



Health Sector Transfers (Te Nikau Grey Base Hospital and Health Centre) Order 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 29th day of June 2020

Present:

Her Excellency the Governor-General in Council

This order is made under section 5 of the Health Sector (Transfers) Act 1993—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Finance and the Minister of Health.

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Order

1 Title

This order is the Health Sector Transfers (Te Nikau Grey Base Hospital and Health Centre) Order 2020.

2 Commencement

This order comes into force on 1 August 2020.

3 Interpretation

In this order,—

Act means the Health Sector (Transfers) Act 1993

assigned number, in relation a contract, means the number by which the contract is identified in the Ministry of Health’s database of contracts

contract includes all variations of the contract that are in force on 1 August 2020

facility means the Te Nikau Grey Base Hospital and Health Centre

proposal means the proposal set out in the Schedule, and includes the appendix.

4 Approval of proposal

The proposal is approved.

5 Date on which proposal takes effect

The proposal takes effect on 1 August 2020.

**Schedule
Proposal**

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1 Background

This proposal has been prepared in accordance with section 5 of the Act for the purpose of transferring the Te Nikau Grey Base Hospital and Health Centre from the Crown to West Coast DHB. The facility has been constructed pursuant to contracts entered into between the Crown and third parties, on land owned by West Coast DHB, and belongs to the Crown by agreement with West Coast DHB.

2 Transferor

The transferor is the Crown, acting through the Ministry of Health.

3 Transferee

The transferee is West Coast DHB.

4 Description of assets to be transferred

The assets to be transferred are—

- (a) the facility, including all the facility’s furniture, fittings, and equipment supplied by the Crown; and

- (b) all rights of the transferor under each contract specified in the appendix to the extent that the contract relates to the facility.

5 Description of liabilities to be transferred

The liabilities to be transferred to the transferee are all the liabilities (including obligations) of the transferor arising in respect of the assets described in clause 4, but excluding any contractual liabilities arising under any contract that is not specified in the appendix.

6 Values attributed to assets and liabilities for purpose of transfer

For the purpose of the transfer,—

- (a) the value attributed to the assets to be transferred is \$121,900,000.00 as at the transfer date; and
- (b) the value attributed to the liabilities to be transferred is nil as at the transfer date.

7 Transfer of assets for consideration

The consideration for the transfer is the value of the assets being transferred.

8 Transfer of liabilities for consideration only of transfer of assets

The transferee is to incur the liabilities referred to in clause 5 for consideration only of receiving the assets described in clause 4.

9 Transfer date

The transfer date is 1 August 2020.

10 Delegations

The transferring Ministers are jointly authorised, in accordance with clause 16 of Schedule 1 of the Act, to—

- (a) take any action or make any decision on behalf of the Crown to give effect to the proposal; and
- (b) appoint the Chief Financial Officer of the Ministry of Health to act as their agent in taking any action or making any decision on behalf of the Crown to give effect to the proposal.

11 Date and execution

This proposal is dated 10 June 2020 and is signed by the transferring Ministers, Grant Murray Robertson, Minister of Finance, and David Scott Clark, Minister of Health.

Appendix

Contracts between transferor and third parties

Assigned number	Name of third party	Service provided	Agreement date
GR012	Norman Disney & Young Limited	Acoustic design engineering services	2 March 2015
GR013	Aurecon New Zealand Limited	Fire design engineering services	2 March 2015
GR023	Accreditation Limited	Preliminary design review of substances stored on site and potential HSNO issues	8 May 2015
GR037	Gallagher Bassett NZ Limited	Mould sampling and assessment	10 September 2018
GR038	Lewis Print Services Limited	Signage	24 July 2018
GR039	Pacific Commissioning and Coordination Limited	Management of commissioning process	2 October 2018
GR041	Precise Consulting Limited	Demolition survey and asbestos investigations	14 December 2019
GR044	Dominion Constructors Limited	Tunnel asbestos removal	1 May 2019
GR047	Compliance and Certification Management Limited	Certification for diesel tanks	13 February 2020

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order comes into force on 1 August 2020. The order transfers from the Crown to West Coast DHB the newly constructed Te Nikau Grey Base Hospital and Health Centre and the rights and obligations of the Crown under specified third-party contracts (to the extent that those contracts relate to the facility).

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 2 July 2020.
This order is administered by the Ministry of Health.