

Reprint
as at 1 November 2008

Health Sector (Transfers) Act 1993

Public Act 1993 No 23
Date of assent 10 May 1993

The Act title was amended, as from 1 January 2001, pursuant to section 4(1) Health Sector (Transfers) Amendment Act 2000 (2000 No 92). It previously read “Health Reforms (Transitional Provisions) Act 1993”.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

This Act is administered in the Ministry of Health.

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An Act to enact provisions that are consequential upon the enactment of the Health and Disability Services Act 1993

BE IT ENACTED by the Parliament of New Zealand as follows:**1 Short Title and commencement**

- (1) This Act may be cited as the Health Sector (Transfers) Act 1993.
- (2) Except as provided in subsections (3) and (4) of this section and in sections 26(3) and 28(2) of this Act, this Act shall come into force on the day after the date on which this Act receives the Royal assent.
- (3) Sections 2, 3, and 13 of this Act shall be deemed to have come into force on the 1st day of April 1993.
- (4) Sections 16 to 24, 26(1), 27(3) and (4), 30(2) and (4), and 31 and 32 of, and Schedules 2, 4, and 5 to, this Act shall come into force on the 1st day of July 1993.

The Short Title of this Act was amended, as from 1 January 2001, by section 4(2) Health Sector (Transfers) Amendment Act 2000 (2000 No 92) by substituting the words “Health Sector (Transfers)” for the words “Health Reforms (Transitional Provisions)”.

2 Interpretation

- (1) In this Act, unless the context otherwise requires,—

Agreement includes a deed, a contract, an agreement, an arrangement, and an understanding, whether oral or written, express or implied, and whether or not enforceable at law; and, without limitation, includes a contract of service and a deed, contract, agreement, or arrangement creating or evidencing a trust

Area health board means an area health board established under section 6 of the Area Health Boards Act 1983

Assets means any real or personal property of any kind, whether or not subject to rights; and, without limitation, includes—

- (a) Any estate or interest in any land, including all rights of occupation of land or buildings:
- (b) All buildings, vehicles, plant, equipment, and machinery, and any rights therein:
- (c) All securities within the meaning of the Securities Act 1978:

- (d) All rights of any kind, including rights under Acts and agreements, and all applications, objections, submissions, and appeals in respect of such rights:
- (e) All patents, trade marks, designs, copyright, plant variety rights, and other intellectual property rights of any kind whether enforceable by Act or rule of law:
- (f) Goodwill, and any business undertaking:
- (g) Interests of any kind in any of the foregoing:

Crown endowment means, in relation to land held by a DHB, a trust settled by the Crown or by or pursuant to any Act, Provincial Ordinance, grant, or Order in Council in respect of that land, whether before or after it came to be held by the DHB, being a trust—

- (a) for the purpose of providing an income derived from that land—
 - (i) for hospital purposes (such as for the maintenance of a hospital); or
 - (ii) for the purposes of any health services or disability support services or both; or
- (b) for the purposes of establishing, or providing a site for, a hospital or like institution; or
- (c) for hospital purposes; or
- (d) for the purposes of any health services or disability support services or both; or
- (e) for any or all of the purposes described in paragraphs (a) to (d)

Crown endowment: this definition was inserted, as from 1 January 2001, by section 5(2) Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Crown endowment land means, in relation to a DHB, land that—

- (a) is vested in the DHB as a Crown endowment; and
- (b) was either—
 - (i) granted by the Crown to the DHB or to any of its predecessors in title; or
 - (ii) vested in the DHB or in any of its predecessors in title by or pursuant to any Act, Provincial Ordinance, grant, or Order in Council; and

- (c) was not land that, before it was granted to, or vested in, the DHB or any of its predecessors in title, had been given to the Crown, whether in trust or otherwise; and
- (d) is not a public reserve within the meaning of the Reserves Act 1977; and
- (e) is not, except for being held as a Crown endowment, land that is held in trust for a particular purpose; and
- (f) is not, except for being held as a Crown endowment, land in respect of which special provision is made by any Act or Provincial Ordinance

Crown endowment land: this definition was inserted, as from 1 January 2001, by section 5(2) Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Crown entity has the same meaning as in section 2(1) of the Public Finance Act 1989

Crown entity: this definition was inserted, as from 1 January 2001, by section 5(2) Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

CHFA means the Crown Health Financing Agency continued by section 57 of the New Zealand Public Health and Disability Act 2000

CHFA: this definition was inserted, as from 17 May 2005, by section 5(2) New Zealand Public Health and Disability Amendment Act 2005 (2005 No 63).

Employee has the same meaning as in section 6 of the Employment Relations Act 2000.

Employee: this definition was substituted, as from 2 October 2000, by section 240 Employment Relations Act 2000 (2000 No 24).

Health Benefits Limited means the company incorporated under the Companies Act 1993 with the name Health Benefits Limited

Health Benefits Limited: this definition was inserted, as from 1 January 2001, by section 5(2) Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Hospital board means a hospital board constituted by section 25 of the Hospitals Act 1957

Liabilities includes—

- (a) Liabilities and obligations under any Act or agreement; and
- (b) Debt securities within the meaning of the Securities Act 1978; and
- (c) Contingent liabilities; and
- (d) Interests of any kind in any of the foregoing:

predecessor in title, in relation to a DHB, means any of its predecessors in title that was an area health board or a hospital board or a Crown health enterprise or a hospital and health service or a similar body established under an enactment relating to the management of public hospitals and charitable institutions

predecessor in title: this definition was inserted, as from 1 January 2001, by section 5(2) Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

publicly-owned health and disability organisation means any DHB, the CHFA, the NZBS, and Pharmac

publicly-owned health and disability organisation: this definition was inserted, as from 1 January 2001, by section 5(2) Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

publicly-owned health and disability organisation: this definition was amended, as from 17 May 2005, by section 5(2) New Zealand Public Health and Disability Amendment Act 2005 (2005 No 63) by substituting the expression “CHFA” for the expression “RHMU”.

Residual Health Management Unit*[Repealed]*

Residual Health Management Unit: this definition was repealed, as from 1 January 2001, by section 5(1) Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

[Repealed]

RHMU*[Repealed]*

RHMU: this definition was inserted, as from 1 January 2001, by section 5(1) Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

RHMU: this definition was repealed, as from 17 May 2005, by section 5(2) New Zealand Public Health and Disability Amendment Act 2005 (2005 No 63).

[Repealed]

Rights includes powers, privileges, interests, leases, licences, approvals, consents, designations, permissions, dispensations, authorisations, benefits, and equities of any kind, whether actual, contingent, or prospective

Transfer includes—

- (a) Assign and convey; and
- (b) Confer estates in fee simple of land held by the Crown, whether in allodium or otherwise; and
- (c) Grant rights in respect of any assets or liabilities; and
- (d) In the case of a liability, the assumption thereof by a transferee; and
- (e) In all provisions of this Act other than section 4, vest under section 5 of this Act; and

- (f) Vest under clause 10 of Schedule 1 to, this Act;—
and the word **transferred** has a corresponding meaning

Transfer: paragraph (f) of this definition was amended, as from 1 January 2001, by section 5(3) Health Sector (Transfers) Amendment Act 2000 (2000 No 92) by omitting the expression “section 22 of, or”.

Transfer date means, in relation to an agreement entered into under section 4 of this Act or a proposal approved under section 5 of this Act, the date specified in the agreement or proposal as the date upon which the transfer of assets or liabilities, or both, referred to in the agreement or proposal takes effect (whether or not all formalities required to complete the transfer are completed by that date)

transferee means any of the following

- (a) the Crown (whether or not acting through a Government department):
- (b) a publicly-owned health and disability organisation:
- (c) a subsidiary of a publicly-owned health and disability organisation:
- (d) a person declared under subsection (6) to be a transferee for the purposes of this Act

Transferee: this definition was amended, as from 22 January 1996, by section 3(3) Health and Disability Services Amendment Act 1995 (1995 No 84) by omitting the words “the Public health Commission”. See clause 2 Health and Disability Services Amendment Act Commencement Order 1995 (SR 1995/303).

Transferee: this definition was amended, as from 1 July 1998, by section 5(4) Health and Disability Services Amendment Act 1998 (1998 No 74) by substituting the words “the Health Funding Authority, a hospital and health service” for the words “a regional health authority, a Crown health enterprise”.

transferee: this definition was substituted, as from 1 January 2001, by section 5(1) Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

transferor means any of the following

- (a) the Crown (whether or not acting through a Government department):
- (b) a publicly-owned health and disability organisation:
- (c) a subsidiary of a publicly-owned health and disability organisation:
- (d) Health Benefits Limited:
- (e) in relation to any assets or liabilities that are transferred for a second or subsequent time, includes the transferee

to whom those assets or liabilities have previously been transferred:

Transferor: this definition was amended, as from 22 January 1996, by section 3(3) Health and Disability Services Amendment Act 1995 (1995 No 84) by omitting the words “the Public health Commission”.

Transferor: this definition was further amended, as from 1 July 1998, by section 5(4) Health and Disability Services Amendment Act 1998 (1998 No 74) by substituting the words “the Health Funding Authority, a hospital and health service” for the words “a regional health authority, a Crown health enterprise”.

transferor: this definition was substituted, as from 1 January 2001, by section 5(1) Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Transferring Ministers means the Minister of Finance and the Minister of Health.

- (2) Unless the context otherwise requires, terms defined in section 6(1) of the New Zealand Public Health and Disability Act 2000 have the same meanings in this Act.
- (3) Unless the context otherwise requires, in this Act,—
 - (a) A reference to **transfer** or **authorise** includes entering into an agreement to transfer or authorise, as the case may be; and
 - (b) A reference to any agreement or proposal includes any amendments to that agreement or proposal.
- (4) Unless a written agreement entered into by the Crown states that any restriction, prohibition, or other provision is to apply despite the provisions of this subsection, this Act shall have effect, and assets and liabilities may be transferred under this Act, notwithstanding any restriction, prohibition, or other provision contained in any Act, rule of law, or agreement that would otherwise apply.
- (5) Nothing in this Act shall limit any powers or rights that the Crown or a Minister has under any other enactment or rule of law.
- (6) The Governor-General may, by Order in Council made on the recommendation of the Minister, declare any person to be a transferee for the purposes of this Act.

Subsection (2) was substituted, as from 1 January 2001, by section 5(4) Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Subsection (6) was inserted, as from 1 January 2001, by section 5(5) Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

2A Purposes of this Act

The purposes of this Act are as follows:

- (a) to provide for assets, liabilities, or functions within the public health and disability sector to be transferred to the Crown or to certain specified bodies within that sector:
- (b) to provide for the effect and the consequences of—
 - (i) transfers, in accordance with this Act, of assets, liabilities, or functions within the public health and disability sector:
 - (ii) sales or other dispositions of land by DHBs:
- (c) to permit DHBs, subject to specified conditions, to sell or dispose of land that is subject to trusts or certain other restrictions.

Section 2A was inserted, as from 1 January 2001, by section 6 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

3 Act to bind the Crown

This Act binds the Crown.

Transfer of assets and liabilities**4 Transfer of assets and liabilities by agreement**

- (1) Without limiting section 5 of this Act, the transferring Ministers may, on behalf of any transferor, do any one or more of the following:
 - (a) Transfer to any transferee any assets or liabilities of the transferor:
 - (b) Authorise any transferee to act on behalf of the transferor in providing goods or services, or in managing assets or liabilities, of the transferor—
for such consideration (if any), and on such terms and conditions (if any), as the transferring Ministers may agree with the transferee.
- (2) The Minister shall lay before the House of Representatives a copy of any agreement entered into under subsection (1) of this section within 12 sitting days after the date of that agreement.

5 Transfer of assets and liabilities by Order in Council

- (1) Without limiting section 4 of this Act but subject to subsection (5) of this section, the Governor-General may, from time to time, by Order in Council made on the recommendation of the transferring Ministers,—
 - (a) Approve a proposal that has been prepared in accordance with this section for the purpose of—
 - (i) Transferring assets or liabilities or both from one or more transferors to one or more transferees; or
 - (ii) Authorising one or more transferees to act on behalf of one or more transferors in providing goods or services or in managing assets or liabilities or both; and
 - (b) State the date (and, if considered appropriate, the time) upon which the proposal or any part of the proposal is to take effect.
- (2) Every proposal prepared for the purposes of this section shall—
 - (a) State the names of each transferor and transferee; and
 - (b) Contain a description of each asset and liability to be transferred, either individually or as a group or class, or, in respect of any such asset or liability, identify a means by which, or a document in which, the asset or liability is so described; and, for the purposes of this paragraph, a class of assets or liabilities may comprise all or any of the assets or liabilities for the time being of a transferor; and
 - (c) Except in the case of contracts of service or assets of which the transferor is not the beneficial owner, state the value attributed for the purposes of the transfer to each asset and liability to be transferred, either individually or as a group or class, and the names of the transferor and transferee concerned; and
 - (d) State any authorities that are to be granted to a transferee; and
 - (e) Specify any provisions of the proposal that are to constitute rights or obligations of any specified transferors or transferees; and

- (f) Specify the class, number, nominal value, and terms of the shares, if any, that shall be issued by a transferee in connection with the vesting in it of the assets, or assets and liabilities, referred to in the proposal; and
 - (g) Specify the class, number, nominal value, and terms of the debt securities, if any, that shall be issued by a transferee in connection with the vesting in it of the assets, or assets and liabilities, referred to in the proposal; and
 - (h) Where a person to whom any such shares or debt securities are to be issued is a company or other person, specify the class, number, nominal value, and terms of any shares or debt securities, or both, that shall be issued by that person in connection with the issue to it of the first-mentioned shares or debt securities; and
 - (i) Specify the transferors or other persons to whom shall be issued the shares or debt securities referred to in paragraphs (f) to (h) of this subsection (and such persons need not be the transferors of the assets, or assets and liabilities, in connection with which the shares or debt securities are issued); and
 - (j) Contain such other provisions as the transferring Ministers think fit; and
 - (k) Be signed by the transferring Ministers; and
 - (l) Be laid before the House of Representatives by the Minister of Health within 12 sitting days of its being approved by the Governor-General by Order in Council.
- (3) Where a proposal is approved by the Governor-General by Order in Council, except as otherwise specified in the proposal or in the Order,—
- (a) All assets and liabilities of a transferor that the proposal states are to be transferred to a transferee shall, by virtue of this Act, vest in that transferee with effect from the commencement of the transfer date; and
 - (b) All authorities that the proposal states are to be granted to a transferee shall be deemed to be granted to the transferee with effect from the commencement of the transfer date; and
 - (c) Where the proposal states that specified provisions of the proposal are to constitute rights or obligations of

- specified transferors or transferees, those provisions shall be deemed to constitute such rights or obligations with effect from the commencement of the transfer date; and
- (d) Where the proposal states that shares are to be issued by a company, the shareholders of the company shall on or before the transfer date resolve to increase the capital of the company to the amount necessary for the issue of the shares and the persons specified in the proposal shall on or before the transfer date subscribe for or be issued with shares in accordance with the proposal, and the shares shall be deemed to be paid up to the extent (if any) specified in the proposal with effect from the commencement of the transfer date; and
 - (e) Where the proposal states that debt securities are to be issued by a person, the debt securities shall be deemed to have been issued by that person in accordance with the proposal with effect from the commencement of the transfer date.
- (4) Subject to subsection (5) of this section, the Governor-General may, by Order in Council made on the recommendation of the transferring Ministers, approve an amendment to a proposal approved under subsection (1) of this section at any time or times. Any such amendment shall come into effect on a date (and at the time, if any) specified in the order (which date may be the transfer date for the proposal or any date after that transfer date).
- (5) Where a transferee referred to in a proposal is a person declared by Order in Council to be a transferee for the purposes of this Act, neither the proposal nor any amendment to the proposal shall be approved by the Governor-General by Order in Council unless the proposal or amendment has been agreed to by the transferee.
- (6) An Order in Council under this section—
- (a) Shall identify the proposal or amendment approved, but need not incorporate it in the order; and
 - (b) Shall be deemed to be a regulation within the meaning of the Regulations (Disallowance) Act 1989.

