Version
as at 10 July 2026

Health Sector (Transfers) Act 1993

Public Act	1993 No 23
Date of assent	10 May 1993
Commencement	See section 1(2), (3), (4)

Act name: amended, on 1 January 2001, by section 4(2) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

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The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

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Title: repealed, on 1 January 2001, by section 3 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

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) and in sections 26(3) and 28(2), 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 shall be deemed to have come into force on 1 April 1993.

(4) Sections 16 to 24, 26(1), 27(3) and (4), 30(2) and (4), and 31 and 32, and Schedules 2, 4, and 5 shall come into force on 1 July 1993.

Section 1(1): amended, on 1 January 2001, by section 4(2) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

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 financial products within the meaning of the Financial Markets Conduct Act 2013:

(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 Health New Zealand, 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 Health New Zealand, 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 land means, in relation to Health New Zealand, land that—

(a) is vested in Health New Zealand as a Crown endowment; and

(b) was either—

(i) granted by the Crown to Health New Zealand or to any of its predecessors in title; or

(ii) vested in Health New Zealand 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, Health New Zealand 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 entity has the same meaning as in section 2(1) of the Public Finance Act 1989

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

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

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

HQSC means the Health Quality and Safety Commission established under section 59A of the New Zealand Public Health and Disability Act 2000

liabilities includes—

(a) liabilities and obligations under any Act or agreement; and

(b) debt securities within the meaning of the Financial Markets Conduct Act 2013; and

(c) contingent liabilities; and

(d) interests of any kind in any of the foregoing

predecessor in title, in relation to Health New Zealand, means any of its predecessors in title that was a DHB, 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

publicly-owned health and disability organisation—

(a) means Health New Zealand, NZBOS, HQSC, and Pharmac; and

(b) includes any companies wholly or partially owned by those organisations

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; and

(f) vest under clause 10 of Schedule 1;—

and the word **transferred** has a corresponding meaning

transfer date means, in relation to an agreement entered into under section 4 or a proposal approved under section 5, 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

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

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

(2) Unless the context otherwise requires, terms defined in section 4 of the Healthy Futures (Pae Ora) Act 2022 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.

(7) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 2(1) **assets** paragraph (c): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 2(1) **CHFA**: repealed, on 1 July 2012, by section 34 of the New Zealand Public Health and Disability Amendment Act 2012 (2012 No 41).

Section 2(1) **Crown endowment**: inserted, on 1 January 2001, by section 5(2) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(1) **Crown endowment**: amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2(1) **Crown endowment land**: replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2(1) **Crown entity**: inserted, on 1 January 2001, by section 5(2) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(1) **employee**: substituted, on 2 October 2000, by section 240 of the Employment Relations Act 2000 (2000 No 24).

Section 2(1) **Health Benefits Limited**: inserted, on 1 January 2001, by section 5(2) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(1) **HPA**: repealed, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2(1) **HQSC**: inserted, on 9 November 2010, by section 29(2) of the New Zealand Public Health and Disability Amendment Act 2010 (2010 No 118).

Section 2(1) **liabilities** paragraph (b): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 2(1) **Māori Health Authority**: repealed, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 2(1) **predecessor in title**: inserted, on 1 January 2001, by section 5(2) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(1) **predecessor in title**: amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2(1) **publicly-owned health and disability organisation**: replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2(1) **publicly-owned health and disability organisation** paragraph (a): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 2(1) **RHMU**: repealed, on 17 May 2005, by section 5(2) of the New Zealand Public Health and Disability Amendment Act 2005 (2005 No 63).

Section 2(1) **transfer** paragraph (f): amended, on 1 January 2001, by section 5(3) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(1) **transferee**: substituted, on 1 January 2001, by section 5(1) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(1) **transferor**: substituted, on 1 January 2001, by section 5(1) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(2): substituted, on 1 January 2001, by section 5(4) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(2): amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 2(2): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2(6): added, on 1 January 2001, by section 5(5) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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 Health New Zealand:

(c) to permit Health New Zealand, subject to specified conditions, to sell or dispose of land that is subject to trusts or certain other restrictions.

Section 2A: inserted, on 1 January 2001, by section 6 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2A(b)(ii): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 2A(b)(ii): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 2A(c): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 2A(c): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

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, the transferring Ministers may, on behalf of any transferor, do any 1 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) 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 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 1 or more transferors to 1 or more transferees; or

(ii) authorising 1 or more transferees to act on behalf of 1 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) (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), 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) 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) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(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.

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 5(6)(b): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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 2017), 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), 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), 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) 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.

