



THE CITYLINE (NZ) LIMITED VESTING ORDER 1992

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 31st day of August 1992

Present:

THE RIGHT HON. J. B. BOLGER PRESIDING IN COUNCIL

PURSUANT to the New Zealand Railways Corporation Restructuring Act 1990, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title—This order may be cited as the Cityline (NZ) Limited Vesting Order 1992.

2. Interpretation—(1) In this order, unless the context otherwise requires,—

“The Act” means the New Zealand Railways Corporation Restructuring Act 1990:

“Agreement” means the agreement dated the 27th day of July 1992 between the Corporation and Wellington City Transport Limited in connection with the sale of the Business to Wellington City Transport Limited; and includes the letter agreement varying that agreement:

“Book debts” means all trade and other debts, accounts, and bills receivable due to the Corporation in respect of the Business:

“Business” means the suburban bus services business carried on by the Corporation known as “Cityline Hutt Valley” and “Cityline Auckland”; and includes the ticketing agency business conducted at the Corporation’s premises at Waterloo in the Hutt Valley and at Papakura:

“Closing” means the completion date of the sale and purchase of shares pursuant to the agreement:

“Company” means Cityline (NZ) Limited:

“Creditors” means persons who are creditors of the Corporation in the ordinary course of the Business:

“Employee” means a person employed by the Corporation in connection with the Business and who is referred to in clause 3 (2) (u) of this order:

“Goodwill” means all goodwill of the Corporation in connection with the Business:

“Trade names” means the names “Cityline Hutt Valley” and “Cityline Auckland”.

(2) Any term or expression that is not defined in this order, but that is defined in the Act, has the meaning given to it by the Act.

3. Vesting of railways assets and railways liabilities in company—

(1) The railways assets and railways liabilities of the Crown and the Corporation to which this clause applies, being assets and liabilities set out in a list prepared pursuant to section 6 of the Act by the Minister of Finance and the Minister for State Owned Enterprises dated the 19th day of August 1992, shall vest in the Company on the 1st day of September 1992.

(2) This clause applies to—

- (a) All rights and obligations of the Corporation under all contracts and agreements, whether oral or written, entered into in the ordinary and normal course of business for the supply of goods and services to, or in connection with, the Business made between the Corporation and any other person, being rights and obligations which arise or are to be performed or discharged on or after the close of business on the 31st day of August 1992:
- (b) All plant, furniture, and fittings owned by the Corporation and—
 - (i) Situated at the premises used by the Corporation at the Waterloo Interchange at Lower Hutt and used in connection with the Cityline Hutt Valley business of the Corporation (other than the bus wash attached to the maintenance facility):
 - (ii) Situated at the premises used by the Corporation in Papakura for the purposes of the Cityline Auckland business of the Corporation and used in connection with that business:
 - (iii) Situated at the depots in Wainuiomata, Stokes Valley, and Upper Hutt used by the Corporation for the purposes of the Cityline Hutt Valley business of the Corporation and used in connection with that business:
- (c) The automatic ticketing machines owned by the Corporation and used in connection with the Business:
- (d) All of the Corporation’s rights and obligations under all software licences granted to the Corporation in connection with the Business:
- (e) All stores owned by the Corporation and held for use in connection with the Business:

- (f) All fuel owned by the Corporation and held for use in connection with the Business;
- (g) All other assets owned by the Corporation and used or held for use in connection with the Business (other than land and buildings and the bus wash attached to the maintenance facility at the Waterloo Interchange at Lower Hutt);
- (h) The following motor vehicles:

<i>Registration Number</i>	<i>Make and Model</i>	<i>Cityline Location</i>
10561C	HINO BG 300	Hutt Valley
JE5454	BEDFORD NFM/D	Hutt Valley
JE5455	BEDFORD NFM/D	Hutt Valley
JE5457	BEDFORD NFM/D	Hutt Valley
JX9714	BEDFORD NFM/D	Hutt Valley
JX9715	BEDFORD NFM/D	Hutt Valley
NA6060	HINO RK176	Hutt Valley
NA6947	HINO RK176	Hutt Valley
NA6946	HINO RK176	Hutt Valley
NA6945	HINO RK176	Hutt Valley
NA8507	HINO RK176	Hutt Valley
NA7353	HINO RK176	Hutt Valley
NA7357	HINO RK176	Hutt Valley
NA7358	HINO RK176	Hutt Valley
NA7359	HINO RK176	Hutt Valley
NL7825	HINO RK176	Hutt Valley
NL7826	HINO RK176	Hutt Valley
NL7827	HINO RK176	Hutt Valley
NL7828	HINO RK176	Hutt Valley
NL7829	HINO RK176	Hutt Valley
NL7830	HINO RK176	Hutt Valley
NL7831	HINO RK176	Hutt Valley
NL7832	HINO RK176	Hutt Valley
NL7833	HINO RK176	Hutt Valley
IQ3922	BEDFORD KFT	Hutt Valley
NN4837	BEDFORD CF	Hutt Valley
NP7842	BARINA	Hutt Valley
NS6046	MITSUBISHI	Hutt Valley
NL8280	BARINA	Hutt Valley
JP5614	BEDFORD NFM/D	Auckland
JX9248	BEDFORD NFM/D	Auckland
JX9716	BEDFORD NFM/D	Auckland
JZ5550	BEDFORD NFM/D	Auckland
JZ6947	BEDFORD NFM/D	Auckland
JZ6948	BEDFORD NFM/D	Auckland
MI8415	HINO RK176	Auckland
NA6078	HINO RK176	Auckland
NA7350	HINO RK176	Auckland
NA7351	HINO RK176	Auckland
NA7361	HINO RK176	Auckland
NL7824	HINO RK176	Auckland
NL7823	HINO RK177	Auckland
NL7790	HINO RK177	Auckland
NL7797	HINO RK177	Auckland
NL7791	HINO RK177	Auckland