- (7) Nothing in this section prevents assets or liabilities being transferred to a transferee for a consideration other than the issue of shares or debt securities.

6 Application of transfer to third parties

- (1) Nothing effected or authorised by any of sections 4 and 5 or any other provision of this Act—
- (a) Shall be regarded as placing a transferor or any other person in breach of, or default under, any agreement, or in breach of confidence, or as otherwise making any of them guilty of a civil wrong:
 - (b) Shall be regarded as giving rise to a right for any person to—
 - (i) Terminate or cancel or modify an agreement; or
 - (ii) Enforce or accelerate the performance of an obligation; or
 - (iii) Require the performance of an obligation not otherwise arising for performance:
 - (c) Shall be regarded as placing a transferor or any other person in breach of any enactment or rule of law or provision of an agreement prohibiting, restricting, or regulating the transfer of any assets or liabilities or the disclosure of any information:
 - (d) Shall release any surety from any obligation:
 - (e) Shall invalidate or discharge any agreement or security.
- (2) Where an asset or liability of a transferor is transferred from a transferor to a transferee under this Act,—
- (a) Where the transfer is registrable (other than under the Land Transfer Act 1952), the person responsible for keeping the register shall register the transfer forthwith after written notice of the transfer is received by him or her from any person authorised for this purpose by the Minister of Health:
 - (b) The laying before the House of Representatives of any agreement or proposal relating to the transfer shall be deemed to be notice of the transfer, and any third party shall with effect from the commencement of the transfer date (or such other time as is specified in the agreement,

- proposal, or Order in Council) deal with the transferee in place of the transferor:
- (c) Subject to subsection (3) of this section, where the Crown is not the transferor, without limiting the liability of the transferee, the Crown shall be liable to any third party as if the asset or liability were that of the Crown but shall be indemnified by the transferee in respect of any liability to any third party:
 - (d) Subject to subsection (3) of this section, where the Crown is the transferor, without limiting the liability of the transferee, the Crown shall remain liable to any third party as if the asset or liability had not been transferred but shall be indemnified by the transferee in respect of any liability to any third party:
 - (e) Any satisfaction or performance by the transferee in respect of the asset or liability shall be deemed to be also satisfaction or performance by the transferor and (if the transferor is not the Crown) by the Crown:
 - (f) Any satisfaction or performance in respect of the asset or liability by any third party to the benefit of the transferee shall be deemed to be also to the benefit of the transferor and (if the transferor is not the Crown) of the Crown.
- (3) Notwithstanding subsection (2) of this section or any other enactment or rule of law, the Crown shall not be liable by virtue of that subsection to a third party in respect of an asset or liability transferred to a transferee under this Act—
- (a) To the extent (if any) that the third party has agreed that—
 - (i) The Crown shall not be so liable; or
 - (ii) The asset or liability may be transferred to the transferee or to any person on the basis that the transferor would cease to be liable, and the Crown would not become liable, in respect of the asset or liability; or
 - (b) If, under any law of general application and without the third party's consent, the asset or liability could have been transferred to the transferee or to any person on the

basis that the transferor ceased to be liable in respect of the asset or liability.

Subsection (1) was amended, as from 1 January 2001, by section 6 Health Sector (Transfers) Amendment Act 2000 (2000 No 92), by substituting the expression “sections 4 and 5” for the expression “sections 4, 5, and 22”.

7 Transfer of area health board loans and sinking funds

- (1) Sections 32 to 34, 40, 46, 52 to 55, 57 to 92, 103, 130, and 130A, and Part 5, of the Local Authorities Loans Act 1956 shall apply, so far as they are applicable and with the necessary modifications, to any loan raised by the issue of debentures or stock in respect of which an area health board is (or, as applicable, immediately before the transfer, was) liable and that is transferred by or pursuant to this Act, as if the transferee to whom the obligations in respect of that loan are transferred was the area health board that raised the loan; and that transferee shall be deemed to be a local authority for the purposes of those provisions of that Act.
- (2) Subject to subsection (3) of this section, where any loan raised by the issue of debentures or stock in respect of which an area health board is (or, immediately before the transfer, was) liable, is transferred by or pursuant to this Act, the transferee shall succeed to the same rights and obligations in respect of any sinking fund established in order to provide money for the repayment of that loan as the area health board had immediately prior to the transfer.
- (3) Notwithstanding section 86(5) of the Local Authorities Loans Act 1956 or any other enactment or rule of law, the following provisions shall apply in respect of every sinking fund which relates to a loan of the kind referred to in subsection (2) of this section and which is held by one or more Commissioners:
 - (a) The Minister of Finance may, after consultation with the Commissioners, give written notice to the Commissioners requiring them to comply with paragraph (b) of this subsection on a date specified in the notice (being a date that is at least 4 weeks after the date on which the notice is received by the Commissioners):
 - (b) Where a notice is given under paragraph (a) of this subsection, the Commissioners shall, after deducting—

- (i) Any amounts payable from the fund to them or any other person; and
- (ii) Any amount required to compensate the Commissioners for loss of their role as Commissioners of the fund,—
transfer the money and other assets representing the fund to the Residual Health Management Unit:
- (c) From the date specified in the notice given under paragraph (a) of this subsection, the fund shall cease to exist and—
 - (i) No further payments shall be made into it; and
 - (ii) The money and other assets transferred to the Unit shall be the property of the Unit to be used or applied as it thinks fit:
- (d) No liability shall be incurred by the Commissioners in respect of the fund after the transfer to the Unit of the money and assets representing the fund (other than any liability for actions or omissions before the transfer).

8 Taxation consequences of transfers of assets and liabilities

- (1)
- (2) No gift duty shall be payable under the Estate and Gift Duties Act 1968 in respect of any dutiable gift from a transferor to a transferee under an agreement entered into under section 4 of this Act, or a proposal approved under section 5 of this Act.
- (3) A transfer of assets or liabilities from a transferor to a transferee pursuant to an agreement entered into under section 4 of this Act, or a proposal approved under section 5 of this Act, shall be deemed not to be a supply of goods or services for the purposes of the Goods and Services Tax Act 1985.
- (4) Nothing in sections CB 6 to CB 23 or EE 44 to EE 52 of the Income Tax Act 2007 shall apply in respect of any asset transferred by a transferor to a transferee under an agreement entered into under section 4 of this Act, or a proposal approved under section 5 of this Act.
- (5) For the purposes of the Income Tax Act 2007, assets and liabilities acquired by a transferee from a transferor under an agreement entered into under section 4 of this Act, or a pro-

posals approved under section 5 of this Act, shall be deemed to have been acquired—

- (a) On the date on which such assets or liabilities are transferred to the transferee under the agreement or the proposal; and
 - (b) For a consideration equal, in the case of transfer by an agreement under section 4 of this Act, to the consideration specified in the agreement, and in the case of transfer by a proposal approved under section 5 of this Act for a consideration equal to the value attributed to such asset or liability in the proposal.
- (6) Nothing in sections EE 41 to EE 43 of the Income Tax Act 2007 shall apply in respect of any asset acquired by a transferee from a transferor under an agreement entered into under section 4 of this Act, or a proposal approved under section 5 of this Act.

Subsection (1) was repealed, as from 20 May 1999, by section 7 Stamp Duty Abolition Act 1999 (1999 No 61).

Section 8(4): amended, on 1 April 2008, by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Subsection (4) was amended, as from 1 April 1995, by section YB 1 Income Tax Act 1994 (1994 No 164) by substituting the words “section CD 1 or section EG 19 of the Income Tax Act 1994” for the words “section 67 or section 117 of the Income Tax Act 1976”.

Subsection (4) was amended, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35) by substituting the words “sections CB 5 to CB 21 or EE 37 to EE 44 of the Income Tax Act 2004” for the words “section CD 1 or section EG 19 of the Income Tax Act 1994”.

Section 8(5): amended, on 1 April 2008, by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Subsection (5) was amended, as from 1 April 1995, by section YB 1 Income Tax Act 1994 (1994 No 164) by substituting the words “Income Tax Act 1994” for the words “Income Tax Act 1976”.

Subsection (5) was amended, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35) by substituting the words “Income Tax Act 2004” for the words “Income Tax Act 1994”.

Section 8(6): amended, on 1 April 2008, by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Subsection (6) was amended, as from 1 April 1995, by section YB 1 Income Tax Act 1994 (1994 No 164) by substituting the words “section EG 17 of the Income Tax Act 1994” for the words “section 111 of the Income Tax Act 1976”.

Subsection (6) was amended, as from 1 April 2005, by section YA 2 Income Tax Act 2004 (2004 No 35) by substituting the words “sections EE 34 to EE 36

of the Income Tax Act 2004” for the words “section EG 17 of the Income Tax Act 1994”.

9 Further provisions applying to transfer of assets and liabilities

The provisions set out in Schedule 1 to this Act shall apply in respect of:

- (a) Each transfer of assets or liabilities, or both, pursuant to this Act; and
- (b) Each agreement entered into under section 4 of this Act; and
- (c) Each proposal approved under section 5 of this Act.

Assets held in trust or subject to restrictions

The heading “Assets held in trust or subject to restrictions” was substituted for the heading “Assets held in trust”, as from 1 January 2001, by section 9 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

10 Assets to remain subject to trusts

For the avoidance of doubt, it is hereby declared that, subject to sections 11 to 11D of this Act and to any other enactment or rule of law, all assets that are transferred to a transferee under this Act shall remain subject to any trusts affecting those assets at the time when they are transferred and be dealt with by the transferee in accordance with the terms of the trusts.

Section 10 was amended, as from 1 January 2001, by section 9 Health Sector (Transfers) Amendment Act 2000 (2000 No 92), by substituting the expression “sections 11 to 11D” for the expression “section 11”.

11 Assets held in trust

- (1) If an asset is held in trust by a transferor or transferee, the Minister may request the Attorney-General to determine either, or both, of the following matters:
 - (a) Whether, and to whom, the asset should be transferred;
 - (b) The extent to which the terms of the trust should be modified.
- (2) If the Attorney-General is requested to determine a matter under subsection (1) of this section, Public Trust shall prepare

- a scheme for the transfer of the asset or for modifying the terms of the trust, or both.
- (3) Public Trust, in preparing a scheme under subsection (2) of this section, may consult with such persons as it considers appropriate.
 - (4) Every scheme under subsection (2) of this section shall—
 - (a) Be prepared, and submitted, to the Attorney-General as soon as reasonably practicable; and
 - (b) Be accompanied by full information as to all the facts upon which any transfer or modification is proposed; and
 - (c) Effect the minimum change necessary to enable the trust to operate satisfactorily in the light of the transfer of the asset.
 - (5) The Attorney-General shall, as soon as reasonably practicable after receiving a scheme submitted under subsection (4) of this section,—
 - (a) Approve the scheme (as originally submitted or with amendments agreed by Public Trust); or
 - (b) Recommend amendments to the scheme; or
 - (c) Direct that the scheme should not proceed, in which event the matter shall be dealt with under the Charitable Trusts Act 1957.
 - (6) No scheme shall be approved by the Attorney-General under this section unless the Attorney-General is satisfied that the scheme is a proper one and is not contrary to law, public policy, or good morals.
 - (7) Where a scheme is approved by the Attorney-General under subsection (5) of this section, the transferor or transferee (as the case may be) shall forthwith take all steps necessary to implement the scheme, and the terms governing the trust shall be deemed to be modified or amended to the extent necessary to enable implementation of the scheme.
 - (8) The transferor and the transferee shall, upon transfer of any asset in accordance with a scheme which has been approved by the Attorney-General under subsection (5) of this section, cease to be liable in respect of any express or implied trust

upon which it held the asset, but shall remain liable for any misappropriation or wilful negligence.

- (9) Nothing in this section shall limit the provisions of any other enactment or rule of law relating to the variation of trusts.
- (10) The reasonable costs of Public Trust in acting under this section shall be paid out of money appropriated by Parliament for the purpose.

Subsection (2) was amended, as from 1 March 2002, by section 170(1) Public Trust Act 2001 (2001 No 100) by substituting the words “Public Trust” for the words “the Public Trustee”. *See* clause 2 Public Trust Act Commencement Order 2002 (SR 2002/11).

Subsection (3) was amended, as from 1 March 2002, by section 170(1) Public Trust Act 2001 (2001 No 100) by substituting the words “Public Trust” for the words “The Public Trustee”, and by substituting the word “it” for the words “he or she”. *See* clause 2 Public Trust Act Commencement Order 2002 (SR 2002/11).

Subsection (5) was amended, as from 1 March 2002, by section 170(1) Public Trust Act 2001 (2001 No 100) by substituting the words “Public Trust” for the words “the Public Trustee”. *See* clause 2 Public Trust Act Commencement Order 2002 (SR 2002/11).

Subsection (10) was amended, as from 1 March 2002, by section 170(1) Public Trust Act 2001 (2001 No 100) by substituting the words “Public Trust” for the words “the Public Trustee”. *See* clause 2 Public Trust Act Commencement Order 2002 (SR 2002/11).