Section 6(1): amended, on 1 January 2001, by section 7 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 6(2)(a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

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), 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) and which is held by 1 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) 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), 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), 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) *[Repealed]*

(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, or a proposal approved under section 5, 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 proposal 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, to the consideration specified in the agreement, and in the case of transfer by a proposal approved under section 5 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.

Section 8(1): repealed, on 20 May 1999, by section 7 of the Stamp Duty Abolition Act 1999 (1999 No 61).

Section 8(4): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 8(5): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 8(6): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

9 Further provisions applying to transfer of assets and liabilities

The provisions set out in Schedule 1 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; and

(c) each proposal approved under section 5.

Assets held in trust or subject to restrictions

Heading: amended, on 1 January 2001, by section 8 of the 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 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: amended, on 1 January 2001, by section 9 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

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), 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), may consult with such persons as it considers appropriate.

(4) Every scheme under subsection (2) 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),—

(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), 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), 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.

Section 11(2): amended, on 1 March 2002, by section 170(1) of the Public Trust Act 2001 (2001 No 100).

Section 11(3): amended, on 1 March 2002, by section 170(1) of the Public Trust Act 2001 (2001 No 100).

Section 11(5)(a): amended, on 1 March 2002, by section 170(1) of the Public Trust Act 2001 (2001 No 100).

Section 11(10): amended, on 1 March 2002, by section 170(1) of the Public Trust Act 2001 (2001 No 100).

11A Power of Health New Zealand to deal with trust land

(1) Subject to this section and section 99 of the Healthy Futures (Pae Ora) Act 2022, the powers of Health New Zealand to sell, exchange, mortgage, or charge land may be exercised by Health New Zealand 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 Health New Zealand 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)

Section 11A: inserted, on 1 January 2001, by section 10 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 11A heading: amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 11A heading: amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 11A(1): replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 11A(1): amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 11A(1): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 11A(6): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 11A(6): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

11B Power of Minister of Health to cancel Crown endowment

(1) The Minister of Health may, by written notice given to Health New Zealand, declare that any land vested in Health New Zealand (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 section 99 of the Healthy Futures (Pae Ora) Act 2022, may be sold, exchanged, mortgaged, charged, or otherwise dealt with by Health New Zealand free from the terms of the Crown endowment.

(3) The Attorney-General may declare any land vested in Health New Zealand 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.

Section 11B: inserted, on 1 January 2001, by section 10 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 11B(1): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 11B(1): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 11B(2)(b): replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 11B(2)(b): amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 11B(2)(b): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 11B(3): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 11B(3): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

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

(1) Subject to subsection (2), where Health New Zealand 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), Health New Zealand 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 Health New Zealand; or

(b) for any purpose for which Health New Zealand 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 Health New Zealand, 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 Health New Zealand 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.

Section 11C: inserted, on 1 January 2001, by section 10 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 11C(1): replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 11C(1): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 11C(1)(a): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 11C(1)(b): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 11C(2): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 11C(2): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 11C(3): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 11C(3): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

11D Saving in respect of Charitable Trusts Act 1957

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

Section 11D: inserted, on 1 January 2001, by section 10 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 11D: amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 11D: amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

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, section 99 of the Healthy Futures (Pae Ora) Act 2022, 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, section 99 of the Healthy Futures (Pae Ora) Act 2022, 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.

Section 11E: inserted, on 1 January 2001, by section 10 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 11E(8)(a): amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 11E(8)(a): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 11E(8)(b): amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 11E(8)(b): amended, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

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.

Section 11F: inserted, on 1 January 2001, by section 10 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

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

Section 11G: inserted, on 1 January 2001, by section 10 of the 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 Healthy Futures (Pae Ora) Act 2022 had been given to the Crown, Health New Zealand, or any predecessors in title of Health New Zealand; 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 2017 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 record 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.

Section 11H: inserted, on 1 January 2001, by section 10 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 11H(2)(a)(i): replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 11H(2)(a)(i): amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 11H(2)(a)(i): amended, on 30 June 2024, by section 43 of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5).

Section 11H(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 11H(4)(d): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

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, 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, 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), 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) 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 31 December 1994.

Section 13(4): amended, on 17 May 2005, by section 5(2) of the New Zealand Public Health and Disability Amendment Act 2005 (2005 No 63).

