority to Health New Zealand under **subclause (1)** does not constitute an action that is a breach of information privacy principle 8 or 11 within the meaning of the Privacy Act 2020.
- (3) The disestablishment of the Māori Health Authority does not, by itself, affect any of the following matters: 30
- (a) any decision made, or anything done or omitted to be done, by the Māori Health Authority in relation to the performance or exercise of its functions, powers, or duties under any enactment:
- (b) any proceedings commenced by or against the Māori Health Authority: 35
- (c) any other matter or thing arising out of the Māori Health Authority's performance or exercise, or purported performance or exercise, of its functions, powers, or duties under any enactment.
- (4) Despite **subclause (1)(e)**, the chief executive of the Māori Health Authority does not become an employee of Health New Zealand under this schedule. 40

37	Consequences of transfer for purposes of Inland Revenue Acts	
	For the purposes of the Inland Revenue Acts (as defined in section 3(1) of the Tax Administration Act 1994), the Māori Health Authority and Health New Zealand are treated as the same person.	
38	References to the Māori Health Authority	5
	On and from the commencement date, unless the context otherwise requires, a reference in any enactment, notice, instrument, contract, or other document to the Māori Health Authority must be read as a reference to Health New Zealand.	
39	Effect of transfer of contracts and engagements of Māori Health Authority	10
	To avoid doubt, the transfer of a contract or an engagement of the Māori Health Authority under clause 36 does not affect the scope of the contract or engagement or the application of the terms and conditions of the contract or engagement.	
40	Transfer of employees of Māori Health Authority to Health New Zealand	
(1)	This clause applies to an employee of the Māori Health Authority if, before the commencement date, the employee is notified in writing by the chief executive of the Māori Health Authority that—	15
	(a) this clause applies to the employee; and	
	(b) on the commencement date, the employee will become an employee of Health New Zealand.	20
(2)	On the commencement date, the employee becomes an employee of Health New Zealand on the same terms and conditions as applied to the employee immediately before the commencement date.	
(3)	The following applies if, immediately before the commencement date, the employee was covered by a collective agreement (the earlier agreement) between the chief executive of the Māori Health Authority and a union of which the employee was a member (the union):	25
	(a) on the commencement date, Health New Zealand and the union are parties to a new collective agreement:	
	(b) the terms and conditions of the new collective agreement are the same as the earlier agreement, subject to any necessary modifications:	30
	(c) the employee is covered by the new collective agreement as long as they remain a member of the union.	
(4)	To avoid doubt, subclause (3) —	
	(a) does not entitle an employee who was not covered by the earlier agreement to be covered by the new collective agreement; and	35

- (b) does not prevent the parties to the new collective agreement from varying or terminating the agreement in accordance with the terms of the agreement and other applicable law.

41 Employment continuous for purpose of certain entitlements

- (1) If an employee of the Māori Health Authority is moving by operation of **clause 36** to be an employee of Health New Zealand, their employment is to be treated as continuous for the purposes of— 5
- (a) entitlements under the following provisions in Part 2 of the Holidays Act 2003: 10
- (i) subpart 1 (annual holidays); and
- (ii) subpart 3 (public holidays); and
- (iii) subpart 4 (sick leave and bereavement leave); and
- (iv) subpart 5 (family violence leave); and
- (b) entitlements to leave under the Parental Leave and Employment Protection Act 1987; and 15
- (c) the KiwiSaver Act 2006; and
- (d) entitlements under the Government Superannuation Fund Act 1956; and
- (e) entitlements or obligations that— 20
- (i) are under any other enactment or under a contract; and
- (ii) relate to employment.
- (2) For the purpose of **subclause (1)(a)**,—
- (a) the period of employment of the employee with the Māori Health Authority that ends with the date on which the employee moved to Health New Zealand must be treated as a period of employment with Health New Zealand for the purpose of determining the employee's entitlement to annual holidays, sick leave, bereavement leave, and family violence leave; and 25
- (b) the chief executive of the Māori Health Authority must not pay the employee for annual holidays or alternative holidays not taken before the date on which the employee moved to the position in Health New Zealand; and 30
- (c) the chief executive of Health New Zealand must recognise the employee's entitlement to— 35
- (i) any sick leave, including any sick leave carried over under section 66 of the Holidays Act 2003, not taken before the date on which the employee moved to the position in Health New Zealand; and
- (ii) any annual holidays not taken before the date on which the employee moved to the position in Health New Zealand; and

