

2 November 2021

[REDACTED]

[REDACTED]

Dear [REDACTED]

Re: OIA request – Crown Law decision on unfunded cancer treatment in public hospitals

Thank you for your Official Information Act request received 8 October seeking information from Auckland and Waitematā District Health Boards (DHBs) about a Crown Law decision regarding specialist-recommended unfunded cancer chemotherapy medicine in public hospitals.

Your request included the background and finding from Crown Law dated 25 August 2021, stating that it is not discriminatory for children and adults to receive their specialist-recommended unfunded cancer chemotherapy medicine in a public hospital. You stated this currently affects around 50 children-a-year and would affect around 2400 adults.

The following response is provided on behalf of both Auckland and Waitematā DHBs, which share services across our Planning, Funding and Outcomes divisions.

In response to your request, we are able to provide the following information:

I would appreciate understanding whether the Board supports the finding from Crown Law.

Our Boards have not considered the finding from Crown Law stating that it is not discriminatory for children and adults to receive their specialist-recommended unfunded cancer chemotherapy medicine in a public hospital.

The Crown Law opinion was provided to a minister in relation to a proposed new amendment bill. DHBs are not involved in any part of the process of introducing this legislation or reviewing Crown Law's opinion regarding consistency with the NZ Bill of Rights Act 1990.

I trust that this information is helpful.

We support the open disclosure of information to assist community understanding of how we are delivering publicly funded healthcare. This includes the proactive publication of anonymised Official Information Act responses on our websites from 10 working days after they have been released.

If you consider there are good reasons why this response should not be made publicly available, we will be happy to consider your views.

Yours sincerely



**Chief Executive Officer, OBE
Auckland District Health Board**



**Director Funding
Auckland and Waitematā DHBs**