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; 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 31 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) 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), 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

[Repealed]

Heading: repealed, on 1 January 2001, pursuant to section 11 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

16 Establishment of Unit

[Repealed]

Section 16: repealed, on 1 January 2001, by section 11 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

17 Functions of Unit

[Repealed]

Section 17: repealed, on 1 January 2001, by section 11 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

18 Board of Unit

[Repealed]

Section 18: repealed, on 1 January 2001, by section 11 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

19 Unit to be Crown entity

[Repealed]

Section 19: repealed, on 1 January 2001, by section 11 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

20 Directions

[Repealed]

Section 20: repealed, on 1 January 2001, by section 11 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

21 Further provisions applying to Unit

[Repealed]

Section 21: repealed, on 1 January 2001, by section 11 of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Abolition of area health boards

22 Abolition of area health boards

[Repealed]

Section 22: repealed, on 1 January 2001, by section 11 of the 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 are hereby repealed.

(2) The orders and the determination specified in Part 2 of Schedule 5 are hereby revoked.

Amendments to Social Security Act 1964

24 Repeal of Part 2 of Social Security Act 1964

(1) *Amendment(s) incorporated in the Act(s)*.

(2) The enactments specified in Part 3 of Schedule 5 are hereby repealed.

(3) The enactments specified in Part 4 of Schedule 5 are hereby revoked.

(4) *[Repealed]*

Section 24(4): repealed, on 1 January 1995, by section 19 of the Patents Amendment Act 1994 (1994 No 122).

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, immunisation, 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; 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 of 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), 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.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 25(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Amendments to Disabled Persons Community Welfare Act 1975

[Repealed]

Heading: repealed, on 1 October 2004, pursuant to section 59(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

26 Amendments to Disabled Persons Community Welfare Act 1975

[Repealed]

Section 26: repealed, on 1 October 2004, by section 59(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

Amendments to Public Finance Act 1989

27 Amendments to Public Finance Act 1989

Amendment(s) incorporated in the Act(s).

Amendments to Building Act 1991

28 Amendments to Building Act 1991

Amendment(s) incorporated in the Act(s).

Application of Commerce Act 1986

[Repealed]

Heading: repealed, on 6 July 1994, pursuant to section 2(6) of the Finance Act 1994 (1994 No 73).

29 Application of Commerce Act 1986

[Repealed]

Section 29: repealed, on 6 July 1994, by section 2(6) of the Finance Act 1994 (1994 No 73).

Amendments to Ombudsmen Act 1975

30 Amendments to Ombudsmen Act 1975

Amendment(s) incorporated in the Act(s)

Amendment to Dental Act 1988

[Repealed]

Heading: repealed, on 18 September 2004, by section 175(4) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

31 New sections substituted

[Repealed]

Section 31: repealed, on 18 September 2004, by section 175(4) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Amendments to other Acts

32 Amendments to other Acts

The enactments specified in Schedule 4 are hereby amended in the manner indicated in that schedule.

Schedule 1
Provisions relating to transfer of assets and liabilities

ss 9, 22(4)

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), 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.

(5) An order under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Schedule 1 clause 2(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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 applied 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.

Schedule 1 clause 3: substituted, on 1 January 2001, by section 12 of the 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 2017, 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 138 of the Land Transfer Act 2017.

(3) In stating, in a caveat lodged under subclause (1), the interest claimed by the caveator, it shall be sufficient to refer to sections 40 to 42 of the Public Works Act 1981 and to this clause.

Schedule 1 clause 4(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 1 clause 4(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 1 clause 4(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

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.

Schedule 1 clause 5: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

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

If any land is transferred to a transferee under this Act, the use of that land which is established at the date of the transfer is 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 after that review the status of that use is to be as provided from time to time in or under the district plan.

Schedule 1 clause 8: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

9 Title to land

(1) The Registrar-General of Land must, on written application by any person authorised by the Minister and on payment of the prescribed fee,—

(a) register a transferee as the owner, in substitution for the transferor, of the estate or interest of the transferor, in any land for which a record of title has been issued and that is transferred to the transferee under this Act; and

(b) make such entries against that record of title and do anything else that may be necessary to give effect to this clause.

(2) The powers conferred by subclause (1) 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) The Registrar-General of Land must, on written application by any person authorised by the Minister and on payment of the prescribed fee, issue a record of title for land vested in a transferee in accordance with clause 10(1) of this schedule.

(4) As soon as registration is accomplished in accordance with subclause (1) or a record of title is issued in accordance with subclause (3), 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 seised of an estate in fee simple in possession in respect of that land.

(5) Applications in accordance with subclauses (1) and (3) 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), a certificate by the Chief Surveyor for the district concerned as to the correctness of such description.

Schedule 1 clause 9(1): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 1 clause 9(3): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 1 clause 9(4): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

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 2017 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) 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.

