

**Reprint
as at 25 January 2005**



**Valuation Department
(Restructuring) Act 1998**

Public Act 1998 No 70
Date of assent 23 June 1998
Commencement see section 1(2)

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by Land Information New Zealand.

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An Act to restructure the Valuation Department as a Crown-owned company and to provide for the transfer of employees to that company and to Land Information New Zealand

1 Short Title and commencement

- (1) This Act may be cited as the Valuation Department (Restructuring) Act 1998.
- (2) This Act comes into force on 1 July 1998.

2 Interpretation

In this Act, unless the context otherwise requires,—

company means Valuation New Zealand Limited, a company incorporated under the Companies Act 1993

department means Land Information New Zealand

shareholding Ministers means the Minister of Finance and the Minister for State-owned Enterprises.

*Valuation New Zealand to be Crown-owned
company
[Repealed]*

Heading: repealed, on 25 January 2005, by section 5 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

3 Shareholding in Valuation New Zealand Limited

[Repealed]

Section 3: repealed, on 25 January 2005, by section 5 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

4 Application of Companies Act 1993

[Repealed]

Section 4: repealed, on 25 January 2005, by section 5 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

5 Minister may appoint representative

[Repealed]

Section 5: repealed, on 25 January 2005, by section 5 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

6 Valuation New Zealand Limited to be good employer

[Repealed]

Section 6: repealed, on 25 January 2005, by section 5 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

7 Auditor-General to be auditor of Valuation New Zealand Limited

[Repealed]

Section 7: repealed, on 25 January 2005, by section 5 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

*Transfer of Crown assets and liabilities relating
to Valuation Department
[Repealed]*

Heading: repealed, on 25 January 2005, by section 5 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

8 Transfer of Crown assets and liabilities to Valuation New Zealand Limited*[Repealed]*

Section 8: repealed, on 25 January 2005, by section 5 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

9 Rights and liabilities of Crown and third parties following transfer*[Repealed]*

Section 9: repealed, on 25 January 2005, by section 5 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

*Transfer of employees of Valuation Department***10 Transfer of employees**

- (1) Every person—
- (a) who is employed in the Valuation Department immediately before the date of commencement of this Act; and
 - (b) who is carrying out duties that on or after that date are to be carried out (in whole or in part) by Valuation New Zealand Limited or by Land Information New Zealand; and
 - (c) whose transfer to the company or that department is agreed to by the company or by the chief executive of the department—
- is deemed to have transferred to the company or the department (as the case may be) on the date of commencement of this Act.
- (2) The transfer of any employee by this section is subject to any relevant provisions of the employment contract applying to that employee.
- (3) This section applies notwithstanding section 61A of the State Sector Act 1988.

11 Protection of conditions of employment on transfer

- (1) The employment of any person deemed to have been transferred by section 10 is to be on terms and conditions no less favourable than those that the transferred employee was entitled to receive under the employment contract applying to the employee at the date of transfer.

- (2) Any unexpired collective employment contract which covers transferred employees is deemed, as from the date of transfer, to continue to apply on the same terms—
 - (a) as if it were a contract that had been made in respect of Valuation New Zealand Limited or Land Information New Zealand, as the case may be; and
 - (b) as if it were binding both on those employees and on the company or on the department's chief executive.
- (3) Subsections (1) and (2) cease to apply to a transferred employee if the terms and conditions of employment that apply under the employment contract applying to the employee at the date of the transfer are varied by agreement between the employee and the company or (as the case may be) the department's chief executive.
- (4) Every employee deemed by section 10 to have been transferred to Valuation New Zealand Limited or to Land Information New Zealand becomes an employee of the relevant entity on the date of the transfer, but, for the purposes of every enactment, law, contract, and agreement relating to the employment of each such employee,—
 - (a) the contract of employment of that employee that applied immediately before the commencement of this Act in respect of that person's employment in the Valuation Department is deemed to have been unbroken; and
 - (b) the employee's period of service with the Valuation Department, and every other period of service of that employee that was recognised by the Department as continuous service, is deemed to have been a period of service with Valuation New Zealand Limited or Land Information New Zealand, as the case may be.

12 No compensation for technical redundancy

No person who is deemed by section 10 to have transferred to Valuation New Zealand Limited or to Land Information New Zealand is entitled to any compensation for redundancy by reason only of the person ceasing to be employed by the Valuation Department.

13 Membership of Government Superannuation Fund

Where a person deemed by section 10 to have been transferred to Valuation New Zealand Limited was a contributor to the Government Superannuation Fund under the Government Superannuation Fund Act 1956 immediately before that transfer,—

- (a) that person is deemed for the purposes of that Act to be employed in the Government service for so long as the person continues to be employed by the company; and
- (b) that Act is deemed to apply to the person in all respects as if the person's service with the Government service were continuous.

Amendments to other Acts
[Repealed]

Heading: repealed, on 25 January 2005, by section 5 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

14 Amendments to other Acts

[Repealed]

Section 14: repealed, on 25 January 2005, by section 5 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

15 References to Valuation New Zealand Limited in Acts amended may be removed by Order in Council if Crown shareholding falls below 50%

[Repealed]

Section 15: repealed, on 25 January 2005, by section 5 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

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Notes

1 *General*

This is a reprint of the Valuation Department (Restructuring) Act 1998. The reprint incorporates all the amendments to the Act as at 25 January 2005, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

State-Owned Enterprises Amendment Act 2004 (2004 No 116): section 5