11A Power of DHB to deal with trust land

- (1) Subject to subsections (2) to (6) and to clause 43 of Schedule 3 of the New Zealand Public Health and Disability Act 2000, the powers of a DHB to sell, exchange, mortgage, or charge land may be exercised by that DHB in respect of land held in trust for any purpose, despite the terms of that trust.
- (2) The proceeds of any sale effected pursuant to subsection (1), and the land or money obtained by any exchange effected pursuant to subsection (1), are to be subject, so far as may be practicable, to the same trusts as the land so disposed of, or to any similar trusts that the Attorney-General may approve.
- (3) Nothing in this section applies to—
 - (a) any public reserve within the meaning of the Reserves Act 1977; or
 - (b) any Crown endowment land.

- (4) In respect of any land held in trust, the power of sale conferred by subsection (1) may not be exercised if the sale of the land is expressly prohibited by a term of the trust.
- (5) Any question as to whether subsection (4) prevents the sale of any land may be determined by the Attorney-General.
- (6) No mortgage or charge given by a DHB in respect of any land that is held in trust for any purpose may contain or imply any power of sale of the land, whether or not the mortgage or charge purports to do so.

Compare: 1983 No 134 ss 75, 77(3)

Sections 11A to 11H were inserted, as from 1 January 2001, by section 10 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

11B Power of Minister of Health to cancel Crown endowment

- (1) The Minister of Health may, by written notice given to a DHB, declare that any land vested in the DHB (being land that the Attorney-General has, by written notice to the Minister of Health, declared to be Crown endowment land) is no longer subject to the Crown endowment.
- (2) Where a notice is given by the Minister of Health under subsection (1), from the date of the notice the land—
 - (a) ceases to be subject to the Crown endowment; and
 - (b) subject to clause 43 of Schedule 3 of the New Zealand Public Health and Disability Act 2000, may be sold, exchanged, mortgaged, charged, or otherwise dealt with by the DHB free from the terms of the Crown endowment.
- (3) The Attorney-General may declare any land vested in a DHB to be Crown endowment land for the purposes of subsection (1) even if either or both of the following applies:
 - (a) the purpose of the Crown endowment can no longer be attained or ascertained:
 - (b) it is uncertain whether the land is Crown endowment land.

Sections 11A to 11H were inserted, as from 1 January 2001, by section 10 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

11C Power of DHB to apply proceeds of sale of Crown endowment land

- (1) Subject to subsection (2), where a DHB holds in trust the proceeds of the sale of any land (being land that was, at the time of the sale, subject to a Crown endowment), the DHB may, despite the terms of that endowment, and whether the land was sold before or after the commencement of this section, apply the proceeds of the sale—
 - (a) for the purposes of any health services or disability support services, or both, provided by the DHB; or
 - (b) for any purpose for which the DHB may lawfully apply its own property.
- (2) The power conferred by subsection (1) may be exercised in respect of the proceeds of the sale of any land only if the Attorney-General, by written notice given to the DHB, declares that the land sold (whether before or after the commencement of this section) was Crown endowment land.
- (3) A notice may be given under subsection (2) in respect of land sold by a DHB even if either or both of the following applies:
 - (a) the purpose of the Crown endowment can no longer be attained or ascertained;
 - (b) it is uncertain whether the land sold was Crown endowment land.

Sections 11A to 11H were inserted, as from 1 January 2001, by section 10 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

11D Saving in respect of Charitable Trusts Act 1957

Nothing in this Act prevents a DHB from exercising the rights conferred on trustees by Part 3 of the Charitable Trusts Act 1957.

Sections 11A to 11H were inserted, as from 1 January 2001, by section 10 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

11E Health sector reserves

- (1) In this section, **health sector reserve** means any land vested in a transferee that is a reserve within the meaning of the Reserves Act 1977.
- (2) Every health sector reserve is deemed to be classified, under the Reserves Act 1977, as a Government purpose reserve for

the purpose of the health and disability sector and for related purposes.

- (3) Every health sector reserve may be transferred under this Act to any transferee, whether or not the transferee is in the health and disability sector.
- (4) Every transferee to whom a health sector reserve is transferred under this Act is an administering body under the Reserves Act 1977 in respect of that reserve, except that neither section 25(3) of that Act nor Part 4 of that Act applies to the transferee or to the reserve.
- (5) A transferee outside the health and disability sector to whom a health sector reserve is transferred under this Act must, as soon as practicable, promote either of the following:
 - (a) an appropriate change of classification or purpose of the health sector reserve under the Reserves Act 1977;
 - (b) the revocation, under that Act, of the reservation of the health sector reserve as a reserve.
- (6) If the reservation of any health sector reserve is revoked under the Reserves Act 1977, then, despite any enactment, from the date of the revocation the land comprising the former health sector reserve—
 - (a) remains vested in the transferee; and
 - (b) is subject to any reservations or trusts affecting that land arising from Acts (other than the Reserves Act 1977 or any other Act by which the former status as a reserve was conferred or confirmed), Provincial Ordinances, wills, deeds, or other instruments; and
 - (c) is subject to clause 3 of Schedule 1 if it is public work land within the meaning of that clause; and
 - (d) is subject to any valid leases, rights, easements, or interests subsisting over that land at the date of the revocation.
- (7) Despite the Reserves Act 1977, a lease or licence may be granted over a health sector reserve for health-related purposes or, with the consent of the Minister, for any other purposes.
- (8) The granting of a lease or licence under subsection (7) is subject to,—

- (a) if granted by a publicly-owned health and disability organisation or a subsidiary of such an organisation, clause 43 of Schedule 3 or clause 28 of Schedule 6 of the New Zealand Public Health and Disability Act 2000, as the case may require; and
 - (b) if granted by a transferee that is not a publicly-owned health and disability organisation or a subsidiary of such an organisation, clause 43 of Schedule 3 of the New Zealand Public Health and Disability Act 2000, as if that clause applied, with all necessary modifications, to the transferee.
- (9) Any payment under a lease or licence over a health sector reserve may be paid to the transferee in whom the reserve is vested, and may be applied for the purposes of the transferee.
- (10) To avoid any doubt, nothing in this Act permits the Minister to alter the status of a health sector reserve without complying with all processes required by the Reserves Act 1977, including the processes under that Act that require changes in status to be approved by the Minister of Conservation.

Sections 11A to 11H were inserted, as from 1 January 2001, by section 10 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

11F Saving in respect of Public Works Act 1981

Nothing in sections 11A to 11E limits the application of clause 3 of Schedule 1 to land to which that clause applies.

Sections 11A to 11H were inserted, as from 1 January 2001, by section 10 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

11G Saving in respect of Waikato Raupatu Claims Settlement Act 1995 and Ngai Tahu Claims Settlement Act 1998

Nothing in sections 11A to 11E limits the application of—

- (a) section 11 of the Waikato Raupatu Claims Settlement Act 1995; or
- (b) Part 9 of the Ngai Tahu Claims Settlement Act 1998.

Sections 11A to 11H were inserted, as from 1 January 2001, by section 10 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

11H Part 4A of Conservation Act 1987

- (1) Subject to subsections (2) to (5), the provisions of Part 4A of the Conservation Act 1987 apply, with all necessary modifications, in relation to every sale or other disposition of land by a transferee as if that disposition of land were a sale or other disposition of land by the Crown.
- (2) The provisions of Part 4A of the Conservation Act 1987 do not apply in relation to any sale or other disposition of land by a transferee if the land sold or otherwise disposed of—
 - (a) is land that,—
 - (i) before being transferred to, or vested in, the transferee under this Act or the New Zealand Public Health and Disability Act 2000, had been given to the Crown, a DHB, or any predecessors in title of a DHB; and
 - (ii) is being sold or disposed of to the donor of the land or to the successor of the donor of the land (being the person who would have been entitled to the land under the will or intestacy of the donor had the donor owned the land at the date of the donor's death); or
 - (b) is land acquired by the transferee other than land acquired by virtue of—
 - (i) the operation of section 95 of the New Zealand Public Health and Disability Act 2000; or
 - (ii) a transfer under this Act; or
 - (c) is land being transferred to or vested in the Crown.
- (3) Despite subsection (1), the Registrar-General of Land is not obliged to take any action under section 24D of the Conservation Act 1987 upon the registration of any disposition by a transferee of any land under the Land Transfer Act 1952 unless a certificate complying with subsection (4) is lodged with the instrument by which the disposition is being effected.
- (4) The certificate required by subsection (3) must—
 - (a) be signed by the chief executive of the transferee by which the disposition is being effected; and
 - (b) certify that the disposition is one to which Part 4A of the Conservation Act 1987 applies; and

- (c) state the action that the Registrar-General of Land is required to take under section 24D of the Conservation Act 1987 upon the registration of that disposition; and
 - (d) specify the certificate of title upon which the Registrar-General of Land is to record the statements required by section 24D of the Conservation Act 1987.
- (5) Nothing in this section limits the provisions of clause 6 of Schedule 1.

Sections 11A to 11H were inserted, as from 1 January 2001, by section 10 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Transfer of employees

12 Transfer of employees by agreement or Order in Council

- (1) Where the rights and obligations of a transferor under a contract of service between the transferor and an employee of the transferor are transferred to a transferee under section 4 or section 5 of this Act, except as otherwise specified in the agreement, proposal, or Order in Council,—
- (a) The employee shall, with effect from the commencement of the transfer date, become an employee of the transferee; and the contract of service shall, from the commencement of that date, apply as a contract between the employee and the transferee; and
 - (b) The contract of service shall be deemed to have been unbroken and the employee's period of service with the transferor, and every other period of service of the employee that is recognised by the transferor as continuous service, shall be deemed to have been a period of service with the transferee; and
 - (c) The employee shall be employed by the transferee with effect from the commencement of the transfer date in the same or substantially the same capacity as the capacity in which the employee is employed immediately before the transfer date; and
 - (d) The employee shall not be entitled to receive any payment or other benefit (including a benefit under any superannuation scheme) by reason of—
 - (i) The transfer; or

- (ii) The employee ceasing to be an employee of the transferor; or
 - (iii) Any change in the capacity in which the employee is employed, so long as the new capacity is substantially the same as the previous capacity.
- (2) Where any rights and obligations of a transferor under a contract of service arise by virtue of a collective employment contract and such rights and obligations are transferred to a transferee under section 4 or section 5 of this Act, that collective employment contract shall be deemed, as from the commencement of the transfer date (or such other time as is specified in the agreement, proposal, or Order in Council), to continue to apply on the same terms (including any terms relating to new employees) as if it were a contract made between the transferee, any bargaining agent that is a party to it, and the employee.

13 Restrictions on redundancy and other entitlements

- (1) Where an employee of a transferor receives a reasonable offer of employment from any transferee on or before the date on which the employee ceases to be employed by the transferor, being an offer of employment on terms and conditions that are substantially similar to the terms and conditions applying to the employee at the date on which the employee ceases to be employed by the transferor, then, except as otherwise determined by the Minister but notwithstanding the terms of that employee's contract of service with the transferor, the employee shall not be entitled to receive any payment or other benefit from the transferor by reason of so ceasing, whether or not the employee accepts that offer of employment from the transferee.
- (2) Where an employee of a transferor ceases for any reason (including redundancy) to be an employee of the transferor but is employed (in any capacity) by a transferee within 9 months of so ceasing (whether or not that employment with the transferee commenced before the employee ceased employment with the transferor), then, notwithstanding the terms of that employee's contract of service with the transferor,—

- (a) The entitlement of that employee to receive or to retain any payment or other benefit from the transferor or from any other person by reason of so ceasing shall be determined in accordance with a scale fixed by the Minister; and
 - (b) If such a payment or other benefit has been paid to or for the benefit of the employee, the employee shall repay all or such part of the payment or other benefit in accordance with a scale fixed by the Minister.
- (3) In fixing a scale for the purposes of subsection (2) of this section, the Minister shall have regard to the period that has elapsed between the employee ceasing to be employed by the transferor and becoming an employee of a transferee.
- (4) Every amount payable by an employee under subsection (2)(b) of this section shall constitute a debt due from the employee to the person who paid it (or, if that person was an area health board, to the Crown Health Financing Agency) and may be recovered accordingly.
- (5) The Minister may vary a scale in respect of a particular employee where the Minister is satisfied that—
 - (a) Undue hardship to the employee would otherwise result; or
 - (b) It is reasonable to do so having regard to the extent to which the employee's terms and conditions of employment with the transferee differ from those with the transferor.
- (6) This section shall apply only to those employees who cease to be employed by a transferor on or before the 31st day of December 1994.

Subsection (4) was amended, as from 17 May 2005, by section 5(2) New Zealand Public Health and Disability Amendment Act 2005 (2005 No 63) by substituting the words "Crown Health Financing Agency" for the words "Residual Health Management Unit".

14 National Provident superannuation schemes

Where—

- (a) The rights and obligations of a transferor under a contract of service between the transferor and an employee

- of the transferor are transferred to a transferee under section 4 or section 5 of this Act; and
- (b) The employee was, immediately before the date on which the transfer takes effect, a member of a superannuation scheme of which the Board of Trustees of the National Provident Fund is trustee; and
 - (c) The transferor was, immediately before that date, a corporate contributor to that scheme,—
- the transferee shall on and from that date be obliged to contribute to that scheme in respect of that employee in accordance with the terms of the scheme and shall be deemed to be a local authority for the purposes of section 40 of the National Provident Fund Restructuring Act 1990.

15 Application of Government Superannuation Fund Act 1956

- (1) For the purposes of the Government Superannuation Fund Act 1956, a person who, at any time before the 31st day of March 1994, becomes an employee of a transferee and who, immediately before becoming such an employee, was an officer or employee of a transferor and was a contributor to the Government Superannuation Fund under that Act shall, so long as that person continues to be employed by a transferee, be deemed to be employed in the Government service and that Act shall be deemed to apply to that person as if service with the transferee were Government service.
- (2) Subject to the Government Superannuation Fund Act 1956, nothing in subsection (1) of this section shall entitle any such person to become a contributor to the Government Superannuation Fund after that person has ceased to be a contributor.
- (3) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with subsection (1) of this section, to a person who is in the service of a transferee and is a contributor to the Government Superannuation Fund, the term

controlling authority, in relation to that person, means the chief executive of the transferee.

