

## Departmental Disclosure Statement

### Health Practitioners (Replacement of Statutory References to Medical Practitioners) Bill

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry of Health.

The Ministry of Health certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

20 March 2015

**Contents**

**Contents ..... 2**

**Part One: General Policy Statement ..... 3**

**Part Two: Background Material and Policy Information..... 4**

**Part Three: Testing of Legislative Content..... 6**

**Part Four: Significant Legislative Features ..... 8**

## **Part One: General Policy Statement**

Current health legislation sets out functions to be carried out by medical practitioners. The original intent of these statutory measures was to protect public safety by ensuring that only medical practitioners, notably medical doctors, with the required knowledge and skills were permitted to perform certain tasks.

However, the training of health practitioners has changed over time. New technologies and treatment have been developed and the health workforce has adapted and diversified. Many health professional groups are now capable of performing tasks that were previously solely the domain of medical practitioners.

Health practitioners are regulated by the Health Practitioners Competence Assurance Act 2003. That Act provides for responsible authorities to regulate health practitioners of particular professions and to specify scopes of practice setting out which activities each class of practitioners is deemed competent to carry out. Responsible authorities can therefore determine what health practitioners can do, with the exception of certain statutory functions.

The Health Practitioners (Replacement of Statutory References to Medical Practitioners) Bill (the Bill) is an omnibus Bill amending 7 statutes to make it easier for the public to access statutory services from health practitioners and will facilitate innovative and efficient practice by practitioners. The Bill will increase the range of functions that can be performed by health practitioners under those statutes by changing certain references to medical practitioners to references to health practitioners. The amended statutes will enable health practitioners with the required competencies and knowledge to perform certain statutory responsibilities lawfully under those statutes.

Health practitioners with the required competencies and knowledge will be able to perform certain tasks, such as participating in claimants' individual rehabilitation plans, issuing certificates of proof of illness or injury, providing ongoing health care, arranging medical examinations of children or young people, and taking blood specimens from road users.

## Part Two: Background Material and Policy Information

### Published reviews or evaluations

<b>2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?</b>	<b>NO</b>
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### Relevant international treaties

<b>2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?</b>	<b>NO</b>
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<b>2.2.1. If so, was a National Interest Analysis report prepared to inform a Parliamentary examination of the proposed New Zealand action in relation to the treaty?</b>	<b>NO</b>
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### Regulatory impact analysis

<b>2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?</b>	<b>YES</b>
<p>1      <i>Regulatory Impact Statement, Ministry of Health, 30 September 2011 and Regulatory Impact Statement on opioid substitution treatment and certification of cause of death, Ministry of Health, 23 May 2013.</i></p> <p><a href="http://www.health.govt.nz/about-ministry/legislation-and-regulation/regulatory-impact-statements/health-practitioners-replacement-statutory-references-medical-practitioners">http://www.health.govt.nz/about-ministry/legislation-and-regulation/regulatory-impact-statements/health-practitioners-replacement-statutory-references-medical-practitioners</a></p>	

<b>2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?</b>	<b>NO</b>
This was not required by the Treasury.	

<b>2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?</b>	<b>NO</b>
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### Extent of impact analysis available

<b>2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?</b>	<b>NO</b>
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<b>2.5. For the policy to be given effect by this Bill, is there analysis available on:</b>	
<b>(a) the size of the potential costs and benefits?</b>	<b>YES</b>
This information is contained in the regulatory impact statements.	
<b>(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?</b>	<b>NO</b>

<b>2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:</b>	
<b>(a) the level of effective compliance or non-compliance with applicable obligations or standards?</b>	<b>NO</b>
<b>(b) the nature and level of regulator effort put into encouraging or securing compliance?</b>	<b>NO</b>

## Part Three: Testing of Legislative Content

### Consistency with New Zealand's international obligations

<b>3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?</b>
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The Ministry assessed the Bill and there is nothing inconsistent with New Zealand's international obligations.
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### Consistency with the government's Treaty of Waitangi obligations

<b>3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?</b>
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Officials consider that the policy of the Bill is not inconsistent with the government's obligations under the Treaty of Waitangi.
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### Consistency with the New Zealand Bill of Rights Act 1990

<b>3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?</b>	<b>YES</b>
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The Ministry of Justice on behalf of the Attorney-General has concluded the Bill appears to be consistent with the rights and freedoms contained in the New Zealand Bill of Rights Act 1990.
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### Offences, penalties and court jurisdictions

<b>3.4. Does this Bill create, amend, or remove:</b>	
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<b>(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?</b>	<b>NO</b>
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<b>(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?</b>	<b>NO</b>
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<b>3.4.1. Was the Ministry of Justice consulted about these provisions?</b>	<b>NO</b>
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### Privacy issues

<b>3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?</b>	<b>NO</b>
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<b>3.5.1. Was the Privacy Commissioner consulted about these provisions?</b>	<b>NO</b>
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### External consultation

<b>3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?</b>	<b>YES</b>
<p>In the development of the Cabinet papers in 2011 and 2013, all government departments administering the legislation for which amendments are proposed by this Bill were consulted in the development of the Bill. Details are contained in the Regulatory Impact Statements.</p> <p>Responsible authorities and professional bodies were also consulted.</p>	

### Other testing of proposals

<b>3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?</b>	<b>NO</b>
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## Part Four: Significant Legislative Features

### Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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### Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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### Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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### Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

### Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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### Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO
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### Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
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<b>4.8. Does this Bill create or amend any other powers to make delegated legislation?</b>	<b>NO</b>
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**Any other unusual provisions or features**

<b>4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?</b>	<b>NO</b>
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