

NEW ZEALAND ANTARCTIC INSTITUTE BILL

EXPLANATORY NOTE

GENERAL POLICY STATEMENT

THIS Bill would establish a new statutory body, the New Zealand Antarctic Institute, to manage and execute New Zealand's Antarctic activities. The Institute would be a Crown entity and would be brought within the 4th, 5th, 6th, and 7th Schedules of the Public Finance Act 1989. The Bill would amalgamate into one body the functions of the Ross Dependency Research Committee and the New Zealand Antarctic Programme currently operating under the auspices of the Ministry of Foreign Affairs and Trade.

This form would better enable the encouragement and development of scientific and other national activities in Antarctica, and the protection of the intrinsic values of Antarctica including New Zealand's environmental stewardship in the Ross Dependency. It would also enable better management of the risks facing New Zealand's Antarctic activities through sudden major changes to the NZ/US logistical cooperation or to the New Zealand Defence Force contribution to Antarctic activities.

Responsibility for policy-making would remain with Departments. The Bill also contains provision enabling Ministerial direction to the Institute's Board on matters of international obligations and Governmental policy in respect of the Ross Dependency. An Officials' Antarctic Committee ('OAC') would be responsible for effective coordination of departmental advice in respect of the Ross Dependency and Antarctica, including international relations, statutory responsibilities including environmental monitoring and reporting functions, where this advice bears on New Zealand's strategic objectives. The OAC would be chaired by the Ministry of Foreign Affairs and Trade and include representatives from the Department of the Prime Minister and Cabinet, the Ministry of Research, Science and Technology, the Ministry of Defence, the New Zealand Defence Force, the Treasury, the Department of Land and Survey Information, the Department of Conservation, the Ministry for the Environment, the Ministry of Commerce, and the Institute. The OAC would report to the Minister responsible for Antarctic Affairs.

The Bill defines the Institute's functions and strategic objectives in general terms in the interests of flexibility, within the parameters of OAC policy-making, Public Finance Act obligations, and Ministerial direction. It would be required to develop and manage high quality New Zealand activities in the Ross Dependency to maximise the achievement of the Government's strategic objectives in respect of Antarctica. These are the conservation of the intrinsic values of Antarctica and the Southern Ocean for the benefit of the world community and for present and

future generations of New Zealanders, reflected in active and responsible stewardship that promotes New Zealand's interests in:

- sovereignty—maintaining New Zealand's long term interest in, and commitment to, the Ross Dependency;
- national security—keeping Antarctica as a neutral and non-aligned neighbour;
- economic well-being—enhancing New Zealand's economic opportunities within the parameters of the Antarctic Treaty System;
- international stability—enhancing New Zealand's leadership in the governance of Antarctica;
- values and ideology—promoting Antarctica as a natural reserve devoted to peace and science.

The Institute will own the movable assets employed by the present New Zealand Antarctic Programme and currently owned by the Ministry of Foreign Affairs and Trade. The Institute will be granted a licence to use the fixed assets of Scott Base and other New Zealand buildings in the Ross Dependency.

CLAUSE BY CLAUSE ANALYSIS

Clause 1 provides that the Bill is to come into force on 1 July 1996.

Clause 2 relates to interpretation.

Clause 3 provides that the Act shall bind the Crown.

Clause 4 establishes the New Zealand Antarctic Institute.

Clause 5 provides that the principal functions of the Institute are—

- (a) To develop, manage, and execute high quality New Zealand Antarctic activities, in particular in the Ross Dependency;
- (b) To maintain and enhance the quality of New Zealand Antarctic scientific research;
- (c) To co-operate with other institutions and organisations both within and outside New Zealand having objectives similar to those of the Institute.

Clause 6 provides that, in performing its functions, the Institute shall act in a manner that is consistent with—

- (a) The need to conserve the intrinsic values of Antarctica and the Southern Ocean; and
- (b) Active and responsible stewardship of the Ross Dependency for the benefit of present and future generations of New Zealanders.

