

A BILL INTITULED

An Act to promote improved performance in respect of Government trading activities and, to this end, to—

- (a) Specify principles governing the operation of State enterprises; and 5
- (b) Authorise the formation of companies to carry on certain Government activities and control the ownership thereof; and
- (c) Establish requirements about the accountability of State enterprises, and the responsibility of Ministers 10

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be 15 cited as the State-Owned Enterprises Act 1986.

(2) (*Section 25 of, and the Fifth Schedule*) **Sections 25 (1) and 26 of, and the Fourth, Sixth, and Seventh Schedules** to, this Act shall come into force on the 1st day of April 1987.

(3) Subject to **subsection (2)** of this section, this Act shall come 20 into force on the day after the date on which it receives the Governor-General's assent.

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

“Board” means— 25

(a) In relation to a State enterprise that is a company, the board of directors of the State enterprise:

(b) In relation to a State enterprise that is not a company, the persons occupying the positions in or 30 in relation to the State enterprise that are comparable with those of the board of directors of a company:

“Company” means a company formed and registered under the Companies Act 1955, or an existing 35 company within the meaning of that Act:

“Crown” means Her Majesty the Queen in right of New Zealand:

“Minister” means a Minister of the Crown:

“Organisation” includes a company, a body corporate, a 40 partnership, and a joint venture:

“Responsible Minister”, in relation to a State enterprise, means the Minister for the time being responsible for that State enterprise:

“Rules” means—

5 (a) In relation to a State enterprise that is a company, the memorandum of association and articles of association of the State enterprise:

10 (b) In relation to a State enterprise that is not a company, the documents relating to the State enterprise that are comparable to the memorandum of association and articles of association of a company:

“Share” means—

15 (a) In relation to a company that has a share capital, a share in that capital of any class:

(b) In relation to an organisation (other than a company) that has a capital, an interest in or right to the whole or any part of that capital, other than an interest or right as a creditor:

20 (c) In relation to a company or other organisation that does not have a capital,—

(i) An interest in or right to any part of the assets of the company or organisation, other than an interest or right as a creditor; or

25 (ii) Where there are no assets, a direct or contingent obligation to contribute money to or bear losses of the company or organisation;—

30 and “shareholder” has a corresponding meaning:

“Shareholding Ministers” means the Minister of Finance and the responsible Minister:

“State enterprise” means an organisation that is named in the **First** Schedule to this Act:

35 “Statement of corporate intent”, in relation to a State enterprise, means the current statement of corporate intent for the State enterprise prepared pursuant to **section 13** of this Act:

40 “Subsidiary” has the same meaning as in section 158 of the Companies Act 1955.

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

PART I
PRINCIPLES

4. Principal objective to be successful business—(1) The principal objective of every State enterprise shall be to operate as a successful business and, to this end, to be— 5

- (a) As profitable and efficient as comparable businesses that are not owned by the Crown; and
- (b) A good employer; and
- (c) An organisation that exhibits 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 these when able to do so. 10

(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— 15

- (a) Good and safe working conditions; and
- (b) An equal opportunities employment programme; and 20
- (c) The impartial selection of suitably qualified persons for appointment; and
- (d) Opportunities for the enhancement of the abilities of individual employees.

5. Directors and their role—(1) The directors of a State enterprise shall be persons who, in the opinion of those appointing them, will assist the State enterprise to achieve its principal objective. 25

(2) All decisions relating to the operation of a State enterprise shall be made by or pursuant to the authority of the board of the State enterprise in accordance with its statement of corporate intent. 30

(3) The board of a State enterprise shall be accountable to the shareholding Ministers in the manner set out in Part III of this Act and in the rules of the State enterprise. 35

6. Responsibility of Ministers—The shareholding Ministers of a State enterprise shall be responsible to the House of Representatives for the performance of the functions given to them by this Act (*any other Act,*) or the rules of the State enterprise. 40

7. Non-commercial activities—Where the Crown wishes a State enterprise to provide goods or services to any persons, the Crown and the State enterprise shall enter into an agreement under which the State enterprise will provide the goods or services in return for the payment by the Crown of the whole or part of the price thereof.

8. Industrial relations and personnel—Every State enterprise named in the **Second** Schedule to this Act shall comply with those provisions of the State Services Conditions of Employment Act 1977 that apply to it.

PART II

FORMATION AND OWNERSHIP OF NEW STATE ENTERPRISES

9. Ministers may hold shares in certain companies on behalf of the Crown—(1) The Minister of Finance and the responsible Minister may from time to time, on behalf of the Crown, subscribe for or otherwise acquire all the shares in the companies named, or to be formed with the names specified, in the **Second** Schedule to this Act.

(2) The number of shares in a company held by each shareholding Minister pursuant to **subsection (1)** of this section shall be the same.

(3) Any money required to be paid by a shareholding Minister on subscribing or applying for, or being allotted, shares pursuant to **subsection (1)** of this section shall be paid out of money appropriated by Parliament for the purpose.

10. Ministers to hold all shares in new State enterprises—(1) No Minister who is a shareholder in a company named in the **Second** Schedule to this Act shall—

- (a) Sell or otherwise dispose of any shares in the company held in the Minister's name; or
- (b) Permit shares in the company to be allotted to any person other than a shareholding Minister.

(2) Nothing in **subsection (1)** of this section shall apply to redeemable preference shares that—

- (a) Are not convertible into shares of any other class; and
- (b) Do not confer any rights to vote at any general meeting of *(shareholders)* the company.

11. State enterprise equity bonds—(1) Notwithstanding **section 10** of this Act or any other enactment, a company named in the **Second** Schedule to this Act may issue State enterprise equity bonds to any person or persons in

accordance with **subsection (2)** of this section, if authorised to do so at any time or times by resolution of the House of Representatives.

(2) The terms of issue of State enterprise equity bonds shall be as follows:

(a) The bonds shall not confer any rights to vote at general meetings of shareholders:

(b) The bonds shall be transferable in the manner provided by the rules:

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(c) For the purposes of Parts III, V, and VI of the Companies Act 1955 and the Income Tax Act 1976 the bonds shall be treated as ordinary shares:

New

(c) For the purposes of the Companies Act 1955 and the Securities Act 1978 the bonds shall be deemed to be ordinary shares, and the holder of any bonds shall be deemed to be a shareholder:

(ca) For the purposes of the Income Tax Act 1976—

(i) The bonds shall be deemed to be ordinary shares and the holder of any bonds shall be deemed to be a shareholder:

(ii) Every sum distributed by a company named in the **Second** Schedule to this Act in any manner and under any name to a holder of bonds shall be deemed to be a “dividend” for the purposes of section 4 (1) of the Income Tax Act 1976:

(iii) No deduction shall be allowed to such a company for any such distribution:

(d) Such other terms as are specified in the authorising resolution.

12. Powers of shareholding Ministers in respect of new State enterprises—(1) Notwithstanding any other provision of this Act or the rules of any company,—

(a) The shareholding Ministers may from time to time, by written notice to the board, direct the board of a company named in the **Second** Schedule to this Act to include in, or omit from, a statement of corporate intent for that company any provision or provisions of a kind referred to in **paragraphs (a) to (ii) (h) of section 13 (2)** of this Act; and

- (b) The *(Minister of Finance)* shareholding Ministers may, by written notice to the board, determine the amount of dividend payable by any company named in the **Second** Schedule to this Act in respect of any financial year or years,—
- 5 and any board to whom such a notice is given shall comply with the notice.

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(2) Before giving any notice under this section, the shareholding Ministers or the Minister of Finance, as the case may be, shall consult the board concerned as to the matters to be referred to in the notice.

(3) Within 20 sitting days after a notice is given to a board pursuant to this section, the responsible Minister for the company concerned or the Minister of Finance shall lay a copy of the notice before the House of Representatives.

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(2) Before giving any notice under this section, the shareholding Ministers shall—

- 20 (a) Have regard to **Part I** of this Act; and
 (b) Consult the board concerned as to the matters to be referred to in the notice.

(3) Within 12 sitting days after a notice is given to a board pursuant to this section, the responsible Minister for the company concerned shall lay a copy of the notice before the House of Representatives.

PART III

ACCOUNTABILITY

13. Statement of corporate intent—(1) The board of every State enterprise shall deliver to the shareholding Ministers a draft statement of corporate intent not later than 1 month after the commencement of each financial year of the State enterprise.

(2) Each statement of corporate intent shall specify for the group comprising the State enterprise and its subsidiaries (if any), and in respect of the financial year in which it is delivered and each of the immediately following 2 financial years, the following information:

- 35 (a) The objectives of the group;
 40 (b) The nature and scope of the activities to be undertaken:

- (c) The ratio of consolidated shareholders' funds to total assets, and definitions of those terms:
- (d) The accounting policies:
- (e) The performance targets and other measures by which the performance of the group may be judged in relation to its objectives: 5
- (f) An estimate of the amount or proportion of accumulated profits and capital reserves that is intended to be distributed to the Crown:
- (g) The kind of information to be provided to the shareholding Ministers by the State enterprise during the course of those financial years, including the information to be included in each half-yearly report: 10
- (h) The procedures to be followed before any member of the group subscribes for, purchases, or otherwise acquires shares in any company or other organisation: 15
- (i) Any activities for which the board seeks compensation from the Crown (whether or not the Crown has agreed to provide such compensation): 20
- (j) The board's estimate of the commercial value of the Crown's investment in the group and the manner in which, and the times at which, this value is to be reassessed:
- (k) Such other matters as are agreed by the shareholding Ministers and the board. 25

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(3) As soon as reasonably practicable after receiving a draft statement of corporate intent, the shareholding Ministers shall comment thereon to the board. Within 1 month after receiving these comments, the board shall deliver the completed statement of corporate intent to the shareholding Ministers. 30

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(3) The board shall consider any comments on the draft statement of corporate intent that are made to it within 2 months of the commencement of the financial year by the shareholding Ministers, and shall deliver the completed statement of corporate intent to the shareholding Ministers within 3 months of the commencement of the financial year. 35

(4) A statement of corporate intent for a State enterprise may be modified at any time by written notice from the board 40

to the shareholding Ministers, so long as the board has first given written notice to the shareholding Ministers of the proposed modification and *(received their comments thereon)* considered any comments made thereon by the shareholding Ministers within 1 month of the date on which that notice was
5 given.

14. Annual report, accounts, and dividend—(1) Within 3 months after the end of each financial year of a State enterprise, the board of the State enterprise shall deliver to the shareholding Ministers—

- 10 (a) A report of the operations of the State enterprise and those of its subsidiaries during that financial year; and
- 15 (b) Audited consolidated financial statements for that financial year consisting of statements of financial position, profit and loss, changes in financial position, and such other statements as may be necessary to show the financial position of the State enterprise and its subsidiaries and the financial results of their operations during that financial year;
- 20 and
- (c) The auditor's report on those financial statements.
- (2) Every report under **subsection (1) (a)** of this section shall—
- 25 (a) Contain such information as is necessary to enable an informed assessment of the operations of the State enterprise and its subsidiaries, including a comparison of the performance of the State enterprise and subsidiaries with the relevant statement of corporate intent; and
- 30 (b) State the dividend payable to the Crown by the State enterprise for the financial year to which the report relates.

15. Half-yearly reports—(1) Within 2 months after the end of the first half of each financial year of a State enterprise, the board of the State enterprise shall deliver to the shareholding
35 Ministers a report of its operations during that half-year.

(2) Each report required by this section shall include the information required by the statement of corporate intent to be included therein.

