

Version
as at 28 October 2021



Radio New Zealand Act 1995

Public Act	1995 No 52
Date of assent	25 September 1995
Commencement	see section 1(2)

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry for Culture and Heritage.

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An Act to facilitate the restructuring of Radio New Zealand Limited

1 Short Title and commencement

- (1) This Act may be cited as the Radio New Zealand Act 1995.
- (2) This Act shall come into force on a date to be appointed by the Governor-General by Order in Council.
- (3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 1(2): Radio New Zealand Act 1995 brought into force, on 1 December 1995, by the Radio New Zealand Act Commencement Order 1995 (SR 1995/226).

Section 1(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

2 Interpretation

In this Act, unless the context otherwise requires,—

Charter means the Charter of the public radio company as expressed in section 8

constitution means the constitution (within the meaning of the Companies Act 1993) of the public radio company

Crown entity subsidiary has the same meaning as in the second column of section 7(1)(c) of the Crown Entities Act 2004

existing company means the company that, at the commencement of this Act, is the State enterprise known as Radio New Zealand Limited

governor means any person who is appointed as a director of the public radio company in accordance with section 14

public radio company means the company that, at the commencement of this Act, is known as New Zealand Public Radio Limited

Registrar means the Registrar of Companies appointed in accordance with section 357(1) of the Companies Act 1993

responsible Minister means, subject to any enactment, the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for Radio New Zealand

shareholding Ministers has the same meaning as in section 10 of the Crown Entities Act 2004.

Section 2 **Charter**: amended, on 2 April 2016, by section 5(1) of the Radio New Zealand Amendment Act 2016 (2016 No 13).

Section 2 **constitution**: replaced, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Section 2 **Crown entity subsidiary**: inserted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 2 **Crown entity subsidiary**: amended, on 18 July 2013, by section 42 of the Crown Entities Amendment Act 2013 (2013 No 51).

Section 2 **shareholding Ministers**: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 2 **subsidiary**: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

3 Act to bind the Crown

This Act binds the Crown.

*Shareholding in public radio company**[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

4 Authorising Crown shareholding in public radio company*[Repealed]*

Section 4: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

5 Further provisions relating to Ministers' shareholding*[Repealed]*

Section 5: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

6 Ministers to hold all shares*[Repealed]*

Section 6: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Charter and principles of public radio company***7 Public radio company to give effect to Charter**

The public radio company must give effect to its Charter.

Section 7: replaced, on 2 April 2016, by section 4 of the Radio New Zealand Amendment Act 2016 (2016 No 13).

8 Charter

The Charter of the public radio company is as follows:

Purpose

- (1) As an independent public service broadcaster, the public radio company's purpose is to serve the public interest.
- (2) Freedom of thought and expression are foundations of democratic society and the public radio company as a public service broadcaster plays an essential role in exercising these freedoms.
- (3) The public radio company fosters a sense of national identity by contributing to tolerance and understanding, reflecting and promoting ethnic, cultural, and artistic diversity and expression.
- (4) The public radio company provides reliable, independent, and freely accessible news and information.

Delivery

- (5) In achieving its purpose, the public radio company must endeavour to provide services of the highest quality, which—

- (a) are predominantly and distinctively of New Zealand:
- (b) inform, entertain, and enlighten the people of New Zealand:
- (c) are challenging, innovative, and engaging:
- (d) foster critical thought, and informed and wide-ranging debate:
- (e) stimulate, support, and reflect the diversity of cultural expression, including drama, comedy, literature, and the performing arts:
- (f) stimulate, support, and reflect a wide range of music, including New Zealand composition and performance:
- (g) reflect New Zealand's cultural identity, including Māori language and culture:
- (h) provide awareness of the world and of New Zealand's place in it:
- (i) provide comprehensive, independent, accurate, impartial, and balanced regional, national, and international news and current affairs:
- (j) provide programmes which balance special interest with those of wide appeal, recognising the interests of all age groups:
- (k) contribute towards intellectual and spiritual development:
- (l) include an international service to the South Pacific in both English and Pacific languages:
- (m) take account of services provided by other broadcasters:
- (n) take advantage of the most effective means of delivery:
- (o) preserve and archive broadcasting material of historical interest.

Section 8: replaced, on 2 April 2016, by section 4 of the Radio New Zealand Amendment Act 2016 (2016 No 13).

8A Principles of operation

- (1) The public radio company must, in fulfilling its Charter, exhibit a sense of social responsibility by—
 - (a) having regard to the interests of the community in which it operates; and
 - (b) endeavouring to accommodate or encourage those interests when able to do so.
- (2) The public radio company must, in fulfilling its Charter, ensure that it is not influenced by the commercial interests of other parties.
- (3) The public radio company must, in fulfilling its Charter, ensure that it operates in a financially responsible manner and, for this purpose, that it—
 - (a) prudently manages its assets and liabilities; and
 - (b) endeavours to ensure—
 - (i) its long-term financial viability; and
 - (ii) that it acts as a successful going concern.

