

Royal Society of New Zealand Amendment Bill

Private Bill

Explanatory note

General policy statement

This Bill amends the Royal Society of New Zealand Act 1997 (the **principal Act**).

The principal Act, among other things, continues the Royal Society of New Zealand (the **Society**) and sets out the object, functions, and structure of the Society. The Society is a body corporate and has operated in New Zealand since 1867. The object of the Society is the advancement and promotion of science and technology in New Zealand. The functions of the Society under the principal Act include to foster in the New Zealand community a culture that supports science and technology, and to encourage, promote, and recognise excellence in science and technology.

In November 2008, the Council of the Society resolved that there was a need to expand the object and functions of the Society to include the humanities. That decision was based on a desire to integrate the structure and function of research in New Zealand, and recognition of the need to build on and integrate the complementary knowledge provided by different disciplines. The humanities share the evidence-based approaches of the sciences. The decision was also based on academies of scholars in other countries such as Scotland

and Canada, which have such academies across a range of disciplines.

A memorandum of understanding was signed by the Society and Te Whāinga Aronui The Council for the Humanities on 9 February 2010 to incorporate the humanities into the Society.

The purpose of this Bill is to amend the principal Act to incorporate the humanities in the object and functions of the Society, to rename the Academy Council, to amend the standard for the election of Companions of the Society, and to amend the election process for Councillors of the Society. In particular, this Bill—

- amends the object of the Society to include the advancement and promotion of the humanities in New Zealand:
- amends the functions of the Society to include the following functions:
 - to foster in the New Zealand community a culture that supports the humanities:
 - to encourage, promote, and recognise excellence in the humanities:
 - to establish and administer for members a code of professional standards and ethics in the humanities:
 - to do all other lawful things which the Council of the Society considers conducive to the advancement and promotion of the humanities in New Zealand:
- enables a person who has achieved distinction in research or the advancement of the humanities to be elected as a Fellow of the Society:
- enables a person who has rendered eminent service to the humanities to be granted Honorary Membership of the Society or to be admitted as an Honorary Fellow:
- amends the standard for the election of Companions of the Society to put greater focus on leadership and to include the humanities.

The Bill also changes the name of the Academy Council to the Academy Executive Committee. The Society wishes to rename the Academy Council to avoid confusion between the Academy Council (which was established to contribute to the achievement of the object of the Society by, for example, recognising and encouraging excellence and outstanding achievement in science and technology

and contributing to the intellectual leadership role of the Society) and the Council of the Society (the **Council**, which has a governance role involving the control and management of the Society).

The Bill also makes amendments to reflect changes that were made to the Council structure in 2008. In particular, the Bill—

- amends the term for which an elected Councillor may hold office so that the term is consistent with Council elections being held every 3 years; and
- amends the provision regarding the appointment of Councillors for consistency with other terms of office under the new Council structure and to clarify the election process for Councillors appointed by Regional Constituent Organisations; and
- removes the ability of the Academy Council to appoint Fellows to be Councillors because there are automatically at least three Fellows on the Council under the new Council structure (which includes a requirement that 3 discipline-based Vice Presidents are Fellows).

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The Bill comes into force on the day after the date on which it receives the Royal assent.

Clause 3 provides that the Bill amends the Royal Society of New Zealand Act 1997.

Clause 4 states the purpose of the Bill. The purpose of the Bill is to amend the principal Act to incorporate humanities into the object and functions of the Royal Society of New Zealand, to rename the Academy Council, to amend the standard for the election of Companions of the Society, and to amend the election process for Councillors of the Society.

Clause 5 amends the interpretation section (section 2) of the principal Act by—

- repealing the definition of Academy Council and substituting a definition of Academy Executive Committee;
- consequentially amending the definition of Academy bylaws;
- adding a definition of humanities.

Clause 6 substitutes a *new section 5* to include the humanities in the object of the Society.

Clause 7 substitutes a *new section 6* to include the humanities in the functions of the Society.

Clause 8 amends section 8 to ensure that section 8 (no dividend or profit to members) does not prevent the grant of awards or prizes for achievement in research in the humanities or the advancement or promotion of the humanities in New Zealand.

Clause 9 amends section 10 to provide that a person who has achieved distinction in research or the advancement of the humanities may be elected as a Fellow of the Society. The clause also amends references to the Academy Council in section 10.

Clause 10 amends section 12 to amend the standard for the election of Companions of the Society and to provide that a person who has shown outstanding leadership in science, technology, or the humanities, or made eminent or sustained contributions to the promotion and advancement in New Zealand of science, technology, or the humanities may be elected as a Companion.

Clause 11 amends section 16 to provide that a person who has rendered eminent service to the humanities may be granted Honorary Membership of the Society.

Clause 12 amends section 17 to provide that a person who has rendered eminent service to the humanities may be admitted as an Honorary Fellow. The clause also amends references to the Academy Council in section 17.