Clause 7 provides that the New Zealand Antarctic Institute Board will consist of between 5 and 7 members to be appointed by the Minister.

Clause 8 gives the Board the necessary powers to enable it to perform the Institute's functions.

Clause 9 enables the Minister to give directions to the Board—

- (a) To enable the fulfilment of any international convention, agreement, or arrangement to which the Government of New Zealand, or any department, agency, or other instrument of the Government of New Zealand, is a party; or
- (b) To implement any policy of the Government of New Zealand in respect of the Ross Dependency.

Any such directions—

- (a) Will have to be in writing to the Board; and

- (b) Will require provision to be made for them in the Institute's statement of corporate intent; and
- (c) Must be preceded by consultation with the Board; and
- (d) Must, as soon as practicable after the giving of the directions, be published in the *Gazette* and laid before the House of Representatives.

Clause 10 provides that the provisions of the *First Schedule* shall apply in respect of the Institute and Board. Provisions of note include—

- (a) Board members will be appointed for up to 3 years (except for the initial Board members who will have varying terms):
- (b) The quorum for Board meetings will be either 3 or 4 members depending on the size of the Board:
- (c) The Chairperson (appointed by the Minister) will have a casting vote:
- (d) The Board may co-opt persons to assist the Board in dealing with any matter. Such co-opted persons may take part in the proceedings of the Board in relation to the matter but shall not be entitled to vote on that matter:
- (e) The Board may appoint committees:
- (f) The Board may delegate most of the Institute's functions and the Board's powers to committees or employees:
- (g) The Board may appoint employees and is required to be a good employer:
- (h) The Board will not be able to borrow money without the prior written consent of the Minister and the Minister of Finance:
- (i) The Audit Office is to be the auditor of the Institute.

Clause 11 provides for the protection of certain names.

Clause 12 enables the Minister to transfer Crown assets and liabilities to the Institute.

Clause 13 dissolves the Ross Dependency Research Committee.

Clauses 14 to 16 enable the Secretary of Foreign Affairs and Trade to transfer New Zealand Antarctic Programme employees to the Institute. The Secretary of Foreign Affairs and Trade is required to consult with each employee about the proposed transfer. Terms and conditions of employment will be based on existing terms and conditions of employment with the Ministry of Foreign Affairs and Trade.

Clause 17 is a transitional provision.

Clause 18 amends other Acts. Among its effects are—

- (a) The Institute will be subject to the Ombudsmen Act 1975 and the Official Information Act 1982:
 - (b) The Institute will be a Crown entity that is required to include a statement of service performance in its annual financial statements and to prepare a statement of intent. If the Institute should ever make a profit, then the Minister of Finance will be able to direct the payment of profit to the Crown.
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Rt. Hon. Don McKinnon

NEW ZEALAND ANTARCTIC INSTITUTE

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A BILL INTITULED

An Act to establish the New Zealand Antarctic Institute to manage New Zealand's Antarctic activities and to provide for incidental matters

5 BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the New Zealand Antarctic Institute Act 1996.

(2) This Act shall come into force on the 1st day of July 1996.

10 **2. Interpretation**—In this Act, unless the context otherwise requires,—

“Board” means the New Zealand Antarctic Institute Board established by section 7 of this Act:

“Institute” means the New Zealand Antarctic Institute established by section 4 of this Act:

15 “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:

“Year” means the period of 12 months ending with the 30th day of June.

3. Act to bind the Crown—This Act shall bind the Crown. 5

PART I

NEW ZEALAND ANTARCTIC INSTITUTE

4. New Zealand Antarctic Institute—(1) There is hereby established a body to be called the New Zealand Antarctic Institute. 10

(2) The Institute shall be a body corporate with perpetual succession and a common seal and, subject to this Act and to any other Act or rule of law, shall have and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity. 15

(3) The Institute shall be a Crown entity for the purposes of the Public Finance Act 1989.