(4) An order under subclause (1)(b)(ii) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Schedule 1 clause 10(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 1 clause 10(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

11 Land certification

(1) Before the Registrar-General of Land issues a record of title in respect of any land vested in a transferee under clause 10, the Registrar-General of Land must receive from the chief executive as defined in section 4 of the Cadastral Survey Act 2002 or the Surveyor-General a certificate in the form set out in Schedule 2 of 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 Registrar-General of Land considers appropriate.

(2) A certificate received in accordance with subclause (1) must be filed by the Registrar-General of Land and is conclusive evidence to the Registrar-General of Land of the matters required to be stated in that certificate.

Schedule 1 clause 11: replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

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 2017, the Surveyor-General must 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 Registrar-General of Land shall enter a memorial of the easement upon the relevant record 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 record of title under subclause (2), the easement shall be treated for all purposes including all subsequent dealings as if it had been created under the Land Transfer Act 2017.

Schedule 1 clause 12(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 1 clause 12(1): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Schedule 1 clause 12(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Schedule 1 clause 12(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

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 or otherwise), do any 1 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 conditios as the Governor-General thinks fit, and shall have effect according to its tenor.

(3) An order under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Schedule 1 clause 13(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

14 Shares issued for non-cash consideration

[Repealed]

Schedule 1 clause 14: repealed, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

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) 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) shall be as binding as if they had been taken or made by the transferring Minister who appointed the person.

Schedule 2
Amendments to Disabled Persons Community Welfare Act 1975

[Repealed]

s 26(1)

Schedule 2: repealed, on 1 October 2004, by section 59(1) of the Health and Disability Services (Safety) Act 2001 (2001 No 93).

Schedule 3
Amendments to Building Act 1991

s 28(1)

Amendment(s) incorporated in the Act(s).

Schedule 4
Other enactments amended

s 32

Alcoholic Liquor Advisory Council Act 1976 (1976 No 143) (RS Vol 26, p 1)

Amendment(s) incorporated in the Act(s).

Alcoholism and Drug Addiction Act 1966 (1966 No 97) (RS Vol 17, p 13)

Amendment(s) incorporated in the Act(s).

Burial and Cremation Act 1964 (1964 No 75) (RS Vol 16, p 1)

Amendment(s) incorporated in the Act(s).

Children's Health Camps Act 1972 (1972 No 21) (RS Vol 24, p 97)

Amendment(s) incorporated in the Act(s).

Chiropractors Act 1982 (1982 No 32)

Amendment(s) incorporated in the Act(s).

Civil Defence Act 1983 (1983 No 46)

Amendment(s) incorporated in the Act(s).

Contraception, Sterilisation, and Abortion Act 1977 (1977 No 112) (RS Vol 28, p 1)

Amendment(s) incorporated in the Act(s).

Dental Act 1988 (1988 No 150)

Amendment(s) incorporated in the Act(s).

Dietitians Act 1950 (1950 No 44) (RS Vol 28, p 29)

Amendment(s) incorporated in the Act(s).

Electoral Act 1956 (1956 No 107) (RS Vol 26, p 173)

Amendment(s) incorporated in the Act(s).

Fees and Travelling Allowances Act 1951 (1951 No 79) (RS Vol 6, p 403)

Amendment(s) incorporated in the Act(s).

Food Act 1981 (1981 No 45)

Amendment(s) incorporated in the Act(s).

Health Benefits (Reciprocity with Australia) Act 1986 (1986 No 30)

Amendment(s) incorporated in the Act(s).

Health Benefits (Reciprocity with the United Kingdom) Act 1982 (1982 No 176)

Amendment(s) incorporated in the Act(s).

Health Research Council Act 1990 (1990 No 68)

Amendment(s) incorporated in the Act(s).

Human Tissue Act 1964 (1964 No 19) (RS Vol 16, p 169)

Amendment(s) incorporated in the Act(s),

Income Tax Act 1976 (1976 No 65) (RS Vol 12, p 1)

Amendment(s) incorporated in the Act(s).

Local Authorities Loans Act 1956 (1956 No 63) (RS Vol 24, p 369)

Amendment(s) incorporated in the Act(s).

Local Authorities (Members' Interests) Act 1968 (1968 No 147) (RS Vol 24, p 463)

Amendment(s) incorporated in the Act(s).

Local Elections and Polls Act 1976 (1976 No 144) (RS Vol 28, p 683)

Amendment(s) incorporated in the Act(s).

Local Government Act 1974 (1974 No 66) (RS Vol 25, p 1)

Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1979 (1979 No 59) (RS Vol 25, p 609)

Amendment(s) incorporated in the Act(s).

Local Government Official Information and Meetings Act 1987 (1987 No 174)
Amendment(s) incorporated in the Act(s).