16. Information to be laid before House of Representatives—(1) The responsible Minister for a State
40 enterprise shall lay before the House of Representatives the

rules of the State enterprise, and any change to those rules, within (20) 12 sitting days after the date of those rules or that change or the date on which the State enterprise became such, whichever is the later.

(2) Within (4 months after the commencement) 12 sitting days of receiving all the following documents in respect of a financial year of a State enterprise, the responsible Minister for the State enterprise shall lay the documents before the House of Representatives (the following documents relating to that State enterprise):

- (a) The statement of corporate intent of the State enterprise for that year and the succeeding 2 years; and
- (b) The annual report and audited financial statements of the State enterprise for the preceding financial year; and
- (c) The auditor's report on those financial statements.

(3) Where a statement of corporate intent for a State enterprise has been modified pursuant to section 13 (4) of this Act, the responsible Minister shall lay before the House of Representatives a copy of the notice making the modification within (20) 12 sitting days after the date on which the Minister receives the notice.

(4) Within (20) 12 sitting days after a half-yearly report is given to a responsible Minister pursuant to section 15 of this Act, the responsible Minister shall lay a copy of the report before the House of Representatives.

17. Other information—(1) Subject to subsection (2) of this section, the board of a State enterprise shall supply to the shareholding Ministers such information relating to the affairs of the State enterprise as the Minister of Finance or the responsible Minister from time to time requests after consultation with the board (whether or not the information is of a kind referred to in the statement of corporate intent).

(2) The board of a State enterprise shall not be obliged by subsection (1) of this section to supply to any Minister any information on an individual employee or customer of the State enterprise or any other person if the information supplied would enable the identification of the person concerned.

18. Audit Office to be auditor of State enterprises and subsidiaries—(1) Notwithstanding sections 163 to 165 of the Companies Act 1955, the Audit Office shall be the auditor of every State enterprise ((other than those named in the Third Schedule to this Act)), and of every subsidiary of every such State

enterprise, and for the purposes of that Act shall have and may exercise the functions, duties, and powers of an auditor appointed under that Act and all such powers as it has under the Public Finance Act 1977 in respect of public money and
5 public stores.

(2) Every State enterprise shall pay to the Audit Office for carrying out its duties and functions under this section fees at such rates as may be prescribed by the Minister of Finance.

(3) Without limiting the foregoing provisions of this section,
10 the board of a State enterprise may, after consultation with the Audit Office and if its responsible Minister so approves, appoint a person or firm that is qualified for appointment as an auditor of a company to be an additional auditor of the State enterprise or any subsidiary thereof.

15 **19. Protection from disclosure of sensitive information**—Nothing in this Act shall be construed as requiring the inclusion in any statement of corporate intent, annual report, financial statements, or half-yearly report referred to in **sections 13 to 15** of this Act of any information that
20 could be properly withheld if a request for that information were made under the Official Information Act 1982.

PART IV

MISCELLANEOUS PROVISIONS

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25 **20. Saving of transactions in breach of principles**—
Nothing in this Act shall affect the validity or enforceability of any act, omission, contract, deed, right, or obligation carried out, entered into, obtained, or incurred by a State enterprise in breach of any of the provisions of this Act.

New

30 **20. Saving of certain transactions**—Nothing in **Part I** of this Act or in any statement of corporate intent shall affect the validity or enforceability of any act, deed, agreement, right, or obligation carried out, entered into, obtained, or incurred by a State enterprise or any subsidiary of a State enterprise in
35 breach of any of the provisions of this Act.

21. Provisions relating to Ministers' shareholding—

(1) Shares in a State enterprise 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.

(2) Notwithstanding any other enactment or rule of law, it shall not be necessary to complete or register a transfer of shares of the kind referred to in **subsection (1)** of this section 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 a State enterprise held by that Minister. 10

(4) A shareholding Minister may at any time or times, by written notice to the secretary of a State enterprise, authorise (on such terms and conditions as are specified in the notice) such person as the Minister thinks fit to act as the Minister's representative at any or all of the meetings of shareholders of the State enterprise or of any class of such shareholders, 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 meetings. 15 20

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22. Sale of Crown assets and liabilities to State enterprises—(1) Notwithstanding any other enactment, deed, agreement, or understanding, the shareholding Ministers may, on behalf of the Crown,— 25

(a) Enter into agreements to transfer, and transfer, assets and liabilities of the Crown (being assets and liabilities used or incurred in respect of the activities to be carried on by the State enterprise) to a State enterprise named in the **Second** Schedule to this Act or any subsidiary thereof; and 30

(b) Authorise any such State enterprise or any subsidiary of such a State enterprise to act on behalf of the Crown in providing goods or services previously provided by the Crown— 35

for such consideration, and on such terms and conditions, as the shareholding Ministers think appropriate in the circumstances.

(2) The responsible Minister shall lay before the House of Representatives any agreement or authority entered into pursuant to **subsection (1)** of this section within 20 sitting days after the date thereof. 40

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(3) Liabilities of the Crown to third parties may be transferred to a State enterprise pursuant to an agreement under **subsection (1)** of this section whether or not the
5 enactment, deed, agreement, or understanding under which the liability arises permits such transfer or requires any consent to such a transfer. Where any liability is so transferred—

10 (a) The Crown shall remain liable to the third party as if the liability had not been transferred:

(b) The State enterprise shall indemnify the Crown against any costs or losses incurred by the Crown in respect of that liability after the date of the transfer:

15 (c) Any satisfaction or performance of the liability by the State enterprise shall be deemed to be also satisfaction or performance by the Crown:

(d) Any satisfaction or performance of a liability of the third party under the enactment, deed, agreement, or
20 understanding to the benefit of the State enterprise shall be deemed to be also to the benefit of the Crown:

(e) Neither the transfer, nor any agreement to make the transfer, shall give or create any rights to terminate, alter, or in any way affect the rights or liabilities of
25 the Crown or the State enterprise under the enactment, deed, agreement, or understanding:

(f) The laying of the agreement before the House of Representatives shall be deemed to be notice of the transfer, and the third party shall thereafter deal
30 with the State enterprise in place of the Crown.

(4) Where rights or obligations to provide goods or services to third parties are transferred to a State enterprise pursuant to this section and those goods or services have previously
35 been provided by the Crown on terms and conditions wholly or partly prescribed by statute or regulation, the goods or services shall from the date of transfer be deemed to be provided pursuant to contracts between the State enterprise and the third parties. Each such contract—

40 (a) Shall be deemed to include the terms and conditions contained in such statutes or regulations, until otherwise amended pursuant to **paragraph (b)** of this subsection; and

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(b) May be varied at any time by the State enterprise by at least one month's notice to the third party given in such manner as the State enterprise considers appropriate. 5

(5) A District Land Registrar shall, on written application by any person authorised by a Minister and on payment of the prescribed fee, register a State enterprise as the proprietor of any estate or interest in land that is registered in the land registration district and is to be transferred to the State enterprise under any agreement made pursuant to this section and shall make such entries in the register and on any outstanding documents of title and generally do all such things as may be necessary to give effect to this section. 10

(6) Nothing in sections 40 to 42 of the Public Works Act 1981 shall apply to the transfer of land to a State enterprise pursuant to this section, but those sections shall after that transfer apply to that land as if the State enterprise were the Crown and the land had not been transferred pursuant to this section and as if all references in those sections to the Commissioner of Works were references to the State enterprise. 15 20

(7) Notwithstanding the other provisions of this section, the only Crown land within the meaning of the Land Act 1948 that may be transferred to a State enterprise pursuant to this section shall be— 25

- (a) Land approved by the Governor-General in Council, and shown on plans deposited in the office of the Surveyor-General, for the purposes of this subsection: 30
- (b) Urban land approved by the Governor-General in Council for the purposes of this subsection:
- (c) Land that is leased pursuant to section 66 of the Land Act 1948 but in respect of which the pastoral classification has been uplifted: 35
- (d) Land subject to leases in perpetuity and to renewable leases under section 63 of the Land Act 1948 or to similar leases under any former Land Act:
- (e) Land subject to deferred payment licences under section 65 of the Land Act 1948 or under any former Land Act: 40
- (f) Land subject to leases under special legislation administered (at the date on which this section comes

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- into force) by the Department of Lands and Survey, except for any such land which is excluded from this subsection by the Governor-General in Council:
- 5 (g) Land that, at the date on which this section comes into force, is subject to a lease, licence, or right granted pursuant to any of sections 67, 68, 69, 165, and 166 of the Land Act 1948 and that has been approved by the Governor-General in Council for the purposes of
- 10 this subsection.
- (8) In this section—
- “Assets” includes—
- 15 (a) Any estate or interest in any Crown land or other land, including all rights of occupation of land or buildings:
- (b) All buildings, plant, equipment, and machinery:
- (c) All securities within the meaning of the Securities Act 1978:
- 20 (d) All rights and benefits under statutes, deeds, agreements, or licences:
- (e) All patents, trade marks, copyright and other intellectual property rights:
- (f) All planning and environmental consents, water rights, and other statutory rights and consents
- 25 including all applications for and objections against applications for such consents and rights:
- (g) Any other real or personal property:
- “Liabilities” includes—
- 30 (a) Liabilities and obligations under any statute, contract, agreement, or understanding; and
- (b) Deposits and other debt securities within the meaning of the Securities Act 1978; and
- (c) Contingent liabilities:
- “Transfer” includes—
- 35 (a) Assign and convey:
- (b) Confer estates in fee simple of land held in allodium by the Crown:
- (c) Grant leases, rights, and interests in any real or personal property:
- 40 (d) In the case of liabilities, the assumption thereof by a State enterprise.
- (9) This section shall have effect notwithstanding anything to the contrary in the Commerce Act 1986, the Land Settlement

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Promotion and Land Acquisition Act 1952, the Land Act 1948, or any other enactment.

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- 22. Transfer of Crown assets and liabilities to State enterprises**—(1) Notwithstanding any Act, rule of law, or agreement, the shareholding Ministers for a State enterprise named in the **Second** Schedule to this Act may, on behalf of the Crown, do any one or more of the following:
- (a) Transfer to the State enterprise assets and liabilities of the Crown (being assets and liabilities relating to the activities to be carried on by the State enterprise):
- (b) Authorise the State enterprise to act on behalf of the Crown in providing goods or services, or in managing assets or liabilities of the Crown:
- (c) Grant to the State enterprise leases, licences, easements, permits, or rights of any kind in respect of any assets or liabilities of the Crown—
- for such consideration, and on such terms and conditions, as the shareholding Ministers may agree with the State enterprise.
- (2) The responsible 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 thereof.
- (3) Assets that are fixed to, or are under or over, any land may be transferred to a State enterprise pursuant to this Act whether or not any interest in the land is also transferred. Where any such asset is so transferred, the asset and the land shall be regarded as separate assets each capable of separate ownership.
- (4) Any asset or liability of the Crown may be transferred to a State enterprise pursuant to this Act whether or not any Act or agreement relating to the asset or liability permits such transfer or requires any consent to such a transfer.
- (5) Where a transfer of the kind described in **subsection (4)** 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, or the State enterprise under any Act or agreement:

New

- (b) Where the transfer is registrable, the person responsible for keeping the register shall register the transfer forthwith after written notice of the transfer is received by him or her from any person authorised for this purpose by the responsible Minister:
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- (c) 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
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- third party shall after the date of such contract or document deal with the State enterprise in place of the Crown:
- (d) The Crown shall remain liable to any third party as if the asset or liability had not been transferred:
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- (e) Any satisfaction or performance by the State enterprise in respect of the asset or liability shall be deemed to be also satisfaction or performance by the Crown:
- (f) Any satisfaction or performance in respect of the asset or liability by any third party to the benefit of the State
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- enterprise shall be deemed to be also to the benefit of the Crown.
- (6) No provision in any agreement, limiting the Crown's right to sell any assets to third parties, or to determine the consideration for the sale of any assets to third parties, or
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- obliging the Crown to account to any person for the whole or part of the proceeds of sale by the Crown of any assets to third parties, or obliging the Crown to pay a greater price than otherwise by reason of or as a consequence of the sale of any assets to third parties, shall have any application or effect in
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- respect of any agreement or transfer entered into or effected pursuant to or under this Act or pursuant to such an agreement or transfer.
- (7) Where—
- (a) Rights or obligations to provide goods or services to third
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- parties are transferred to State enterprises pursuant to this Act; and
- (b) Those goods or services have previously been provided by the Crown on terms and conditions wholly or partly prescribed by this Act; and
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- (c) The Governor-General has by Order in Council declared that this subsection shall apply in respect of those goods or services—

New

the goods or services shall, to the extent that those terms and conditions are not already contained in contracts between the Crown and third parties, from the date of transfer be deemed to be provided pursuant to contracts between the State enterprises and the third parties (whether or not the Act is repealed). Each such contract shall be deemed to include such of the terms and conditions contained in that Act (with all necessary modifications), and such of the following provisions as are specified in the Order in Council:

- (d) A condition permitting termination at any time by the third party on giving 14 days' notice to the State enterprise; and
- (e) A condition permitting variation or termination at any time by the State enterprise on giving to the other party one month's notice in such manner (including newspaper advertising) as the State enterprise thinks fit.