5. Functions—The principal functions of the Institute are— 20

- (a) To develop, manage, and execute high quality New Zealand Antarctic activities, in particular in the Ross Dependency: 20
- (b) To maintain and enhance the quality of New Zealand Antarctic scientific research: 25
- (c) To co-operate with other institutions and organisations both within and outside New Zealand having objectives similar to those of the Institute.

6. Performance of functions—In performing its functions, the Institute shall act in a manner that is consistent with— 30

- (a) The need to conserve the intrinsic values of Antarctica and the Southern Ocean; and
- (b) Active and responsible stewardship of the Ross Dependency for the benefit of present and future generations of New Zealanders. 35

7. Membership of Board—(1) The governing body of the Institute shall be called the New Zealand Antarctic Institute Board. 40

(2) The Board shall consist of not fewer than 5 nor more than 7 members to be appointed from time to time by the Minister.

5 (3) One member of the Board shall be appointed as Chairperson by the Minister.

(4) In making appointments of members of the Board, the Minister shall—

10 (a) Ensure that the members of the Board have among them the range of skills and experience required for the carrying out of the functions of the Institute; and

(b) Have regard, in particular, to—

(i) The need for the members of the Board to have between them a blend of management and financial skills; and

15 (ii) The need for members to have knowledge and experience of, and commitment to, the functions and the specific activities of the Institute.

8. Powers—(1) The Board shall have all such powers as are reasonably necessary or expedient to enable it to perform the functions of the Institute.

20 (2) Without limiting the generality of subsection (1) of this section, the Board shall have power—

(a) To receive on behalf of the Institute any money paid to the Institute by the Crown or by any other person:

25 (b) To allocate such money to the activities of the Institute in such manner as the Board thinks fit.

9. Government directions—(1) The Minister may from time to time, by written notice to the Board, direct the Board to include in the statement of corporate intent such provision as the Minister considers necessary—

30 (a) To enable the fulfilment (in whole or in part) of any obligation or undertaking arising from any international convention or international agreement or international arrangement to which the Government of New Zealand, or any department, agency, or other instrument of the Government of New Zealand, is a party; or

35 (b) To implement (in whole or in part) any policy of the Government of New Zealand in respect of the Ross Dependency,—

40 and the Board shall comply with the notice.

(2) Before giving any notice under this section, the Minister shall consult the Board as to the matters to be referred to in the notice.

(3) Where a notice is given to the Board under this section, the Minister shall, as soon as practicable after the giving of the notice,— 5

(a) Publish a copy of it in the *Gazette*; and

(b) Lay a copy of it before the House of Representatives.

Cf. 1992, No. 47, s. 15 (1) (c)

10. Further provisions applying to Institute and Board—The provisions set out in the First Schedule to this Act shall apply in respect of the Institute and the Board. 10

11. Protection of names—(1) No body other than the Institute and the Board shall be incorporated or registered under any other enactment or in any other manner, under the following names: 15

(a) New Zealand Antarctic Institute:

(b) Ross Dependency Research Committee:

(c) New Zealand Antarctic Programme:

(d) Any other name that so resembles any name listed in paragraphs (a) to (c) of this subsection, as to be likely to mislead any person. 20

(2) No person other than the Institute and the Board shall, either alone or with any other person or persons,—

(a) Trade or carry on business under any name listed in paragraphs (a) to (c) of subsection (1) of this section; or 25

(b) Trade or carry on business under any other name, knowing that that name so resembles any name listed in paragraphs (a) to (c) of subsection (1) of this section, as to be likely to mislead any person. 30

(3) Every person who contravenes subsection (2) of this section commits an offence, and is liable on summary conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues. 35

PART II

MISCELLANEOUS PROVISIONS

12. Transfer of Crown assets and liabilities relating to New Zealand Antarctic Programme—(1) Notwithstanding any Act, rule of law, or agreement, the Minister may, on behalf of the Crown— 40

