

RADIO NEW ZEALAND BILL

EXPLANATORY NOTE

THIS Bill facilitates the restructuring of Radio New Zealand with a view to—

- (a) The public radio assets of Radio New Zealand being held by a Crown entity to be called Radio New Zealand Limited; and
- (b) The possible sale of the commercial operations of Radio New Zealand.

The principal features of the Bill are as follows:

- (a) The Minister responsible for Radio New Zealand and the Minister of Finance are authorised to buy shares in the public radio company (*clause 4*):
- (b) The purpose of the public radio company will be to provide high quality publicly funded radio services including, without limiting the generality of the foregoing,—
 - (i) Comprehensive, independent, impartial, and balanced national and international news services and current affairs:
 - (ii) Programmes which reflect and develop New Zealand identity and culture, including programmes about New Zealand and New Zealand interests and programmes promoting Maori language and Maori culture:
 - (iii) A balanced range of programmes providing for varied interests in the community, including information, special interest, and entertainment programmes:
 - (iv) Music and cultural programmes, including programmes featuring New Zealand and international composers and performers (*clause 6*):
- (c) The public radio company will be required to—
 - (i) Exhibit a sense of social responsibility by having regard to the interests of the community in which it operates and by endeavouring to accommodate or encourage those interests when able to do so:
 - (ii) Operate in a financially responsible manner so that it maintains its financial viability:
 - (iii) Operate a personnel policy that complies with the principle of being a good employer:
 - (iv) Promote equal employment opportunities: (*clauses 7 to 9*):
- (d) Ministers of the Crown will not be able to give directions that compromise editorial independence (*clause 12*):

- (e) The public radio company will be a Crown entity. It will be required to include statements of service performance in its annual financial statements and to prepare statements of intent (*clauses 14 and 16*):
 - (f) The public radio company will acquire the name "Radio New Zealand Limited" (*clause 15*):
 - (g) The existing Radio New Zealand Limited will take the name "Radio New Zealand (Commercial) Limited" (*clause 15*):
 - (h) Radio New Zealand (Commercial) Limited's status as a State enterprise is preserved for the time being (*clause 16*). However, Radio New Zealand (Commercial) Limited will, on a date appointed by Order in Council, cease to be a State enterprise (*clause 18*). This date is intended to coincide with the date on which the company may be sold:
 - (i) Until the commercial arm is sold, both the public radio company and the commercial arm will be subject to the legislation which currently applies to Radio New Zealand, eg. the Ombudsmen Act 1975 and the Official Information Act 1982 (*clause 16*). After the commercial arm is sold, the public radio company will continue to be subject to that legislation, but the commercial arm will not (*clause 18*):
 - (j) Changes are made to the Radiocommunications Act 1989 (*clause 16*) as follows:
 - (i) The Act currently provides that the conditions attaching to the FM Concert Programme and National Radio licences lapse if Broadcasting Commission funding ceases. The amendments recognise that public funding may, in the future, be made available other than by contract with the Broadcasting Commission:
 - (ii) Obsolete provisions relating to Auckland Access Radio are removed:
 - (iii) The conditions of licences relating to the 2YB service are altered. Since the Act was passed, additional radio frequencies have been reserved for the exclusive use of broadcasters promoting Maori language and Maori culture. The current condition of licences relating to the 2YB service regarding programmes that promote Maori language and Maori culture is accordingly removed.
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RADIO NEW ZEALAND

ANALYSIS

	<i>Ministers and Editorial Independence of Public Radio Company</i>
	11. Ministers and their role
	12. Ministers of the Crown not to give certain directions
	<i>Directors of Public Radio Company</i>
	13. Directors and their role
	<i>Crown entity</i>
	14. Crown entity
	<i>Provisions Relating to Separation</i>
	15. Change of name of companies
	16. Amendments to other Acts
	17. References to Radio New Zealand Limited in other legislation
	<i>Provision Taking Effect on Date Appointed by Order in Council</i>
	18. Further amendments to other Acts Schedules
Title	
1. Short Title and commencement	
2. Interpretation	
3. Act to bind the Crown	
<i>Shareholding in Public Radio Company</i>	
4. Authorising Crown shareholding in public radio company	
5. Further provisions relating to Ministers' shareholding	
<i>Purpose and Principles of Public Radio Company</i>	
6. Purpose	
7. Principles of operation	
8. Personnel policy	
9. Equal employment opportunities	
10. Choice of procedure	