Maternal Mortality Research Act 1968 (1968 No 26) (RS Vol 17, p 321)
Amendment(s) incorporated in the Act(s).

Medical Auxiliaries Act 1966 (1966 No 42) (RS Vol 17, p 331)
Amendment(s) incorporated in the Act(s).

Medical Practitioners Act 1968 (1968 No 46) (RS Vol 7, p 535)
Amendment(s) incorporated in the Act(s).

Medicines Act 1981 (1981 No 118)
Amendment(s) incorporated in the Act(s).

Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46)
Amendment(s) incorporated in the Act(s).

Misuse of Drugs Act 1975 (1975 No 116) (RS Vol 26, p 567)
Amendment(s) incorporated in the Act(s).

Nurse Maude District Nursing Association Act 1967 (1967 No 1 (P))
Amendment(s) incorporated in the Act(s).

Nurse Maude District Nursing Association Amendment Act 1987 (1987 No 2 (P))
Amendment(s) incorporated in the Act(s).

Nurses Act 1977 (1977 No 53)
Amendment(s) incorporated in the Act(s).

Nurses Amendment Act 1990 (1990 No 107)
Amendment(s) incorporated in the Act(s).

Occupational Therapy Act 1949 (1949 No 9) (Reprinted 1976, Vol 5, p 4227)
Amendment(s) incorporated in the Act(s).

Occupational Therapy Amendment Act 1959 (1959 No 10) (Reprinted 1976, Vol 5, p 4246)
Amendment(s) incorporated in the Act(s).

Occupational Therapy Amendment Act 1972 (1972 No 20) (Reprinted 1976, Vol 5, p 4246)
Amendment(s) incorporated in the Act(s).

Occupational Therapy Amendment Act 1980 (1980 No 128)

Amendment(s) incorporated in the Act(s).

Optometrists and Dispensing Opticians Act 1976 (1976 No 61) (RS Vol 27, p 711)

Amendment(s) incorporated in the Act(s).

Pharmacy Act 1970 (1970 No 143) (RS Vol 21, p 691)

Amendment(s) incorporated in the Act(s).

Physiotherapy Act 1949 (1949 No 8) (Reprinted 1976, Vol 5, p 4323)

Amendment(s) incorporated in the Act(s).

Physiotherapy Amendment Act 1953 (1953 No 88) (Reprinted 1976, Vol 5, p 4348)

Amendment(s) incorporated in the Act(s).

Psychologists Act 1981 (1981 No 5)

Amendment(s) incorporated in the Act(s).

Public Bodies Contracts Act 1959 (1959 No 98) (RS Vol 27, p 795)

Amendment(s) incorporated in the Act(s) .

Radiation Protection Act 1965 (1965 No 23) (RS Vol 18, p 673)

Amendment(s) incorporated in the Act(s).

Rating Powers Act 1988 (1988 No 97)

Amendment(s) incorporated in the Act(s).

Shipping and Seamen Act 1952 (1952 No 49) (RS Vol 4, p 275)

Amendment(s) incorporated in the Act(s).

Smoke-free Environments Act 1990 (1990 No 108)

Amendment(s) incorporated in the Act(s).

State Sector Act 1988 (1988 No 20)

Amendment(s) incorporated in the Act(s).

Toxic Substances Act 1979 (1979 No 27)

Amendment(s) incorporated in the Act(s).

Tuberculosis Act 1948 (1948 No 36) (RS Vol 11, p 693)

Amendment(s) incorporated in the Act(s).

Schedule 5
Repeals and revocations

s 23(1)

Part 1
Repeals relating to Area Health Boards Act 1983

Area Health Boards Act 1983 (1983 No 134)

Area Health Boards Amendment Act 1986 (1986 No 16)

Area Health Boards Amendment Act 1988 (1988 No 21)

Area Health Boards Amendment Act (No 2) 1988 (1988 No 50)

Area Health Boards Amendment Act (No 3) 1988 (1988 No 100)

Area Health Boards Amendment Act 1989 (1989 No 32)

Area Health Boards Amendment Act (No 2) 1989 (1989 No 42)

Area Health Boards Amendment Act 1990 (1990 No 79)

Area Health Boards Amendment Act 1991 (1991 No 24)

Area Health Boards Amendment Act (No 2) 1991 (1991 No 82)

Area Health Boards Amendment Act 1992 (1992 No 65)

Part 2
Revocations relating to Area Health Boards Act 1983

s 23(2)

Auckland Area Health District Order 1988 (SR 1988/270)