- (a) Transfer to the Institute assets and liabilities of the Crown:
- (b) Authorise the Institute to act on behalf of the Crown in providing goods or services, or in managing assets or liabilities of the Crown:
- 5 (c) Grant to the Institute leases, licences, easements, permits, or rights of any kind in respect of any assets or liabilities of the Crown—
- 10 for such consideration, and on such terms and conditions, as the Minister may agree with the Institute.
- (2) The Minister shall lay before the House of Representatives any contract or other document entered into pursuant to **subsection (1)** of this section within 12 sitting days after the date of that contract or document.
- 15 (3) Where a transfer of the kind described in **subsection (1)** of this section takes place,—
- (a) The transfer shall not entitle any person to terminate, alter, or in any way affect the rights or liabilities of the Crown under any Act or agreement:
- 20 (b) The laying before the House of Representatives of any contract or other document relating to the transfer shall be deemed to be notice of the transfer, and any third party shall after the date of such contract or document deal with the Institute in place of the Crown:
- 25 (c) The Crown shall remain liable to any third party as if the asset or liability had not been transferred but shall be indemnified by the Institute in respect of any liability to any third party.

30 Cf. 1993, No. 147, ss. 16, 18

13. Ross Dependency Research Committee—(1) On the commencement of this Act the Ross Dependency Research Committee is dissolved.

35 (2) Any assets and liabilities of that Committee become, on its dissolution, assets and liabilities of the Crown, and may be transferred to the Institute in accordance with **section 12** of this Act.

(3) No member of the Committee shall be entitled to compensation for loss of office resulting from its dissolution.

40 **14. Power to transfer employees of Ministry**—

(1) Notwithstanding anything in section 61A of the State Sector Act 1988, where the Secretary of Foreign Affairs and Trade finds, in respect of any duties being carried out by the Ministry

of Foreign Affairs and Trade, that those duties are no longer to be carried out by the Ministry and are to be carried out (in whole or in part) by the Institute, the Secretary may, subject to **subsection (2)** of this section, transfer from the Ministry to the Institute, all or any of the employees of the Ministry who are carrying out those duties. 5

(2) Before transferring any employee under this section, the Secretary shall consult with the employee about the proposed transfer.

15. Terms and conditions of employment—The terms and conditions of employment of every employee who is transferred to the Institute under **section 14** of this Act shall, unless varied by agreement, be based on the terms and conditions of employment that applied to that employee immediately before the date of transfer, as if the terms and conditions of employment were contained in an employment contract made between the Institute and the employee. 10 15

16. Employment of transferred employee deemed to be continuous—(1) Every employee who is transferred to the Institute under **section 14** of this Act shall, on the date of transfer, become an employee of the Institute but, for the purposes of every enactment, law, contract, and agreement relating to the employment of each such employee,— 20

(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 Ministry of Foreign Affairs and Trade shall be deemed to have been unbroken; and 25

(b) That employee's period of service with the Ministry, and every other period of service of that employee that is recognised by the Ministry as continuous service, shall be deemed to have been a period of service with the Institute. 30

(2) No employee who is transferred to the Institute under **section 14** of this Act shall be entitled to any payment or other benefit for redundancy or otherwise by reason only of that person ceasing by virtue of that transfer to be an employee of the Ministry. 35

17. Certain references deemed to be references to New Zealand Antarctic Institute—Every reference to the Ross Dependency Research Committee or the New Zealand Antarctic Programme in any document executed before the 40

commencement of this Act shall, unless the context requires otherwise, be deemed to be a reference to the Institute.

5 **18. Amendments to other Acts**—The enactments specified in the **Second** Schedule to this Act are hereby amended in the manner indicated in that Schedule.

SCHEDULES

FIRST SCHEDULE

Section 10

PROVISIONS APPLYING IN RESPECT OF INSTITUTE AND BOARD

1. Term of office—(1) Subject to **subclause (4)** of this clause and to **clauses 2 and 3** of this Schedule, every member of the Board appointed under **section 7** of this Act shall be appointed for a term of up to 3 years.

(2) Subject to **subclause (3)** of this clause, every member of the Board shall be eligible for reappointment from time to time.

(3) Upon the completion by any person of 6 consecutive years' service as a member of the Board, that person shall cease to be eligible for reappointment until after the lapse of 3 years during which that person does not hold office as a member of the Board.