A BILL INTITULED

An Act to facilitate the restructuring of Radio New Zealand Limited

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

- 5 **1. Short Title and commencement**—(1) This Act may be cited as the Radio New Zealand Act 1995.
 (2) Except as provided in **section 18 (2)** of this Act, this Act shall come into force on a date to be appointed by the Governor-General by Order in Council.
- 10 **2. Interpretation**—In this Act, unless the context otherwise requires,—

- “Existing company” means the company that, at the commencement of this Act, is the State enterprise known as “Radio New Zealand Limited”:
- “Public radio company” or “company” means the company that, at the commencement of this Act, is known as New Zealand Public Radio Limited: 5
- “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: 10
- “Shareholding Ministers” means the responsible Minister and the Minister of Finance: 15
- “Subsidiary” has the same meaning as in sections 158 and 158A of the Companies Act 1955 or sections 5 and 6 of the Companies Act 1993, as the case may be.

3. Act to bind the Crown—This Act binds the Crown. 20

Shareholding in Public Radio Company

- 4. Authorising Crown shareholding in public radio company**—(1) The shareholding Ministers may from time to time,—
- (a) On behalf of Her Majesty the Queen, subscribe for or otherwise acquire shares in the public radio company pursuant to any appropriation by Parliament for this purpose: 25
- (b) On behalf of Her Majesty, exercise all or any of Her Majesty’s rights as the holder of any shares in the public radio company. 30
- (2) Each Minister shall hold the same number of shares in the public radio company.

Cf. 1987, No. 200, s. 3

- 5. Further provisions relating to Ministers’ shareholding**—(1) Shares in the capital of the company held in the name of a person described as the Minister of Finance or the responsible Minister shall be held by the person for the time being holding the office of Minister of Finance or responsible Minister, as the case may be. 35
- (2) Notwithstanding any other enactment or rule of law, it shall not be necessary to complete or register a transfer of 40

shares in the company consequent upon a change in the person holding the office of Minister of Finance or responsible Minister, as the case may be.

5 (3) Each shareholding Minister may exercise all the rights and powers attaching to the shares in the company held by that Minister.

(4) A shareholding Minister may at any time or times, by written notice to the directors of the company, authorise (on such terms and conditions as are specified in the notice) such
10 person as the Minister thinks fit to act as the Minister's representative at any or all of the meetings of shareholders of the company, and any person so authorised shall be entitled to exercise the same powers on behalf of the Minister as the Minister could exercise if present in person at the meeting or
15 meetings.

Cf. 1986, No. 124, s. 22; 1992, No. 47, s. 14

Purpose and Principles of Public Radio Company

6. Purpose—(1) The purpose of the public radio company is to provide high quality publicly funded radio services
20 including, without limiting the generality of the foregoing,—

(a) Comprehensive, independent, impartial, and balanced national and international news services and current affairs:

(b) Programmes which reflect and develop New Zealand
25 identity and culture, including—

(i) Programmes about New Zealand and New Zealand interests; and

(ii) Programmes promoting Maori language and Maori culture:

(c) A balanced range of programmes providing for varied
30 interests in the community, including information, special interest, and entertainment programmes:

(d) Music and cultural programmes, including programmes
35 featuring New Zealand and international composers and performers.

(2) In fulfilling its purpose, the company may also sell services, including sponsorship credits, to third parties.

(3) The company shall not be obliged to provide any service in respect of which funding has ceased.

7. Principles of operation—(1) The public radio company shall, in fulfilling its purpose, exhibit a sense of social
40 responsibility by having regard to the interests of the

community in which it operates and by endeavouring to accommodate or encourage those interests when able to do so.

(2) The company shall, in fulfilling its purpose, operate in a financially responsible manner so that it maintains its financial viability.

(3) For the purposes of **subsection (2)** of this section, the company is financially viable if—

- (a) The activities of the company generate, on the basis of generally accepted accounting principles, an adequate rate of return on shareholders' funds; and
- (b) The company is operating as a successful going concern.