(8) Where—

- (a) Land, interests in land, licences, permits, or rights created on terms and conditions wholly or partly set out in any Act are transferred to a State enterprise pursuant to this section; and
- (b) The Governor-General has by Order in Council declared that this subsection shall apply in respect of that land or those interests, licences, permits, or rights—

then, whether or not the Act is repealed, such of the terms and conditions set out in the Act as are specified in the Order in Council (with all necessary modifications) shall continue to apply in respect of that land or those interests, licences, permits, or rights after the transfer unless the State enterprise and the holders of that land or those interests, licences, permits, or rights otherwise agree.

(9) Where any designation or requirement under an operative district scheme is vested in a State enterprise pursuant to this Act, that designation or requirement shall continue to apply for as long as that district scheme is operative as if it had been granted to the State enterprise and, in respect of that designation or requirement, every reference to the Minister in section 117 of the Town and Country Planning Act 1977 shall be deemed to be a reference to the State enterprise concerned.

New

(10) Notwithstanding any other provision of this Act, where prior to the date on which this Act comes into force any Maori land was leased to the Crown under a lease administered by the Minister of Forests, the shareholding Ministers shall not, except with the consent of the lessor or where the lease so permits, transfer that leasehold interest to a State enterprise, but the shareholding Ministers may enter into an agreement with a State enterprise pursuant to subsection (1) (b) of this section to manage, on behalf of the Crown, its rights under that lease.

22A. Provisions relating to transfer of land—

(1) Notwithstanding any other provision of this Act, Crown land within the meaning of the Land Act 1948 and any lands of the Crown other than lands registered under the Land Transfer Act 1952 that are to be transferred to a State enterprise pursuant to this Act shall—

(a) Be identified by an adequate legal description, or on plans lodged in the office of the Chief Surveyor for the land district in which the land is situated (being plans certified as correct for the purposes of this section by that Chief Surveyor); and

(b) Be approved by the Governor-General in Council and vest in the State enterprise pursuant to and on a date specified in an Order in Council made for the purposes of this section.

(2) Notwithstanding any other provision of this Act, no land which is subject to—

(a) A lease or licence pursuant to section 66 or section 66AA of the Land Act 1948; or

(b) Reservation from sale or disposition under section 58 of the Land Act 1948—

shall be transferred to a State enterprise.

(3) All land that is subject to the Land Act 1948 or the Forests Act 1949 and that is transferred to a State enterprise pursuant to this Act shall cease to be subject to the Land Act 1948 or the Forests Act 1949, as the case may be, from the date of that transfer, unless otherwise expressly provided by this Act or any other Act.

(4) Nothing in sections 40 to 42 of the Public Works Act 1981 shall apply to the transfer of land to a State enterprise pursuant to this Act, but sections 40 and 41 of that Act shall

New

after that transfer apply to that land as if the State enterprise were the Crown and the land had not been transferred pursuant to this Act.

22B. Title to land—(1) A District Land Registrar shall, on written application by any person authorised by a Minister and on payment of the prescribed fee,— 5

(a) Register a State enterprise as the proprietor, in substitution for the Crown, of the estate or interest of the Crown in any land that is incorporated in the register or otherwise registered in the land registry office of the land registration district concerned and that is transferred to the State enterprise pursuant to this Act; and 10

(b) Shall make such entries in the register and on any outstanding documents of title and generally do all such things as may be necessary to give effect to this section. 15

(2) A District Land Registrar shall, on written application by any person authorised by a Minister and on payment of the prescribed fee, issue a certificate of title for land vested in a State enterprise pursuant to **section 22A(1)** of this Act in form No 1 in the First Schedule to the Land Transfer Act 1952, amended as appropriate. 20

(3) As soon as registration is accomplished in accordance with **subsection (1)** of this section or a certificate of title is issued in accordance with **subsection (2)** of this section, the State enterprise shall be deemed to be seized of an estate in fee simple in possession in respect of that land. 25

(4) Applications in accordance with **subsections (1) and (2)** of this section shall specify the name of the State enterprise and the date of the agreement, together with a description of the land sufficient to identify it and, in the case of applications under **subsection (2)** of this section, a certificate by the Chief Surveyor for the district concerned as to the correctness of such description. 30 35

22c. Land certification—(1) Before a District Land Registrar issues a certificate of title in respect of any land vested in a State enterprise pursuant to **section 22A(1)** of this Act, the District Land Registrar shall request from the Director-General of Survey and Land Information a certificate in the 40

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form set out in the Second Schedule to the Land Act 1948 as to the legal description of the land, any trusts, reservations, or restrictions affecting the land, and any other matters that the District Land Registrar considers appropriate.

(2) Where any land that has been vested in a State enterprise pursuant to **section 22A(1)** of this Act and for which no certificate of title has been issued in the name of that enterprise, is to be transferred to any other person, the District Land Registrar shall, before issuing a certificate of title, request from the Director-General of Survey and Land Information a certificate in the form set out in the Second Schedule to the Land Act 1948 as to the legal description of the land, any trusts, reservations, or restrictions affecting the land and any other matters that the District Land Registrar considers appropriate.

(3) A certificate in accordance with **subsection (1) or subsection (2)** of this section shall be filed by the District Land Registrar in the Land Registry Office and shall be conclusive evidence to the District Land Registrar of the matters required to be stated therein.

22D. Orders in Council relating to transfer of assets and liabilities—(1) For the purpose of facilitating the transfer of assets and liabilities to a State enterprise pursuant to this Act, the Governor-General may from time to time, by Order in Council, do any one or more of the following:

- (a) Vest in or impose on a State enterprise any asset or liability (other than land to which **section 22A(1)** of this Act applies), or any class of any such asset or liability, that the State enterprise has agreed to have transferred to it;
- (b) Vest land in a State enterprise for the purposes of **section 22A(1)** of this Act;
- (c) Declare that a reference to the Crown or a Minister, officer, employee, department, or instrument of the Crown in any or all regulations, orders, notices, or documents shall be deemed to be or to include a reference to a State enterprise specified in the order;
- (d) Declare that a State enterprise shall assume or continue to have the rights and obligations of the Crown or a Minister, officer, employee, department, or instrument of the Crown in respect of applications

New

- for rights, objections, or proceedings before any court, authority, or other person, being rights and obligations that the State enterprise has agreed to assume: 5
- (e) Declare that sections 294 to 294I of the Local Government Act 1974 (which relate to reserve contributions, development levies, and contributions to certain regional works) shall not apply to specified developments, being developments that the shareholding Ministers have agreed to transfer to a State enterprise pursuant to this Act: 10
- (f) Declare, in respect of any assets or liabilities transferred to a State enterprise pursuant to this Act, that the State enterprise shall be deemed to have specified rights or obligations in respect of those assets or liabilities, being rights or obligations that are required in respect of those assets or liabilities as a result of the change of ownership or responsibility from the Crown to the State enterprise: 15 20
- (g) Declare that any Order in Council made under this section shall be deemed to be notice to all persons, and that specific notice need not be given to any authority or other person: 25
- (h) Direct any authority or other person to register or record any such vesting or declaration. 25
- (2) Every Order in Council made under this section may be made on such terms and conditions as the Governor-General thinks fit, and shall have effect according to its tenor.
- 22E. Interpretation relating to transfer of assets and liabilities**—(1) In this section and in sections 22 to 22D of this Act, unless the context otherwise requires,— 30
- “Agreement” includes a deed, a contract, an agreement, an arrangement, and an understanding, whether oral or written, express or implied, and whether or not enforceable at law: 35
- “Assets” means any real or personal property of any kind, whether or not subject to rights, and without limiting the generality of the foregoing includes—
- (a) Any estate or interest in any land, including all rights of occupation of land or buildings: 40

New

(b) All buildings, vehicles, plant, equipment, and machinery, and any rights therein:

(c) All livestock, products from livestock, and crops:

(d) All securities within the meaning of the Securities Act 1978:

(e) All rights of any kind, including rights under Acts, deeds, agreements, or licences, planning rights, water rights, and clean air licences, and all applications for and objections against applications for such rights:

(f) All patents, trade marks, designs, copyright, and other intellectual property rights whether enforceable by Act or rule of law:

(g) Goodwill, and any business undertaking:

(h) All natural gas, petroleum, and other hydrocarbons:

“Liabilities” includes—

(a) Liabilities and obligations under any Act or agreement; and

(b) Deposits and other debt securities within the meaning of the Securities Act 1978; and

(c) Contingent liabilities:

“Rights” includes powers, privileges, interests, licences, approvals, consents, benefits, and equities of any kind, whether actual, contingent, or prospective:

“State enterprise” includes a subsidiary of a State enterprise:

“Transfer” includes—

(a) Assign and convey; and

(b) Confer estates in fee simple of land held by the Crown, whether in allodium or otherwise; and

(c) Grant leases, rights, and interests in any real or personal property; and

(d) In the case of liabilities, the assumption thereof by a State enterprise.

(2) In this section and in sections 22 to 22D of this Act, a reference to “transfer”, “authorise”, or “grant” includes entering into an agreement to transfer, authorise, or grant, as the case may be.

(3) This section and sections 22 to 22D of this Act shall have effect, and assets and liabilities may be transferred pursuant to

New

this Act, notwithstanding any restriction, prohibition, or other provision contained in any Act, rule of law, or agreement that would otherwise apply.