Auckland Area Health District (Triennial General Election and Boundaries) Order 1989 (SR 1989/225)

Bay of Plenty Area Health District Order 1989 (SR 1989/93)

Bay of Plenty Area Health District (Triennial General Election and Boundaries) Order 1989 (SR 1989/207)

Canterbury Area Health District (Triennial General Election and Boundaries) Order 1989 (SR 1989/215)

Hawke's Bay Area Health District Order 1989 (SR 1989/94)

Hawke's Bay Area Health District (Triennial General Election and Boundaries) Order 1989 (SR 1989/209)

Local Government (Area Health Boards Salaries and Allowances) Determination 1991 (SR 1991/145)

Manawatu-Wanganui Area Health District (Triennial General Election and Boundaries) Order 1989 (SR 1989/211)

Nelson-Marlborough Area Health District (Triennial General Election and Boundaries) Order 1989 (SR 1989/213)

Northland Area Health District Order 1985 (SR 1985/207)

Northland Area Health District (Triennial General Election and Boundaries) Order 1989 (SR 1989/205)

Otago Area Health District (Triennial General Election and Boundaries) Order 1989 (SR 1989/216)

Southland Area Health District Order 1988 (SR 1988/201)

Southland Area Health District (Triennial General Election and Boundaries) Order 1989 (SR 1989/217)

Tairawhiti Area Health District Order 1988 (SR 1988/202)

Tairawhiti Area Health District (Triennial General Election and Boundaries) Order 1989 (SR 1989/208)

Taranaki Area Health District Order 1987 (SR 1987/318)

Taranaki Area Health District (Triennial General Election and Boundaries) Order 1989 (SR 1989/210)

Waikato Area Health District (Triennial General Election and Boundaries) Order 1989 (SR 1989/206)

Wellington Area Health District Order 1989 (SR 1989/95)

Wellington Area Health District (Triennial General Election and Boundaries) Order 1989 (SR 1989/212)

West Coast Area Health District Order 1988 (SR 1988/203)

West Coast Area Health District (Triennial General Election and Boundaries) Order 1989 (SR 1989/214)

Part 3
Repeals relating to Social Security Act 1964

s 24(2)

Commerce Act 1986 (1986 No 5)
Amendment(s) incorporated in the Act(s).

Nurses Amendment Act 1990 (1990 No 107)
Amendment(s) incorporated in the Act(s).

Social Security Amendment Act 1966 (1966 No 85) (RS Vol 13, p 561)

Social Security Amendment Act 1967 (1967 No 4) (RS Vol 13, p 561)
Amendment(s) incorporated in the Act(s).

Social Security Amendment Act 1968 (1968 No 44) (RS Vol 13, p 563)

Social Security Amendment Act 1969 (1969 No 46) (RS Vol 13, p 564)
Amendment(s) incorporated in the Act(s).

Social Security Amendment Act 1970 (1970 No 9) (RS Vol 13, p 566)

Social Security Amendment Act (No 2) 1970 (1970 No 149) (RS Vol 13, p 567)

Social Security Amendment Act 1972 (1972 No 133) (RS Vol 13, p 571)
Amendment(s) incorporated in the Act(s).

Social Security Amendment Act 1973 (1973 No 34) (RS Vol 13, p 575)
Amendment(s) incorporated in the Act(s).

Social Security Amendment Act 1975 (1975 No 123) (RS Vol 13, p 580)
Amendment(s) incorporated in the Act(s).

Social Security Amendment Act 1977 (1977 No 120) (RS Vol 13, p 587)

Social Security Amendment Act (No 2) 1977 (1977 No 133) (RS Vol 13, p 590)
Amendment(s) incorporated in the Act(s).

Social Security Amendment Act 1979 (1979 No 14) (RS Vol 13, p 596)
Amendment(s) incorporated in the Act(s).

Social Security Amendment Act 1980 (1980 No 158) (RS Vol 13, p 598)
Amendment(s) incorporated in the Act(s).

Social Security Amendment Act 1981 (1981 No 46) (RS Vol 13, p 600)
Amendment(s) incorporated in the Act(s).

Social Security Amendment Act 1982 (1982 No 16) (RS Vol 13, p 607)
Amendment(s) incorporated in the Act(s).

Social Security Amendment Act (No 2) 1984 (1984 No 19)

Social Security Amendment Act 1986 (1986 No 39)
Amendment(s) incorporated in the Act(s).

Social Security Amendment Act (No 2) 1990 (1990 No 74)
Amendment(s) incorporated in the Act(s).