Cf. 1992, No. 47, s. 5

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

(2) For the purposes of this section, 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) The impartial selection of suitably qualified persons for appointment; and
- (c) Recognition of—
 - (i) The aims and aspirations of Maori; and
 - (ii) The employment requirements of Maori; and
 - (iii) The need for greater involvement of Maori as employees of the company; and
- (d) Opportunities for the enhancement of the abilities of individual employees; and
- (e) Recognition of the aims and aspirations, and the cultural differences, of ethnic or minority groups; and
- (f) Recognition of the employment requirements of women; and
- (g) Recognition of the employment requirements of persons with disabilities.

Cf. 1988, No. 162, s. 4

9. Equal employment opportunities—(1) The company shall—

- (a) Develop and publish in each year an equal employment opportunities programme:

(b) Ensure in each year that the equal employment opportunities programme for that year is complied with.

5 (2) For the purposes of **subsection (1)** of this section, 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 groups of
10 persons.

Cf. 1988, No. 162, s.5

10. Choice of procedure—Where the circumstances giving rise to a personal grievance by a person employed by the company are also such that that person would be entitled
15 to make a complaint under the Human Rights Act 1993, or to exercise a right of review or appeal, that person may take one, but not more than one, of the following steps:

(a) The person may invoke, in relation to those
20 circumstances, the procedures applicable in relation to personal grievances under the relevant employment contract:

(b) The person may make, in relation to those circumstances, a complaint under the Human Rights Act 1993:

25 (c) The person may exercise the right of review or appeal.

Cf. 1988, No. 162, s. 6; 1993, No. 82, s. 145

Ministers and Editorial Independence of Public Radio Company

11. Ministers and their role—(1) The shareholding
30 Ministers shall be responsible to the House of Representatives for the exercise or performance of the powers, duties, and functions conferred or imposed on them by this Act or the constitution of the company.

(2) The shareholding Ministers shall exercise or perform the powers, duties, and functions conferred or imposed on them
35 with respect to the company in a manner that is consistent with the purpose of the company (as expressed in **section 6** of this Act) and the principles of operation of the company (as expressed in **section 7** of this Act).

Cf. 1992, No. 47, s. 6

40 **12. Ministers of the Crown not to give certain directions**—(1) Nothing in this Act authorises any Minister of

the Crown to give a direction to the company, or any subsidiary of the company, or any director or officer or employee of the company or any such subsidiary, in respect of—

- (a) A particular programme or a particular allegation or a particular complaint; or 5
 - (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. 10
- (2) No director of the company, or of any 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 15
 - (c) The responsibility of the company for programme standards.

Cf. 1988, No. 162, s. 7; 1989, No. 25, s. 87

Directors of Public Radio Company 20

13. Directors and their role—(1) The directors of the company, and the chairperson of the board of the company, shall be appointed by the shareholding Ministers in accordance with the constitution of the company.

(2) The directors of the company shall be persons who, in the opinion of the shareholding Ministers, will bring (either individually or collectively) a wide range of skills to the board of the company, including— 25

- (a) The skills necessary to ensure the sound management of the company, both financially and generally: 30
- (b) Knowledge of, or experience in, the provision of high quality public radio services.

(3) No director of the company shall be appointed to represent, or promote the views of, a particular interest group.

(4) The board of the company shall be accountable to the shareholding Ministers in the manner set out in the constitution of the company. 35

(5) The directors of the 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 purpose of the company (as expressed in 40

section 6 of this Act) and the principles of operation of the company (as expressed in section 7 of this Act).

Cf. 1992, No. 47, s. 7

Crown entity

5 **14. Crown entity**—The public radio company shall be a Crown entity for the purposes of the Public Finance Act 1989.

Provisions Relating to Separation

15. Change of name of companies—(1) The Registrar shall—

10 (a) Change the name of the existing company to “Radio New Zealand (Commercial) Limited” on the New Zealand register; and

15 (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—

20 (a) Take effect from the date of the certificate issued under subsection (1) of this section; and

 (b) Subject to sections 16 and 17 of this Act, 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 might have been
25 continued or commenced against either company under its former name may be continued or commenced against it under its new name.