(4) Nothing in this Act shall limit any powers or rights that the Crown or a Minister has other than pursuant to this Act. 5

23. Application of Companies Act 1955 to new State enterprises—

New

(1A) Notwithstanding anything in the Companies Act 1955, the Reserve Bank of New Zealand Act 1964, or any other enactment or rule of law, a company in which all the shares are subscribed for by Ministers may be formed and registered under the Companies Act 1955 with a name specified in the **Second** Schedule to this Act; and sections 31 and 32 (2) of the Companies Act 1955 shall not apply to any such company. 10
15

(1) Notwithstanding the Companies Act 1955, the Minister of Finance and a responsible Minister may (*incorporate*) form a limited liability public company that is named in the **Second** Schedule to this Act as if the reference to the figure “7” in section 13 (1) of the Companies Act 1955 were a reference to the figure “2”. 20

(2) In the application of the Companies Act 1955 to a company named in the **Second** Schedule to this Act, the following provisions of the Companies Act 1955 shall be construed as if references therein to 7 members were references to 2 members: 25

(a) Section 41, as to carrying on business when the number of members is reduced below the legal minimum:

(b) Section 217 (d), as to winding up by the Court when the number of members is reduced below the legal minimum: 30

(c) Section 219 (a) (i), as to the presentation of a winding-up petition by a contributory when the number of members is reduced below the legal minimum. 35

(3) Nothing in section 134 of the Companies Act 1955 (which relates to statutory meetings) shall apply to a company named in the **Second** Schedule to this Act.

24. Review of Ombudsmen and Official Information Acts in relation to State enterprises—The effect of the Ombudsmen Act 1975 and the Official Information Act 1982 on the operation of State enterprises shall be reviewed after
5 the 1st day of April 1989 by a select committee appointed by the House of Representatives for this purpose. The committee shall report to the House of Representatives before the 1st day of April 1990, and shall state in its report—

- 10 (a) Whether, in its view, either or both of those Acts should continue to apply to State enterprises; and
(b) If it considers that either or both Acts should so continue, the changes (if any) that should be made to either or both of those Acts so far as they apply to State enterprises.

15 **25. Amendments and transitional provisions relating to new State enterprises**—(1) The enactments specified in the **Fourth (Schedule) and Sixth Schedules** to this Act are hereby amended in the manner indicated in *(that Schedule) those Schedules*.

20 (2) During the period beginning on the 1st day of April 1987 and ending with the close of the 31st day of December 1987,—

- (a) The enactments specified in the **Fifth Schedule** to this Act shall have effect as *(if they had been amended in the manner indicated) stated* in that Schedule; and
25 (b) The Town and Country Planning Act 1977 and the Public Works Act 1981 shall have effect as if every State enterprise named in the **Second Schedule** to this Act were the Crown and every work and every use of
30 land which such a State enterprise constructs, undertakes, establishes, manages, operates, or maintains by virtue of any Act were a public work within the meaning of the Public Works Act 1981.

(3) Where, by virtue of **subsection (2)** of this section, a State enterprise has any power, right, or authority that it would not
35 otherwise have, the responsible Minister may at any time or times, by *(written notice to the board of the State enterprise) notice in the Gazette*,—

- (a) Direct the State enterprise not to exercise that power, right, or authority; or
40 (b) Impose conditions on the exercise of that power, right, or authority,—
either generally or in any particular case or cases.

(4) Every State enterprise shall comply with a notice given *(to its board)* under **subsection (3)** of this section.

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(5) Notwithstanding anything in the Companies Act 1955, the Reserve Bank of New Zealand Act 1964, or any other enactment or rule of law, a company in which all the shares are subscribed for by Ministers may be formed and registered under the Companies Act 1955 with the name "Post Office Bank Limited".

New

26. Repeals—The enactments specified in the **Seventh** Schedule to this Act are hereby repealed.

SCHEDULES

Section 2

FIRST SCHEDULE
STATE ENTERPRISES

Air New Zealand Limited
Airways Corporation of New Zealand Limited
(*Bank of New Zealand*)
Coal Corporation of New Zealand Limited
(*Development Finance Corporation of New Zealand Limited*)
Electricity Corporation of New Zealand Limited
(*Forestry Corporation Limited*)
Government Property Services Limited
Land Corporation Limited
New Zealand Forestry Corporation Limited
New Zealand Railways Corporation
Petroleum Corporation of New Zealand Limited
New Zealand Post Limited
Post Office Bank Limited
(*Post Office Telecom Limited*)
Telecom Corporation of New Zealand Limited
Tourist Hotel Corporation of New Zealand
The Shipping Corporation of New Zealand Limited

Section 9

SECOND SCHEDULE
NEW STATE ENTERPRISES

Airways Corporation of New Zealand Limited
Coal Corporation of New Zealand Limited
Electricity Corporation of New Zealand Limited
(*Forestry Corporation Limited*)
Government Property Services Limited
Land Corporation Limited
New Zealand Forestry Corporation Limited
New Zealand Post Limited
Post Office Bank Limited
(*Post Office Telecom Limited*)
Telecom Corporation of New Zealand Limited

Struck Out

Section 18

THIRD SCHEDULE
STATE ENTERPRISE NOT AUDITED BY AUDIT OFFICE

Bank of New Zealand

Section 25 (1)

FOURTH SCHEDULE
ENACTMENTS AMENDED

Title of Act	Amendment
<p>1947, No. 6—The District Courts Act 1947 (R.S. Vol. 5, p. 1)</p> <p>1948, No. 64—The Land Act 1948 (Reprinted, 1972, Vol. 2, p. 1557)</p>	<p style="text-align: center;"><i>New</i></p> <p>By omitting from section 96 (4) the words “the Post Office Savings Bank”, and substituting the words “Post Office Bank Limited”.</p> <p>By repealing sections 4 to 11 and 12 to 16.</p> <p>By omitting from section 116 the words “Commissioner and the Chief Surveyor” wherever they appear, and substituting in each case the words “Director-General of Survey and Land Information”.</p> <p>By omitting from section 116 (2) the words “Commissioner of Crown Lands and the Chief Surveyor”, and substituting the words “Director-General of Survey and Land Information”.</p> <p>By omitting from section 116 (3) the word “Commissioner”, and substituting the words “Director-General of Survey and Land Information”.</p> <p>By inserting in section 172 (1) after the words “public purpose”, the words “or as against any State enterprise referred to in the Second Schedule to the State-Owned Enterprise Act 1986,”.</p> <p>By inserting in section 172 (2) after the words “public body,” the words “State enterprise referred to in the Second Schedule to the State-Owned Enterprises Act 1986,”.</p> <p>By omitting from the Second Schedule the word “We”, and substituting the word “I”.</p> <p>By omitting from the Second Schedule the words “Chief Surveyor” and “Commissioner of Crown Lands”, and substituting the words “Director-General of Survey and Land Information”.</p>
<p>1949, No. 19—The Forests Act 1949 (R.S. Vol. 18, p. 133)</p>	<p>By omitting from section 2 the definitions of the terms “cattle”, “conservancy”, “Conservator”, “Director-General”, “firearm”, “forest officer”, “hunt or kill”, “indigenous State forest land”, “management plan”, “Minister”, “service”, “Forest Service”, and “State forest land”.</p> <p>By inserting in section 2, in their appropriate alphabetical order, the following definitions:</p>

FOURTH SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
	<p style="text-align: center;"><i>New</i></p> <p>“ ‘Forestry officer’ means an officer with- in the meaning of the State Services Act 1962 who is employed in the Ministry of Forestry:</p> <p>“ ‘Minister’ means the Minister of Forest- ry:</p> <p>“ ‘Secretary’ means the Secretary of For- estry.”.</p> <p>By adding to section 2, as subsection (2), the following subsection:</p> <p>“(2) Unless in any case the context other- wise requires, every reference in this Act or any other Act or in any regulation, rule, order, agreement, deed, instrument, appli- cation, notice, licence, or other document whatsoever in force at the date on which this subsection comes into force—</p> <p>“(a) To the Minister of Forests, shall here- after be read as a reference to the Minister of Forestry:</p> <p>“(b) To the New Zealand Forest Service, shall hereafter be read as a refer- ence to the Ministry of Forestry:</p> <p>“(c) To the Director-General of Forests or to a Conservator, shall hereafter be read as a reference to the Sec- retary of Forestry:</p> <p>“(d) To a Forest Officer, shall hereafter be read as a reference to a Forestry Officer”.</p> <p>By repealing the following enactments:</p> <p>(a) Sections 4 (1A), 5 to 8, 10 (2), 11, 12, and 14:</p> <p>(b) Section 15, except paragraphs (a), (b), (e), (g), (i), and (j) of subsection (2):</p> <p>(c) Sections 15A, 17, 18, and 18A:</p> <p>(d) Sections 19 to 41, 41A, 42 to 45, 55, 56, 57, 58:</p> <p>(e) Section 60, except paragraph (j):</p> <p>(f) Sections 63A to 63E, 63G, and 63H:</p> <p>(g) Subsection (3) and paragraph (a) of sub- section (6) of section 64:</p> <p>(h) Section 69 (4) (a):</p> <p>(i) Section 72 (1), except paragraphs (g), (s), (t), (u), (va), (w), and (x):</p> <p>(j) Section 72 (1A).</p>

FOURTH SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
<p>1956, No. 107—The Electoral Act 1956 (R.S. Vol. 14, p. 57)</p>	<p><i>New</i></p>
	<p>By omitting from section 13 the words “honorary ranger” and “ranger”.</p> <p>By inserting in section 64, after the words “Minister of Forests” in subsections (1) and (2) and after the word “Minister” in subsection (5), the words “or New Zealand Forestry Corporation Limited”.</p> <p>By omitting from section 72 (1) (va) the words “subject to section 30 (5) of the New Zealand Forestry Council Act 1983”.</p> <p>By inserting in section 2 (1), in their appropriate alphabetical order, the following definitions:</p> <p style="padding-left: 40px;">“ ‘New Zealand Post Limited’ means the company having that name incorporated under the Companies Act 1955 pursuant to the State-Owned Enterprises Act 1986.”</p> <p style="padding-left: 40px;">“ ‘Post Office’ means any public office of New Zealand Post Limited:”.</p> <p>By omitting from section 2 (4) the words “Post Office” where they first occur.</p> <p>By repealing section 7A (as substituted by section 5 (1) of the Electoral Amendment Act 1980), and substituting the following section:</p> <p style="padding-left: 40px;">“7A. Chief Registrar of Electors—</p> <p style="padding-left: 40px;">(1) There shall be a Chief Registrar of Electors who shall be the person exercising the powers, duties, and functions for the time being of the Chief Executive of New Zealand Post Limited.</p> <p style="padding-left: 40px;">“(2) The Chief Registrar shall, under the direction of the Minister of Justice, be charged with the duty of carrying Part III of this Act into effect and to that end the Chief Registrar may, both in that capacity and in the capacity of the Chief Executive of New Zealand Post Limited, provide such computer and other services and such facilities as the Chief Registrar thinks necessary.</p> <p style="padding-left: 40px;">“(3) The Chief Registrar may from time to time appoint an officer or employee of New Zealand Post Limited to be the Deputy Chief Registrar of Electors, who, subject to the control of the Chief Registrar, shall have and may exercise all the powers, functions, and duties of the Chief Registrar.</p>

FOURTH SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
	<p style="text-align: center;"><i>New</i></p> <p>“(4) The Chief Registrar may from time to time, either generally or particularly, by writing signed by the Chief Registrar, delegate to any officer or employee of New Zealand Post Limited all or any of the Chief Registrar’s powers, except this power of delegation.</p> <p>“(5) Subject to any general or special directions given or conditions imposed from time to time by the Chief Registrar, the officer or employee to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on that officer or employee directly by this section and not by delegation.</p> <p>“(6) Every officer or employee purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.</p> <p>“(7) Any delegation under this section may be made to any specified officer or employee or to officers or employees of a specified class, or to the holder or holders for the time being of a specified office or class of offices.</p> <p>“(8) Any delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Chief Registrar.</p> <p>“(9) Any delegation under this section shall until revoked continue in force according to its tenor, notwithstanding that the Chief Registrar by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of the Chief Registrar.”</p> <p>By omitting from subsection (2) of section 7B (as inserted by section 5 (1) of the Electoral Amendment Act 1980), and also from subsections (3) and (5) of that section, the words “officer of the Post Office”, and substituting in each case the words “employee of New Zealand Post Limited”.</p>