(4) With respect to the first members appointed under **section 7** of this Act, the following provisions shall apply:

- (a) Two of those members shall be appointed for an initial term of 1 year; and
- (b) Two of those members shall be appointed for an initial term of 2 years; and
- (c) The rest of those members shall be appointed for an initial term of 3 years.

2. Continuation in office after term expires—Where the term for which a member of the Board has been appointed expires, that member, unless sooner vacating or removed from office under **clause 3** of this Schedule, shall continue to hold office, by virtue of the appointment for the term that has expired, until—

- (a) That member is reappointed; or
- (b) A successor to that member is appointed; or
- (c) That member is informed in writing by the Minister that that member is not to be reappointed and that a successor to that member is not to be appointed.

3. Extraordinary vacancies—(1) Any member of the Board may at any time be removed from office by the Minister for disability affecting performance of duty, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister.

(2) Any member of the Board may at any time resign office by giving written notice to that effect to the Minister.

(3) If any member of the Board dies, or resigns, or is removed from office, the vacancy created shall be deemed to be an extraordinary vacancy.

(4) An extraordinary vacancy may be filled by the appointment of a person by the Minister.

FIRST SCHEDULE—*continued*PROVISIONS APPLYING IN RESPECT OF INSTITUTE AND BOARD—*continued*

(5) Every person appointed to fill an extraordinary vacancy shall be appointed for the residue of the term for which the vacating member was appointed.

(6) The powers of the Board shall not be affected by any vacancy in its membership.

4. Meetings—(1) Meetings of the Board shall be held at such times and places as the Board or its Chairperson from time to time appoints, but the Board shall meet at least once in each financial year.

(2) The Chairperson, or any 2 members, may at any time call a special meeting in accordance with *subclause* (3) of this clause.

(3) Not less than 7 days' notice of any special meeting, and of the business to be transacted at that meeting, shall be given to each member of the Board for the time being in New Zealand, and no business other than that specified in the notice shall be transacted at that meeting.

(4) The quorum at any meeting of the Board shall—

(a) If the Board comprises 5 or 6 members, be 3 members:

(b) If the Board comprises 7 members, be 4 members.

(5) All questions arising at any meeting of the Board shall be decided by a majority of the valid votes recorded thereon.

(6) A resolution signed, or assented to by letter, facsimile transmission, telex, or other method of communication, by no fewer than the number of members required at the time to comprise a quorum of the Board shall have the same effect as a resolution duly passed at a meeting of the Board.

(7) Subject to the provisions of this Act, the Board may regulate its own procedure.

5. Chairperson—(1) At all meetings of the Board its Chairperson shall preside if he or she is present.

(2) If the Chairperson is absent, the Deputy Chairperson shall preside.

(3) If the Chairperson and the Deputy Chairperson are absent, the members present shall appoint one of their number to be chairperson of that meeting.

(4) At any meeting of the Board, the Chairperson or other person presiding shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

6. Deputy Chairperson—(1) The Board may from time to time appoint one of its members as the Deputy Chairperson of the Board.

(2) Unless the Deputy Chairperson sooner resigns from that office, or is appointed to be the Chairperson of the Board, or vacates his or her office as a member of the Board, he or she shall hold the office of Deputy Chairperson of the Board until the appointment of a successor in accordance with this clause, and shall be eligible for reappointment.

(3) If the Deputy Chairperson is appointed to be the Chairperson of the Board, or ceases to be a member of the Board, he or she shall thereupon vacate the office of Deputy Chairperson.

(4) During any vacancy in the office of Chairperson of the Board, or in the absence of the Chairperson from New Zealand, or while the Chairperson is incapacitated by sickness or otherwise, the Deputy Chairperson shall have and may exercise all the powers and functions of the Chairperson.

