

Reprint
as at 7 August 2020



Research, Science, and Technology Act 2010

Public Act 2010 No 131
Date of assent 20 December 2010
Commencement see section 2

Contents

	Page
1 Title	2
2 Commencement	2
3 Purpose	2
4 Interpretation	2
5 Meaning of specified RS&T funding	3
6 Act binds the Crown	4
<i>Allocation of funding</i>	
7 Purposes for which specified RS&T funding may be allocated	4
8 Minister to set, and boards to adhere to, criteria	4
9 Chief executive to refer proposals to boards	4
10 Establishment, functions, and duties of boards	5
11 Board may delegate functions	6
<i>Abolition of Foundation and transfer of assets, liabilities, and employees from Foundation, and employees from former department, to Ministry</i>	
12 Abolition of Foundation	7

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Business, Innovation and Employment.

13	Foundation for Research, Science, and Technology Act 1990 repealed	7
14	Vesting of assets and liabilities of Foundation	7
15	Transfer of employees of Foundation to Ministry	8
16	Transfer of employees of former department to Ministry	8
17	Transferred employees	9
18	Consequential amendments	9
	Schedule 1	10
	Provisions relating to boards, chairpersons, and members	
	Schedule 2	18
	Consequential amendments	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Research, Science, and Technology Act 2010.

2 Commencement

This Act comes into force on 1 February 2011.

3 Purpose

The purpose of this Act is—

- (a) to establish boards to make independent funding decisions in respect of the allocation of specified expenses appropriated for the purposes of research, science, or technology, or related activities:
- (b) to repeal the Foundation for Research, Science, and Technology Act 1990:
- (c) to provide for the transfer of employees, assets, and liabilities from the Foundation for Research, Science, and Technology to a new department of State:
- (d) to provide for the transfer of employees from the former department to a new department of State:
- (e) to provide for savings in relation to contracts with the Foundation for Research, Science, and Technology, consequential amendments, and other savings and transitional matters.

4 Interpretation

In this Act, unless the context otherwise requires,—

board means a board established under section 10(1)

chief executive means the chief executive of the Ministry

employee has the same meaning as in section 5 of the Public Service Act 2020

former department means the Ministry of Research, Science, and Technology

Foundation means the Foundation for Research, Science, and Technology established by section 4 of the Foundation for Research, Science, and Technology Act 1990

member,—

(a) in relation to a board, means a member of that board; and

(b) for the purposes of section 12, means a member of the Foundation

Minister means 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 the administration of this Act

Ministry means the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act

outputs has the same meaning as it has in section 2(1) of the Public Finance Act 1989, and also includes knowledge and information

RS&T funding means the expenses authorised by non-departmental appropriations for research, science, or technology, or related activities

specified RS&T funding has the meaning set out in section 5

State services has the same meaning as it has in section 5 of the Public Service Act 2020.

Section 4 **employee**: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 4 **State services**: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

5 Meaning of specified RS&T funding

(1) In this Act, **specified RS&T funding**—

(a) means RS&T funding in a vote administered by the Ministry in respect of which a decision on rationing a limited amount of that funding is required to be made, in accordance with criteria published under section 8(1),—

(i) between eligible proposals, as to which should receive an allocation; and

(ii) in response to an individual proposal, as to the amount (if any) to be allocated; but

(b) does not include RS&T funding in a vote administered by the Ministry that is subject to a separate decision-making process.

(2) For the purpose of subsection (1)(b), the Minister must, by notice published in the *Gazette*, identify any RS&T funding in a vote administered by the Ministry that is subject to a separate decision-making process.

6 Act binds the Crown

This Act binds the Crown.