FOURTH SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
	<i>New</i>
	By omitting from section 7c (as substituted by section 5 (1) of the Electoral Amendment Act 1980) the words “the Post Office”, and substituting the words “New Zealand Post Limited”.
	By repealing subsection (1) of section 8, and substituting the following subsection: “(1) The Chief Electoral Officer, with the approval of the Chief Executive of New Zealand Post Limited, may from time to time appoint any employee of that company to be a Returning Officer or a substitute for a Returning Officer.”
	By omitting from section 64 (1) (as substituted by section 29 (1) of the Electoral Amendment Act 1980) the words “a departmental officer of the Post Office”, and substituting the words “an employee of New Zealand Post Limited”.
	By omitting from sections 64 (2A) (as inserted by section 15 of the Electoral Amendment Act 1985) and 65AD (4) (as inserted by section 4 (1) of the Electoral Amendment Act (No. 2) 1985) the words “officer of the Post Office”, and substituting in each case the words “employee of New Zealand Post Limited.”
1957, No. 88—The Oaths and Declarations Act 1957 (R.S. Vol. 4, p.1)	By omitting from section 9 (1) the words “postmaster or other”, and substituting the words “employee of New Zealand Post Limited or Post Office Bank Limited or”.
	By repealing subsection (2) of section 9 (as amended by section 2 (b) of the Oaths and Declarations Amendment Act 1965), and substituting the following subsection: “(2) An employee or officer authorised under subsection (1) of this section to take declarations may be an employee or officer designated by name or as the holder for the time being of any specified office or title.”
1959, No. 90—The Maori Purposes Act 1959 (R.S. Vol. 8, p. 547)	By adding to section 4 (7) the following paragraph: “(1) Any officer, employee, or agent of the Electricity Corporation of New Zealand Limited.”

FOURTH SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
<p>1962, No. 135—The Transport Act 1962 (R.S. Vol. 16, p. 659)</p>	<p style="text-align: center;"><i>New</i></p> <p>By repealing the definition of “Registrar” and “Deputy Registrar” in section 2 (1), and substituting the following definition: “ ‘Registrar’ and ‘Deputy Registrar’ each mean the Secretary, and include any person for the time being authorised by the Secretary to exercise or perform any of the powers, duties, or functions of the Registrar or Deputy Registrar under this Act.”</p> <p>By omitting from section 8 (4) the words “by members of the Post Office or otherwise”.</p> <p>By omitting from section 90N(1) (as inserted by section 7 of the Transport Amendment Act 1973) the words “Post Office Account”, and substituting the words “Public Account for the credit of the Consolidated Account”.</p> <p>By omitting from section 105 (3) (as inserted by section 3 of the Transport Amendment Act (No. 2) 1983) the words “the Post Office”, and substituting the words “any other person”.</p> <p>By omitting from section 197 (6) the words “or of the New Zealand Post Office” (as inserted by section 19 of the Transport Amendment Act 1972).</p> <p>By adding to the definition of the term “State services” in section 2 the words, “or any corporation listed in the First Schedule to the State-Owned Enterprises Act 1986”.</p> <p>By repealing paragraph (c) of section 12 (1), and substituting the following paragraph: “(c) Prescribing minimum standards of working conditions for all employees in the Public Service and ensuring that such standards are being maintained.”</p> <p>By omitting from the Second Schedule the words “New Zealand Forest Service”, and substituting the words “Ministry of Forestry”.</p>
<p>1962, No. 132—The State Services Act 1962 (R.S. Vol. 14, p. 601)</p>	

FOURTH SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
<p>1964, No. 68—The Civil Aviation Act 1964 (R.S. Vol. 16, p. 41)</p> <p>1969, No. 52—The Administration Act 1969</p> <p>1973, No. 28—The Shipping Corporation of New Zealand Act 1973</p>	<p style="text-align: center;"><i>New</i></p> <p>By omitting so much of the Third Schedule as relates to the Forest Service, and substituting the following item: "Forestry . . . Secretary Assistant Secretary".</p> <p>By inserting in the proviso to section 26, after the word "aircraft", the words "or airways services".</p> <p>By inserting in section 29 (2) (b)— (a) After the word "aircraft", the words "or the provision of airways services,"; (b) After the words "prescribed Authority", the words ", Minister of the Crown,"; (c) After the words "such Authority", the word ", Minister,".</p> <p>By omitting from section 65 (1) the words "the Post Office Savings Bank established under the Post Office Act 1959", and substituting the words "Post Office Bank Limited registered under the Companies Act 1955 pursuant to the State-Owned Enterprises Act 1986".</p> <p>By omitting from section 67 (2) the words "Post Office Savings Bank", and substituting the words "Post Office Bank Limited".</p>
	<i>Struck Out</i>
	<p>1973, No. 32—The Development Finance Corporation Act 1973</p>
<p>1974, No. 59—The Tourist Hotel Corporation Act 1974</p>	<p>By repealing section 19.</p>

FOURTH SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
	<i>New</i>
1975, No. 9—The Ombudsmen Act 1975	<p>By omitting from Part I of the First Schedule the words “The New Zealand Forest Service”.</p> <p>By inserting in Part I of the First Schedule, after the words “The Ministry of Foreign Affairs”, the words “The Ministry of Forestry”.</p> <p>By inserting in Part II of the First Schedule, in their appropriate alphabetical order, the following names:</p> <p>“Airways Corporation of New Zealand Limited</p> <p>“Coal Corporation of New Zealand Limited</p> <p>“Electricity Corporation of New Zealand Limited</p> <p><i>(“Forestry Corporation Limited)</i></p> <p><u>Government Property Services Limited</u></p> <p><u>“Land Corporation Limited</u></p> <p><u>New Zealand Forestry Corporation Limited</u></p> <p>“New Zealand Post Limited</p> <p>“Post Office Bank Limited</p> <p><i>“Post Office Telecom Limited</i></p> <p><u>Telecom Corporation of New Zealand Limited”.</u></p> <p style="text-align: center;"><i>New</i></p> <p>By adding to section 3 the following paragraph:</p> <p>“(d) Being the Land Corporation Limited or an employee thereof, he, she or it sells or otherwise deals with any lands of the Crown or any land of a State enterprise within the meaning of the State-owned Enterprises Act 1986.”</p>
1976, No. 9—The Real Estate Agents Act 1976	

FOURTH SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1976, No. 132—The Broadcasting Act 1976 (R.S. Vol. 13, p. 1)	<p style="text-align: center;"><i>New</i></p> <p>By omitting from section 20 (2) (d) (x) (as substituted by section 4 (1) of the Broadcasting Amendment Act 1982) the words “fees payable for broadcast receiving—station licences”, and substituting the words “public broadcasting fees”.</p> <p>By repealing subsection (1) of section 49, and substituting the following subsection: “(1) The Corporation shall from time to time advise the Government as to the rates of public broadcasting fees that should be payable pursuant to regulations made under this Act.”</p> <p>By repealing paragraph (a) of section 51 (1), and substituting the following paragraph: “(a) All public broadcasting fees payable pursuant to regulations made under this Act.”.</p> <p>By repealing section 52, and substituting the following sections: “51A. Public broadcasting fees—(1) For the purpose of providing funds to enable it to exercise its functions, powers, and duties under this Act, the Corporation may charge fees, to be known as public broadcasting fees, in accordance with regulations made under this Act. “(2) Any public broadcasting fee that is not paid in accordance with regulations made under this Act may be recovered from the person liable at the suit of the Corporation in any Court of competent jurisdiction. “(3) Without limiting the generality of section 17 (2) of this Act, the Corporation may enter from time to time into agreements or arrangements, on such terms and conditions as it thinks fit, with any person to collect or assist in collecting public broadcasting fees.</p>

FOURTH SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
	<p style="text-align: center;"><i>New</i></p> <div style="border: 1px solid black; padding: 10px;"> <p>“52. Payment for investigation of complaints of interference—(1) There shall be paid out of the Broadcasting Account to the Public Account the costs incurred by the Crown in respect of the investigation of complaints of interference by electromagnetic energy affecting broadcasting services within New Zealand.</p> <p>“(2) The amount of the costs payable to the Public Account under subsection (1) of this section shall be determined on a basis agreed upon by the Crown and the Corporation.</p> <p>“(3) If no agreement is reached under subsection (2) of this section, the Controller and Auditor-General shall appoint an officer of the Audit Department to hold an inquiry and make an award as to the basis upon which the costs are to be determined; and any such award shall be binding on the Crown and the Corporation.</p> <p>“(4) No person appointed to hold an enquiry and make an award under this section shall be deemed to be an arbitrator within the meaning of the Arbitration Act 1908, and nothing in that Act shall apply to any such inquiry or award.”</p> </div>

FOURTH SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1977, No. 52—The Forest and Rural Fires Act 1977	<p style="text-align: center;"><i>New</i></p> <p>By inserting in section 98, after paragraph (j), the following paragraphs:</p> <p>“(ja) Requiring the payment from time to time of public broadcasting fees of amounts specified in the regulations by persons who own, possess, hire, or use television receiving equipment, and such regulations may prescribe different fees in respect of different classes of equipment or different classes of persons, and exempt any class of person from payment of the fees:</p> <p>“(jb) Requiring persons who sell or hire television receiving equipment to keep records and make returns thereof to the Corporation, and prescribing offences for failure to comply with any such requirements, and the amount of the fines that may be imposed in respect of such offences (which fines shall be an amount not exceeding \$500):”.</p> <p>By inserting, after section 7, the following section:</p> <p>“7A. Forestry Corporation Fire District—(1) Notwithstanding any other provision of this Act,—</p> <p>“(a) Forestry Corporation Limited (the “Company”) shall, on and after the date on which the Company takes possession of any land from the Crown pursuant to the State-Owned Enterprises Act 1986 be deemed to be a fire authority for the purposes of section 7 of this Act; and</p>

FOURTH SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
	<p style="text-align: center;"><i>New</i></p> <p>“(b) That land shall be deemed to be a rural fire district constituted under section 4 of this Act under the control of the Company and shall be known as the Forestry Corporation Fire District, and there shall be immediately adjacent to those lands a fire safety margin as defined in this Act of 1.5 kilometres.</p> <p>“(2) Nothing in subsection (1) of this section shall apply in respect of land which on the day before the Company takes possession has been constituted as a rural fire district under section 4 of this Act.”</p> <p>By repealing section 18, and substituting the following section:</p> <p>“18. Obligations of Rural Fire Authorities and Ministry of Forestry in respect of fire control measures—(1) It shall be the responsibility of every Rural Fire Authority in respect of its area and in the interests of public safety to take appropriate fire control measures, including, in particular,—</p> <p>“(a) The observation of weather and other conditions, and assessment of fire hazard:</p> <p>“(b) The giving of warnings of the imminence of fire hazard conditions:</p> <p>“(c) The giving of any information available in relation to such conditions.</p> <p>“(2) It shall be a function of the Ministry of Forestry to encourage and promote effective fire control measures.”</p> <p>By omitting from section 20 (1) the words “or Director-General”.</p> <p>By omitting from section 24 (1) (a), the words “With the approval of the Conservator of Forests”.</p> <p>By omitting from section 25 (2) the words “or by the Conservator of Forests or Chief Surveyor for the relevant Conservancy”.</p> <p>By repealing section 25 (2) (b).</p> <p>By repealing section 33 (1), and substituting the following subsection:</p>