FIRST SCHEDULE—*continued*

PROVISIONS APPLYING IN RESPECT OF INSTITUTE AND BOARD—*continued*

7. Acts not to be called into question—No appointment of a member of the Board to act as Chairperson and no act done by that member while acting as such, and no act done by the Board while any member is acting as such, shall in any proceedings be questioned on the grounds that the occasion for the appointment had not arisen or had ceased.

8. Co-opted members—(1) For the purposes of any matter before the Board, the Board may co-opt any person or persons whose qualifications or experience are likely, in the opinion of the Board, to be of assistance to the Board in dealing with that matter.

(2) Every person co-opted under **subclause (1)** of this clause shall be entitled to take part in the proceedings of the Board in relation to that matter, but shall not be entitled to vote on that matter.

9. Committees—(1) The Board may from time to time, by resolution, appoint, alter, discharge, continue, or reconstitute any committee to advise the Board on such matters relating to the Institute's functions and the Board's powers as are referred to that committee by the Board.

(2) Every committee shall consist of such number of persons as the Board thinks fit to enable the committee to carry out such of the functions and powers as may be delegated to the committee under **clause 10** of this Schedule.

(3) Any person may be appointed to be a member of a committee, whether or not that person is a member of the Board.

(4) Subject to this Act, and to any direction given by the Board, every committee may regulate its own procedure.

10. Delegation of functions and powers—(1) Subject to **subclause (3)** of this clause, the Board may from time to time, either generally or specifically, delegate any of the Institute's functions and the Board's powers to any of its committees or members or to any employee or employees of the Institute, whether by name or as the holder or holders for the time being of any specified office or offices.

(2) Every delegation under this clause shall be in writing.

(3) The Board shall not delegate the following powers:

(a) The power of delegation conferred by **subclause (1)** of this clause:

(b) The power to borrow money conferred by **clause 21** of this Schedule.

(4) Any delegation under this clause may be made to—

(a) A specified person; or

(b) A person belonging to a specified class of persons; or

(c) The holder for the time being of a specified office or appointment; or

(d) The holder for the time being of an office or appointment of a specified class.

(5) Subject to any general or special directions given or conditions imposed by the Board, the committee or person to whom any such delegation is made may exercise or perform the delegated functions or powers in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation.

(6) Every committee or person purporting to act pursuant to any delegation under this clause shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

FIRST SCHEDULE—*continued*PROVISIONS APPLYING IN RESPECT OF INSTITUTE AND BOARD—*continued*

(7) Every delegation under this clause shall be revocable at will, but any such revocation shall not take effect until it is communicated to the delegate.

(8) Until any such delegation is revoked, it shall continue in force according to its tenor, notwithstanding any change in the membership of the Board or of any committee.

(9) No delegation under this clause shall prevent the performance or exercise of any function or power by the Institute or the Board.

11. Contracts—(1) Any contract which, if made by private persons, must be by deed shall, if made by the Board, be in writing under the common seal of the Institute.

(2) Any contract which, if made by private persons, must be signed by the parties to be charged with it shall, if made by the Board, be either under the common seal of the Institute or signed by a member of the Board or employee of the Institute on behalf of and by authority of the Board.

(3) Any contract which, if made by private persons, may be made orally may be made in the manner specified in **subclause (1)** of this clause as in the case of a deed, or in the manner specified in **subclause (2)** of this clause as in the case of a contract required to be in writing, or may be made orally by or on behalf of the Board by any member of the Board or employee of the Institute acting by authority of the Board, but no oral contract shall be made for any sum exceeding \$2,000.

(4) The Board may by writing under the common seal of the Institute empower any person, either generally or in respect of any specified matters, to execute instruments on its behalf in any place in or beyond New Zealand. Any instrument executed by such an attorney on behalf of the Board shall bind the Institute, and if executed as a deed shall have the same effect as if it were under the common seal of the Institute.

(5) Notwithstanding anything to the contrary in **subclauses (1) to (4)** of this clause, no contract made by or on behalf of the Board shall be invalid by reason only that it was not made in a manner provided by those subclauses, if it was made pursuant to a resolution of the Board or to give effect to a resolution of the Board in relation to contracts generally or in relation to that particular contract.