*Allocation of funding***7 Purposes for which specified RS&T funding may be allocated**

- (1) Specified RS&T funding may be allocated for research, science, or technology, or related activities, for the benefit of New Zealand.
- (2) The activities referred to in subsection (1) include (but are not limited to) any activity that—
 - (a) is likely to increase knowledge or understanding of the physical, biological, or social environment; or
 - (b) is likely to contribute to New Zealand's economic growth; or
 - (c) is likely to develop, maintain, or increase skills or scientific or technological expertise that is of particular importance to New Zealand; or
 - (d) is unlikely to be funded, or adequately funded, from non-governmental sources; or
 - (e) facilitates research, science, or technology, or related activities; or
 - (f) promotes or facilitates the application of research, science, or technology, or related activities.

8 Minister to set, and boards to adhere to, criteria

- (1) The Minister must from time to time, by notice given to each board and published in the *Gazette*, set criteria for the assessment of proposals for specified RS&T funding.
- (2) A board must carry out its functions under section 10(4)(a) in accordance with the criteria set under subsection (1).
- (3) Nothing in subsection (1) authorises the Minister to—
 - (a) give a direction in respect of the production, by a particular person, of outputs relating to research, science, or technology, or related activities; or
 - (b) direct a board to allocate funds to or for the benefit of a particular person.

9 Chief executive to refer proposals to boards

- (1) On any occasion when decisions on the allocation of specified RS&T funding are to be made, the chief executive must refer the proposals concerned to the appropriate board to make funding decisions in accordance with section 10(4)(a) and (5).
- (2) A board may request that the chief executive provide the board with all information, or any specified information, that relates to the proposal.

- (3) If the Ministry holds the information requested, the chief executive must provide that information to the board.
- (4) In this section, **information** includes, but is not limited to,—
 - (a) independent advice received by the Ministry; and
 - (b) confirmation as to whether or not the proposal has been independently considered.

10 Establishment, functions, and duties of boards

- (1) The Minister must—
 - (a) establish, by notice published in the *Gazette*, 1 or more boards; and
 - (b) appoint members of those boards; and
 - (c) appoint a member of each board as the chairperson of that board.
- (2) Before establishing a board, the Minister must consult with any other Minister of the Crown whose area of responsibility, in the Minister's opinion, includes an interest in the allocation of specified RS&T funding.
- (3) The Minister may specify that a board is to make funding decisions on proposals for specified RS&T funding in relation to 1 or more areas of research, science, or technology, or related activities, specified in—
 - (a) the notice establishing the board under subsection (1)(a); or
 - (b) a notice given to the board for the purpose and published in the *Gazette*.
- (4) The functions of a board established under subsection (1)(a) are,—
 - (a) in relation to the areas of research, science, or technology, or related activities (if any) specified under subsection (3), to make funding decisions on proposals for specified RS&T funding referred to it by the chief executive; and
 - (b) with the prior approval of the Minister, to make decisions on proposals for allocation of RS&T funding that are referred to it—
 - (i) by any other Minister of the Crown (a **referring Minister**); or
 - (ii) by the administrative head (however called) of any of the State services (a **referring chief executive**).
- (5) In performing its functions, a board must act,—
 - (a) in relation to its functions under subsection (4)(a), in accordance with—
 - (i) the purposes in section 7; and
 - (ii) section 8(2); and
 - (b) in relation to its functions under subsection (4)(b), in accordance with criteria specified by the referring Minister or, as the case requires, the referring chief executive; and

- (c) on information presented to the board by the chief executive or, as the case requires, by the referring Minister or referring chief executive; and
 - (d) in an independent, fair, and transparent manner.
- (6) For the purpose of giving effect to the decision, a board must record any funding decision it makes in the performance of its functions in writing and provide that decision to the chief executive or, as the case requires, the referring Minister or referring chief executive.
 - (7) The Ministry must supply all secretarial and administrative services required to enable a board to carry out its functions.
 - (8) Schedule 1 applies to boards and to the members and chairpersons of those boards.