Clause 13 amends the reference to the Academy Council in section 18.

Clause 14 repeals the requirement in section 22(4) for elections of Councillors to be held not earlier than 9 months and not later than 2 years and 3 months after the previous election, and amends the length of time that a person may hold office as an elected councillor under section 22(5) from 4 consecutive years to 6 consecutive years.

Clause 15 substitutes a *new section 23* to remove the ability of the Academy Council to appoint 3 Fellows to be Councillors and to remove the requirement for the Council to determine how many Councillors may be appointed by Regional Constituent Organisations. The *new section 23* also enables the votes of Regional Constituent Organisations to be cast by electronic means at the option of the Council,

and provides for situations where there is an equality of votes between candidates.

Clause 16 amends section 24(2)(d) to provide that the Council may co-opt members if it is necessary to do so having regard to the desirability of providing representation for different areas of the humanities not otherwise represented on the Council.

Clause 17 amends section 34 to include the humanities in the code of professional standards and ethics issued by the Council.

Clause 18 amends section 37(3)(a) to provide that the Academy Council shall recognise and encourage excellence and outstanding achievements in the humanities. The clause also amends the references to the Academy Council in section 37.

Clause 19 amends the references to the Academy Council in section 38.

Clause 20 amends section 39(2)(c) to provide that the Academy by-laws may provide for the grant of awards, medals, and prizes to persons who, in the opinion of the Academy Executive Committee, are worthy of them by reason of any research, investigation, or other work in the area of the humanities. The clause also amends the references to the Academy Council in section 39.

Clause 21 repeals the transitional provision relating to membership of the Society in section 42(2) of the principal Act.

Clause 22 substitutes a *new section 43* that sets out transitional provisions relating to the term of office for elected Councillors and appointed Councillors, and the status of the code of professional standards and ethics in force immediately before the commencement of the Royal Society of New Zealand Amendment Act 2010.

Clause 23 amends the reference to the Academy Council in the Schedule.

Grant Robertson

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Preamble

- (1) The Royal Society of New Zealand is constituted under the Royal Society of New Zealand Act 1965, and continued by the Royal Society of New Zealand Act 1997, for the purpose of advancing and promoting science and technology in New Zealand: 5
- (2) The Royal Society of New Zealand wishes to—
 - (a) incorporate the discipline of humanities into its object and functions; and
 - (b) rename the Academy Council the Academy Executive Committee; and 10
 - (c) amend the standard for the election of Companions of the Society; and
 - (d) amend the election process for Councillors of the Society:
- (3) The objects of this Act cannot be achieved without legislation: 15

The Parliament of New Zealand therefore enacts as follows:

- 1 Title**
This Act is the Royal Society of New Zealand Amendment Act **2010**.
- 2 Commencement** 20
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act amended**
This Act amends the Royal Society of New Zealand Act 1997.

4	Purpose	
	The purpose of this Act is to—	
	(a) incorporate humanities into the object and functions of the Royal Society of New Zealand:	
	(b) rename the Academy Council:	5
	(c) amend the standard for the election of Companions of the Society:	
	(d) amend the election process for Councillors of the Society.	
5	Interpretation	10
(1)	Section 2 is amended by repealing the definitions of Academy bylaws and Academy Council and substituting the following definitions:	
	“ Academy bylaws means the bylaws of the Academy Executive Committee made under section 39 and for the time being in force	15
	“ Academy Executive Committee means the Academy Executive Committee constituted under section 37”.	
(2)	Section 2 is amended by adding the following definition in its appropriate alphabetical order:	20
	“ humanities includes English and other languages, history, religion, philosophy, law, classics, linguistics, literature, cultural studies, media studies, art history, film, drama, and American studies”.	
6	New section 5 substituted	25
	Section 5 is repealed and the following section substituted:	
“5	Object	
	The object of the Society is the advancement and promotion in New Zealand of science, technology, and the humanities.”	
7	New section 6 substituted	30
	Section 6 is repealed and the following section substituted:	
“6	Functions	
	For the purpose of the advancement and promotion in New Zealand of science, technology, and the humanities, the functions of the Society are—	35

- “(a) to foster in the New Zealand community a culture that supports science, technology, and the humanities, including (without limitation)—
- “(i) the promotion of public awareness, knowledge, and understanding of science, technology, and the humanities; and 5
- “(ii) the advancement of science and technology education:
- “(b) to encourage, promote, and recognise excellence in science, technology, and the humanities: 10
- “(c) to provide infrastructure and other support for the professional needs and development of scientists, technologists, and humanities scholars:
- “(d) to establish and administer for members a code of professional standards and ethics in science, technology, and the humanities: 15
- “(e) to provide expert advice on important public issues to the Government and the community:
- “(f) to do all other lawful things that the Council considers conducive to the advancement and promotion in New Zealand of science, technology, and the humanities.” 20

8 No dividend or profit to members

- (1) Section 8(2)(d)(i) is amended by omitting “scientific or technological research” and substituting “research in science, technology, or the humanities”. 25
- (2) Section 8(2)(d)(ii) is amended by omitting “science and technology” and substituting “science, technology, and the humanities”.

