Te Whatu Ora – Health New Zealand

# Using the Correct Legal Entity on Contracts and Indemnities

*Please note: The establishment of research structures within Te Whatu Ora – Health New Zealand is an evolving process. This is a guidance document only and may not be applicable in some circumstances.*

* Health New Zealand was formed under the Pae Ora (Healthy Futures) Act 2022. In that legislation there is no reference to Te Whatu Ora as a companion name.
* The name Te Whatu Ora was gifted by an expert advisory group, headed by pou tikanga Rahui Papa soon after the legislation came into force.
* Although the legal name is Health New Zealand, the Ministry of Health has advised that the organisation be described as Te Whatu Ora – Health New Zealand in all contracts and correspondence. Where shortening is needed for the purposes of repeat use, Te Whatu Ora is appropriate. It is not good tikanga to abbreviate Te Whatu Ora to an acronym such as “TWO” and this should be avoided.
* Strictly speaking because of the non-legislated status of the Te Whatu Ora component of the name, the organisation could be said to be “trading as”, however for both style and potentially cultural reasons, using “trading as” would not be appropriate.
* Each party executing a contract or indemnity with Te Whatu Ora – Health New Zealand should be aware of and understand the points above.

The following text may be used to clarify the new legal entity:

*On 1 July 2022, in accordance with subpart 4 of Schedule 1 of the Pae Ora (Healthy Futures) Act 2022 (Act), [insert DHB name] District Health Board was disestablished and all rights, liabilities, contracts, entitlements, undertakings, and engagements of [insert DHB name] District Health Board were automatically transferred to Te Whatu Ora - Health New Zealand, a Crown agent established under section 11 of the Act (New Zealand Business Number: 9429050678402).  Unless otherwise agreed between the parties, the scope of the Agreement will continue to be limited to the geographical area that [insert DHB name] District Health Board previously represented under the New Zealand Public Health and Disability Act 2000. Due to the new legislation, the listed Institution [insert DHB name] District Health Board has been disestablished and is hereby replaced with Te Whatu Ora - Health New Zealand.*