11 Board may delegate functions

- (1) With the approval of, and within any limits set by, the Minister, a board may, either generally or particularly and by resolution, delegate its functions under section 10(4) to—
 - (a) the chief executive; or
 - (b) any other person (not being an employee in the State services) approved by the Minister.
- (2) If functions are delegated to the chief executive under subsection (1),—
 - (a) the chief executive is not responsible to the Minister for the performance or exercise of those functions but must act independently; and
 - (b) the chief executive may delegate those functions to employees or holders of specified offices in the Ministry under clauses 2 and 3 of Schedule 6 of the Public Service Act 2020.
- (3) A person to whom functions are delegated under subsection (1) or (2)(b) must perform them in accordance with section 10(5) and (6) and those provisions apply with all necessary modifications as if references to a board were references to that person.
- (4) No delegation under subsection (1) or (2)(b) affects the responsibility of the board for the actions of any person acting under the delegation.
- (5) A board must not make a delegation under this section unless satisfied that,—
 - (a) given the nature of the decision to be made by the delegate and the level of funding involved, the delegation will result in a more efficient and effective decision-making process than if the board had made the decision; and
 - (b) if necessary, conditions are imposed upon the delegation that will enable the board to verify that the delegate has complied with the requirements of section 10.

Section 11(2)(b): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Abolition of Foundation and transfer of assets, liabilities, and employees from Foundation, and employees from former department, to Ministry

12 Abolition of Foundation

- (1) On the commencement of this Act, the Foundation is abolished.
- (2) Every member of the Foundation vacates office on the commencement of this Act and is not entitled to any compensation or other benefit in respect of loss of office.

13 Foundation for Research, Science, and Technology Act 1990 repealed

The Foundation for Research, Science, and Technology Act 1990 (1990 No 72) is repealed.

14 Vesting of assets and liabilities of Foundation

- (1) On the commencement of this Act,—
 - (a) all property belonging to the Foundation vests in the Crown as assets of the Ministry; and
 - (b) all information held by the Foundation is held by the Ministry; and
 - (c) all money payable to or by the Foundation becomes payable to or by the Ministry; and
 - (d) all rights, liabilities, contracts, entitlements, and engagements of the Foundation become the rights, liabilities, contracts, entitlements, and engagements of the Crown acting through the Ministry; and
 - (e) anything done, or omitted to be done, or that is to be done by, or in relation to, the Foundation must be treated as having been done, or having been omitted to be done, or to be done by, or in relation to, the Ministry; and
 - (f) proceedings commenced, continued, or enforced by or against the Foundation must instead be commenced, continued, or enforced by or against the Crown in respect of the Ministry without amendment to the proceedings; and
 - (g) a matter or thing that would have, but for this section, been completed by the Foundation, must be completed by the Ministry.
- (2) To avoid doubt, the abolition of the Foundation does not, of itself, affect any of the following matters:
 - (a) any decision made, or anything done or omitted to be done, by the Foundation in relation to the performance of the Foundation's functions and duties or the exercise of its powers under any enactment:
 - (b) any proceedings commenced by or against the Foundation:

- (c) any other matter or thing arising out of the Foundation's performance, or purported performance, of the Foundation's functions and duties, or the exercise, or purported exercise, of its powers under any enactment.
- (3) The abolition of the Foundation and the transfer of its property, rights, and obligations to the Crown or the Ministry—
 - (a) is not to be treated as placing a person in breach of, or default under, any contract, or in breach of trust, or in breach of confidence, or as otherwise making the person guilty of a civil wrong; and
 - (b) is not to be treated as entitling a person to—
 - (i) terminate, cancel, or modify a contract, agreement, or arrangement; or
 - (ii) enforce or accelerate the performance of an obligation; or
 - (iii) require the performance of an obligation not otherwise arising for performance; and
 - (c) does not release any surety wholly or in part from all or any obligation; and
 - (d) does not invalidate or discharge any contract or security.

15 Transfer of employees of Foundation to Ministry

- (1) Every person who was, immediately before the commencement of this Act, an employee in the Foundation becomes, on the commencement of this Act, an employee in the Ministry on the same terms and conditions of employment as applied to that employee immediately before that commencement.
- (2) An employee referred to in subsection (1) is not entitled to receive any payment or other benefit on the ground that his or her position in the Foundation has ceased to exist.