30 (3) Nothing in this section prevents the name of either company being changed in accordance with the provisions of the Companies Act 1955 or the Companies Act 1993.

16. Amendments to other Acts—The enactments specified in the First Schedule to this Act are hereby amended in the manner indicated in that Schedule.

35 **17. References 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.

Provision Taking Effect on Date Appointed by Order in Council

18. Further amendments to other Acts—(1) The enactments specified in the **Second Schedule** to this Act are hereby amended in the manner indicated in that Schedule.

(2) This section shall come into force on a date to be appointed by the Governor-General by Order in Council, which date may be the same as, or different from, the date appointed under **section 1(2)** of this Act. 5

SCHEDULES

FIRST SCHEDULE

Section 16

AMENDMENTS TO OTHER ACTS TAKING EFFECT ON COMMENCEMENT OF ACT

Act	Amendment
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)	By omitting from Part II of the First Schedule the item relating to Radio New Zealand Limited (as inserted by section 9 of the State-Owned Enterprises Amendment Act (No. 4) 1988), and substituting the following items: “Radio New Zealand Limited. “Radio New Zealand (Commercial) Limited”.
1982, No. 156—The Official Information Act 1982 (R.S. Vol. 21, p. 579)	By omitting from the First Schedule the item relating to Radio New Zealand Limited (as inserted by section 9 of the State-Owned Enterprises Amendment Act (No. 4) 1988), and substituting the following items: “Radio New Zealand Limited. “Radio New Zealand (Commercial) Limited.”
1986, No. 124—The State-Owned Enterprises Act 1986	By omitting from the First Schedule the item relating to Radio New Zealand Limited (as inserted by section 2 (1) of the State-Owned Enterprises Amendment Act (No. 4) 1988), and substituting the following item: “Radio New Zealand (Commercial) Limited.” By omitting from the Second Schedule the item relating to Radio New Zealand Limited (as inserted by section 3 (1) of the State-Owned Enterprises Amendment Act (No. 4) 1988), and substituting the following item: “Radio New Zealand (Commercial) Limited.”
1988, No. 162—The State-Owned Enterprises Amendment Act (No. 4) 1988	By repealing sections 2 (1) and 3 (1). By omitting from section 4 (1) the words “Radio New Zealand Limited and”, and substituting the words “Radio New Zealand (Commercial) Limited and”. By omitting from section 4 (3) the words “Radio New Zealand Limited or”, and substituting the words “Radio New Zealand (Commercial) Limited or”. By omitting from section 5 (1) the words “Radio New Zealand Limited and”, and substituting the words “Radio New Zealand (Commercial) Limited and”.

FIRST SCHEDULE—*continued*AMENDMENTS TO OTHER ACTS TAKING EFFECT ON COMMENCEMENT OF
ACT—*continued*

Act	Amendment
1988, No. 162—The State-Owned Enterprises Amendment Act (No. 4) 1988— <i>continued</i>	<p>By omitting from section 6 (as substituted by section 145 of the Human Rights Act 1993) the words “Radio New Zealand Limited or”, and substituting the words “Radio New Zealand (Commercial) Limited or”.</p> <p>By repealing section 7 (as substituted by section 87 of the Broadcasting Act 1989), and substituting the following section:</p> <p>“7. Ministers of the Crown not to give certain directions—(1) Nothing in this Act or the principal Act authorises any Minister of the Crown to give a direction to Radio New Zealand (Commercial) Limited, or Television New Zealand Limited, or any subsidiary of Radio New Zealand (Commercial) Limited or Television New Zealand Limited, or any director or officer or employee of Radio New Zealand (Commercial) Limited or Television New Zealand Limited or any such subsidiary, in respect of—</p> <p>“(a) A particular programme or a particular allegation or a particular complaint; or</p> <p>“(b) The gathering or presentation of news or the preparation or presentation of current affairs programmes; or</p> <p>“(c) The responsibility of Radio New Zealand (Commercial) Limited or Television New Zealand Limited for programme standards.</p> <p>“(2) No director of Radio New Zealand (Commercial) Limited or Television New Zealand Limited or of any subsidiary of Radio New Zealand (Commercial) Limited or Television New Zealand Limited, may be removed for any reason relating to—</p>