Section 8A: inserted, on 2 April 2016, by section 4 of the Radio New Zealand Amendment Act 2016 (2016 No 13).

8B Commercial-free broadcasting

- (1) The public radio company must, in fulfilling its Charter, provide its services in a commercial-free manner.
- (2) Subsection (1) is subject to subsection (3).
- (3) The public radio company may provide 1 or more of the services specified in subsection (4), if the provision of the service or services—
 - (a) is consistent with its role as a public broadcaster; and
 - (b) does not impact adversely on the provision of its services under its Charter; and
 - (c) is a fair and appropriate use of public funds.
- (4) Subsection (3) applies to the following:
 - (a) providing media services to countries outside New Zealand, other than Radio New Zealand International or any radio services that might replace, in whole or in part, Radio New Zealand International;
 - (b) authorising other providers of media services (whether by sale or licensing) to broadcast or publish content that has already been broadcast or published in a commercial-free manner by the public radio company;
 - (c) arranging for providers of delivery platforms to provide access to live broadcasts of the content of the public radio company, but only if—
 - (i) the content is free to access on the public radio company's services; and
 - (ii) the content is commercial-free, whether or not the delivery platforms are free to access; and
 - (iii) any advertising or sponsorship on the delivery platforms is not expressly or impliedly presented as advertising or sponsorship carried or endorsed by the public radio company (other than announcements of the public radio company's own services).
- (5) In this section,—

commercial-free

 - (a) means—
 - (i) free to access; and
 - (ii) without advertising and sponsorship; but
 - (b) to avoid doubt, does not include announcements by the public radio company of its own services

delivery platform—

- (a) means any method of transmitting audio, visual, or audiovisual content; and
- (b) includes (but is not limited to) Internet sites, applications, and software.

Section 8B: inserted, on 2 April 2016, by section 4 of the Radio New Zealand Amendment Act 2016 (2016 No 13).

8C Review of Charter

- (1) The House of Representatives must periodically review the Charter.
- (2) The first review must be undertaken and completed as soon as practicable after 5 years after the commencement of the Radio New Zealand Amendment Act 2016.
- (3) A subsequent review must be undertaken and completed as soon as practicable after the fifth anniversary of the later of the dates specified in subsection (4).
- (4) For the purposes of subsection (3), the dates are—
 - (a) the date on which the select committee that reviews the Charter presents its report to the House of Representatives;
 - (b) the date on which any subsequent legislation that amends the Charter comes into force.

Section 8C: inserted, on 2 April 2016, by section 4 of the Radio New Zealand Amendment Act 2016 (2016 No 13).

8D Reporting

- (1) The public radio company must include in its annual report required by section 150 of the Crown Entities Act 2004 an assessment of the extent to which its performance fulfils its Charter.
- (2) In making the assessment, the public radio company must take into account—
 - (a) research relating to a representative selection of members of the public (including persons who are not members of its current audience); and
 - (b) the measures, if any, it has taken as a result of the research.
- (3) For the purposes of subsection (2)(a), the public radio company must undertake or obtain the research on a regular basis, but at least once a year.

Section 8D: inserted, on 2 April 2016, by section 4 of the Radio New Zealand Amendment Act 2016 (2016 No 13).

9 Personnel policy

[Repealed]

Section 9: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

10 Equal employment opportunities

[Repealed]

Section 10: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Ministers and editorial independence of public radio company

11 Ministers and their role

(1) *[Repealed]*

(2) The shareholding Ministers shall exercise or perform the powers, duties, and functions conferred or imposed on them with respect to the public radio company in a manner that is consistent with the Charter of the company and with sections 8A and 8B.

(3) The shareholding Ministers may, by written notice to the board of the public radio company, determine the amount of dividend payable by the public radio company to the Crown in respect of any financial year or years.

(4) Before giving any notice under subsection (3), the shareholding Ministers must—

(a) have regard to the functions and principles of operation of the public radio company; and

(b) comply with section 115 of the Crown Entities Act 2004.

Compare: 1992 No 47 s 6

Section 11(1): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 11(2): amended, on 2 April 2016, by section 5(2) of the Radio New Zealand Amendment Act 2016 (2016 No 13).

Section 11(3): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 11(4): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

12 Information to be laid before House of Representatives

[Repealed]

Section 12: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

13 Ministers of the Crown not to give certain directions

(1) No responsible Minister or any other Minister, and no person acting by or on behalf of or at the direction of a responsible Minister or any other Minister, may give a direction to the public radio company, or any Crown entity subsidiary of the company, or any director or officer or employee of the company or any such Crown entity subsidiary, in respect of—

- (a) a particular programme or a particular allegation or a particular complaint; or
 - (b) the gathering or presentation of news or the preparation or presentation of current affairs programmes; or
 - (c) the responsibility of the company for programme standards.
- (2) No director of the public radio company, or of any Crown entity subsidiary of the company, may be removed for any reason relating to—
- (a) a particular programme or a particular allegation or a particular complaint; or
 - (b) the gathering or presentation of news or the preparation or presentation of current affairs programmes; or
 - (c) the responsibility of the company for programme standards.
- (3) Section 97(g) of the Crown Entities Act 2004 does not apply to the public radio company.