- (iii) any alternative holidays not taken or exchanged for payment under section 61 of that Act before the date on which the employee moved to the position in Health New Zealand; and
- (iv) any holidays not taken before the date on which the employee moved to the position in Health New Zealand in relation to which there was an agreement between the employee and the Māori Health Authority under section 44A or 44B of that Act. 5
- (3) For the purpose of **subclause (1)(b)**,—
- (a) the period of employment of the employee with the Māori Health Authority that ends with the date on which the employee moved to Health New Zealand must be treated as a period of employment with Health New Zealand; and 10
- (b) the chief executive of Health New Zealand must treat any notice given to or by the chief executive of the Māori Health Authority under the Parental Leave and Employment Protection Act 1987 as if it had been given to or by the chief executive of Health New Zealand. 15
- (4) For the purpose of **subclause (1)(c)**, the employment of the employee in the position with Health New Zealand is not new employment within the meaning of that term in the KiwiSaver Act 2006.
- (5) For the purpose of **subclause (1)(d)**, in the definition of Government service in section 2(1) of the Government Superannuation Fund Act 1956, a health service includes, for the avoidance of doubt, Health New Zealand and the Māori Health Authority. 20
- 42 Application of sections 14 and 15 of Health Sector (Transfers) Act 1993**
- (1) Section 14 of the Health Sector (Transfers) Act 1993— 25
- (a) applies with all necessary modifications to a person who becomes an employee of Health New Zealand by operation of **clause 36**; and
- (b) must be read as if the contract of service were transferred under that clause.
- (2) Section 15 of the Health Sector (Transfers) Act 1993 applies to an employee who becomes an employee of Health New Zealand by operation of **clause 36**. 30
- 43 Employment policies**
- (1) The employment policies of the Māori Health Authority—
- (a) continue to apply after the commencement date—
- (i) in relation to an employee who becomes an employee of Health New Zealand by operation of **clause 36**; and 35
- (ii) with all necessary modifications; and
- (b) may be replaced by Health New Zealand by written notice to that employee.

**Pae Ora (Disestablishment of Māori Health Authority)
Amendment Bill**

Schedule 1

- (2) Health New Zealand must undertake a reasonable consultation process before introducing any employment policy that is reasonably likely to have a material effect on that employee.

Schedule 2 Consequential amendments to enactments

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Part 1 Amendments to Acts

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Accident Compensation Act 2001 (2001 No 49)

In section 6(1), definition of **government agency**, replace “, a Crown entity, and the Māori Health Authority” with “and a Crown entity”.

In section 6(1), replace the definition of **Health New Zealand, the Māori Health Authority, or other provider** with:

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Health New Zealand or other provider means Health New Zealand established by section 11 of the Pae Ora (Healthy Futures) Act 2022 or another person who is a provider as defined by section 4 of that Act

In section 6(1), repeal the definition of **Māori Health Authority**.

In section 74(4), definition of **publicly funded provider**, delete “, the Māori Health Authority,”.

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In section 282(1), delete “and the Māori Health Authority”.

In section 282(4), delete “or the Māori Health Authority”.

Replace section 282(8)(b) with:

(b) an officer or employee or agent of Health New Zealand who is authorised by their chief executive to receive it.

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In section 282(9), replace “each” with “the”.

In section 301(2)(a)(i),—

(a) delete “, the Māori Health Authority,”; and

(b) delete “or the Māori Health Authority”.

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In section 303(1), delete “, the Māori Health Authority”.

Children’s Act 2014 (2014 No 40)

In section 14(a), replace “the boards of Health New Zealand and the Māori Health Authority” with “the board of Health New Zealand”.

In section 15(1), definition of **board**, delete “or the Māori Health Authority”.

30

In section 15(1), definition of **independent person**, replace “a board of Health New Zealand or the Māori Health Authority” with “the board of Health New Zealand”.

In section 15(1), repeal the definition of **Māori Health Authority**.

In the heading to section 17, delete “and Māori Health Authority”.

Children’s Act 2014 (2014 No 40)—*continued*

In section 17, replace “and the board of the Māori Health Authority must each” with “must”.

Children and Young People’s Commission Act 2022 (2022 No 44)

Repeal section 35(4)(g).

Contraception, Sterilisation, and Abortion Act 1977 (1977 No 112)

5

In section 16(1), delete “and the Māori Health Authority”.

In section 16(2), delete “and the Māori Health Authority”.

Crown Organisations (Criminal Liability) Act 2002 (2002 No 37)

In section 4, definition of **government-related organisation**, repeal paragraph (j).

Disabled Persons Community Welfare Act 1975 (1975 No 122)

10

In section 2, repeal the definition of **Māori Health Authority**.

In section 4(e), delete “, the Māori Health Authority”.

In section 25C(3)(d), delete “or the Māori Health Authority”.

Education and Training Act 2020 (2020 No 38)

In section 10(1), definition of **early childhood education and care centre**, paragraph (c)(iv), replace “, Health New Zealand, or the Māori Health Authority” with “or Health New Zealand”. 15

Employment Relations Act 2000 (2000 No 24)

In Schedule 1B, clause 1(1)(a), delete “and the Māori Health Authority”.

