

Explanatory Statement

Public Health (Chief Health Officer) Suspension of Appointment 2011

Disallowable Instrument DI2011-82

made under the

Public Health Act 1997, s 7 (Statutory Offices)

Legislation Act 2001, s 208 (Power of appointment includes power to suspend etc)

Section 7 of the *Public Health Act 1997* (the Act) provides that the Minister for Health shall by instrument appoint a person to the position of Chief Health Officer. The Act also requires that the person so appointed must be a public servant and a doctor.

Under section 208 of the *Legislation Act 2001* the power to appoint includes the power to suspend an appointment, and to also end that suspension.

Dr Charles Guest has sought and been granted a leave of absence. During this time Dr Guest will be taking some leave, and will also serve as President of the Faculty of Public Health Physicians. This period of absence will be from 24 April 2011 to 30 June 2014.

As the period of absence is greater than 12 months, an acting appointment cannot be made for the entire period of Dr Guest's absence. Therefore, in order to appoint a Chief Health Officer for the period of Dr Guest's absence, whilst still enabling Dr Guest to return as Chief Health Officer on 30 June 2011, it is necessary to suspend Dr Guest's appointment.

This instrument commences on the day after notification and concludes on 30 June 2014.

As appointment of a Chief Health Officer is a disallowable instrument under section 7 of the Act, section 208 of the *Legislation Act 2001* also makes this instrument a disallowable instrument.