FOURTH SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
	<p style="text-align: center;"><i>New</i></p> <p>“(1) The Principal Rural Fire Officer of any district may, from time to time, by notice in writing, require that any person who is felling trees for any commercial or industrial purpose or who is producing timber in a sawmill in that district shall provide and maintain in effective working order such apparatus and observe such other requirements as may be specified by the Principal Rural Fire Officer for the purpose of fire control among the standing trees or the debris of the tree felling operations or the refuse from the sawmilling operations”.</p> <p>By omitting from subsections (2) and (4) of section 33 the words “Director-General” wherever they occur, and substituting in each case the words “Principal Rural Fire Officer”.</p> <p>By repealing section 39, and substituting the following section:</p> <p style="text-align: center;">“39. Regional fire emergency—</p> <p>(1) When weather or other conditions exist which, in the opinion of the Secretary of Forestry, present an extreme fire hazard whereby life and property may be endangered by spreading vegetation fires, or when any vegetation fires have spread or appear to the Secretary of Forestry to be likely to spread beyond the district of a single fire authority, the Secretary of Forests may, in the public interest, appoint a Principal Rural Fire Officer or other appropriate Fire Officer to take charge for the purposes of this Act in any area, whether included in more than one district or not.</p> <p>“(2) The Secretary of Forestry shall notify the Fire Authority of each district affected of the name of the Fire Officer whom the Secretary of Forestry has appointed to take charge under this section.</p>

FOURTH SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
	<p style="text-align: center;"><i>New</i></p> <p>“(3) In any case where the Secretary of Forestry has appointed a Fire Officer to take charge of any area as aforesaid that Fire Officer shall have, in respect of that area, all the powers, authorities, and immunities of a Principal Rural Fire Officer under this Act as if the whole of that area was a Rural Fire District, and all the provisions of this Act shall, with any necessary modification, apply accordingly.</p> <p>“(4) Fire Officers and other Officers of the Fire Authority District affected shall be subject to the authority of any person appointed under subsection (1) of this section and shall carry out all instructions given by that person or on that person’s behalf.”</p> <p>By omitting from section 40 (1) the words “in any case to which section 39 of this Act applies, the Director-General or Conservator of Forests or a person acting pursuant to specific directions given by the Director-General or Conservator, or, in any other case, the Principal Fire Officer, or a person acting”.</p> <p>By omitting from section 40 (2) the words “the Director-General or Conservator of Forests or” and “Director-General, Conservator, or”.</p> <p>By repealing subsection (1) of section 51, and substituting the following subsection: “(1) In any case where the Secretary of Forestry has appointed any Fire Officer to take charge of any area pursuant to section 39 of this Act, the Secretary of Forestry (with the approval of the Minister of Forestry) may in his or her discretion determine what part of those regional fire emergency costs shall be borne by the Fire Authorities of the districts in the area; and shall apportion that part of the costs between those Fire Authorities.”</p> <p>By repealing subsections (2) and (3) of section 51.</p> <p>By omitting from section 51 (4) the words “as a debt due to the Crown”.</p> <p>By repealing subsection (5) of section 51.</p>

FOURTH SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
	<i>New</i>
1977, No. 65—The Public Finance Act 1977	<p>By omitting from section 55 the words “the Director-General or any Conservator of Forests or Fire Officer, or by”.</p> <p>By omitting from section 61 (1)(c) the words “Director-General, or any Conservator of Forests”, and substituting the words “Secretary, or any”.</p> <p>By repealing section 61 (7).</p> <p>By omitting from section 63 (1) and (2) the words “The Minister, the Director-General or any Conservator of Forests or”, and substituting the words “The Minister of Forestry, the Secretary of Forestry, or any”.</p> <p>By inserting, after section 52, the following section:</p> <p style="padding-left: 2em;">“52A. Collection of public money by agent—Notwithstanding section 38 (2) of this Act, where the Crown has pursuant to any agreement appointed any person to collect public money on behalf of the Crown, the person—</p> <p style="padding-left: 4em;">“(a) Shall pay that money into the Consolidated Account as soon as reasonably practicable and in accordance with the terms and conditions of the agreement; and</p> <p style="padding-left: 4em;">“(b) Subject to the terms of the agreement, until paying the money into the Consolidated Account may retain it in its own account.”</p>
1977, No. 124—The Road User Charges Act 1977	<p>By omitting from the definition of the term “issuing officer” in section 2 (1) the words “an officer of the Post Office or any other person authorised by the Registrar”, and substituting the words “any person or member of a class of persons authorised by the Commissioner”.</p> <p>By repealing the definition of the term “Registrar” in section 2 (1), and substituting the following definition:</p> <p style="padding-left: 2em;">“‘Registrar’ means the Commissioner; and includes any person for the time being authorised by the Commissioner to exercise or perform any of the functions, duties, or powers of the Registrar under this Act.”</p>

FOURTH SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
<i>New</i>	
1978, No. 65—The Misuse of Drugs Amendment Act 1978	<p>By omitting from section 22 (1) the words “initially be paid into the Post Office Account and,” and the words “shall subsequently”.</p> <p>By omitting from subsections (1) and (2) of section 12 and from subsection (2) of section 13 the words “the Post Office” in each place where they occur, and substituting in each case the words “New Zealand Post Limited”.</p>
1978, No. 103—The Securities Act 1978 (R.S. Vol. 15, p. 605)	By inserting in section 5 (2) (a) (ii), after the words “Act 1983”, the words “or Post Office Bank Limited”.
<i>Struck Out</i>	
1979, No. 34—The Bank of New Zealand Act 1979	By repealing sections 26 and 29.
<i>New</i>	
1979, No. 43—The Carriage of Goods Act 1979	By omitting from section 4 (2) (b) the words “the Post Office”, and substituting the words “New Zealand Post Limited”.
1981, No. 119—The New Zealand Railways Corporation Act 1981	By repealing section 43.

FOURTH SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1982, No. 156—The Official Information Act 1982	<p>By inserting in the First Schedule, in their appropriate alphabetical order, the following names:</p> <p>“Airways Corporation of New Zealand Limited</p> <p>“Coal Corporation of New Zealand Limited</p> <p>“Electricity Corporation of New Zealand Limited</p> <p><i>(“Forestry Corporation Limited)</i></p> <p><u>Government Property Services Limited</u></p> <p><u>“Land Corporation Limited</u></p> <p><u>New Zealand Forestry Corporation Limited</u></p> <p>“New Zealand Post Limited</p> <p>“Post Office Bank Limited</p> <p><i>(“Post Office Telecom Limited)</i></p> <p><u>Telecom Corporation of New Zealand Limited”.</u></p>
<i>New</i>	
1982, No. 181—The Accident Compensation Act 1982	<p>By omitting from sections 47 and 51 (6) the word “Deputy” in each place where it occurs.</p> <p>By omitting from section 51 (6) the words “Post Office”, and substituting the word “Public”.</p>
1983, No. 46—The Civil Defence Act 1983	By repealing paragraph (f) of section 19 (2).
1985, No. 120—The Criminal Justice Act 1985	<p>By omitting from subsections (1) and (2) of section 86 the words “Registrar of Motor Vehicles” in both places where they occur, and substituting in each case the words “Secretary for Transport”.</p> <p>By omitting from section 86 (2) (c) the word “Registrar” in each place where it occurs, and substituting in each case the words “Secretary for Transport”.</p>

FOURTH SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
<p>1986, No. 6—The Transport (Vehicle and Driver Registration and Licensing) Act 1986</p>	<p>By repealing the definition of the term “Registrar” in section 2 (1), and substituting the following definition: “ ‘Registrar’ means the Secretary, and includes any person for the time being authorised by the Secretary to exercise or perform any of the powers, duties, or functions of the Registrar under this Act.”.</p> <p>By omitting from section 27 (2) the words “Post Office Account”, and substituting the words “Consolidated Account”.</p> <p>By omitting the second sentence from section 27 (2).</p> <p>By repealing section 36, and substituting the following section: “36. All fees and charges received on behalf of the Crown under this Part of this Act shall from time to time be paid into the Public Account to the credit of the Consolidated Account.”</p>

Section 25 (2)

FIFTH SCHEDULE
TRANSITIONAL PROVISIONS

(Having effect in respect of the period beginning on 1 April 1987 and ending with the close of 31 December 1987)

PART I

Civil Aviation Act 1964

1. The Civil Aviation Act 1964 shall have effect as if, after section 32, there were inserted the following section:

“32A. Application of Act to Airways Corporation of New Zealand Limited—Every reference in sections 11 and 27 of this Act to the Minister shall be deemed to include a reference to the Airways Corporation of New Zealand Limited.”

Struck Out

PART II

Coal Mines Act 1979

2. The Coal Mines Act 1979 shall have effect as if, after section 121, there were inserted the following section:

“121A. Application of Act to Coal Corporation of New Zealand Limited—Where any coal mining business previously carried on by the Crown is transferred to the Coal Corporation of New Zealand Limited pursuant to an agreement under section 22 of the State-Owned Enterprises Act 1986—

“(a) Notwithstanding any other enactment, the Coal Corporation of New Zealand Limited shall be deemed to have all such rights, powers, and authorities to carry on that business as if it were the Crown; and

“(b) Sections 15A to 15F of the Ministry of Energy Act 1977 shall not apply in respect of that business.”

PART III

Forests Act 1949

3. The Forests Act 1949 shall have effect as if, after section 19, there were inserted the following section:

“19A. Act not to apply to land transferred to Forestry Corporation Limited—Notwithstanding the provisions of this Act, all State forest land that is agreed to be transferred to the Forestry Corporation Limited pursuant to section 22 of the State-Owned Enterprises Act 1986 shall, as from the date on which the agreement comes into effect, cease to be State forest land and shall cease to be subject to this Act.”

PART IV

Electricity Act 1968

4. The Electricity Act 1968 shall have effect as if this Act had effected the repeal of the following provisions of that Act, namely:

(a) The provisos to sections 11 (1), 11 (2) (j), and 11 (2) (k):

FIFTH SCHEDULE—*continued**Struck Out*

(b) Part V.

5. The Electricity Act 1968 shall have effect as if, after section 55, there were inserted the following section:

“55A. Application of Act to Electricity Corporation of New Zealand Limited—(1) The following provisions of this Act shall apply as if every reference therein to the Crown, Her Majesty, Minister, Ministry, or Secretary were a reference to the Electricity Corporation of New Zealand Limited:

“(a) The definitions of the terms ‘authorised officer’ and ‘electrical supply authority’ in section 2:

“(b) Section 6 (a) and (f):

“(c) Section 7 (2) and (3):

“(d) Section 7A:

“(e) Section 11 (1) and (2):

“(f) Sections 12 to 15, 15A, 16, 17, 17A, 19, and 19A:

“(g) Section 35 (2) (b):

“(h) Sections 50 to 52A:

“(i) Section 53 (1), (2), and (2A).

“(2) Sections 20, 20A, 20B, and 21 to 26 shall not apply to the Electricity Corporation of New Zealand Limited.”