Social Security Amendment Act (No 3) 1991 (1991 No 83)

Part 4
Revocations relating to Social Security Act 1964

s 24(3)

Artificial Aids Notice 1964 (SR 1964/126)

Artificial Aids Notice 1964, Amendment No 2 (SR 1966/124)

Artificial Aids Notice 1964, Amendment No 3 (SR 1967/194)

Artificial Aids Notice 1964, Amendment No 4 (SR 1969/85)

Controlled Goods (Drug Tariff) Order (No 2) 1986 (SR 1986/178)

Drug Tariff 1990 (SR 1990/326)

Drug Tariff 1990, Amendment No 10 (SR 1992/232)

Drug Tariff 1990, Amendment No 11 (SR 1992/241)

Drug Tariff 1990, Amendment No 12 (SR 1992/329)

Drug Tariff 1990, Amendment No 13 (SR 1992/369)

Hearing Aids Notice 1957 (SR 1957/85)

Hearing Aids Notice 1957, Amendment No 1 (SR 1957/192)

Hearing Aids Notice 1957, Amendment No 3 (SR 1966/194)

Social Security (Breast Prostheses) Regulations 1989 (SR 1989/350)

Social Security (Breast Prostheses) Regulations 1989, Amendment No 1 (SR 1990/283)

Social Security (Contact Lenses) Notice 1979 (SR 1979/202)

Social Security (Dental Benefits) Regulations 1983 (SR 1983/151)

Social Security (Dental Benefits) Regulations 1983, Amendment No 2 (SR 1985/221)

Social Security (Dental Benefits) Regulations 1983, Amendment No 6 (SR 1990/47)

Social Security (Dental Benefits) Regulations 1983, Amendment No 7 (SR 1990/200)

Social Security (Dental Benefits) Regulations 1983, Amendment No 9 (SR 1991/53)

Social Security (Dental Benefits) Regulations 1983, Amendment No 10 (SR 1992/357)

Social Security (Diagnostic Imaging Services) Regulations 1991 (SR 1991/273)

Social Security (District Nursing Services) Regulations 1964 (SR 1964/16)

Social Security (District Nursing Services) Regulations 1964, Amendment No 1 (SR 1968/142)

Social Security (Domestic Assistance) Regulations 1944 (SR 1944/178)

Social Security (Entitlement Cards) Regulations 1991 (SR 1991/236)

Social Security (Entitlement Cards) Regulations 1991, Amendment No 1 (SR 1992/37)

Social Security (Entitlement Cards) Regulations 1991, Amendment No 2 (SR 1992/87)

Social Security (Hospital Benefits for Outpatients) Regulations 1947 (SR 1947/68)

Social Security (Hospital Benefits for Outpatients) Regulations 1947, Amendment No 1 (SR 1951/5)

Social Security (Hospital Benefits for Outpatients) Regulations 1947, Amendment No 3 (SR 1964/18)

Social Security (Hospital Benefits) Regulations 1979 (SR 1979/144)

Social Security (Hospital Benefits) Regulations 1979, Amendment No 6 (SR 1987/216)

Social Security (Hospital Benefits) Regulations 1979, Amendment No 7 (SR 1991/169)

Social Security (Hospital Inpatient Treatment) Fees Regulations 1991 (SR 1991/277)

Social Security (Hospital Inpatient Treatment) Fees Regulations 1991, Amendment No 1 (SR 1992/36)

Social Security (Hospital Inpatient Treatment) Fees Regulations 1991, Amendment No 2 (SR 1992/211)

Social Security (Hospital Outpatient Treatment) Fees Regulations 1991 (SR 1991/276)

Social Security (Hospital Outpatient Treatment) Fees Regulations 1991, Amendment No 1 (SR 1992/34)

Social Security (Hospital Outpatient Treatment) Fees Regulations 1991, Amendment No 2 (SR 1992/212)

Social Security (Laboratory Diagnostic Services) Regulations 1981 (SR 1981/327)

Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No 1 (SR 1983/84)

Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No 2 (SR 1985/42)

Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No 7 (SR 1988/183)

Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No 9 (SR 1990/46)

Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No 10 (SR 1990/143)

Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No 11 (SR 1990/225)

Social Security (Laboratory Diagnostic Services) Regulations 1981, Amendment No 12 (SR 1991/166)

Social Security (Maternity Benefits) Regulations 1939 (SR 1939/43)

Social Security (Maternity Benefits) Regulations 1939, Amendment No 1 (SR 1939/92)

Social Security (Maternity Benefits) Regulations 1939, Amendment No 12 (SR 1970/112)

Social Security (Maternity Benefits) Regulations 1939, Amendment No 14 (SR 1976/197)

Social Security (Medical Fees) Regulations 1986 (SR 1986/290)

