



Health Sector Transfers (Organ Donation Capability) Order 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 10th day of August 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.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Approval of proposal	2
5 Date on which proposal takes effect	2
6 Provisions facilitating transfer of assets and liabilities	2
Schedule Proposal	3

Order

1 Title

This order is the Health Sector Transfers (Organ Donation Capability) Order 2020.

2 Commencement

This order comes into force on 30 November 2020.

3 Interpretation

In this order,—

contract of service means a contract of service listed in the appendix to the proposal

DHB-NZNO collective agreement means the collective agreement between District Health Boards and the New Zealand Nurses Organisation, dated 4 June 2018

employee number means the number by which an employee is identified in the transferor's employee database

proposal means the proposal set out in the Schedule.

4 Approval of proposal

The proposal is approved.

5 Date on which proposal takes effect

The proposal takes effect on 30 November 2020.

6 Provisions facilitating transfer of assets and liabilities

It is declared that, on and from 30 November 2020,—

- (a) every reference to the transferor in a contract of service and in any related document is treated as a reference to the transferee, except that the transferee is party to the DHB-NZNO collective agreement solely in relation to the relevant employees identified in the appendix; and
- (b) the transferee assumes, in relation to assets or liabilities transferred to the transferee by this order, the rights and obligations of the transferor, including any rights, objections, or proceedings before any court, authority, or other person; and
- (c) this order must be treated as notice to all persons, and specific notice need not be given to any authority or other person.

Schedule Proposal

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1 Background

This proposal has been prepared in accordance with section 5 of the Health Sector (Transfers) Act 1993 for the purpose of transferring assets and liabilities relating to employment agreements of staff performing certain organ donation and transplantation functions from Auckland DHB to the New Zealand Blood Service. The New Zealand Blood Service becomes the New Zealand Blood and Organ Service upon commencement of Part 2 of the Organ Donors and Related Matters Act 2019.

2 Transferor

The transferor is Auckland DHB, established by the New Zealand Public Health and Disability Act 2000.

3 Transferee

The transferee is the New Zealand Blood Service, a crown agent established by the New Zealand Public Health and Disability Act 2000.

4 Description of assets to be transferred

The assets to be transferred are the contracts of service listed in the appendix.

5 Description of liabilities to be transferred

The liabilities to be transferred are all the liabilities (including obligations) of the transferor arising in respect of the assets listed in the appendix.

6 Transfer of assets without consideration

The transferor is to transfer the assets referred to in clause 4 without receiving any asset in return.

7 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 referred to in clause 4.

8 Transfer date

The transfer date is 30 November 2020.

9 Date and execution

This proposal is dated 20 July 2020 and is signed by the transferring Ministers, Grant Murray Robertson, Minister of Finance, and Peeni Ereataara Gladwyn Henare, Associate Minister of Health on behalf of the Minister of Health.

Appendix

Contracts of service

Employee number	Agreement type	Employment start date
122726	DHB-NZNO collective agreement	4/11/2003
4310	DHB-NZNO collective agreement	19/10/2006
22369	DHB-NZNO collective agreement	15/02/2016
28261	DHB-NZNO collective agreement	17/09/2018
108275	DHB-NZNO collective agreement	20/03/1989
456849	Individual Employment Agreement	19/03/1984
22523	Individual Employment Agreement	7/3/2016
24565	Individual Employment Agreement	7/2/2017

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 30 November 2020. It transfers assets and liabilities relating to employment agreements of specified staff performing certain organ donation and transplantation functions from Auckland DHB to the New Zealand Blood Service.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 13 August 2020.
This order is administered by the Ministry of Health.