FIRST SCHEDULE—*continued*AMENDMENTS TO OTHER ACTS TAKING EFFECT ON COMMENCEMENT OF
ACT—*continued*

Act	Amendment
1988, No. 162—The State-Owned Enterprises Amendment Act (No. 4) 1988— <i>continued</i>	<p>“(a) A particular programme or a particular allegation or a particular complaint; or</p> <p>“(b) The gathering or presentation of news or the preparation or presentation of current affairs programmes; or</p> <p>“(c) The responsibility of Radio New Zealand (Commercial) Limited or Television New Zealand Limited for programme standards.”</p>
1989, No. 44—The Public Finance Act 1989	<p>By repealing section 11.</p> <p>By inserting in the Fourth Schedule (as added by section 41 of the Public Finance Amendment Act 1992) in its appropriate alphabetical order, the following item: “Radio New Zealand Limited.”</p> <p>By inserting in the Fifth Schedule (as so added) in its appropriate alphabetical order, the following item: “Radio New Zealand Limited.”</p> <p>By inserting in the Sixth Schedule (as so added) in its appropriate alphabetical order, the following item: “Radio New Zealand Limited.”</p>
1989, No. 148—The Radio Communications Act 1989	<p>By repealing the definition of the term “Radio New Zealand” in section 2, and substituting the following definition: “Radio New Zealand” means the public radio company within the meaning of section 2 of the Radio New Zealand Act 1995 and known as Radio New Zealand Limited and includes any subsidiary of that company within the meaning of sections 158 and 158A of the Companies Act 1955 or sections 5 and 6 of the Companies Act 1993, as the case may be.”</p> <p>By repealing section 176, and substituting the following section:</p>

FIRST SCHEDULE—*continued*AMENDMENTS TO OTHER ACTS TAKING EFFECT ON COMMENCEMENT OF
ACT—*continued*

Act	Amendment
1989, No. 148—The Radio Communications Act 1989— <i>continued</i>	<p>“176. Conditions to lapse if public funding ceases—(1) If public funds cease to be made available for the purpose of the service known as the FM Concert Programme or the service known as National Radio, then as from the specified date,—</p> <p>“(a) The conditions deemed by section 175 of this Act to be incorporated in every radio apparatus licence or licence that relates to any frequency used for the purpose of the operation of the service shall lapse; and</p> <p>“(b) There shall be payable to the Secretary, in respect of each such licence (being a licence granted pursuant to section 174 of this Act), by the holder of the licence, the annual levy referred to in section 149 (1) (a) of this Act, and the provisions of sections 149, 150, and 153 of this Act shall apply, as if the licence had been granted to the rightholder pursuant to section 145 of this Act.</p> <p>“(2) For the purposes of subsection (1) of this section, the specified date shall be either—</p> <p>“(a) The date specified in any contract by which public funds are made available for the purposes of the service known as the FM Concert Programme or the service known as National Radio as the date on which public funds shall cease to be made available; or</p> <p>“(b) Where there is no contract of the kind referred to in paragraph (a) of this subsection, the last day of the financial year during which public funds were made</p>

FIRST SCHEDULE—*continued*
 AMENDMENTS TO OTHER ACTS TAKING EFFECT ON COMMENCEMENT OF
 ACT—*continued*

Act	Amendment
1989, No. 148—The Radio Communications Act 1989— <i>continued</i>	<p>available for the purposes of the service known as the FM Concert Programme or the service known as National Radio during that financial year.”</p> <p>By repealing section 177 (2) (b).</p> <p>By omitting from section 177 (3) (b) the words “or paragraph (b)”.</p> <p>By repealing section 178 (2) (b).</p> <p>By omitting from section 178 (3) (b) the words “or paragraph (b)”.</p>
1993, No. 28—The Privacy Act 1993	<p>By omitting from the definition of the term “news medium” in section 2 (1) the words “Radio New Zealand Limited or”, and substituting the words “Radio New Zealand Limited, Radio New Zealand (Commercial) Limited, or”.</p> <p>By omitting from section 29 (1) (g) the words “Radio New Zealand Limited or”, and substituting the words “Radio New Zealand Limited, Radio New Zealand (Commercial) Limited, or”.</p>
1994, No. 164—The Income Tax Act 1994	<p>By omitting from the Eighteenth Schedule the item relating to Radio New Zealand Limited, and substituting the following items:</p> <p>“Radio New Zealand Limited.</p> <p>“Radio New Zealand (Commercial) Limited.”</p>