12. Fees and allowances of members of Board and committees—There may be paid out of money appropriated by Parliament for the purpose to members of the Board and the members of any committee appointed under this Act remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

13. Employees—(1) The Institute may appoint such employees, including employees on secondment from other organisations, as it thinks necessary for the efficient performance of its functions.

(2) Subject to the terms and conditions of employment, the Institute may at any time terminate or suspend the employment of any of its employees.

(3) Before entering into any collective employment contract under the Employment Contracts Act 1991, the Institute shall consult with the State

FIRST SCHEDULE—*continued*

PROVISIONS APPLYING IN RESPECT OF INSTITUTE AND BOARD—*continued*

Services Commissioner about the conditions of employment to be included in the collective employment contract.

(4) The Institute shall, from time to time, consult with the State Services Commissioner in relation to the terms and conditions of employment applying to those employees appointed under this clause who are not covered by a collective employment contract.

14. Personnel policy—(1) The Institute shall operate a personnel policy that complies with the principle of being a good employer.

(2) For the purposes of this clause, a good employer is an employer who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring—

- (a) Good and safe working conditions; and
- (b) An equal employment opportunities programme; and
- (c) The impartial selection of suitably qualified persons for appointment; and
- (d) Recognition of—
 - (i) The aims and aspirations of Maori; and
 - (ii) The employment requirements of Maori; and
 - (iii) The need for involvement of Maori as employees of the Institute; and
- (e) Opportunities for the enhancement of the abilities of individual employees; and
- (f) Recognition of the aims and aspirations, and the cultural differences, of ethnic or minority groups; and
- (g) Recognition of the employment requirements of women; and
- (h) Recognition of the employment requirements of persons with disabilities.

15. Equal employment opportunities—(1) The Institute shall—

- (a) Develop and publish in each year an equal employment opportunities programme for the Institute; and
- (b) Ensure in each year that the programme for that year is complied with.

(2) For the purposes of this clause and **clause 14** of this Schedule, an equal employment opportunities programme means a programme that is aimed at the identification and elimination of all aspects of policies, procedures, and other institutional barriers that cause or perpetuate, or tend to cause or perpetuate, inequality in respect of the employment of any persons or group of persons.

16. Superannuation or retiring allowances—(1) For the purpose of providing a superannuation fund or retiring allowances for its employees or for any members of the Board, the Institute may from time to time pay sums by way of subsidy or contribution into any superannuation scheme that is registered under the Superannuation Schemes Act 1989.

(2) Notwithstanding anything in this Act, a person who, immediately before becoming an employee of the Institute by virtue of a transfer under **section 14 (1)** of this Act, was a contributor to the Government Superannuation Fund under the Government Superannuation Fund Act 1956 shall, for the

FIRST SCHEDULE—*continued*PROVISIONS APPLYING IN RESPECT OF INSTITUTE AND BOARD—*continued*

purposes of that Act, be deemed to be employed in the Government service so long as that person continues to be an employee of the Institute; and that Act shall apply to that person in all respects as if that person's service with the Institute were Government service.

(3) Subject to the Government Superannuation Fund Act 1956, nothing in **subclause (2)** of this clause entitles any such person to become a contributor to the Government Superannuation Fund after that person has once ceased to be a contributor.

(4) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with **subclause (2)** of this clause, the term "controlling authority", in relation to any transferring employee, means the Institute.

17. Application of certain Acts to members and employees—Subject to **clause 16 (2)** of this Schedule, no person shall be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 by reason only of that person's service with the Institute.

18. Funds of Institute—The funds of the Institute shall consist of—

- (a) All money appropriated by Parliament for the purposes of the Institute, and paid to the Institute for its purposes:
- (b) All money lawfully contributed, donated, or bequeathed to the Institute or otherwise lawfully payable to it:
- (c) All money received by the Institute by way of fees, rent, or otherwise in respect of any real or personal property vested in or controlled by the Institute, or in respect of the performance of its functions:
- (d) All money received by the Institute from the sale or other disposal of any of its real or personal property:
- (e) All accumulations of income derived from any such money.