Residual Health Management Unit

16 Establishment of Unit

[Repealed]

Sections 16 to 22 were repealed, as from 1 January 2001, by section 11 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

17 Functions of Unit

[Repealed]

Sections 16 to 22 were repealed, as from 1 January 2001, by section 11 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

18 Board of Unit

[Repealed]

Sections 16 to 22 were repealed, as from 1 January 2001, by section 11 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

19 Unit to be Crown entity

[Repealed]

Sections 16 to 22 were repealed, as from 1 January 2001, by section 11 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

20 Directions

[Repealed]

Sections 16 to 22 were repealed, as from 1 January 2001, by section 11 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

21 Further provisions applying to Unit

[Repealed]

Paragraph (a) was amended, as from 1 July 1998, by section 5(4) Health and Disability Services Amendment Act 1998 (1998 No 74) by substituting the words “the Health Funding Authority” for the words “a regional health authority”.

Sections 16 to 22 were repealed, as from 1 January 2001, by section 11 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Abolition of area health boards

[Repealed]

22 Abolition of area health boards

[Repealed]

Sections 16 to 22 were repealed, as from 1 January 2001, by section 11 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

23 Repeal of enactments relating to area health boards

- (1) The enactments specified in Part 1 of Schedule 5 to this Act are hereby repealed.
- (2) The orders and the determination specified in Part 2 of Schedule 5 to this Act are hereby revoked.

Amendments to Social Security Act 1964

24 Repeal of Part 2 of Social Security Act 1964

- (1) Part 2 of the Social Security Act 1964 is hereby repealed.
- (2) The enactments specified in Part 3 of Schedule 5 to this Act are hereby repealed.
- (3) The enactments specified in Part 4 of Schedule 5 to this Act are hereby revoked.
- (4)

Subsection (4) was repealed, as from 1 January 1995, by section 19 Patents Amendment Act 1994 (1994 No 122). *See* sections 17 and 18 of that Act as to the transitional provisions. *See* regulation 2 Patents Amendment Act Commencement Order 1994 (SR 1994/302).

25 Regulations

- (1) The Governor-General may from time to time, by Order in Council, in accordance with the recommendation of the Minister, make regulations for all or any of the following purposes:
 - (a) Prescribing the maximum amounts that persons or classes of persons specified in the regulations may charge in respect of any health services or disability services specified in the regulations for which payments are made by purchasers, being maternity, immunisa-

- tion, diagnostic, pharmaceutical, or other services for which the amounts that could be charged were limited by any Act or regulations on the day before the day on which this section comes into force:
- (b) Defining classes of services or persons for the purposes of any regulations made under this section, which classes may be defined by reference to such criteria, circumstances, or matters as are specified in the regulations, including, but not by way of limitation, the income of the persons:
 - (c) Prescribing transitional and savings provisions relating to the coming into force of section 24 of this Act; and, without limiting the generality of paragraphs (a) and (b) of this subsection, any such regulations may provide that, together with such amendments or additions (if any) as are specified in the regulations, specified provisions of this Act shall not apply during a specified transitional period, or specified provisions of Part 2 of the Social Security Act 1964, or of the enactments specified in Part 3 or Part 4 of Schedule 5 to this Act shall continue to apply, in respect of any specified persons or class of persons.
- (2) Before making any recommendation that regulations be made under subsection (1)(a) of this section, the Minister shall consult as to the principal contents of the proposed regulations with such persons, or representatives of the persons or classes of persons to be specified in the regulations, as the Minister thinks fit.

Amendments to Disabled Persons Community Welfare Act 1975

26 Amendments to Disabled Persons Community Welfare Act 1975

[Repealed]

Subsection (2) was amended by section 2 Health Reforms (Transitional Provisions) Amendment Act 1997 (1997 No 68) by inserting the words “(other than sections 18 to 22A)”.

Subsections (2A) and (2B) were inserted, as from 21 October 1994, by section 80(1) Health and Disability Commissioner Act 1994 (1994 No 88).

Subsection (3) was amended, as from 21 October 1994, by section 80(2) Health and Disability Commissioner Act 1994 (1994 No 88) by substituting the expression “Subsections (2), (2A), and (2B)” for the expression “Subsection (2)”.

Section 26 was repealed, as from 1 October 2004, by section 59(1) Health and Disability Services (Safety) Act 2001 (2001 No 93). *See* section 11 of that Act for transitional provisions.

Amendments to Public Finance Act 1989

27 Amendments to Public Finance Act 1989

- (1) The Public Finance Act 1989 is hereby amended by inserting in Schedules 4, 6, and 7 (as added by section 41 of the Public Finance Amendment Act 1992), in their appropriate alphabetical order, the following items:

“

- “• Crown health enterprises.
- “• Public Health Commission.
- “• Regional health authorities.”

- (2) The Public Finance Act 1989 is hereby amended by inserting in Schedule 5 (as added by section 41 of the Public Finance Amendment Act 1992), in their appropriate alphabetical order, the following items:

“

- “• Public Health Commission.
- “• Regional health authorities.”

- (3) The Public Finance Act 1989 is hereby amended by inserting in Schedules 4, 6, and 7 (as so added), in its appropriate alphabetical order, the following item:

“

- “• Residual Health Management Unit.”

- (4) The Public Finance Act 1989 is hereby amended by omitting from Schedules 4 and 7 (as so added) the words “Area Health Boards”.

Amendments to Building Act 1991

28 Amendments to Building Act 1991

- (1) The Building Act 1991 is hereby amended in the manner indicated in Schedule 3 to this Act.

- (2) Subsection (1) of this section and Schedule 3 to this Act shall come into force on a date to be appointed by the Governor-General by Order in Council, being a date after the 30th day of June 1994.

Application of Commerce Act 1986

29 Application of Commerce Act 1986

[Repealed]

Section 29 was repealed, as from 6 July 1994, by section 2(6) Finance Act 1994 (1994 No 73).

Amendments to Ombudsmen Act 1975

30 Amendments to Ombudsmen Act 1975

- (1) The Ombudsmen Act 1975 is hereby amended by adding to section 2 (as substituted by section 2 of the Ombudsmen Amendment Act 1992 and amended by section 46(1) of the Crown Research Institutes Act 1992) the following subsection:
- “(4) For the purposes of Part II of the First Schedule to this Act, a company is a related company of a Crown health enterprise if the Crown health enterprise, whether alone or together with any other Crown health enterprise, directly or indirectly, owns, or controls the exercise of, all the voting rights attaching to, the equity share capital (as defined in section 158 of the Companies Act 1955) of the company.”
- (2) Part 1 of Schedule 1 to the Ombudsmen Act 1975 is hereby amended—
- (a) By omitting from Part 1 of Schedule 1 the words “The Department of Health”; and
- (b) By inserting in Part 1 of Schedule 1, in its appropriate alphabetical order, the following item:
- “
- “• The Ministry of Health.”
- (3) Part 2 of Schedule 1 to the Ombudsmen Act 1975 is hereby amended by inserting, in their appropriate alphabetical order, the following items:
- “

- “• Crown health enterprises.
 - “• Regional health authorities.
 - “• The Public Health Commission.
 - “• Related companies of Crown health enterprises (within the meaning of section 2(4) of this Act).
 - “• The Residual Health Management Unit.”
- (4) Part 3 of Schedule 1 to the Ombudsmen Act 1975 is hereby amended by omitting the item relating to area health boards (as inserted by section 98 of the Area Health Boards Act 1983).

Amendment to Dental Act 1988

[Repealed]

This heading was repealed, as from 18 September 2004, by section 175(4) Health Practitioners Competence Assurance Act 2003 (2003 No 48). *See* sections 178 to 227 of that Act as to the transitional provisions.

31 New sections substituted

[Repealed]

Section 31 was repealed, as from 18 September 2004, by section 175(4) Health Practitioners Competence Assurance Act 2003 (2003 No 48). *See* sections 178 to 227 of that Act as to the transitional provisions.

Amendments to other Acts

32 Amendments to other Acts

The enactments specified in Schedule 4 to this Act are hereby amended in the manner indicated in that Schedule.

Schedule 1

Sections 9, 22(4)

Provisions relating to transfer of assets and liabilities

1 Assets relating to land may be transferred separately

Assets that have been fixed to, or placed under or over, any land may be transferred to a transferee under this Act notwithstanding that no interest in the land is also transferred to the transferee under this Act, and in any such case—

- (a) The assets and the land shall be regarded as separate assets each capable of separate ownership; and
- (b) The assets shall, for the purposes of this Act and of every other enactment or rule of law, be treated as personal property, and not as land or an interest in land, notwithstanding that they are so affixed to, or under or over, land.

2 Transfer of assets where certain terms and conditions prescribed by statute

- (1) Where—
 - (a) Rights or obligations to provide goods or services to third parties are transferred to a transferee under this Act; and
 - (b) Those goods or services have previously been provided by a transferor on terms and conditions wholly or partly prescribed by any Act; and
 - (c) The Governor-General has by Order in Council declared that this subclause shall apply in respect of those goods or services,—

the goods or services shall, to the extent that those terms and conditions are not already contained in contracts between the transferor and third parties, from the date of transfer be deemed to be provided pursuant to contracts between the transferee and the third parties (whether or not the Act is repealed).
- (2) Each such contract shall be deemed to include such of the terms and conditions contained in that Act (with all necessary modifications) as are specified in the Order in Council.
- (3) Where any land that is subject to any lease, licence, permit, or right, created on terms and conditions wholly or partly set out in any Act has been or is to be transferred to a transferee under this Act, the Governor-General may, by Order in Council, declare that such of the provisions of that Act as are specified in the order shall continue to apply in relation to the land and such licence, lease, permit, or right.
- (4) Where an Order in Council is made under subclause (3) of this clause, the provisions of the Act referred to in the order shall, with all necessary modifications, continue to apply in relation

to the land and the terms or conditions of the lease, licence, permit, or right subject to any agreement to—

- (a) Amend or revoke any such term or condition; or
- (b) Revoke any such term or condition, and substitute another term or condition for it—

made between the owner for the time being of the land and the holder for the time being of the lease, licence, permit, or right.

3 Modification of provisions of Public Works Act 1981

- (1) In this clause, **public work land** means any land or interest in land owned by a transferee that—
 - (a) on 10 May 1993 was subject to sections 40 to 42 of the Public Works Act 1981; and
 - (b) has on 1 or more occasions been transferred by or under this Act.
- (2) Sections 40 to 42 of the Public Works Act 1981 do not apply to any public work land so long as the land—
 - (a) is held by a transferee (regardless of whether or not those purposes are the purposes for which the land was acquired under the Public Works Act 1981 or under any corresponding former Act)—
 - (i) for the purposes of the transferee; or
 - (ii) to enable the transferee to prepare for the disposal of the land; or
 - (iii) to enable the transferee to determine whether to transfer or hold the land for any purpose referred to in this subclause; or
 - (b) is transferred under this Act to enable another transferee to hold the land for any of the purposes specified in paragraph (a); or
 - (c) is held under a lease or licence granted by a transferee to any person other than a transferee for health-related purposes or, with the consent of the Minister, for any other purpose.
- (3) If any public work land is not held or transferred in accordance with subclause (2), sections 40 and 41 of the Public Works Act 1981 apply as if the land were owned by the Crown. However, the proceeds of any sale of the land must nevertheless be ap-

plied for the purposes of the transferee that, immediately before the sale, owned the land.

- (4) When subclause (3) applies to any public work land, the transferee that owns the land may, subject to subclause (5), sell or otherwise dispose of the land to any person on any terms or conditions it thinks fit if,—
 - (a) within 40 working days following an offer made, under section 40(2) of the Public Works Act 1981 (or such further period as the transferee allows), the parties have neither agreed on a price for the land nor agreed that the price be determined by the Land Valuation Tribunal; or
 - (b) an offer under section 40 of that Act in respect of the land is not required.
- (5) A transferee and a person who is entitled, or may become entitled, to receive an offer under section 40(2) of the Public Works Act 1981 in respect of any public work land may agree that the sale of the land is to be subject to any terms and conditions, including, for example, a term or condition entitling the transferee to lease the land.
- (6) An agreement under subclause (5), in relation to any public work land with a person who is entitled, or may become entitled, to receive an offer under section 40(2) of the Public Works Act 1981 in respect of that land, extinguishes the person's entitlement or prospective entitlement under that section in respect of the land.

Subclause (3)(a) was amended, as from 1 July 1996, by section 5 Survey Amendment Act 1996 (1996 No 55) by substituting the words “department within the meaning of section 2 of the Survey Act 1986” for the words “Department of Survey and Land Information”.

Clause 3 was substituted, as from 1 January 2001, by section 12 Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

4 Obligation to lodge caveat

- (1) Where land or an interest in land is transferred to a transferee under this Act or by another transferee, the transferee shall, for the purpose of protecting the rights of persons to have that land or interest offered to them under section 40(2) of the Public Works Act 1981, lodge an appropriate caveat under the Land Transfer Act 1952, and this clause shall be sufficient authority for the lodging of such a caveat.

- (2) For the purposes of this clause, the rights of persons to have land or an interest in land offered to them under section 40(2) of the Public Works Act 1981 shall be deemed to be interests in land for the purposes of section 137 of the Land Transfer Act 1952.
- (3) In stating, in a caveat lodged under subclause (1) of this clause, the interest claimed by the caveator, it shall be sufficient, for the purposes of section 138 of the Land Transfer Act 1952, to refer to sections 40 to 42 of the Public Works Act 1981 and to this clause.

5 Transfer of land not to constitute a subdivision or development

Nothing in section 11 or Part 10 of the Resource Management Act 1991 or section 348 of the Local Government Act 1974 applies to the transfer of land or an interest in land to a transferee under this Act or by another transferee.

6 Marginal strips

Nothing in Part 4A of the Conservation Act 1987 shall apply to the disposition of any land by the transferring Ministers on behalf of a transferor other than the Crown.

7 Land Settlement Promotion and Land Acquisition Act 1952 not to apply

The provisions of Part 2 of the Land Settlement Promotion and Land Acquisition Act 1952 shall not apply to any transfer of land or an interest in land to a transferee by another transferee.

8 Uses deemed to be permitted activity

Where any land is transferred to a transferee under this Act, the use of that land which is established at the date of the transfer shall be deemed to be a permitted activity under the Resource Management Act 1991 until the next completion of the review of the district plan or appropriate part of the district plan, and thereafter the status of that use shall be as provided from time to time in or under the district plan.