Other Enactments

6. The following enactments shall apply as if, for every reference therein to a Minister of the Crown, there were substituted a reference to the Electricity Corporation of New Zealand Limited:

(a) The Southland Electric Power Supply Act 1936:

(b) The Lake Taupo Compensation Claims Act 1947:

(c) Section 42 of the Finance Act 1950:

(d) Sections 4, 4A, and 5 of the Manapouri - Te Anau Development Act 1963, and all *Gazette* notices made thereunder:

(e) Section 31 of the Water and Soil Conservation Amendment Act 1973:

(f) The Clutha Development (Clyde Dam) Empowering Act 1982:

(g) Section 11 (1) to (4) of the Geothermal Energy Act 1953:

(h) Section 3 of the Electrical Registration Act 1979:

(i) Any other enactment that is declared by the Governor-General by Order in Council to be subject to this section.

7. The following enactments shall have effect as if they did not apply to the Electricity Corporation of New Zealand Limited:

(a) The Electric Linemen Act 1959:

(b) The Electric Linemen Regulations 1960:

(c) The Electrical Registration Regulations 1980:

(d) Sections 15A to 15F of the Ministry of Energy Act 1977.

PART V

Land Act 1948

8. The Land Act 1948 shall have effect as if this Act had effected the repeal of sections 13, 16, and 17.

FIFTH SCHEDULE—*continued**Struck Out*

9. Section 15 (1) of the Land Act 1948 shall have effect as if, after the word “Department,” there were inserted the words “or to the Land Corporation Limited,”.

10. The Land Act 1948 shall have effect as if, after section 52, there were inserted the following section:

“52A. **Application of Act to leases, etc., of land transferred to Corporation**—Where any land is transferred to the Land Corporation Limited pursuant to section 22 of the State-Owned Enterprises Act 1986 and at the date of transfer there is a lease, licence, or tenancy in respect of that land to which any or all of the following provisions of the Land Act 1948 apply, those provisions shall continue to apply to that lease, licence, or tenancy as if every reference in those provisions to a Commissioner of Crown Lands, the Land Settlement Board, the Board, or the Department were a reference to the Land Corporation Limited:

“(a) Sections 50, 50A to 50F, 56, 60, 60A, 60B, and 65:

“(b) Subsections (1), (2), and (4) of section 67:

“(c) Sections 68, 68A, 69, and 81 to 84:

“(d) Subsections (4) to (6) of section 85:

“(e) Sections 86, 87, 87A, 88 to 91, 91A, and 92 to 105:

“(f) Sections 111 to 115:

“(g) Sections 122 to 124, 124A, 125, 126, 127, 131, 132, 132A, and 133 to 151:

“(h) Sections 153 to 158, 160, 164A, 164B, 170, 170B, 171, and 174.”

11. Section 66A of the Land Act 1948 shall have effect as if, for the word “Board” wherever it occurs, there were substituted in each case the words “Land Corporation Limited”.

12. Section 85 (2) of the Land Act 1948 shall have effect as if, after the words “belonging to the Crown”, there were inserted the words “or the Land Corporation Limited”.

13. Subsections (1) and (3) of section 87 of the Land Act 1948 shall have effect as if, after the words “belonging to the Crown” wherever they appear, there were inserted in each case the words “or the Land Corporation Limited”.

14. Section 87 (2) of the Land Act 1948 shall have effect as if, after the words “owing to the Crown”, there were inserted the words “or the Land Corporation Limited”.

15. Section 142 (1) of the Land Act 1948 shall have effect as if, after the words “belonging to the Crown”, there were inserted the words “or the Land Corporation Limited”.

16. Section 146 (3) of the Land Act 1948 shall have effect as if, after the words “Her Majesty”, there were inserted the words “or the Land Corporation Limited”.

FIFTH SCHEDULE—*continued*

New

PART IV

Electricity Act 1968

“4. The Electricity Act 1968 shall have effect as if this Act had effected the repeal of the following provisions of that Act, namely:

- (a) Paragraphs (b), (c), and (e) of section 7 (2), and section 7 (3):
- (b) Section 11 (1):
- (c) The provisos to sections 11 (2) (j) and 11 (2) (k):
- (d) Part V:
- (e) Section 52A.

4A. The following provisions of the Electricity Act 1968 shall have effect as if every reference to the Crown, Her Majesty, Minister, Ministry, or Secretary were a reference to the Electricity Corporation of New Zealand Limited:

- (a) The definitions of the terms ‘authorised officer’ and ‘electrical supply authority’ in section 2:
- (b) Section 11 (2):
- (c) Sections 15, 16 (4), 17, 17A, 19, and 19A.

4B. Section 7 (1) of the Electricity Act 1968 shall have effect as if the words “as fully and adequately as may be necessary to satisfy the need for electricity within New Zealand and” were omitted.

4C. Section 19 (1) of the Electricity Act 1968 shall have effect as if the words “by the Minister” were omitted.

4D. The Electricity Act 1968 shall have effect as if sections 20, 20A, 20B, 21 to 24, 25, and 26 did not apply to the Electricity Corporation of New Zealand Limited.

4E. Section 35 (2) of the Electricity Act 1968 shall have effect as if paragraphs (a) and (b) were repealed, and the following paragraphs substituted:

- “(a) A Chairman to be appointed by the Minister:
- “(b) One person to be appointed by the Minister on the recommendation of the Electricity Corporation of New Zealand Limited:”.

4F. Section 45 (5A) of the Electricity Act 1968 shall have effect as if the words “the Minister’s” were omitted and the words “the Electricity Corporation of New Zealand Limited’s” substituted therefor.

4G. Subsections (1), (2), and (2A) of section 53 of the Electricity Act 1968 shall have effect as if every reference therein to the Crown, the Minister, the Ministry, or the Secretary included a reference to the Electricity Corporation of New Zealand Limited.

Other Enactments

5. The Manapouri-Te Anau Development Act 1963 shall have effect as if—

- (a) The word “Minister” were omitted from section 4 in each place where it occurs, and the words “Electricity Corporation of New Zealand Limited” were substituted therefor:

FIFTH SCHEDULE—*continued**New*

(b) After the words “Guardians of Lake Manapouri and Te Anau” in section 4A (1) there were inserted the words “and the Electricity Corporation of New Zealand Limited”.

(c) The words “the Minister” were omitted from section 5, and the words “the Electricity Corporation of New Zealand Limited” were substituted therefor.

6. The following enactments shall have effect as if, for every reference therein to a Minister of the Crown, there were substituted a reference to the Electricity Corporation of New Zealand Limited:

(a) Section 9 of the Southland Electric Power Supply Act 1936:

(b) The Clutha Development (Clyde Dam) Empowering Act 1982:

(c) Subsections (1) to (4) of section 11 of the Geothermal Energy Act 1953.

7. The following enactments shall have effect as if they did not apply to the Electricity Corporation of New Zealand Limited:

(a) The Electrical Registration Regulations 1980:

(b) Sections 15A to 15F of the Ministry of Energy Act 1977.

7A. The Electric Linemen Act 1959 and the Electric Linemen Regulations 1960 shall not apply to—

(a) Any transmission line or other electric line or work of the Electricity Corporation of New Zealand Limited, not being a line or work forming part of a reticulation system for retail distribution to consumers; or

(b) Electrical reticulation of the Electricity Corporation of New Zealand Limited if the work is done by persons employed and authorised by the Electricity Corporation of New Zealand Limited and the reticulation is not for the time being alive.

7B. The Electrical Registration Act 1979 shall have effect as if—

(a) After the words “the Crown” in section 3 (3) there were inserted the words “or the Electricity Corporation of New Zealand Limited”; and

(b) Every reference to “a department of State” in section 3 (4) were omitted, and the words “the Electricity Corporation of New Zealand Limited” substituted therefor.

PART V

Land Act 1948

8. The Land Act 1948 shall have effect as if every reference therein to the Land Settlement Board, the Board, the Commissioner, or the Commissioner of Crown Lands were a reference to the Department of Lands.

9. The Land Act 1948 shall have effect as if the following section were inserted therein after section 3:

“4A. **Department of Lands**—There shall continue to be a Department of State to be called the Department of Lands which in so far as it relates to functions other than survey shall be the same Department as previously existed under section 4 of this Act.”

10. The Land Act 1948 shall have effect in respect of any land transferred to the Land Corporation Limited pursuant to the State-Owned Enterprises

FIFTH SCHEDULE—*continued**New*

Act 1986 where, at the date of transfer there is a lease, licence, permit, or tenancy in respect of that land to which any or all of the following provisions of the Land Act 1948 (or any corresponding provisions of any former Land Act, as the case may be) apply, and those provisions shall continue to apply to that lease, licence, permit, or tenancy (and any renewal thereof pursuant to a right expressly conferred thereby or by any Act) as if the land were still Crown land subject to this Act and every reference in those provisions to a Commissioner of Crown Lands, the Land Settlement Board, the Board, or the Department included a reference to the Land Corporation Limited:

- (a) Sections 18, 50, 50A to 50F, 56, 60, 60A, 60B, and 65:
- (b) Subsections (1), (2), and (4) of section 67:
- (c) Sections 68, 68A, 69, and 81 to 85:
- (d) Sections 86, 87, 87A, 88 to 91, 91A, and 92 to 105:
- (e) Sections 111 to 115, and section 121:
- (f) Sections 122 to 124, 124A, 125, 126, 127, 131, 132, 132A, and 133 to 151:
- (g) Sections 153 to 158, 160, 164A, 164B, 170, 170A, 170B, 171, 174, and 183.”

PART VI

Post Office Act 1959

17. The Post Office Act 1959 shall have effect as if this Act had effected the repeal of sections 9, 16, 71 (2), 76 (2), 80, 107, 114, 115, *(and)* 117, and the proviso to section 27 of that Act.

18. The definition of the term “officer” in section 3 of the Post Office Act 1959 shall have effect as if, after the words “Post Office” wherever they occur, there were inserted in each case the words “New Zealand Post Limited, Post Office Telecom Limited, and Post Office Bank Limited, as the case may be”.

New

18A. The Post Office Act 1959 shall have effect as if the following section were inserted after section 7:

“7A. **Conflict of interest**—Where the person for the time being holding the office of Director-General also holds another office, and where any power, function, or duty exercisable by the Director-General may conflict with the responsibilities of that other office, the Director-General shall not exercise any power, function, or duty under this Act in respect of which the Director-General has notified the Postmaster-General of the Director-General’s inability to act.”

18B. Section 8 of the Post Office Act 1959 shall have effect as if subsection (1) had been repealed and the following subsection substituted:

“(1) The Deputy Director-General shall perform all powers, functions, and duties in respect of which the Director-General has pursuant to section 7A of this Act notified the Postmaster-General of the Director-General’s

FIFTH SCHEDULE—*continued**New*

Inability to act, and shall, under the control of the Director-General, have the control and general administration of the Post Office.”

18C. Section 11 (2) of the Post Office Act 1959 shall have effect as if the words “or who is an officer or employee of the Public Service” were inserted after the words “under his control”, and for the purposes of Parts X and XI of the Post Office Act 1959 and any regulations made thereunder any reference to an officer of the Department or to an officer of the Post Office shall be deemed to include an officer or employee of the Public Service.

18D. Sections 12 to 15, 20, 40, 42, 46, 70, 74 (1), 74 (3), 75, 76, and 77 (2) of the Post Office Act 1959 shall have effect as if every reference therein to the Post Office, Postmaster-General, or Director-General were a reference to New Zealand Post Limited.”

18E. Section 12 (1) of the Post Office Act 1959 shall have effect as if the definition of “postal authority” were repealed, and the following definition substituted:

“‘Postal authority’, in respect of New Zealand, means New Zealand Post Limited and, in respect of any other country, means the person or organisation having responsibilities most closely approximate to those of New Zealand Post Limited.”