Compare: 1988 No 162 s 7; 1989 No 25 s 87

Section 13(1): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 13(2): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 13(3): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Governors of public radio company

14 Appointment of governors

- (1) The directors of the public radio company shall be known as governors.
- (2) *[Repealed]*
- (3) The governors of the public radio company shall be persons who, in the opinion of the responsible Minister, will bring (either individually or collectively) a wide range of skills to the board of the company, including—
- (a) *[Repealed]*
 - (b) knowledge of, or experience in, the provision of high quality public radio services:
 - (c) ability to reflect a diverse range of community views.
- (4) No governor of the public radio company shall be appointed to represent, or promote the views of, a particular interest group.
- (5) This section does not limit section 89 of the Crown Entities Act 2004.

Section 14(2): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 14(3): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 14(3)(a): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 14(5): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

15 Role of governors

(1) *[Repealed]*

(2) The governors of the public radio company shall exercise or perform the powers, duties, and functions conferred or imposed on them with respect to the company in a manner that is consistent with the Charter of the company and with sections 8A and 8B.

Compare: 1992 No 47 s 7

Section 15(1): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 15(2): amended, on 2 April 2016, by section 5(2) of the Radio New Zealand Amendment Act 2016 (2016 No 13).

Crown entity

16 Crown entity

(1) The public radio company is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.

(2) The Crown Entities Act 2004 applies to the public radio company except to the extent that this Act expressly provides otherwise.

Section 16: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Audit of public radio company

[Repealed]

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

17 Audit

[Repealed]

Section 17: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Protection of name “Radio New Zealand News”

18 Protection of name

(1) No body shall be incorporated or registered under any enactment, or in any other manner, under the name “Radio New Zealand News”.

(2) No person other than the public radio company shall, either alone or with any other person or persons,—

- (a) trade or carry on business, or provide radio news services, under the name “Radio New Zealand News” without the prior consent of the public radio company; or
 - (b) trade or carry on business, or provide radio news services, under any other name, knowing that the name so resembles the name “Radio New Zealand News” as to be likely to mislead any person.
- (3) Every person who contravenes subsection (2) commits an offence, and is liable on conviction to a fine not exceeding \$2,500.

Section 18(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Provisions relating to separation

19 Change of name of companies

- (1) The Registrar shall—
- (a) change the name of the existing company to “The Radio Company Limited” on the New Zealand register; and
 - (b) change the name of the public radio company to “Radio New Zealand Limited” on the New Zealand register; and
 - (c) issue new certificates of incorporation for each of the companies recording the change of names.
- (2) The change of names—
- (a) takes effect from the date of the certificate issued under subsection (1); and
 - (b) subject to sections 20 and 21, does not affect rights or obligations of either of the companies or legal proceedings by or against either of the companies, and legal proceedings that have or might have been commenced against either company under its former name may be continued or commenced against it under its new name.
- (3) Nothing in this section prevents the name of either company being changed in accordance with the provisions of the Companies Act 1993.

Section 19(3): amended, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

20 Amendments to other enactments

The enactments specified in the Schedule are hereby amended in the manner indicated in that schedule.

21 Reference to Radio New Zealand Limited in other legislation

Every reference in any Act other than this Act to Radio New Zealand Limited shall be read and construed as a reference to the public radio company.

Schedule Enactments amended

s 20

Broadcasting Act 1989 (1989 No 25)*Amendment(s) incorporated in the Act(s).***Income Tax Act 1994 (1994 No 164)***Amendment(s) incorporated in the Act(s).***Official Information Act 1982 (1982 No 156) (RS Vol 21, p 579)***Amendment(s) incorporated in the Act(s).***Ombudsmen Act 1975 (1975 No 9) (RS Vol 21, p 657)***Amendment(s) incorporated in the Act(s).***Privacy Act 1993 (1993 No 28)***Amendment(s) incorporated in the Act(s).***Public Finance Act 1989 (1989 No 44) (RS Vol 33, p 419)***Amendment(s) incorporated in the Act(s).***Radio Communications Act 1989 (1989 No 148)***Amendment(s) incorporated in the Act(s).***State-Owned Enterprises Act 1986 (1986 No 124) (RS Vol 33, p 813)***Amendment(s) incorporated in the Act(s).***State-Owned Enterprises Amendment Act (No 4) 1988 (1988 No 162) (RS Vol 33, p 877)***Amendment(s) incorporated in the Act(s).*

Notes

1 *General*

This is a consolidation of the Radio New Zealand Act 1995 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3
Radio New Zealand Amendment Act 2016 (2016 No 13)
Companies Amendment Act 2013 (2013 No 111): section 14
Crown Entities Amendment Act 2013 (2013 No 51): section 42
Criminal Procedure Act 2011 (2011 No 81): section 413
Crown Entities Act 2004 (2004 No 115): section 200
Radio New Zealand Act Commencement Order 1995 (SR 1995/226)