9 Title to land

- (1) The District Land Registrar shall, on written application by any person authorised by the Minister and on payment of the prescribed fee,—
 - (a) Register a transferee as the proprietor, in substitution for the transferor, of the estate or the interest of the transferor, in any land which is incorporated in the register or otherwise registered in the land registry office of the land registration district concerned and which is transferred to the transferee under this Act; and
 - (b) Make such entries in the register and on any outstanding documents of title and generally do all such things as may be necessary to give effect to this clause.
- (2) The powers conferred by subclause (1) of this clause may be exercised in respect of an estate or interest that is incorporated in the register by virtue of a lease or licence that has expired or has been determined.
- (3) A District Land Registrar shall, on written application by any person authorised by the Minister and on payment of the prescribed fee, issue a certificate of title for land vested in a transferee in accordance with clause 10(1) of this Schedule in form No 1 in Schedule 1 to the Land Transfer Act 1952, amended as appropriate.
- (4) As soon as registration is accomplished in accordance with subclause (1) of this clause or a certificate of title is issued in accordance with subclause (3) of this clause, the transferee shall, except where the interest acquired is either an easement in gross or an estate as lessee or mortgagee, be deemed to be seized of an estate in fee simple in possession in respect of that land.
- (5) Applications in accordance with subclauses (1) and (3) of this clause shall specify the name of the transferee and the date of the agreement, together with a description of the land sufficient to identify it and, in the case of applications under subclause (3) of this clause, a certificate by the Chief Surveyor for the district concerned as to the correctness of such description.

10 Transfer of Crown land

- (1) Notwithstanding any other provision of this Act, Crown land within the meaning of the Land Act 1948 and any lands of the Crown other than lands registered under the Land Transfer Act 1952 that are to be vested in a transferee pursuant to this Act shall—
- (a) Be identified by an adequate legal description, or on plans lodged in the office of the Chief Surveyor for the land district in which the land is situated (being plans certified as correct for the purposes of this clause by that Chief Surveyor); and
 - (b) As so identified, vest in the transferee—
 - (i) In accordance with a proposal approved by, and on a date specified in, an Order in Council made under section 5 of this Act; or
 - (ii) Pursuant to, and on a date specified in, an Order in Council made for the purposes of this clause; or
 - (iii) Pursuant to, and on a date specified in, a notice in the *Gazette* given for the purposes of this clause by the Minister or by a person authorised in writing by the Minister.
- (2) Every notice given under subclause (1)(b)(iii) of this clause may be given on such terms and conditions as the Minister or a person authorised in writing by the Minister, as the case may be, thinks fit, and shall have effect according to its tenor.
- (3) Nothing in this Act or in any transfer of land to a transferee under this Act shall derogate from the provisions of section 10 or section 11 of the Crown Minerals Act 1991.

11 Land certification

- (1) Before a District Land Registrar issues a certificate of title in respect of any land vested in a transferee under clause 10 of this Schedule, the District Land Registrar shall either receive under the hand of or request from the Director-General within the meaning of section 2 of the Survey Act 1986 or any Chief Surveyor a certificate in the form set out in Schedule 2 to the Land Act 1948 as to the legal description of the land, any trusts, reservations, or restrictions affecting the land, and any

other matters that the District Land Registrar considers appropriate.

- (2) A certificate in accordance with subclause (1) of this clause shall be filed by the District Land Registrar in the Land Registry Office and shall be conclusive evidence to the District Land Registrar of the matters required to be stated in that certificate.

Subclause (1) was amended, as from 1 July 1996, by section 5 Survey Amendment Act 1996 (1996 No 55) by substituting the words “Director-General within the meaning of section 2 of the Survey Act 1986” for the words “Director-General of Survey and Land Information”.

12 Certification of easements

- (1) Where land is vested in a transferee under clause 10 of this Schedule subject to the reservation of or together with any easement, not being an easement previously registered under the Land Transfer Act 1952, the Director-General within the meaning of section 2 of the Survey Act 1986 or any Chief Surveyor shall include in the certificate given under clause 11(1) of this Schedule a sufficient description of the easement and particulars as to the rights and powers, terms, covenants, conditions, or restrictions attaching thereto.
- (2) The District Land Registrar shall enter a memorial of the easement upon the relevant certificate of title by reference to the certificate in which it is described as if that certificate were the instrument creating the easement.
- (3) Where a memorial of an easement is entered upon the relevant certificate of title under subclause (2) of this clause, the easement shall be treated for all purposes including all subsequent dealings as if it had been created under the Land Transfer Act 1952.

Subclause (1) was amended, as from 1 July 1996, by section 5 Survey Amendment Act 1996 (1996 No 55) by substituting the words “Director-General within the meaning of section 2 of the Survey Act 1986” for the words “Director-General of Survey and Land Information”.

13 Orders in Council relating to transfer of assets and liabilities

- (1) For the purpose of facilitating the transfer of assets and liabilities to a transferee under this Act, the Governor-General may from time to time, by Order in Council (whether made under

this clause or section 5 of this Act or otherwise), do any one or more of the following:

- (a) Declare that a reference to a Minister of the Crown, a transferor, or an officer or employee, department, or instrument of a transferor in any or all regulations, orders, notices, or documents shall be deemed to be or to include a reference to a transferee specified in the order or in a proposal approved by that or another order:
 - (b) Declare that a transferee shall assume or continue to have the rights and obligations of a Minister of the Crown, a transferor, or an officer, employee, department, or instrument of a transferor in respect of applications for rights, objections, or proceedings before any court, authority, or other person:
 - (c) Declare, in respect of any assets or liabilities transferred to a transferee under this Act, that the transferee shall be deemed to have specified rights or obligations in respect of those assets or liabilities, being rights or obligations that are required in respect of those assets or liabilities as a result of the change of ownership or responsibility from the transferor to the transferee:
 - (d) Declare that any Order in Council made for the purposes of this clause shall be deemed to be notice to all persons, and that specific notice need not be given to any authority or other person:
 - (e) Direct any authority or other person to register or record any such declaration.
- (2) Every Order in Council made for the purposes of this clause may be made on such terms and conditions as the Governor-General thinks fit, and shall have effect according to its tenor.

14 Shares issued for non-cash consideration

Nothing in subsections (1)(b), (2), and (3) of section 60 of the Companies Act 1955 shall apply in respect of shares issued by a transferee consequent upon the transfer of assets, or assets and liabilities, to the transferee under this Act.

15 Transfer without consideration

- (1) Any agreement entered into under section 4 of this Act, or proposal approved under section 5 of this Act, may provide that any transferor or transferee is to transfer assets, or incur a liability, without receiving in return any, or an equivalent, asset.
- (2) Without limiting any other provision of this Act, the performance of any transfer, or discharge of any liability, of a kind referred to in subclause (1) of this clause shall not place the transferor or transferee, or any of its officers, employees, or agents, in breach of any Act, rule of law or agreement that would otherwise apply.

16 Delegations

- (1) Any agreement entered into under section 4 of this Act, or proposal approved under section 5 of this Act, may—
 - (a) Authorise either or both of the transferring Ministers to take any action, or make any decision, specified in the agreement or proposal; and
 - (b) Authorise each transferring Minister to appoint any person to act as the transferring Minister's agent for all or any matters described in the agreement or proposal where either or both of the transferring Ministers are authorised to take any action or make any decision.
- (2) The actions or decisions of any person appointed in accordance with subclause (1)(b) of this clause shall be as binding as if they had been taken or made by the transferring Minister who appointed the person.

Schedule 2

Section 26(1)

**Amendments to Disabled Persons
Community Welfare Act 1975**

[Repealed]

Schedule 2 was repealed, as from 1 October 2004, by section 59(1) Health and Disability Services (Safety) Act 2001 (2001 No 93). *See* section 11 of that Act for transitional provisions.

Schedule 3
Amendments to Building Act 1991

Section 28(1)

Provision Amended	Amendment
Section 6	By omitting from subsection (2)(e) the words “to which section 25 of the Disabled Persons Community Welfare Act 1975 applies”, and substituting the words “to which section 47A of this Act applies”.
Section 34	By repealing subsection (7), and substituting the following subsection: “(7) Notwithstanding subsection (4) of this section, in relation to any building to which section 47A of this Act applies, a waiver or modification relating to access and facilities for use by people with disabilities shall only be granted by the Authority in a determination issued under Part III of this Act which is in accordance with the requirements of the said section 47A.
Section 38	By omitting from paragraph (a) the words “(where this is a requirement in terms of section 25 of the Disabled Persons Community Welfare Act 1975)”, and substituting the words “(where this is a requirement in terms of section 47A of this Act)”.

Provision Amended	Amendment
Section 44	<p>By repealing paragraph (c) of subsection (5), and substituting the following paragraph:</p> <p>“(c) Means of access and facilities for use by persons with disabilities which meet the requirements of section 47A of this Act; and</p> <p>By repealing subparagraph (ii) of paragraph (e) of subsection (5), and substituting the following subparagraph:</p> <p>“(ii) Section 47A of this Act,—</p>
Section 46	<p>By omitting from subsection (2)(a) the words “(where this is a requirement in terms of section 25 of the Disabled Persons Community Welfare Act 1975)”, and substituting the words “(where this is a requirement in terms of section 47A of this Act)”.</p> <p>By omitting from subsection (4)(a) the words “(where this is a requirement in terms of section 25 of the Disabled Persons Community Welfare Act 1975)”, and substituting the words “(where this is a requirement in terms of section 47A of this Act)”.</p> <p>By inserting, after section 47, the following heading and section:</p> <p>“Access to buildings by persons with disabilities</p> <p>“47A Access and facilities for persons with disabilities to and within buildings</p> <p>“(1) In any case where provision is being made for the construction or</p>

Provision Amended	Amendment
	<p>alteration of any building to which the public are to be admitted, whether on payment or otherwise, reasonable and adequate provision by way of access, parking provisions, and sanitary conveniences, shall be made for persons with disabilities who may be expected to visit or work in that building and carry out normal activities and processes in that building.</p> <p>“(2) Notwithstanding the provisions of subsection (1) of this section, in respect of the alteration of any existing building or premises, the Building Industry Authority may at any time by determination under Part III of this Act provide for a waiver or modification from all or any of the requirements of this section if, having regard to all the circumstances, the Building Industry Authority determines that it is reasonable to grant the waiver or modification.</p> <p>“(3) Any provision that is made to meet the requirements of disabled persons in accordance with New Zealand Standard Specification No 4121 (being the code of practice for design for access and use of buildings by persons with disabilities) and any amendments thereof (whether made before or after the commencement of this subsection), or in accordance with any standard specification that is</p>

Provision Amended	Amendment
	<p>in substitution therefor, shall, in respect of matters subject to this Act, be deemed to be one of the documents establishing compliance with the building code for the purposes of section 49 of this Act.</p> <p>“(4) The provisions of this section shall apply to, but shall not be limited to, buildings, and parts of buildings, including driveways, accessways, and passages within and between complexes and developments, and associated landscaping, if any) that are intended to be used for or associated with one or more of the following purposes:</p> <p>“(a) Land, sea, and air passenger transport terminals and facilities and interchanges, whether wholly on land or otherwise:</p> <p>“(b) Public toilets wherever situated:</p> <p>“(c) Banks:</p> <p>“(d) Childcare centres and kindergartens:</p> <p>“(e) Day-care centres and facilities:</p> <p>“(f) Commercial buildings and premises for business and professional purposes, including computer centres:</p> <p>“(g) Central, regional, and local government offices and facilities:</p> <p>“(h) Courthouses:</p> <p>“(i) Police stations:</p>

Provision Amended	Amendment
	<p>“(j) Hotels, motels, hostels, halls of residence, holiday cabins, groups of pensioner flats, boardinghouses, guest houses, and other premises providing accommodation for the public:</p> <p>“(k) Hospitals, whether public or private, nursing homes, and old people’s homes:</p> <p>“(l) Medical and dental surgeries, and medical and paramedical and other primary health care centres:</p> <p>“(m) Educational institutions, including public and private primary, intermediate, and secondary schools, universities, polytechnics, and other tertiary institutions:</p> <p>“(n) Libraries, museums, art galleries, and other cultural institutions:</p> <p>“(o) Churches, chapels, and other places of public worship:</p> <p>“(p) Places of assembly, including auditoriums, theatres, cinemas, halls, sports stadiums, conference facilities, clubrooms, recreation centres, and swimming baths:</p> <p>“(q) Shops, shopping centres, and shopping malls:</p> <p>“(r) Restaurants, bars, cafeterias, and catering facilities:</p> <p>“(s) Showrooms and auction rooms:</p>

Provision Amended	Amendment
	<p>“(t) Public laundries: “(u) Petrol and service stations: “(v) Funeral parlours: “(w) Television and radio stations: “(x) Car parks, parking buildings, and parking facilities: “(y) Factories and industrial buildings where more than 10 persons are employed: “(z) Other buildings, premises, or facilities to which the public are to be admitted, whether on payment or otherwise.</p> <p>“(5) Where any provision required by this section is made at a building in compliance therewith, a notice or sign that indicates in accordance with the international access symbol that provision is made for the needs of persons with disabilities shall be displayed outside the building or so as to be visible from outside it.</p> <p>“(6) For the purposes of this section, the term person with a disability means any person who suffers from physical or mental disability to such a degree that he or she is seriously limited in the extent to which he or she can engage in the activities, pursuits, and processes of everyday life.</p>

Schedule 4

Section 32

Other enactments amended

Enactment	Amendment
1949, No 8—The Physiotherapy Act 1949 (Reprinted 1976, Vol 5, p 4323)	
1949, No 9—The Occupational Therapy Act 1949 (Reprinted 1976, Vol 5, p 4227)	By repealing subsection (1) of section 23 (as substituted by section 9 of the Occupational Therapy Amendment Act 1964), and substituting the following subsection: “(1) In this section,— “ Hospital means— “(a) Any licensed hospital within the meaning of the Hospitals Act 1957: “(b) Any hospital within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992:
1950, No 44—The Dietitians Act 1950 (RS Vol 28, p 29)	“ Medical Superintendent , in relation to any hospital, means the person for the time being in charge of that hospital acting on advice sought under subsection (4) of this section.