<i>Registration Number</i>	<i>Make and Model</i>	<i>Cityline Location</i>
NL7792	HINO RK177	Auckland
NL8272	HINO RK177	Auckland
NL8273	HINO RK177	Auckland
NL8873	HINO RK177	Auckland
NX9487	HINO RK177	Auckland
NX9509	HINO RK177	Auckland
NX9507	HINO RK177	Auckland
1055IC	HINO BG300	Auckland
MK1070	LASER	Auckland
NL7785	COMMODORE	Auckland
OE7914	SENTRA	Auckland

- (i) All the Corporation's rights and obligations in respect of creditors at the close of business on the 31st day of August 1992:
- (j) All the Corporation's rights and obligations in respect of all book debts at the close of business on the 31st day of August 1992:
- (k) All the Corporation's rights and obligations at the close of business on the 31st day of August 1992 to the Department of Inland Revenue in relation to Goods and Services Tax payable in respect of the Business:
- (l) All the Corporation's rights and obligations under the agency agreement between the Corporation and Icarus Limited pursuant to which the Corporation sells tickets to the public for transport on Intercity coach and rail services as agent for Icarus Limited:
- (m) All the Corporation's rights and obligations under the agency agreement between the operating division of New Zealand Rail Limited, known as Interisland Line, pursuant to which the Corporation sells tickets to the public for transport on the Interisland Line's Cook Strait ferry services:
- (n) All the Corporation's rights and obligations under the implied agency agreement with the Wellington Regional Council pursuant to which the Corporation sells tickets to the public and provides tickets for resale to agents for transport on suburban bus services in the Hutt Valley:
- (o) All the Corporation's rights and obligations under the agency agreement between the operating division of New Zealand Rail Limited, known as Intercity Rail, pursuant to which the Corporation sells tickets to the public for transport on Intercity Rail's rail services:
- (p) All the Corporation's rights and obligations under the agency agreement between the operating division of New Zealand Rail Limited, known as Cityrail, pursuant to which the Corporation sells tickets to the public for transport on Cityrail's rail services:
- (q) All the Corporation's rights and obligations under the agency agreement between the Corporation and Newman's Coachlines Limited:
- (r) All the Corporation's rights and obligations under all contracts and agreements, whether express or implied, between the Corporation and persons who sell tickets for travel on the services provided by the Corporation in the course of the Business:

- (s) All the Corporation's rights and obligations under all contracts and agreements, whether oral or written, entered into in the ordinary and normal course of business between the Corporation and other persons, for transportation on the bus services provided by the Corporation in the course of the Business; including the contracts with the Wellington Regional Council and the Auckland Regional Council, and all charter services agreed to be provided by the Corporation in the course of the Business after the closing:
- (t) All the Corporation's rights and obligations under the instrument by way of security granted by the Corporation in favour of the Auckland Regional Council:
- (u) All the Corporation's rights and obligations under every contract of service with, and every award or agreement relating to, the following employees of the Corporation, being rights and obligations which arise or are to be performed or discharged on or after the close of business on the 31st day of August 1992 including obligations which have accrued as at that date:

<i>Name</i>	<i>Position</i>	<i>Cityline Location</i>
R. L. Smith	Administration Clerk	Hutt Valley
Bob Kamana	Administration Clerk	Hutt Valley
J. A. Dickinson	Administration Clerk	Hutt Valley
B. F. J. Butcher	Supervisor	Hutt Valley
J. A. Jacobsen	Administration Clerk	Hutt Valley
A. C. Hurley	Inspector	Hutt Valley
L. Blackman	Garage	Hutt Valley
W. C. Greenaway	Bus Driver	Hutt Valley
R. A. Jeffries	Bus Driver	Hutt Valley
M. J. Watene	Bus Driver	Hutt Valley
P. Sharp	Bus Driver	Hutt Valley
A. W. Peterson	Bus Driver	Hutt Valley
L. E. J. Smith	Bus Driver	Hutt Valley
Maurice Kapene	Leading Driver	Hutt Valley
R. E. Reid	Bus Driver	Hutt Valley
E. T. Kaumoana	Bus Driver	Hutt Valley
L. E. Espinosa	Bus Driver	Hutt Valley
R. A. Horne	Bus Driver	Hutt Valley
P. A. Foster	Bus Driver	Hutt Valley
M. K. Horne	Bus Driver	Hutt Valley
L. Maiava	Bus Driver	Hutt Valley
P. Paki	Bus Driver	Hutt Valley
N. J. Napier	Bus Driver	Hutt Valley
C. J. K. Murphy	Bus Driver	Hutt Valley
P. H. Symonds	Bus Driver	Hutt Valley
P. M. Drupe	Bus Driver	Hutt Valley
G. D. Phillips	Bus Driver	Hutt Valley
J. Foai	Bus Driver	Hutt Valley
C. E. Ornsby	Bus Driver	Hutt Valley
W. W. Taute	Bus Driver	Hutt Valley
R. J. Chalmers	Bus Driver	Hutt Valley
J. R. Puha	Bus Driver	Hutt Valley
A. J. Kerr	Bus Driver	Hutt Valley
H. A. Cooper	Bus Driver	Hutt Valley
R. K. P. McMahon	Bus Driver	Hutt Valley

<i>Name</i>	<i>Position</i>	<i>Cityline Location</i>
W. R. Cornish	Bus Driver	Hutt Valley
K. E. Vacher	Bus Driver	Hutt Valley
J. P. P. Tamahori	Bus Driver	Hutt Valley
L. R. Sims	Leading Driver	Hutt Valley
Charles Aldridge	Leading Driver	Hutt Valley
Thomas Patuwai	Bus Driver	Hutt Valley
R. B. Joseph	Bus Driver	Hutt Valley
R. J. Taplin	Bus Driver	Hutt Valley
R. D. Rodderkerk	Bus Driver	Hutt Valley
J. T. Kerr	Bus Driver	Hutt Valley
M. J. Casey	Bus Driver	Hutt Valley
G. J. Penney	Motor Mechanic	Hutt Valley
M. W. J. Blackwood	Motor Mechanic	Hutt Valley
T. Field	Auto Electrician	Hutt Valley
W. B. Mulhare	Leading Motor Mechanic	Hutt Valley
L. W. Blackman	Garage Attendant	Hutt Valley
T. R. M. Baker	Operations Manager	Hutt Valley
Richard McChesney	Accounting Manager	Hutt Valley
D. J. Bellamy	Manager	Auckland
J. A. Collins	Administration Manager	Auckland
T. E. Gilbert	Operations Manager	Auckland
S. A. Holmes	Travel Services Officer	Auckland
D. A. T. Simpson	Operations Officer	Auckland
M. M. Mason	Cityline Sales Representative	Auckland
N. J. McMahon	Travel Services Clerk	Auckland
M. J. Budd	Bus Driver	Auckland
P. D. Cresswell	Bus Driver	Auckland
A. Dong	Bus Driver	Auckland
M. K. Harkins	Bus Driver	Auckland
J. H. Harris	Bus Driver	Auckland
W. B. F. Hodder	Bus Driver	Auckland
B. L. Lothead	Bus Driver	Auckland
D. W. McKinney	Bus Driver	Auckland
J. R. Martin	Bus Driver	Auckland
S. R. Neilson	Bus Driver	Auckland
D. J. O'Brien	Bus Driver	Auckland
I. V. G. Paerau	Bus Driver	Auckland
N. Pahiri	Bus Driver	Auckland
J. Poa	Bus Driver	Auckland
R. J. Prater	Bus Driver	Auckland
S. E. Pritchard	Bus Driver	Auckland
J. W. Rae	Bus Driver	Auckland
F. Rangiaho	Bus Driver	Auckland
T. M. Rickard	Bus Driver	Auckland
B. P. Rogers	Bus Driver	Auckland
J. R. Spotswood	Bus Driver	Auckland
E. G. Williams	Bus Driver	Auckland
J. G. Duffy	Nightwatchman	Auckland

(v) All obligations of the Corporation to customers and other persons in respect of ticket agency services in connection with the Business that arise in the ordinary course of business prior to the closing:

- (w) All transport service licences held by the Corporation in connection with the Business:
- (x) The goodwill:
- (y) The Corporation's rights in the trade names.

MARIE SHROFF,
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, which is made pursuant to the New Zealand Railways Corporation Restructuring Act 1990, vests the assets and liabilities referred to in the order in Cityline (NZ) Limited on 1 September 1992.

In general terms the assets and liabilities are the assets and liabilities of the Corporation's Cityline bus operation in Auckland and the Hutt Valley.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 1 September 1992.
This order is administered in the Treasury.