In Schedule 1B, clause 1(1)(b) and (c), delete “or the Māori Health Authority”. 20

In Schedule 1B, clause 1(1)(d) and (e), (2), and (3), delete “, the Māori Health Authority,”.

In Schedule 1B, clause 19(1)(a), delete “, the Māori Health Authority,”.

In Schedule 1B, clause 20(1)(a) and (c), delete “, the Māori Health Authority,”.

In Schedule 1B, clause 21(1), delete “, the Māori Health Authority,”. 25

Family Violence Act 2018 (2018 No 46)

In section 19, definition of **specified government agency**, repeal paragraph (n).

Health Act 1956 (1956 No 65)

In section 2(1), repeal the definition of **Māori Health Authority**.

Repeal section 22C(2)(k). 30

In section 22D(1) and (2), delete “or the Māori Health Authority”.

In section 22E, delete “or the Māori Health Authority”.

Health Act 1956 (1956 No 65)—continued

Repeal section 22G(1)(k).

In section 22G(2) and (2)(a), delete “or the Māori Health Authority”.

Health and Disability Commissioner Act 1994 (1994 No 88)

In section 7(b), delete “and the objectives of the Māori Health Authority set out in section 18 of the Pae Ora (Healthy Futures) Act 2022”.

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Health Sector (Transfers) Act 1993 (1993 No 23)

In section 2(1), repeal the definition of **Māori Health Authority**.

In section 2(1), definition of **publicly-owned health and disability organisation**, paragraph (a), delete “the Māori Health Authority,”.

In section 2A(b)(ii) and (c), delete “or the Māori Health Authority”.

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In the heading to section 11A, delete “**and Māori Health Authority**”.

In section 11A(1) and (6), delete “or the Māori Health Authority” in each place.

In section 11B(1), (2)(b), and (3), delete “or the Māori Health Authority” in each place.

In section 11C(1), (2), and (3), delete “or the Māori Health Authority” in each place.

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In section 11D, delete “or the Māori Health Authority”.

In section 11H(2)(a)(i), delete “the Māori Health Authority,”.

**Home and Community Support (Payment for Travel Between Clients)
Settlement Act 2016 (2016 No 2)**

In section 4, definition of **home and community-based support services**, paragraph (a)(i), replace “, Health New Zealand, or the Māori Health Authority” with “or Health New Zealand”.

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In section 4, repeal the definition of **Māori Health Authority**.

Income Tax Act 2007 (2007 No 97)

In section CW 52B(1), delete “or the Māori Health Authority”.

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Mental Health and Wellbeing Commission Act 2020 (2020 No 32)

Repeal section 14(6)(f).

Ombudsmen Act 1975 (1975 No 9)

Repeal section 2(2)(d).

In Schedule 1, Part 2, repeal the items relating to the Māori Health Authority and related companies of the Māori Health Authority.

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Oranga Tamariki Act 1989 (1989 No 24)

In section 2(1), definition of **child welfare and protection agency**, repeal paragraph (o).

In section 2(1), repeal the definition of **Māori Health Authority**.

Oversight of Oranga Tamariki System Act 2022 (2022 No 43)

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Repeal section 56(5)(h).

Privacy Act 2020 (2020 No 31)

In section 138, definition of **specified organisation**, repeal paragraph (k).

In Schedule 3, table, delete “and Māori Health Authority” in each place.

Public Audit Act 2001 (2001 No 10)

10

In Schedule 2, repeal the item relating to the Māori Health Authority.

Support Workers (Pay Equity) Settlements Act 2017 (2017 No 24)

In section 5, definition of **care and support services**, paragraph (a)(i), delete “, the Māori Health Authority,”.

In section 5, definition of **employer**, paragraph (b), replace “, Health New Zealand, or the Māori Health Authority” with “or Health New Zealand”.

In section 5, definition of **funder**, delete “the Māori Health Authority,”.

Therapeutic Products Act 2023 (2023 No 37)

Repeal section 232(9)(f).

Part 2
Amendments to secondary legislation

Crown Entities (Financial Powers) Regulations 2005 (SR 2005/68)

In the heading to regulation 13, delete “and Māori Health Authority”.

In regulation 13(1), delete “or the Māori Health Authority”.

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In regulation 13(4), revoke the definition of **Māori Health Authority**.

Health Entitlement Cards Regulations 1993 (SR 1993/169)

In regulation 2(1), definition of **primary health organisation**, delete “or the Māori Health Authority”.

**New Zealand Public Health and Disability (Archives) Regulations 2001
(SR 2001/248)**

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In regulation 4(1)(a)(i) and (ii), delete “or the Māori Health Authority”.