Enactment	Amendment
<p>1951, No 79—The Fees and Travelling Allowances Act 1951 (RS Vol 6, p 403)</p>	
<p>1952, No 49—The Shipping and Seamen Act 1952 (RS Vol 4, p 275)</p>	<p>By omitting from section 139(1) the words “A Port Health Officer, a Medical Officer of Health for any health district, and any other medical officer of the Department of Health”, and substituting the words “A Medical Officer of Health for any health district and any other officer of the Ministry of Health”.</p>
<p>1953, No 88—The Physiotherapy Amendment Act 1953 (Reprinted 1976, Vol 5, p 4348)</p>	
<p>1956, No 63—The Local Authorities Loans Act 1956 (RS Vol 24, p 369)</p>	<p>By omitting from paragraph (a) of the definition of the term local authority in section 2 (as amended by section 98 of the Area Health Boards Act 1983) the words “an area health board or a Hospital Board”.</p>
<p>1956, No 107—The Electoral Act 1956 (RS Vol 26, p 173)</p>	<p>By omitting from the definition of the term hospital in section 2(1) (as amended by section 7(1) of the Area Health Boards Amendment Act 1986) the words “or the Area Health Boards Act 1983”.</p>

Enactment	Amendment
1959, No 10—The Occupational Therapy Amendment Act 1959 (Reprinted 1976, Vol 5, p 4246)	By repealing sections 3(1) and (4).
1959, No 98—The Public Bodies Contracts Act 1959 (RS Vol 27, p 795)	By repealing so much of Part 1 of Schedule 1 (as amended by section 98 of the Area Health Boards Act 1983) as related to area health boards.
	By repealing so much of Part 1 of Schedule 1 as relates to Hospital Boards.
1964, No 19—The Human Tissue Act 1964 (RS Vol 16, p 169)	<i>[Repealed]</i>
1964, No 75—The Burial and Cremation Act 1964 (RS Vol 16, p 1)	By omitting from section 52(1) (as amended by section 98 of the Area Health Boards Act 1983) the words “or of an area health board”. By repealing the proviso to section 55 (as amended by section 98 of the Area Health Boards Act 1983), and substituting the following proviso:
	“Provided that no person shall be prosecuted for an offence against this section except upon an information laid by a member of the Police, an officer of the Ministry of Health, an officer of the Ministry of Maori Development, a member or officer of a local authority, or a trustee, manager, or other person having control of the place where the

Enactment	Amendment
	body was buried before its disinterment or removal.
<p>1965, No 23—The Radiation Protection Act 1965 (RS Vol 18, p 673)</p>	<p>By omitting from section 4(1) (as amended by section 98 of the Area Health Boards Act 1983) the words “Department of Health or of any area health board”, and substituting the words “Ministry of Health”.</p> <p>By omitting from section 24(1) (as amended by section 98 of the Area Health Boards Act 1983) the words “Department of Health or of any area health board”, and substituting the words “Ministry of Health”.</p>
<p>1966, No 42—The Medical Auxiliaries Act 1966 (RS Vol 17, p 331)</p>	<p>By omitting from section 25(3) (as amended by section 98 of the Area Health Boards Act 1983) the words “Department of Health or of any area health board”, and substituting the words “Ministry of Health”.</p>
<p>1966, No 97—The Alcoholism and Drug Addiction Act 1966 (RS Vol 17, p 13)</p>	<p>By repealing the proviso to section 5(1).</p> <p>By repealing section 5(2).</p> <p>By repealing subsection (1) of section 7, and substituting the following subsection:</p> <p>“(1) For purposes of this Act, the Minister may from time to time appoint, for any institution under this Act, a Supervising Committee, which shall have such functions as are conferred upon it by or under this Act.</p> <p>By omitting from section 17(1) (as amended by section 98 of the Area Health Boards Act 1983) the words “the superintendent in the</p>

Enactment	Amendment
<p>1967, No 1 (Private)—The Nurse Maude District Nursing Association Act 1967</p>	<p>case of an institution under the control of an area health board or a Hospital Board or of a psychiatric hospital within the meaning of the Mental Health Act 1969”, and substituting the words “the person in charge of a hospital within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992”.</p> <p>By omitting from section 22(1) (as amended by section 98 of the Area Health Boards Act 1983) the words “hospital or other institution under the Area Health Boards Act 1983 or the Hospitals Act 1957”, and substituting the words “licensed hospital within the meaning of the Hospitals Act 1957”.</p> <p>By repealing the definition in section 2 of the term hospital board (as inserted by section 2 of the Nurse Maude District Nursing Association Amendment Act 1987).</p> <p>By omitting from section 12(2) (as amended by section 3(1) of the Nurse Maude District Nursing Association Amendment Act 1987) the word “fourteen”, and substituting the word “eleven”.</p> <p>By repealing section 12(5) (as amended by section 3(2) of the Nurse Maude District Nursing Association Amendment Act 1987).</p> <p>By omitting from section 12(8) (as amended by section 3(1) of the Nurse Maude District Nursing Association Amendment Act 1987) the words “a hospital board representative or”.</p> <p>By omitting from the definition of Medical Officer of Health (as amended by section</p>

Enactment	Amendment
<p>1968 No 26—The Maternal Mortality Research Act 1968 (RS Vol 17, p 321)</p> <p>1968 No 46—The Medical Practitioners Act 1968 (RS Vol 7, p 535)</p> <p>1968, No 147—The Local Authorities (Members' Interests) Act 1968 (RS Vol 24, p 463)</p>	<p>98 of the Area Health Boards Act 1983) the words “or under the Area Health Boards Act 1983 by an area health board”.</p> <p>By omitting from section 9(1) (as amended by section 98 of the Area Health Boards Act 1983) the words “or (as the case may require) the area health district”.</p> <p>By omitting from section 9(1A) (as inserted by section 3(1) of the Maternal Mortality Research Amendment Act 1979 and amended by section 98 of the Area Health Boards Act 1983) the words “or (as the case may require) the area health district”.</p> <p>By omitting from section 9(2) (as amended by section 98 of the Area Health Boards Act 1983) the words “or (as the case may require) the area health district”.</p> <p>By repealing so much of Part 1 of Schedule 1 (as amended by section 98 of the Area Health Boards Act 1983) as relates to—</p> <p>“(a) Area Health Boards:</p> <p>“(b) Hospital Boards:</p>

Enactment	Amendment
1970, No 143—The Pharmacy Act 1970 (RS Vol 21, p 691)	
1972, No 20—The Occupational Therapy Amendment Act 1972 (Reprinted 1976, Vol 5, p 4246)	By repealing section 3.
1972 No 21—The Children’s Health Camps Act 1972 (RS Vol 24, p 97)	
1974, No 66, The Local Government Act 1974 (RS Vol 25, p 1)	<p>By inserting in section 2(1), in its appropriate alphabetical order, the following definition:</p> <p>“Crown health enterprise has the same meaning as in the Health and Disability Services Act 1993</p> <p>By repealing subparagraph (ii) of paragraph (b) of the definition of the term appropriate Minister in section 101ZZE (as inserted by section 15 of the Local Government Amendment Act 1992).</p> <p>By repealing subsection (5) of section 101ZZF (as inserted by section 21 of the Area Health Boards Amendment Act (No 2) 1991).</p> <p>By omitting from section 597(3) (as inserted by section 2 of the Local Government Amendment Act 1979 and amended by section 98 of the Area Health Boards Act 1983) the words “or area health board or</p>

Enactment	Amendment
<p>1975, No 116—The Misuse of Drugs Act (RS Vol 26, p 567)</p>	<p>hospital board”, and substituting the words “or Crown health enterprise”.</p> <p>By repealing clause 4 of Schedule 4A (as inserted by section 74 of the Local Government Amendment Act 1992).</p> <p>By repealing paragraphs (f) and (g) of section 8(2) (as amended by section 98 of the Area Health Boards Act 1983), and substituting the following paragraphs:</p> <p>“(f) Any Crown health enterprise or other corporate body, and any individual person being the manager or person licensed to carry on a hospital or any other institution, having the care of patients for whom controlled drugs are lawfully prescribed or supplied, may process those drugs for the purposes of the treatment of those patients:</p> <p>“(g) Any person in the service of the Crown of any Medical Officer of Health or any pharmacist approved by a Medical Officer of Health may procure and possess a controlled drug for the purposes of and in connection with his official duties:</p> <p>By omitting from section 18(5) (as amended by section 98 of the Area Health Boards Act 1983) the words “or any Medical Officer of Health or any pharmacist employed by an area health board”, and substituting the words “or any Medical Officer of Health.”</p> <p>By repealing paragraphs (a) and (aa) of section 20(3) (as substituted by section 98 of the</p>

Enactment	Amendment
<p>1976 No 61—The Optometrists and Dispensing Opticians Act 1976 (RS Vol 27, p 711)</p> <p>1976 No 65—The Income Tax Act 1976 (RS Vol 12, p 1)</p> <p>1976 No 143—The Alcoholic Liquor Advisory Council Act 1976 (RS Vol 26, p 1)</p> <p>1976, No 144—The Local Elections and Polls Act 1976 (RS Vol 28, p 683)</p> <p>1977, No 53—The Nurses Act 1977</p>	<p>Area Health Boards Act 1983), and substituting the following paragraph:</p> <p>“(a) Officers and employees of regional health authorities constituted under the Health and Disability Services Act 1993:</p>

Enactment	Amendment
<p>1977, No 112—The Contraception, Sterilisation and Abortion Act 1977 (RS Vol 28, p 1)</p>	<p>By repealing the definition in section 2 of the term area health board (as inserted by section 98 of the Area Health Boards Act 1983).</p> <p>By repealing the definition of the term private hospital in section 2.</p> <p>By omitting from section 14(1)(j) (as amended by section 98 of the Area Health Boards Act 1983) the words “, area health boards, and Hospital Boards”, and substituting the words “regional health authorities established under the Health and Disability Services Act 1993”.</p> <p>By repealing subsection (2A) of section 17 (as inserted by section 98 of the Area Health Boards Act 1983).</p>
<p>1979, No 27—The Toxic Substances Act 1979</p>	
<p>1979, No 59—The Local Government Amendment Act 1979 (RS Vol 25, p 609)</p>	<p>By repealing so much of Part 3 of Schedule 3 as relates to the Fees and Travelling Allowances Act 1951.</p>
<p>1980, No 128—The Occupational Therapy Amendment Act 1980</p>	<p>By repealing section 2.</p>
<p>1981, No 5—The Psychologists Act 1981</p>	

Enactment	Amendment
1981, No 45—The Food Act 1981	<p>By omitting from the definition of the term Director-General in section 2 the words “under the Health Act 1956”.</p> <p>By repealing the definition of the term officer in section 2, and substituting the following definition:</p> <p>“Officer includes the Medical Officer of Health; and also includes—</p> <p>“(a) A medical officer employed in the Ministry of Health:</p> <p>“(b) A Health Protection Officer within the meaning of the Health Act 1956:</p> <p>“(c) A person appointed to be an officer under section 7 of this Act:</p> <p>By omitting from section 7(2) the words “The Minister”, and substituting the words “the Director-General”.</p> <p>By omitting from section 7(4) the words “by the Minister with the concurrence of the Minister of Finance”, and substituting the words “by the Director-General”.</p> <p>By omitting from section 7A (as inserted by section 6 of the Health Amendment Act 1987) the word “Department”, and substituting the word “Ministry”.</p> <p>By repealing subsection (1) of section 8 (as amended by section 98 of the Area Health Boards Act 1983), and substituting the following subsection:</p> <p>“(1) The Director, every Medical Officer of Health, and every officer of the Ministry of Health, shall exercise the powers and functions conferred on that officer by this Act subject to the direction and control of the Director-General of Health and of every other</p>

Enactment	Amendment
	<p>officer of the Ministry of Health to whom that officer is subordinate.</p> <p>By repealing section 8(1A) (as inserted by section 98 of the Area Health Boards Act 1983).</p> <p>By omitting from paragraph (a) of section 14(4) (as amended by section 98 of the Area Health Boards Act 1983) the words “employed by the Department of Health” and substituting the words “employed by the Ministry of Health”.</p> <p>By repealing paragraph (aa) of section 14(4) (as inserted by section 98 of the Area Health Boards Act 1983).</p> <p>By omitting from section 16(1)(b) (as amended by section 98 of the Area Health Boards Act 1983) the words “or the area health board”.</p> <p>By omitting from section 16(2)(c) (as amended by section 98 of the Area Health Boards Act 1983) the words “or the area health board”.</p> <p>By omitting from section 16(5) (as amended by section 98 of the Area Health Boards Act 1983) the words “or the area health board”.</p> <p>By omitting from section 34(1) (as amended by section 98 of the Area Health Boards Act 1983) the words “or the area health board, as the case may require”.</p> <p>By repealing subsection (2) of section 34 (as substituted by section 98 of the Area Health Boards Act 1983), and substituting the following subsection:</p> <p>“(2) Every article so forfeited shall disposed of as the Crown directs.</p>

Enactment	Amendment
1981, No 118—The Medicines Act 1981	<p>By repealing the definition of the term Director-General in section 2, and substituting the following definition:</p> <p>“Director-General means the Director-General of Health; and, except in section 98 of this Act, includes any other officer of the Ministry of Health exercising, with the authority of the Director-General, any functions conferred on the Director-General by this Act</p> <p>By repealing the definition of the term hospital in section 2 (as amended by section 3(1) of the Medicines Amendment Act 1985), and substituting the following definition:</p> <p>“Hospital includes—</p> <p>“(a) Any licensed hospital within the meaning of the Hospitals Act 1957:</p> <p>“(b) Any hospital within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992:</p> <p>By omitting from the definition of the term licensing authority in section 2 (as amended by section 98 of the Area Health Boards Act 1983) the words “(or as the case may require) the area health district”.</p> <p>By omitting from the definition of the term Medical Officer of Health in section 2 (as amended by section 98 of the Area Health Boards Act 1983) the words “or under the Area Health Boards Act 1983 by an area health board”.</p> <p>By repealing the definition of the term officer in section 98 of the Area Health Boards Act 1983), and substituting the following definition:</p>

Enactment	Amendment
	<p>“Officer means—</p> <p>“(a) Any officer of the Ministry of Health:</p> <p>“(b) Any person appointed under section 15 of this Act to be an officer:</p> <p>By omitting from section 9(3)(c) the word “Department”, and substituting the word “Ministry”.</p> <p>By omitting from section 15(1) (as amended by section 98 of the Area Health Boards Act 1983) the words “or the Area Health Boards Act 1983”.</p> <p>By repealing subsection (2) of section 15, and substituting the following subsection:</p> <p>“(2) The Director-General may from time to time appoint any person, not being an officer, either in part or full-time capacity, for the purposes of this Act.</p> <p>By omitting from section 15(4) the words “by the Minister with the concurrence of the Minister of Finance”, and substituting the words “by the Director-General”.</p> <p>By repealing section 16(1A) (as inserted by section 98 of the Area Health Boards Act 1983).</p> <p>By omitting from section 16(2) (as amended by section 98 of the Area Health Boards Act 1983) the word “Department” wherever it appears, and substituting in each case the word “Ministry”.</p> <p>By repealing paragraphs (a) to (c) of section 49A(3) (as inserted by section 4 of the Medicines Amendment Act 1987), and substituting the following paragraphs:</p> <p>“(a) Officers:</p> <p>“(b) Officers and employees of regional health authorities constituted under</p>