Social Security (Medical Fees) Regulations 1986, Amendment No 3 (SR 1989/360)

Social Security (Medical Fees) Regulations 1986, Amendment No 5 (SR 1990/357)

Social Security (Medical Fees) Regulations 1986, Amendment No 6 (SR 1991/54)

Social Security (Medical Fees) Regulations 1986, Amendment No 7 (SR 1991/168)

Social Security (Medical Fees) Regulations 1986, Amendment No 8 (SR 1991/272)

Social Security (Medical Fees) Regulations 1986, Amendment No 9 (SR 1992/35)

Social Security (Medical Fees) Regulations 1986, Amendment No 10 (SR 1992/213)

Social Security (Pharmaceutical Benefits) Regulations 1965 (SR 1965/41)

Social Security (Pharmaceutical Benefits) Regulations 1965, Amendment No 1 (SR 1969/240)

Social Security (Pharmaceutical Benefits) Regulations 1965, Amendment No 2 (SR 1972/14)

Social Security (Pharmaceutical Benefits) Regulations 1965, Amendment No 3 (SR 1974/40)

Social Security (Pharmaceutical Benefits) Regulations 1965, Amendment No 4 (SR 1985/37)

Social Security (Pharmaceutical Benefits) Regulations 1965, Amendment No 5 (SR 1990/224)

Social Security (Supplementary Maternity Benefits) Regulations 1939 (SR 1939/93)

Social Security (Supplementary Maternity Benefits) Regulations 1940 (SR 1940/81)

Social Security (Surgical Footwear) Notice 1980 (SR 1980/68)

Social Security (Wigs and Hairpieces) Regulations 1981 (SR 1981/54)

Social Security (Wigs and Hairpieces) Regulations 1981, Amendment No 2 (SR 1986/272)

Social Security (Wigs and Hairpieces) Regulations 1981, Amendment No 3 (SR 1990/282)

Social Security (Wigs and Hairpieces) Regulations 1981, Amendment No 4 (SR 1991/52)

Health Sector (Transfers) Amendment Act 2000

Public Act	2000 No 92
Date of assent	14 December 2000
Commencement	see section 2

1 Title

(1) This Act is the Health Sector (Transfers) Amendment Act 2000.

(2) In this Act, the Act known before the commencement of this Act as the Health Reforms (Transitional Provisions) Act 1993 is called "the principal Act".

2 Commencement

(1) Section 14 comes into force on the day after the date on which this Act receives the Royal assent.

(2) The rest of this Act comes into force on 1 January 2001.

13 Validation of use of public work land for purposes not related to health

In any case where, before the commencement of this section, any public work land (within the meaning of clause 3 of Schedule 1 of the principal Act) has, with the consent of a transferee (within the meaning of that Act) been used by a person other than such a transferee for purposes other than health-related purposes, that use of that land is deemed to have been made as if—

(a) clause 3(2)(c) of that schedule (as enacted by section 12) had been in force at the time of the use; and

(b) the Minister had consented, under that clause, to that use.

14 Orders in Council transferring assets or liabilities in December 2000

Before the commencement of section 5, an Order in Council, under section 5 of the principal Act, may be made as if section 2 of the principal Act had been amended by section 5, but no proposal approved by such an Order in Council may take effect before the commencement of section 5.

Notes

1 General

This is a consolidation of the Health Sector (Transfers) Act 1993 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40): section 41(1)

Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 (2024 No 5): section 43

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104

Secondary Legislation Act 2021 (2021 No 7): section 3

Land Transfer Act 2017 (2017 No 30): section 250

Companies Amendment Act 2013 (2013 No 111): section 14

Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150

New Zealand Public Health and Disability Amendment Act 2012 (2012 No 41): sections 26, 34

New Zealand Public Health and Disability Amendment Act 2010 (2010 No 118): section 29

Income Tax Act 2007 (2007 No 97): section ZA 2(1)

New Zealand Public Health and Disability Amendment Act 2005 (2005 No 63): section 5(2)

Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 175(4)

Public Trust Act 2001 (2001 No 100): section 170(1)

Health and Disability Services (Safety) Act 2001 (2001 No 93): section 59(1)

Health Sector (Transfers) Amendment Act 2000 (2000 No 92)

Employment Relations Act 2000 (2000 No 24): section 240

Stamp Duty Abolition Act 1999 (1999 No 61): section 7

Survey Amendment Act 1996 (1996 No 55): section 5

Patents Amendment Act 1994 (1994 No 122): section 19

Finance Act 1994 (1994 No 73): section 2(6)

Wellington, New Zealand:

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