16 Transfer of employees of former department to Ministry

- (1) Every person who was, immediately before the commencement of this Act, an employee in the former department becomes, on the commencement of this Act, an employee in the Ministry on the same terms and conditions of employment as applied to that employee immediately before that commencement.
- (2) An employee referred to in subsection (1) is not entitled to receive any payment or other benefit on the ground that his or her position in the former department has ceased to exist.
- (3) To avoid doubt, any collective agreement that was in force immediately before the commencement of this Act continues in force, and the following persons are bound by, and entitled to enforce, that agreement:
 - (a) any employee referred to in subsection (1) who was, immediately before the commencement of this Act, bound by, and entitled to enforce, that agreement; and

- (b) the chief executive.

17 Transferred employees

- (1) The terms and conditions of employment of a transferred employee immediately before the commencement of this Act continue to apply in relation to that employee until—
 - (a) those terms and conditions are varied by agreement between the transferred employee and the Ministry; or
 - (b) the transferred employee accepts a subsequent appointment with the Ministry.
- (2) For the purposes of every enactment, law, determination, contract, and agreement relating to the employment of a transferred employee,—
 - (a) the employment agreement of that employee is to be treated as unbroken; and
 - (b) the employee's period of service with the former department or the Foundation, and every other period of service of that employee that is recognised by the former department or the Foundation as continuous service, is to be treated as a period of service with the Ministry.
- (3) To avoid doubt, the employment of a transferred employee by the Ministry does not—
 - (a) constitute new employment for the purposes of the KiwiSaver Act 2006; or
 - (b) treat that employee as a new employee for the purposes of the Employment Relations Act 2000.
- (4) In this section, **transferred employee** means a person who becomes an employee of the Ministry under section 15 or 16.

18 Consequential amendments

The enactments specified in Schedule 2 are amended in the manner indicated in that schedule.

Schedule 1

Provisions relating to boards, chairpersons, and members

s 10(8)

1 Method of appointment

- (1) The Minister appoints or reappoints a member of a board, and a chairperson of that board, by giving written notice to the member concerned.
- (2) A notice under subclause (1) must—
 - (a) state the date on which the appointment takes effect, which must not be earlier than the date on which the notice is received; and
 - (b) in the case of the appointment of a member, state the term of the appointment.

2 Membership of boards and criteria for appointment

- (1) A board may have any number of members that the Minister in his or her discretion decides.
- (2) The Minister may only appoint as a member a person who, in the Minister's opinion, has the appropriate knowledge, skills, and experience to assist the board to perform its functions.

3 Validity of members' acts

The acts of a person as a member or chairperson of a board are valid even though—

- (a) a defect existed in the appointment of the person; or
- (b) the occasion for the person acting, or for his or her appointment, had not arisen or had ended.

4 Validity of appointments

- (1) The appointment of a person as a member or chairperson of a board is not invalid only because a defect existed in the appointment of the person.
- (2) This section does not apply to a defect in the qualifications for appointment of a member.

5 Term of office

- (1) A member of a board holds office for 3 years or any shorter period stated in the notice of appointment.
- (2) A member may be reappointed.
- (3) A member continues in office despite the expiry of his or her term of office until—
 - (a) the member is reappointed; or
 - (b) the member's successor is appointed; or

- (c) the Minister informs the member by written notice (with a copy to the board) that the member is not to be reappointed and no successor is to be appointed at that time.

6 Removal of members

- (1) The Minister may at any time, in accordance with clause 17(2) or 24(2) or entirely at his or her discretion, remove a member of a board from office.
- (2) The removal must be made by written notice to the member (with a copy to the board).
- (3) The notice must state the date on which the removal takes effect, which must not be earlier than the date on which the notice is received.
- (4) To avoid doubt, the Minister may not remove a member unless the Minister has properly considered the matter and complied with the principles of natural justice.