Enactment	Amendment
	<p>the Health and Disability Services Act 1993:</p> <p>“(c) Licensees and employees of licensed hospitals within the meaning of the Hospitals Act 1957:</p> <p>By omitting from section 50(1) (as amended by section 3(2) of the Medicines Amendment Act 1985) the words “or (as the case may require) the area health district”.</p>
<p>1982, No 32—The Chiropractors Act 1982</p> <p>1982, No 176—The Health Benefits (Reciprocity with the United Kingdom) Act 1982</p>	<p>By repealing section 2, and substituting the following section:</p> <p>“2 Agreement to have full force and effect</p> <p>The provisions contained in the agreement set out in the Schedule to this Act shall have full force and effect so far as they relate to New Zealand.</p>
<p>1983, No 46—The Civil Defence Act 1983</p>	<p>By repealing paragraph (e) of the definition of the term organisation in section 2, and substituting the following paragraph:</p> <p>“(e) Any Crown health enterprise within the meaning of section 2 of the Health and Disability Services Act 1993:</p>

Enactment	Amendment
1986, No 30—The Health Benefits (Reciprocity with Australia) Act 1986	
1987, No 174—The Local Government Official Information and Meetings Act 1987	By omitting from Part 1 of Schedule 2 (as substituted by section 7(1) of the Local Government Official Information and Meetings Amendment Act 1991) for following item: “Area Health Boards
1987, No 2 (Private)—The Nurse Maude District Nursing Association Amendment Act 1987	By repealing sections 2 and 3(2).
1988, No 20—The State Sector Act 1988	By omitting from Schedule 1 (as substituted by section 28(1) of the State Sector Amendment Act (No 2) 1989) the item “Department of Health”, and inserting, in its appropriate alphabetical order, the item “Ministry of Health”.
1988, No 150—The Dental Act 1988	

Enactment	Amendment
1990, No 68—The Health Research Council Act 1990	<p>By repealing subparagraphs (ii) and (iii) of section 6(1)(g), and substituting the following subparagraph:</p> <p>“(ii) The Ministry of Health; and</p> <p>By omitting from section 8(1)(a) the word “Department”, and substituting the word “Ministry”.</p> <p>By omitting from section 34(5) the words “Department, and area health boards”, and substituting the words “the Ministry of Health and persons purchasing or providing health services”.</p> <p>By repealing subsection (6) of section 34, and substituting the following subsection:</p> <p>“(6) The Council may, by agreement with the Director-General of Health or any person purchasing or providing health services,—</p> <p>“(a) Act as the agent of the Director-General of Health or of the person purchasing or providing health services in letting contracts for health research; or</p> <p>“(b) Perform the scientific assessment of in-house research carried out by or on behalf of the Ministry of Health or the person purchasing or providing health services.</p>
1990, No 107—The Nurses Amendment Act 1990	By repealing subsections (2) to (4) of section 2 and section 4.

Enactment	Amendment
<p>1990, No 108—The Smoke-free Environments Act 1990</p>	<p>By repealing the definition of the term area health board, in section 2(1).</p> <p>By repealing section 14, and substituting the following section:</p> <p>“14 Ministry of Health to enforce this Part</p> <p>“(1) The Director-General shall appoint persons to enforce the provisions of this Part of this Act.</p> <p>“(2) Appointed people may be identified by name, or as the incumbent from time to time of one or more nominated positions, and may include any person appointed under the Health and Safety in Employment Act 1992 as an inspector, or the incumbent of any nominated position within the staffing establishment of a local authority under the Local Government Act 1974.</p> <p>“(3) Every person appointed under this section shall be given an instrument of appointment identifying the holder as a person appointed under this section, and may be required to produce it to any person of whom investigation or inquiry is being made under this Part of this Act.</p> <p>By omitting from section 15(1) the words “the area health board for the district in which the workplace is situated”, and substituting the words “the Director-General”.</p> <p>By omitting from section 15(6) the words “the area health board for the district in which the workplace is situated”, and substituting the words “the Director-General”.</p>

Enactment	Amendment
<p>1992, No 46—The Mental Health (Compulsory Assessment and Treatment) Act 1992</p>	<p>By omitting from section 16(1) the words “an area health board”, and substituting the words “the Director-General”.</p> <p>By omitting from section 16(2) the words “an area health board”, and substituting the words “the Director-General”.</p> <p>By omitting from paragraph (a) of section 16(2) the words “the area health board”, and substituting the words “the Director-General”.</p> <p>By omitting from section 16(3) the words “an area health board”, and substituting the words “the Director-General”.</p> <p>By omitting from section 20 the words “of an area health board under section 64(1)(a) of the Health Act 1956, or”.</p> <p>By repealing the definition of the term board in section 2(1).</p> <p>By repealing the definition of the term Director of Area Mental Health Services in section 2(1), and substituting the following definition:</p> <p>“Director of Area Health Services means a person appointed as a Director of the Area Health Services pursuant to section 92 of this Act</p> <p>By repealing the definition of the term duly authorised officer in section 2(1), and substituting the following definition:</p> <p>“Duly authorised officer means a person who, under section 93 of this Act, is authorised by the Director of Area Mental Health Services to perform the functions and exercise the powers conferred on duly authorised officers by or under this Act</p>

Enactment	Amendment
	<p>By repealing the definition of the term medical officer in section 2(1), and substituting the following definition:</p> <p>“Medical officer means a medical practitioner, other than the person in charge of a hospital, employed in a service</p> <p>By repealing the definition of the term service in section 2(1), and substituting the following definition:</p> <p>“Service means a service for the treatment and rehabilitation of persons with mental disorders, being a service—</p> <p>“(a) Purchased by a regional health authority or a person declared to be a purchaser under section 20(c) of the Health and Disability Services Act 1993; or</p> <p>“(b) A service provided by, or managed by, an institution that was, immediately before the commencement of this Act, a licensed institution under section 9 of the Mental Health Act 1969:</p> <p>By omitting from section 9(3) the words “whether or not employed by the Board”.</p> <p>By omitting from section 48(3)(b) the words “under the Area Health Boards Act 1983 and not”, and substituting the words “otherwise than”.</p> <p>By omitting from section 68(2) the words “(within the meaning of section 50(7) of the Area Health Boards Act 1983)”.</p> <p>By adding to section 68 the following subsection:</p> <p>“(3) For the purposes of subsection (2) of this section personal representative in respect of any patient means,—</p>

Enactment	Amendment
	<p>“(a) Where the patient is dead, the personal representative of that patient; or</p> <p>“(b) Where the patient is under the age of 16 years, the patient’s parent or guardian; or</p> <p>“(c) Subject to paragraphs (a) and (b) of this subsection, where the patient is unable to give consent, means a person appearing to the person in charge of the service to be lawfully acting on behalf of or in the interests of the patient.</p> <p>By repealing section 92, and substituting the following section:</p> <p>“92 Directors of Area Mental Health Services</p> <p>For the purposes of this Act, the Director-General shall from time to time, by notice in the <i>Gazette</i>,—</p> <p>“(a) Define each area in respect of which a Director of Area Mental Health Services is to be designated; and</p> <p>“(b) Designate a Director of Area Mental Health Services for each such area on such terms and conditions as the Director-General thinks fit.</p> <p>By repealing section 93, and substituting the following section:</p> <p>“93 Duly authorised officers</p> <p>“(1) For the purposes of this Act, every Director of Area Health Services shall—</p>

Enactment	Amendment
	<p>“(a) Designate and authorise sufficient health professionals to perform at all times the functions and exercise the powers conferred on duly authorised officers by this Act within the area of that director; and</p> <p>“(b) Maintain an appropriate directory listing of a telephone number to ring when information or assistance is required under this Act.</p> <p>“(2) No person shall be so designated and authorised under this section unless the Director of Area Mental Health Services is satisfied that the person has undergone appropriate training and has appropriate competence in dealing with persons who are mentally disordered.</p> <p>“(3) Every person so designated and authorised under this section shall be issued with a document that identifies the holder and states that the holder is a duly authorised officer for the purposes of this Act.</p> <p>“(4) Persons so designated and authorised under this section shall carry out their duties under the general direction of the Director of Area Mental Health Services.</p> <p>By repealing subsections (1) and (2) of section 94, and substituting the following subsections:</p> <p>“(1) For the purposes of this Act, the Minister shall appoint such number of</p>

Enactment	Amendment
	<p>persons as the Minister thinks fit to be—</p> <p>“(a) District inspectors or deputy district inspectors; or</p> <p>“(b) Official visitors—</p> <p>in respect of such locations as the Minister may specify in the instrument of appointment.</p> <p>“(2) No such person shall be an officer, a member, or an employee of any hospital or service within locality to which the person is appointed.</p> <p>By omitting from section 96(1) the words “managed by each Board”, and substituting the words “in the locality”.</p> <p>By repealing section 99, and substituting the following section:</p> <p>“99 Powers of inspection of Director</p> <p>In relation to any hospital, or any ward, unit, or other part of a hospital, in which psychiatric treatment is given, the Director shall have all the powers of the Director-General of Health under section 148 of the Hospitals Act 1957, and the provisions of that section shall extend and apply accordingly.</p> <p>By omitting from section 101(1) the words “specified Boards”, and substituting the words “locations which the Minister may specify”.</p>

An item relating to the Alcoholic Liquor Advisory Council Act 1976 was repealed, as from 20 August 2000, by section 26(f) Alcohol Advisory Council Amendment Act 2000 (2000 No 25).

An item relating to section 32 Alcoholism and Drug Addiction Act 1966 was repealed, as from 1 October 2004, by section 59(1) Health and Disability Services (Safety) Act 2001 (2001 No 93). *See* section 11 of that Act for transitional provisions.

An item relating to the Children's Health Camps Act 1972 was omitted, as from 1 April 2000, by section 7 Children's Health Camps Board Dissolution Act 1999 (1999 No 141).

An item relating to the Chiropractors Act 1982 was repealed, as from 18 September 2004, by section 175(4) Health Practitioners Competence Assurance Act 2003 (2003 No 48). *See* sections 178 to 227 of that Act as to the transitional provisions.

Items relating to the definition of the term holder in section 2 Contraception, Sterilisation, and Abortion Act 1977, and sections 17(3) and 20(1) of that Act were repealed, as from 1 October 2004, by section 59(1) Health and Disability Services (Safety) Act 2001 (2001 No 93).

An item relating to the Dental Act 1988 was repealed, as from 18 September 2004, by section 175(4) Health Practitioners Competence Assurance Act 2003 (2003 No 48). *See* sections 178 to 227 of that Act as to the transitional provisions.

An item relating to the Dietitians Act 1950 was repealed, as from 18 September 2004, by section 175(4) Health Practitioners Competence Assurance Act 2003 (2003 No 48). *See* sections 178 to 227 of that Act as to the transitional provisions.

The item relating to the Fees and Travelling Allowances Act 1951 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84).

In the item relating to the Food Act 1981, the definition of local authority inspector was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84).

An item relating to section 8(1)(b) Health Research Council Act 1990 was repealed, as from 1 July 1993, by section 9(1) Finance Act 1994 (1994 No 73). *See* also section 9(2) of that Act.

Schedule 4 **Human Tissue Act 1964**: item repealed, on 1 November 2008, by section 92 of the Human Tissue Act 2008 (2008 No 28).

The item relating to the Income Tax Act 1976 was omitted, as from 1 April 1995, by section YB 3(1) Income Tax Act 1994 (1994 No 164). *See* section YB 5 of that Act as to the transitional provisions.

The item relating to the Health Benefits (Reciprocity with Australia) Act 1986 was omitted, as from 1 September 1999, by section 3(b) Health Benefits (Reciprocity with Australia) Act 1999 (1999 No 18). *See* clause 2 Health Benefits (Reciprocity with Australia) Act Commencement Order 1999 (SR 1999/218).

An item relating to the Local Elections and Polls Act 1976 was repealed, as from 1 July 2001, by section 152(1) Local Electoral Act 2001 (2001 No 35). *See* sections 153 to 157 of that Act as to the transitional provisions. *See* clause 2 Local Electoral Act Commencement Order 2001 (SR 2001/144).

An item relating to section 539(b) of the Local Government Act 1974 was repealed, as from 8 August 1996, by section 2(2) Local Government Amendment Act (No 4) 1996 (1996 No 84).

An item relating to the Maternal Mortality Research Act 1968 was omitted, as from 1 January 2001, by section 111(1) New Zealand Public Health and Disability Act 2000 (2000 No 91) by omitting the word "Limited".

An item relating to the Medical Auxiliaries Act 1966 was omitted, as from 21 October 1999, by section 15(b) Medical Auxiliaries Amendment Act 1999 (1999 No 131).

An item relating to the Medical Practitioners Act 1968 was omitted, as from 1 July 1996, by section 143(2) Medical Practitioners Act 1995 (1995 No 95). *See* clause 2 Medical Practitioners Act Commencement Order 1996 (SR 1996/162).

An item relating to the definition of the term “hospital” in section 2(1) Mental Health (Compulsory Assessment and Treatment) Act 1992 was repealed, as from 1 October 2004, by section 59(1) Health and Disability Services (Safety) Act 2001 (2001 No 93). *See* section 11 of that Act for transitional provisions.

Items relating to sections 20(3)(b) and 24 Misuse of Drugs Act 1975 were repealed, as from 1 October 2004, by section 59(1) Health and Disability Services (Safety) Act 2001 (2001 No 93). *See* section 11 of that Act for transitional provisions.

An item relating to section 4 Nurses Act 1977 was omitted, as from 21 October 1999, by section 14(4)(c) Nurses Amendment Act 1999 (1999 No 133).

An item relating to the Nurses Act 1977 was repealed, as from 18 September 2004, by section 175(4) Health Practitioners Competence Assurance Act 2003 (2003 No 48). *See* sections 178 to 227 of that Act as to the transitional provisions.

Item relating to sections 3, 3A(2), (4)(2), 4(3), 5(2), 5(3), and 6(5) Occupational Therapy Act 1949 were omitted, as from 21 October 1999, by section 3 Occupational Therapy Amendment Act 1999 (1999 No 134).

An item relating to section 24 Occupational Therapy Act 1949 was repealed, as from 1 October 2004, by section 59(1) Health and Disability Services (Safety) Act 2001 (2001 No 93). *See* section 11 of that Act for transitional provisions.

An item relating to section 3 Optometrists and Dispensing Opticians Act 1976 was omitted, as from 21 October 1999, by section 14(3)(a) Optometrists and Dispensing Opticians Amendment Act 1999 (1999 No 135).

An item relating to the Optometrists and Dispensing Opticians Act 1976 was repealed, as from 18 September 2004, by section 175(4) Health Practitioners Competence Assurance Act 2003 (2003 No 48). *See* sections 178 to 227 of that Act as to the transitional provisions.