19. Bank accounts—(1) The Institute shall open at any bank or banks such accounts as are necessary for the performance of its functions.

(2) All money received by the Institute, or by any member or employee of the Institute for the purposes of the Institute, shall, as soon as practicable after it has been received, be paid into such bank accounts of the Institute as the Institute from time to time determines.

(3) The withdrawal or payment of money from any such accounts shall be authorised in such manner as the Institute thinks fit.

(4) Any bank account of the Institute shall be operated only by cheque or other instrument signed by a member or an employee of the Institute authorised by the Institute to do so, and shall be countersigned by another member or employee of the Institute authorised to do so.

20. Investment of money—Subject to the terms of any trust or endowment, any money held by or on behalf of the Institute and which is not immediately required for expenditure, may be invested—

- (a) In accordance with section 25 of the Public Finance Act 1989; or
- (b) In such other manner as the Institute, with the prior approval of the Minister, may determine.

21. Borrowing powers—The Institute shall not borrow money without the prior written consent of the Minister and the Minister of Finance.

FIRST SCHEDULE—*continued*

PROVISIONS APPLYING IN RESPECT OF INSTITUTE AND BOARD—*continued*

22. Unauthorised expenditure—The Institute may, in any financial year, expend for purposes not authorised by this Act or any other enactment, any sum or sums not amounting in the aggregate to more than \$5,000.

23. Audit Office to be auditor of Institute—The Audit Office shall be the auditor of the Institute, and for that purpose shall have and may exercise all such powers as it has under the Public Finance Act 1977 in respect of public money and public stores.

24. Seal—The common seal of the Institute shall be judicially noticed in all Courts and for all purposes.

SECOND SCHEDULE

Section 18

ENACTMENTS AMENDED

Enactment	Amendment
1968, No. 35—The Estate and Gift Duties Act 1968 (R.S. Vol. 28, p. 341)	By adding to section 73 (2) (as amended by section 2 (1) of the Estate and Gift Duties Amendment Act 1995) the following paragraph: “(l) Any gift to the New Zealand Antarctic Institute for the purposes of the New Zealand Antarctic Institute Act 1996.”
1968, No. 147—The Local Authorities (Members' Interests) Act 1968 (R.S. Vol. 24, p. 463)	By inserting in Part II of the First Schedule, in its appropriate alphabetical order, the following item: “New Zealand Antarctic Institute”.
1971, No. 51—The Stamp and Cheque Duties Act 1971 (R.S. Vol. 23, p. 771)	By adding to paragraph (k) of section 13 (1) (as added by section 2 (2) of the Stamp and Cheque Duties Amendment Act 1975) the expression “; or”. By adding to section 13 (1) (as amended by section 2 (2) of the Stamp and Cheque Duties Amendment Act 1975) the following paragraph: “(l) The New Zealand Antarctic Institute for the purposes of the New Zealand Antarctic Institute Act 1996.”
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)	By adding to paragraph (i) of section 14 (1) the expression “; or”.
	By adding to section 14 (1) the following paragraph: “(j) The New Zealand Antarctic Institute for the purposes of the New Zealand Antarctic Institute Act 1996.”
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)	By inserting in Part II of the First Schedule, in its appropriate alphabetical order, the following item: “New Zealand Antarctic Institute.”
1981, No. 47—The Flags, Emblems, and Names Protection Act 1981	By adding to the Third Schedule the following item: “The New Zealand Antarctic Institute Act 1996: section 11 ‘New Zealand Antarctic Institute’, ‘Ross Dependency Research Committee’, ‘New Zealand Antarctic Programme’.”

SECOND SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1989, No. 44—The Public Finance Act 1989 (R.S. Vol. 33, p. 419)	By inserting in the Fourth, Fifth, Sixth, and Seventh Schedules (as added by section 41 of the Public Finance Amendment Act 1992), in its appropriate alphabetical order, the following item: “New Zealand Antarctic Institute.”