7 Resignation of member

- (1) A member of a board may resign from office by written notice to the Minister (with a copy to the board) signed by the member.
- (2) The resignation is effective on receipt by the Minister of the notice or at any later time specified in the notice.

Chairpersons of boards

8 Term of appointment of chairperson

The chairperson of a board holds that office until—

- (a) he or she resigns that office; or
- (b) he or she is removed from it by the Minister; or
- (c) he or she ceases to hold office as a member; or
- (d) the term of office that may have been specified on appointment expires, unless the member is reappointed for a further term.

9 Resignation of chairperson

- (1) The chairperson of a board may, without resigning as a member, resign that office by written notice to the Minister (with a copy to the board).
- (2) The notice of resignation must state the date on which the resignation takes effect.

10 Removal of chairperson

- (1) The Minister may, after consultation with the person concerned, remove a chairperson of a board from that office with or without also removing that person as a member by written notice to the person (with a copy to the board).
- (2) The notice of removal must state the date on which the removal takes effect.

*No compensation for loss of office***11 No compensation for loss of office**

A member or chairperson of a board is not entitled to any compensation or other payment or benefit relating to his or her ceasing, for any reason, to hold office as a member or chairperson, as the case may be.

*Procedure of boards***12 Procedure of board**

A board may regulate its own procedure.

13 Meetings

- (1) A board or its chairperson must appoint the times and places of meetings of the board, and give notice of those meetings to each member not present when the appointment is made.
- (2) The chairperson must preside at a meeting if the chairperson is present and not interested (as defined in clause 23(5)) in the matter.
- (3) If the chairperson is not present, or is interested in the matter, the board must appoint one of its members to preside.
- (4) No business may be transacted at a meeting of the board if a quorum is not present.
- (5) For the purposes of subclause (4) and clause 14, **quorum** means—
 - (a) half the number of members (if the board has an even number of members); or
 - (b) a majority of the members (if the board has an odd number of members); or
 - (c) both members (if the board has only 2 members).
- (6) Each member has 1 vote and, in addition to his or her general vote, the chairperson has a casting vote in the case of an equality of votes.
- (7) A resolution of the board is passed if it is agreed to by all members present without dissent or if a majority of the votes cast on it are in favour of it.

14 Methods of holding meetings

A meeting of a board may be held—

- (a) by a quorum of the members, being assembled together at the time and place appointed for the meeting; or
- (b) by means of audio, audio and visual, or electronic communication provided that—
 - (i) all of the members who wish to participate in the meeting have access to the technology needed to participate in the meeting; and

- (ii) a quorum of members can simultaneously communicate with each other throughout the meeting.

15 Unanimous written resolutions

- (1) A resolution signed or assented to in writing (whether sent by post, delivery, or electronic communication) by all members is as valid and effectual as if it had been passed at a meeting of the board duly called and constituted.
- (2) The resolution may consist of several documents containing the same resolution, each signed or assented to in writing by 1 or more members.

16 Subcommittees

- (1) A board may, by resolution, appoint subcommittees comprising 1 or more of its members—
 - (a) to advise it on any matters relating to the board's functions that are referred to the subcommittee by the board; or
 - (b) to perform any of the board's functions that are delegated to the subcommittee.
- (2) A subcommittee is subject in all things to the control of the board that appointed it, and must carry out all general or special directions given to it by the board in relation to it or its affairs.
- (3) A board may, by resolution, discharge or reconstitute any subcommittee appointed by it.
- (4) A subcommittee to whom a board delegates its functions under subclause (1)(b) may perform those functions in the like manner and to the same effect as if the board had performed them.

Collective duties of board and members

17 Collective duties of board and members

- (1) The duties of a board and the members of the board under section 10 are owed to the Minister.
- (2) If the members of a board do not comply with any of their collective duties, all or any of the members may be removed from office.
- (3) However, subclause (2) does not apply to a member if—
 - (a) he or she did not know and could not reasonably be expected to have known that the duty was to be or was being breached; or
 - (b) he or she took all reasonable steps in the circumstances to prevent the duty being breached.
- (4) A member is not liable for a breach of a duty under section 10, except for being removed from office as provided for in subclause (2).