An item relating to the Pharmacy Act 1970 was repealed, as from 18 September 2004, by section 175(4) Health Practitioners Competence Assurance Act 2003 (2003 No 48). *See* sections 178 to 227 of that Act as to the transitional provisions.

Items relating to sections 5 and 6 Physiotherapy Act 1949 (1949 No 8) were repealed, as from 21 October 1999 by section 19(c) Physiotherapy Amendment Act 1999 (1999 No 137).

An item relating to the Physiotherapy Act 1949 was repealed, as from 18 September 2004, by section 175(4) Health Practitioners Competence Assurance Act 2003 (2003 No 48). *See* sections 178 to 227 of that Act as to the transitional provisions.

An item relating to the Physiotherapy Amendment Act 1953 was repealed, as from 18 September 2004, by section 175(4) Health Practitioners Competence Assurance Act 2003 (2003 No 48). *See* sections 178 to 227 of that Act as to the transitional provisions.

An item relating to sections 3(2), 6, and 9(3) of the Psychologists Act 1981 (1981 No 5) were repealed, as from 21 October 1999, by section 14(4)(b) Psychologists Amendment Act (1999 No 136).

An item relating to the Psychologists Act 1981 was repealed, as from 18 September 2004, by section 175(4) Health Practitioners Competence Assurance Act 2003 (2003 No 48). *See* sections 178 to 227 of that Act as to the transitional provisions.

The item relating to the Rating Powers Act 1988 was repealed, as from 1 July 2003, by section 138(1) Local Government (Rating) Act 2002 (2002 No 6). *See* section 138(2) of that Act as to the savings provision that provides that the changes apply for the purpose of rating in a financial year that begins on or after 1 July 2003.

An item relating to the definition of the term “hospital” in section 2(1) Smoke-Free Environments Act 1990 was repealed, as from 1 October 2004, by section 59(1) Health and Disability Services (Safety) Act 2001 (2001 No 93). *See* section 11 of that Act for transitional provisions.

The item relating to the Toxic Substances Act 1979 was amended, as from 22 January 1996, by section 3(3) Health and Disability Services Amendment Act 1995 (1995 No 84) by omitting so much as relates to s 76(3) of that Act. *See* clause 2 Health and Disability Services Amendment Act Commencement Order 1995 (SR 1995/303).

The item relating to the Toxic Substances Act 1979 was omitted, as from 2 July 2001, by section 150(1) Hazardous Substances and New Organisms Act 1996 (1996 No 30). *See* Parts 11 to 16 of that Act (comprising sections 151 to 259) as to the transitional provisions. *See* clause 2 Hazardous Substances and New Organisms Act Commencement Order (No 2) 2001 (SR 2001/171).

The item relating to the Tuberculosis Act 1948 was omitted, as from 22 January 1996, by section 3(3) Health and Disability Services Amendment Act 1995 (1995 No 84).

Schedule 5

Repeals and revocations

Section 23(1)

1

Repeals relating to Area Health Boards Act 1983

- 1983, No 134—The Area Health Boards Act 1983.
- 1986, No 16—The Area Health Boards Amendment Act 1986.
- 1988, No 21—The Area Health Boards Amendment Act 1988.
- 1988, No 50—The Area Health Boards Amendment Act (No 2) 1988.
- 1988, No 100—The Area Health Boards Amendment Act (No 3) 1988.
- 1989, No 32—The Area Health Boards Amendment Act 1989.
- 1989, No 42—The Area Health Boards Amendment Act (No 2) 1989.
- 1990, No 79—The Area Health Boards Amendment Act 1990.
- 1991, No 24—The Area Health Boards Amendment Act 1991.
- 1991, No 82—The Area Health Boards Amendment Act (No 2) 1991.

1—*continued*

- 1992, No 65—The Area Health Boards Amendment Act 1992.

2

Section 23(2)

Revocations relating to Area Health Boards
Act 1983

Title	Statutory Regulations Serial Number
The Northland Area Health District Order 1985	1985/207
The Taranaki Area Health District Order 1987	1987/318
The Southland Area Health District Order 1988	1988/201
The Tairāwhiti Area Health District Order 1988	1988/202
The West Coast Area Health District Order 1988	1988/203
The Auckland Area Health District Order 1988	1988/270
The Bay of Plenty Area Health District Order 1989	1989/93
The Hawke's Bay Area Health District Order 1989	1989/94
The Wellington Area Health District Order 1989	1989/95
The Northland Area Health District (Triennial General Election and Boundaries) Order 1989	1989/205
The Waikato Area Health District (Triennial Election and Boundaries) Order 1989	1989/206
The Bay of Plenty Area Health District (Triennial General Election and Boundaries) Order 1989	1989/207

2—continued

Title	Statutory Regulations Serial Number
The Tairāwhiti Area Health District (Triennial General Election and Boundaries) Order 1989	1989/208
The Hawke's Bay Area Health District (Triennial General Election and Boundaries) Order 1989	1989/209
The Taranaki Area Health District (Triennial General Election and Boundaries) Order 1989	1989/210
The Manawatu-Wanganui Area Health District (Triennial General Election and Boundaries) Order 1989	1989/211
The Wellington Area Health District (Triennial General Election and Boundaries) Order 1989	1989/212
The Nelson-Marlborough Area Health District (Triennial General Election and Boundaries) Order 1989	1989/213
The West Coast Area Health District (Triennial General Election and Boundaries) Order 1989	1989/214
The Canterbury Area Health District (Triennial General Election and Boundaries) Order 1989	1989/215
The Otago Area Health District (Triennial General Election and Boundaries) Order 1989	1989/216
The Southland Area Health District (Triennial General Election and Boundaries) Order 1989	1989/217

2—continued

Title	Statutory Regulations Serial Number
The Auckland Area Health District (Triennial General Election and Boundaries) Order 1989	1989/225
The Local Government (Area Health Boards Salaries and Allowances) Determination 1991	1991/145

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Section 24(2)

Repeals relating to Social Security Act 1964

- 1966, No 85—The Social Security Amendment Act 1966. (RS Vol 13, p 561.)
- 1967, No 4—The Social Security Amendment Act 1967: Part 2. (RS Vol 13, p 561.)
- 1968, No 44—The Social Security Amendment Act 1968. (RS Vol 13, p 563.)
- 1969, No 46—The Social Security Amendment Act 1969: Part 2. (RS Vol 13, p 564.)
- 1970, No 9—The Social Security Amendment Act 1970. (RS Vol 13, p 566.)
- 1970, No 149—The Social Security Amendment Act (No 2) 1970. (RS Vol 13, p 567.)
- 1972, No 133—The Social Security Amendment Act 1972: Part 2. (RS Vol 13, p 571.)
- 1973, No 34—The Social Security Amendment Act 1973: Part 2. (RS Vol Vol 13, p 575.)
- 1975, No 123—The Social Security Amendment Act 1975. (RS Vol 13, p 580.)
- 1977, No 120—The Social Security Amendment Act 1977. (RS Vol 13, p 587.)
- 1977, No 133—The Social Security Amendment Act (No 2) 1977: Part 2. (RS Vol 13, p 590.)

3—*continued*

- 1979, No 14—The Social Security Amendment Act 1979: Part 2. (RS Vol 13, p 596.)
- 1980, No 158—The Social Security Amendment Act 1980: Part 2. (RS Vol 13, p 598.)
- 1981, No 46—The Social Security Amendment Act 1981: Part 2. (RS Vol 13, p 600.)
- 1982, No 16—The Social Security Amendment Act 1982: Part 2. (RS Vol 13, p 607.)
- 1984, No 19—The Social Security Amendment Act (No 2) 1984.
- 1986, No 5—The Commerce Act 1986: So much of Schedule 2 as relates to the Social Security Act 1964.
- 1986, No 39—The Social Security Amendment Act 1986: Part 2.
- 1990, No 74—The Social Security Amendment Act (No 2) 1990: Section 20.
- 1990, No 107—The Nurses Amendment Act 1990: Sections 7 to 12.
- 1991, No 83—The Social Security Amendment Act (No 3) 1991.

The item relating to the Social Security Amendment Act 1979 was amended, as from 1 July 1993, by section 3(1) Health Reforms (Transitional Provisions) Amendment Act 1997 (1997 No 68), by inserting the expression “: Part 2”.

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Section 24(3)

**Revocations relating to Social Security Act
1964**

Title	Statutory Regulations Serial Number
The Social Security (Maternity Benefits) Regulations 1939	1939/43

4—continued

Title	Statutory Regulations Serial Number
The Social Security (Maternity Benefits) Regulations 1939, Amendment No 1	1939/92
The Social Security (Supplementary Maternity Benefits) Regulations 1939	1939/93
The Social Security (Supplementary Maternity Benefits) Regulations 1940	1940/81
The Social Security (Domestic Assistance) Regulations 1944	1944/178
The Social Security (Hospital Benefits for Regulations 1947	1947/68
The Social Security (Hospital Benefits for Outpatients) Regulations 1947, Amendment No 1	1951/5
The Hearing Aids Notice 1957	1957/85
The Hearing Aids Notice 1957, Amendment No 1	1957/192
The Social Security (District Nursing Services) Regulations 1964	1964/16
The Social Security (Hospital Benefits for Outpatients) Regulations 1947, Amendment No 3	1964/18
The Artificial Aids Notice 1964	1964/126
The Social Security (Pharmaceutical Benefits) Regulations 1965	1965/41
The Artificial Aids Notice 1964, Amendment No 2	1966/124
The Hearing Aids Notice 1957, Amendment No 3	1966/194

4—*continued*

Title	Statutory Regulations Serial Number
The Artificial Aids Notice 1964, Amendment No 3	1967/194
The Social Security (District Nursing Services) Regulations 1964, Amendment No 1	1968/142
The Artificial Aids Notice 1964, Amendment No 4	1969/85
The Social Security (Pharmaceutical Benefits) Regulations 1965, Amendment No 1	1969/240
The Social Security (Maternity Benefits) Regulations 1939, Amendment No 12	1970/112
The Social Security (Pharmaceutical Benefits) Regulations 1965, Amendment No 2	1972/14
The Social Security (Pharmaceutical Benefits) Regulations 1965, Amendment No 3	1974/40
The Social Security (Maternity Benefits) Regulations 1939, Amendment No 14	1976/197
The Social Security (Hospital Benefits) Regulations 1979	1979/144
The Social Security (Contact Lenses) Notice 1979	1979/202
The Social Security (Surgical Footwear) Notice 1980	1980/68
The Social Security (Wigs and Hairpieces) Regulations 1981	1981/54

4—continued

Title	Statutory Regulations Serial Number
The Social Security (Laboratory Diagnostic Services) Regulations 1981	1981/327
The Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No 1	1983/84
The Social Security (Dental Benefits) Regulations 1983	1983/151
The Social Security (Pharmaceutical Benefits) Regulations 1965, Amendment No 4	1985/37
The Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No 2	1985/42
The Social Security (Dental Benefits) Regulations 1983, Amendment No 2	1985/221
The Controlled Goods (Drug Tariff) Order (No 2) 1986	1986/178
The Social Security (Wigs and Hairpieces) Regulations 1981, Amendment No 2	1986/272
The Social Security (Medical Fees) Regulations 1986	1986/290
The Social Security (Hospital Benefits) Regulations 1979, Amendment No 6	1987/216
The Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No 7	1988/183
The Social Security (Breast Prostheses) Regulations 1989	1989/350

4—continued

Title	Statutory Regulations Serial Number
The Social Security (Medical Fees) Regulations 1986, Amendment No 3	1989/360
The Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No 9	1990/46
The Social Security (Dental Benefits) Regulations 1983, Amendment No 6	1990/47
The Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No 10	1990/143
The Social Security (Dental Benefits) Regulations 1983, Amendment No 7	1990/200
The Social Security (Pharmaceutical Benefits) Regulations 1965, Amendment No 5	1990/224
The Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No 11	1990/225
The Social Security (Wigs and Hairpieces) Regulations 1981, Amendment No 3	1990/282
The Social Security (Breast Prostheses) Regulations 1989, Amendment No 1	1990/283
The Drug Tariff 1990	1990/326
The Social Security (Medical Fees) Regulations 1986, Amendment No 5	1990/357
The Social Security (Wigs and Hairpieces) Regulations 1981, Amendment No 4	1991/52

4—continued

Title	Statutory Regulations Serial Number
The Social Security (Dental Benefits) Regulations 1983, Amendment No 9	1991/53
The Social Security (Medical Fees) Regulations 1986, Amendment No 6	1991/54
The Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No 12	1991/166
The Social Security (Medical Fees) Regulations 1986, Amendment No 7	1991/168
The Social Security (Hospital Benefits) Regulations 1979, Amendment No 7	1991/169
The Social Security (Entitlement Cards) Regulations 1991	1991/236
The Social Security (Medical Fees) Regulations 1986, Amendment No 8	1991/272
The Social Security (Diagnostic Imaging Services) Regulations 1991	1991/273
The Social Security (Hospital Outpatient Treatment) Fees Regulations 1991	1991/276
The Social Security (Hospital Inpatient Treatment) Fees Regulations 1991	1991/277
The Social Security (Hospital Outpatient Treatment) Fees Regulations 1991, Amendment No 1	1992/34
The Social Security (Medical Fees) Regulations 1986, Amendment No 9	1992/35

4—*continued*

Title	Statutory Regulations Serial Number
The Social Security (Hospital Inpatient Treatment Fees Regulations 1991, Amendment No 1	1992/36
The Social Security (Entitlement Cards) Regulations 1991, Amendment No 1	1992/37
The Social Security (Entitlement Cards) Regulations 1991, Amendment No 2	1992/87
The Social Security (Hospital Inpatient Treatment Fees Regulations 1991, Amendment No 2	1992/211
The Social Security (Hospital Outpatient Treatment) Fees Regulations 1991, Amendment No 2	1992/212
The Social Security (Medical Fees) Regulations 1986, Amendment No 10	1992/213
The Drug Tariff 1990, Amendment No 10	1992/232
The Drug Tariff 1990, Amendment No 11	1992/241
The Drug Tariff 1990, Amendment No 12	1992/329
The Social Security (Dental Benefits) Regulations 1983, Amendment No 10	1992/357
The Drug Tariff 1990, Amendment No 13	1992/369

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Notes**1 General**

This is an eprint of the Health Sector (Transfers) Act 1993. It incorporates all the amendments to the Act as at 1 November 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

3 List of amendments incorporated in this eprint (most recent first)

Human Tissue Act 2008 (2008 No 28): section 92
Income Tax Act 2007 (2007 No 97): section ZA 2(1)