Section 18

SECOND SCHEDULE

AMENDMENTS TO OTHER ACTS TAKING EFFECT ON DATE APPOINTED BY
ORDER IN COUNCIL

Act	Amendment
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)	By omitting from Part II of the First Schedule the item relating to Radio New Zealand (Commercial) Limited (as substituted by section 16 of this Act).
1982, No. 156—The Official Information Act 1982 (R.S. Vol. 21, p. 579)	By omitting from the First Schedule the item relating to Radio New Zealand (Commercial) Limited (as so substituted).
1986, No. 124—The State-Owned Enterprises Act 1986	By omitting from the First Schedule the item relating to Radio New Zealand (Commercial) Limited (as so substituted).
1988, No. 162—The State-Owned Enterprises Amendment Act (No. 4) 1988	<p>By omitting from the Second Schedule the item relating to Radio New Zealand (Commercial) Limited (as so substituted).</p> <p>By omitting from section 4 (1) the words “Radio New Zealand (Commercial) Limited and Television New Zealand Limited shall each operate” (as so substituted), and substituting the words “Television New Zealand Limited shall operate”.</p> <p>By omitting from section 4 (3) the words “Radio New Zealand (Commercial) Limited or” (as so substituted).</p> <p>By repealing section 5 (1) (as so amended), and substituting the following subsection: “(1) Television New Zealand Limited shall— “(a) Develop and publish in each year an equal employment opportunities programme: “(b) Ensure in each year that the equal employment opportunities programme for that year is complied with.”</p> <p>By omitting from section 6 the words “Radio New Zealand (Commercial) Limited or” (as so substituted).</p> <p>By repealing section 7 (as so substituted), and substituting the following section: “7. Ministers of the Crown not to give certain directions—(1) Nothing in this Act or the principal Act authorises any Minister of the Crown to give a direction to Television New Zealand Limited, or any subsidiary of Television New Zealand Limited, or any director or officer or employee of Television New</p>

SECOND SCHEDULE—*continued*AMENDMENTS TO OTHER ACTS TAKING EFFECT ON DATE APPOINTED BY
ORDER IN COUNCIL—*continued*

Act	Amendment
1988, No. 162—The State-Owned Enterprises Amendment Act (No. 4) 1988— <i>continued</i>	<p>Zealand Limited or any such subsidiary, in respect of—</p> <p>“(a) A particular programme or a particular allegation or a particular complaint; or</p> <p>“(b) The gathering or presentation of news or the preparation or presentation of current affairs programmes; or</p> <p>“(c) The responsibility of Television New Zealand Limited for programme standards.</p> <p>“(2) No director of Television New Zealand Limited or of any subsidiary of Television New Zealand Limited, may be removed for any reason relating to—</p> <p>“(a) A particular programme or a particular allegation or a particular complaint; or</p> <p>“(b) The gathering or presentation of news or the preparation or presentation of current affairs programmes; or</p> <p>“(c) The responsibility of Television New Zealand Limited for programme standards.”</p>
1993, No. 28—The Privacy Act 1993	<p>By omitting from the definition of the term “news medium” in section 2 (1) the words “Radio New Zealand Limited, Radio New Zealand (Commercial) Limited, or” (as so substituted), and substituting the words “Radio New Zealand Limited or”.</p> <p>By omitting from section 29 (1) (g) the words “Radio New Zealand Limited, Radio New Zealand (Commercial) Limited, or” (as so substituted), and substituting the words “Radio New Zealand Limited or”.</p>
1994, No. 164—The Income Tax Act 1994	<p>By omitting from the Eighteenth Schedule the item relating to Radio New Zealand (Commercial) Limited (as so substituted).</p>