- (5) This clause does not affect any other ground for removing a member from office.

Individual duties of members

18 Duty to comply with this Act

A member must not contravene, or cause the contravention of, or agree to the board contravening, section 10 or this schedule.

19 Duty to act with honesty and integrity

A member must, when acting as a member, act with honesty and integrity.

20 Duty to act in good faith

A member must, when acting as a member, act in good faith.

21 Duty to act with reasonable care, diligence, and skill

A member must, when acting as a member, exercise the care, diligence, and skill that a reasonable person would exercise in the same circumstances, taking into account (without limitation)—

- (a) the nature of the board; and
- (b) the nature of the action; and
- (c) the position of the member and the nature of the responsibilities undertaken by him or her.

22 Duty not to disclose information

- (1) A member who has information in his or her capacity as a member that would not otherwise be available to him or her must not disclose that information to any person, or make use of, or act on, that information, except—

- (a) in the performance of the board's functions; or
- (b) as required or permitted by law; or
- (c) in accordance with subclause (2); or
- (d) in complying with the requirement for members to disclose interests.

- (2) A member may disclose, make use of, or act on the information if—

- (a) the member is first authorised to do so by the board or by the Minister; and
- (b) the disclosure, use, or act in question will not, or will be unlikely to, prejudice the board.

23 Duty to disclose conflict of interest

- (1) A member who is interested in a matter relating to the board must disclose details of the nature and extent of the interest (including any monetary value of the interest)—

- (a) to the chairperson of the board; and
 - (b) in an interests register kept by the board.
- (2) Disclosure under subclause (1) must be made as soon as practicable after the member becomes aware that he or she is interested.
- (3) A member who is interested in a matter relating to the board, must not vote or take part in any discussion or decision of the board relating to the matter.
- (4) In this clause, **matter** means the board's performance of its functions under section 10.
- (5) For the purposes of this clause, a person is **interested** in a matter if he or she—
- (a) may derive a financial benefit from the matter; or
 - (b) is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or
 - (c) may have a financial interest in a person to whom the matter relates; or
 - (d) is a partner, director, officer, board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or
 - (e) is otherwise directly or indirectly interested in the matter.
- (6) However, a person is not interested in a matter—
- (a) because he or she receives insurance cover, remuneration, or other benefits authorised under this Act; or
 - (b) if his or her interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence him or her in carrying out his or her responsibilities under this Act.

24 Accountability for individual duties

- (1) The duties of the members of a board under clauses 18 to 23 (individual duties) are duties owed to the Minister.
- (2) If a member does not comply with his or her individual duties, that member may be removed from office.
- (3) Except as provided in subclause (2), a member is not liable for a breach of an individual duty under this Act.
- (4) This section does not affect any other ground for removing a member from office.
- (5) Subclause (3) does not affect anything else for which the member may be liable under any other Act or rule of law arising from the act or omission that constitutes the breach.

Immunities and insurance

25 Immunity from civil liability

- (1) A member is not liable, in respect of an excluded act or omission,—

- (a) to the Minister, unless it is also a breach of an individual duty under any of clauses 18 to 23:
 - (b) to any other person.
- (2) Nothing in this section affects—
- (a) the liability of any person that is not a civil liability:
 - (b) the right of any person to apply, in accordance with the law, for judicial review.

26 Insurance for liability of member, office holder, or employee

The chief executive may effect insurance cover for a member in relation to his or her acts or omissions, except an act done or omission made that is—

- (a) in bad faith:
- (b) not in the performance or intended performance of the board's functions.

27 Breach of insurance limits

- (1) A member who is insured by the chief executive in breach of this Act must repay to the chief executive the cost of providing or effecting that insurance cover, to the extent that the insurance cover exceeds that which could have been provided or effected under this Act.
- (2) The chief executive may recover the amount as a debt due in a court of competent jurisdiction.