9 Fellows

- (1) Section 10 is amended by omitting “Academy Council” in each place where it appears and substituting in each case “Academy Executive Committee”. 30
- (2) Section 10(1) is amended by omitting “science or technology” and substituting “science, technology, or the humanities”.

10 Companions

Section 12(1) is repealed and the following subsection substituted:

- “(1) The Council may from time to time elect, as a Companion, any person who, in the opinion of the Council has— 5
- “(a) shown outstanding leadership in science, technology, or the humanities; or
 - “(b) made eminent or sustained contributions to the promotion and advancement in New Zealand of science, technology, or the humanities.” 10

11 Honorary Members

Section 16(1) is amended by omitting “science or technology” and substituting “science, technology, or the humanities”.

12 Honorary Fellows

- (1) Section 17 is amended by omitting “Academy Council” in each place where it appears and substituting in each case “Academy Executive Committee”. 15
- (2) Section 17(1)(b) is amended by omitting “science or technology” and substituting “science, technology, or the humanities”. 20

13 Revocation of membership or fellowship

Section 18(2) is amended by omitting “Academy Council” and substituting “Academy Executive Committee”.

14 Elected Councillors

Section 22 is amended by repealing subsections (4) and (5) and substituting the following subsection: 25

- “(4) No person may hold office as an elected Councillor for more than 6 consecutive years.”

15 New section 23 substituted

Section 23 is repealed and the following section substituted: 30

“23 Appointed Councillors

- “(1) The Regional Constituent Organisations are, between them, entitled to appoint 1 Councillor.

- “(2) In determining who should be appointed under **subsection (1)**, each Regional Constituent Organisation has 1 vote and the matter is determined by a majority of votes cast by postal ballot or, at the option of the Council, by ballot conducted by electronic means. 5
- “(3) If there is an equality of votes between candidates under **subsection (2)** and the addition of 1 vote would entitle any of those candidates to be elected, the Chief Executive Officer of the Society appointed under clause 1 of the Schedule must determine by lot which candidate is to be elected. 10
- “(4) The elected representative of the Regional Constituent Organisations is elected for a term of 3 years.”
- 16 Co-opted Councillors**
Section 24(2)(d) is amended by omitting “science and technology” and substituting “science, technology, and the humanities”. 15
- 17 Code of professional standards and ethics**
Section 34(1) is amended by omitting “science and technology” and substituting “science, technology, and the humanities”. 20
- 18 Academy Council**
- (1) The heading above section 37 is amended by omitting “*Council*” and substituting “*Executive Committee*”.
- (2) The heading to section 37 is amended by omitting “**Council**” and substituting “**Executive Committee**”. 25
- (3) Section 37 is amended by omitting “Academy Council” in each place where it appears and substituting in each case “Academy Executive Committee”.
- (4) Section 37(3)(a) is amended by omitting “science and technology” and substituting “in each of the areas of science, technology, and the humanities”. 30
- 19 Membership of Academy Council**
- (1) The heading to section 38 is amended by omitting “**Council**” and substituting “**Executive Committee**”.

- (2) Section 38 is amended by omitting “Academy Council” in each place where it appears and substituting in each case “Academy Executive Committee”.

20 Bylaws of Academy Council

- (1) The heading to section 39 is amended by omitting “Council” 5
and substituting “**Executive Committee**”.
- (2) Section 39 is amended by omitting “Academy Council” in each place where it appears and substituting in each case “Academy Executive Committee”.
- (3) Section 39(2)(c) is amended by omitting “science or technology” and substituting “science, technology, or the humanities” 10

21 Membership and staff

Section 42(2) is repealed.

22 New section 43 substituted 15

Section 43 is repealed and the following section substituted:

“43 Transitional provisions

- “(1) Every person who, immediately before the commencement of the Royal Society of New Zealand Amendment Act **2010**, is an elected Councillor under section 22 may hold office as an elected Councillor for a maximum of 6 consecutive years, starting from the most recent date that the person assumed office before the commencement of that Act. 20
- “(2) Every person who, immediately before the commencement of the Royal Society of New Zealand Amendment Act **2010**, is an appointed Councillor under section 23 is deemed to have been appointed for a term of 3 years. 25
- “(3) The code of professional standards and ethics issued under section 34 that is in force immediately before the commencement of the Royal Society of New Zealand Amendment Act **2010** continues in force and applies to members of the Society as if references to science and technology were a reference to science, technology, and the humanities.” 30

23 Schedule amended

Clause 7 of the Schedule is amended by omitting “Academy Council” and substituting “Academy Executive Committee”.