28 Definitions for protections from liability

In clauses 25 to 27,—

effect insurance includes pay, whether directly or indirectly, the costs of the insurance

excluded act or omission means an act or omission by the member in good faith and in performance or intended performance of the board's functions

member includes a person who was a member at any time after the commencement of this Act but who is no longer a member.

Fees and allowances

29 Fees and allowances

- (1) The members of a board are entitled to be paid, in accordance with the fees framework,—
- (a) fees as determined by the Minister; and
 - (b) reimbursing allowances or actual and reasonable expenses incurred in undertaking the functions and duties of the board.

- (2) In subclause (1), **fees framework** means the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies in which the Crown has an interest.

Schedule 2

Consequential amendments

s 18

Atomic Energy Act 1945 (1945 No 41)

Definition of **Minister of Research, Science, and Technology** in section 2: omit “the Foundation for Research, Science, and Technology Act 1990” and substitute “the Research, Science, and Technology Act 2010”.

Building Research Levy Act 1969 (1969 No 23)

Definition of **Chief Executive** in section 2: omit “Ministry of Research, Science, and Technology” and substitute “Ministry (within the meaning of the Research, Science, and Technology Act 2010)”.

Crown Entities Act 2004 (2004 No 115)

Item relating to the Foundation for Research, Science, and Technology in Part 1 of Schedule 1: omit.

Item relating to the Foundation for Research, Science, and Technology Act 1990 in Schedule 6: omit.

Crown Research Institutes Act 1992 (1992 No 47)

Section 20(4): repeal.

Education Act 1989 (1989 No 80)

Section 202(c): repeal.

Finance Act (No 2) 1994 (1994 No 134)

Section 2: repeal.

Heavy Engineering Research Levy Act 1978 (1978 No 81)

Definition of **chief executive** in section 2: omit “Ministry of Research, Science, and Technology” and substitute “Ministry (within the meaning of the Research, Science, and Technology Act 2010)”.

Income Tax Act 2007 (2007 No 97)

Section CV 6: repeal and substitute:

CV 6 Crown Research Institutes

Income

- (1) An amount that a Crown Research Institute derives is income of the institute if the amount is provided to the institute for the purposes of—
 - (a) any 1 or more of the activities listed in section 7 of the Research, Science, and Technology Act 2010; or

Income Tax Act 2007 (2007 No 97)—continued

- (b) producing outputs relating to public good science and technology.

Meaning

- (2) In this section, **public good science and technology** means science or technology—

- (a) that is likely to increase knowledge or understanding of the physical, biological, or social environment; or
- (b) that is likely to develop, maintain, or increase skills or scientific or technological expertise that is of particular importance to New Zealand; or
- (c) that may be of benefit to New Zealand, but is unlikely to be funded, or adequately funded, from non-governmental sources.

Defined in this Act: amount, Crown Research Institute, income.

Compare: 2004 No 35 s CV 2

Land Transport Act 1998 (1998 No 110)

Definition of **Science Minister** in section 2(1): omit “the Foundation for Research, Science, and Technology Act 1990” and substitute “the Research, Science, and Technology Act 2010”.

Ombudsmen Act 1975 (1975 No 9)

Item relating to the Ministry of Research, Science, and Technology in Part 1 of Schedule 1: omit.

Item relating to the Foundation for Research, Science, and Technology in Part 2 of Schedule 1: omit.

Public Bodies Contracts Act 1959 (1959 No 98)

Item relating to the Foundation for Research, Science, and Technology in Part 2 of Schedule 1: omit.

State Sector Act 1988 (1988 No 20)

Item relating to the Ministry of Research, Science, and Technology in Schedule 1: omit.

Reprints notes

1 *General*

This is a reprint of the Research, Science, and Technology Act 2010 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Public Service Act 2020 (2020 No 40): section 135