18F. Sections 22, 28, 29, and 30 of the Post Office Act 1959 shall apply as if every reference therein to a postmaster were a reference to an employee of New Zealand Post Limited.

18G. Sections 19, 35, and 45 of the Post Office Act 1959 shall have effect as if there were added, after the words “or the Postmaster-General”, the words “or New Zealand Post Limited.”

19. Section 40 of the Post Office Act 1959 shall have effect as if, for the words “every postal article”, there were substituted the words “all mail”.

20. Section 41 (1) of the Post Office Act 1959 shall have effect as if, for the words “postal article”, there were substituted the word “mail”.

21. Section 74 (3) of the Post Office Act 1959 shall have effect—

- (a) As if for the words “Post Office”, there were substituted the words “New Zealand Post Limited”; and
- (b) As if the words “out of the Post Office Account” were omitted.

New

21A. Sections 79, 81, 82, 85, 86 (a), 94, 106, 108, 110, 111, 142 to 151, 152 (1) to (4), 153 (1), 154, 157, 160 (1), 239A, and 247 of the Post Office Act 1959 shall have effect as if every reference therein to the Post Office, Postmaster-General, or Director-General were a reference to Telecom Corporation of New Zealand Limited.

21B. Section 106 (3) of the Post Office Act 1959 shall have effect as if the words “sale to or” were inserted before the words “use by”.

21C. Sections 113, 118, 119 (except subsection (5)), and 121 to 124 of the Post Office Act 1959 shall have effect as if every reference therein to the

FIFTH SCHEDULE—*continued*

New

Post Office, Postmaster-General, or Post Office Savings Bank were a reference to Post Office Bank Limited.

21D. Section 119 (5) of the Post Office Act 1959 shall have effect as if there were added, after the words “or the Postmaster-General”, the words “or Post Office Bank Limited”.

21E. Sections 85 and 111 of the Post Office Act 1959 shall have effect as if there were added, after the words “or the Postmaster-General”, the words “or Telecom Corporation of New Zealand Limited”.

22. Sections 116 and 123 (3) of the Post Office Act 1959 shall have effect as if for the words “the Post Office Account”, there were substituted the words “Post Office Bank Limited”.

23. Section 147 of the Post Office Act 1959 shall have effect as if there were added the words “as if Post Office Telecom Limited were the Crown”.

24. Sections 152 (5) and 153 (2) of the Post Office Act 1959 shall have effect as if the words “by the Postmaster-General” were omitted in each case.

Struck Out

25. Section 159 of the Post Office Act 1959 shall have effect as if there were added the following subsection:

“(8) Nothing in this section shall apply to Post Office Telecom Limited”.

26. The Post Office Act 1959 shall have effect as if there were inserted, after section 250, the following section:

“251. **Application of Act to new corporations**—(1) Sections 12 to 15, 19, 20, 40, 42, 45, 46, 70, 74 (1), 74 (3), 75, 76, and 77 (2) of this Act shall apply as if every reference therein to the Post Office, Postmaster-General, Director-General were a reference to New Zealand Post Limited.

“(2) Sections 79, 81, 82, 85, 86 (a), 94, 106, 108, 110, 111, 142 to 151, 152 (1) to (4), 153 (1), 154 to 158, 160 (1), 239A, and 247 of this Act shall apply as if every reference therein to the Post Office, Postmaster-General, Director-General were a reference to Post Office Telecom Limited.

“(3) Sections 113, 118, 119, 121 to 124 of this Act shall apply as if every reference therein to the Post Office, Postmaster-General, Post Office Savings Bank were a reference to Post Office Bank Limited.

“(4) Section 35 of this Act shall have effect as if there were added, after the words “or the Postmaster-General”, the words “or New Zealand Post Limited”.

New

24A. Sections 156 and 158 of the Post Office Act 1959 shall apply as if every reference therein to the Post Office or Postmaster-General included a reference to Telecom Corporation of New Zealand Limited.

25. Section 159 of the Post Office Act 1959 shall have effect as if—

(a) There were added to subsection (3) the following paragraph:

FIFTH SCHEDULE—continued

New

“(c) Is of a kind specified by the Governor-General by Order in Council.”

(b) There were added the following subsection:

“(8) Nothing in this section shall apply to Telecom Corporation of New Zealand Limited.”

25A. The Post Office Act 1959 shall have effect as if there were inserted, after section 163, the following section:

“163A. **Part XI to bind the Crown**—This Part of this Act shall bind the Crown.”

25B. Section 182 of the Post Office Act 1959 shall have effect:

(a) As if after the words “Post Office” in subsections (1) and (3) there were added in each case the words “or New Zealand Post Limited, Telecom Corporation of New Zealand Limited, or Post Office Bank Limited”:

(b) As if for the words “shall from time to time, without further appropriation than this section, pay out of the Post Office Account” in subsection (2) there were substituted the words “, New Zealand Post Limited, Telecom Corporation of New Zealand Limited, and Post Office Bank Limited shall pay”:

(c) As if the words “in accordance with the regulations under this Act” in subsection (3) (b) were omitted.

25C. Section 245A of the Post Office Act 1959 shall have effect as if—

(a) The words “nor Telecom Corporation of New Zealand Limited” were inserted after the words “nor the Postmaster-General”; and

(b) The words “or Telecom Corporation of New Zealand Limited” were inserted after the words “Post Office” in both places where these words occur.

Other Enactments

27. Regulations 55, 56, 109, and 111 to 113 of the Electrical Supply Regulations 1984 shall apply as if every reference therein to District Engineer, Post Office or the Post Office were a reference to (Post Office Telecom Limited) Telecom Corporation of New Zealand Limited.

New

28. Regulation 44 (b) (i) of the Electrical Registration Regulations 1980 shall have effect as if for the words “Post Office” there were substituted the words “Telecom Corporation of New Zealand Limited”.

New

Section 25 (1)	SIXTH SCHEDULE AMENDMENTS TO COAL MINES ACT 1979
Title	Amendment
1979, No. 21—The Coal Mines Act 1979	<p>By adding to section 6 the following subsection:</p> <p>“(4) Nothing in this section shall apply to the sale or other disposal of lands by the Crown pursuant to the State-Owned Enterprises Act 1986.”</p> <p>By inserting, after section 101, the following Part:</p> <p style="text-align: center;">“PART IIIA MINING RIGHTS OF COAL CORPORATION</p> <p>“101A. Interpretation—In this Part, unless the context otherwise requires,—</p> <p>“‘Agreement’ means an agreement entered into by the Crown and the Corporation pursuant to the State-Owned Enterprises Act 1986:</p> <p>“‘Corporation’ means the Coal Corporation of New Zealand Limited, a company incorporated under the Companies Act 1955 pursuant to the State-Owned Enterprises Act 1986:</p> <p>“‘Specified operations’ means coal mining operations for which an environmental assessment or impact report has been commenced or prepared but not audited as at the 1st day of April 1987.</p> <p>“101B. Grants of Licences to Corporation —The Corporation is hereby granted the following licences:</p> <p>“(a) In respect of each prospecting operation described as such in an agreement, a coal prospecting licence under section 33 of this Act on the conditions contained in the Fourth Schedule to this Act and for the term specified in the agreement:</p> <p>“(b) In respect of each mining operation described as such in an agreement, a coal mining licence under section 41 of this Act on the conditions contained in the Fourth Schedule to this Act and for the term specified in the agreement:</p>

New

SIXTH SCHEDULE— <i>continued</i>	
AMENDMENTS TO COAL MINES ACT 1979— <i>continued</i>	
Title	Amendment
	<p>“(c) In respect of each ancillary coal mining operation described as such in an agreement, an ancillary coal mining licence under section 56 of this Act for the term specified in the agreement.</p> <p>“101c. Work programmes and conditions—The Corporation shall, in respect of each coal mining licence granted by this Part of this Act and by the times specified by the Secretary by notice to the Corporation:</p> <p>“(a) If no programme of work is specified in the agreement, take reasonable steps to prepare the programme of work being or proposed to be carried out:</p> <p>“(b) In respect of specified operations, take reasonable steps to complete an environmental assessment in the form required by the Secretary:</p> <p>“(c) Take reasonable steps to cause the land subject to the coal mining licence to be surveyed, unless such a survey need not be made by virtue of section 45 of this Act:</p> <p>“(d) Upon completion of the above, submit the programme of work and proposed conditions for the approval of the Minister, and the survey plan to the Chief Surveyor.</p> <p>“101D. Determination of work programmes and conditions—(1) Forthwith after receiving a programme of work pursuant to section 101c of this Act, the Minister shall—</p> <p>“(a) Approve the programme (subject to proposed conditions); or</p> <p>“(b) Withhold approval, if the Minister is satisfied that mining in accordance with the programme would be contrary to recognised good mining practice.</p>

New

SIXTH SCHEDULE— <i>continued</i>	
AMENDMENTS TO COAL MINES ACT 1979— <i>continued</i>	
Title	Amendment
	<p>“(2) Forthwith after receiving an environmental assessment pursuant to section 101c of this Act, and upon completion and receipt of an environmental impact report, the Minister shall propose conditions as to environmental standards.</p> <p>“(3) If the Minister withholds approval of a programme, or proposes conditions not acceptable to the Corporation, the Corporation may submit a modified programme or modified conditions to the Minister within a period specified by the Minister when withholding approval or making the modified programme or modified proposals. Forthwith after receipt of such conditions, the Minister shall—</p> <p>“(a) Approve the modified programme or the modified conditions; or</p> <p>“(b) Withhold approval if the Minister is satisfied that mining pursuant to the modified programme or conditions would be contrary to recognised good mining practices—</p> <p>and shall notify the Corporation accordingly.</p> <p>“(4) If the Minister withholds approval (whether in regard to the modified programme or the modified conditions), the matter shall be referred to arbitration and this provision shall be deemed to be a submission to arbitration within the meaning of the Arbitration Act 1908.</p> <p>“(5) If on or after the 1st day of October 1988 the Secretary believes that the Corporation is without reasonable cause:</p> <p>“(a) Failing to comply with this Part of this Act; or</p> <p>“(b) Failing to facilitate the resolution of proceedings referred to arbitration pursuant to section 101b(4) of this Act—</p> <p>the Secretary may give notice to the Corporation pursuant to section 75 of this Act.</p> <p>“(6) Upon approval or determination of a programme of work or conditions pursuant to this section, the Minister shall amend the mining licence granted by section 101b of this Act by incorporating the programme of work or conditions, as the case may be.</p>

New

SIXTH SCHEDULE— <i>continued</i>	
AMENDMENTS TO COAL MINES ACT 1979— <i>continued</i>	
Title	Amendment
	<p>“101E. Ancillary coal mining licences—The Corporation shall, in respect of each ancillary coal mining licence granted by section 101B of this Act—</p> <p>“(a) Take reasonable steps to prepare a plan of the land subject to the licence as required by section 57 (1) of this Act and mark out the land, as required by section 57 (2) of this Act, if so required by the Secretary:</p> <p>“(b) Take reasonable steps to cause the land to be surveyed as required by section 58 of this Act, if so required by the Minister:</p> <p>“(c) Upon completion of the above, submit the plan of the land for approval by the Minister, and the survey plan to the Chief Surveyor,—</p> <p>whereupon the provisions of section 101B of this Act, with all necessary modifications, shall apply in respect of a plan of the land prepared pursuant to subsection (1) (a) of this section as if all references therein to a programme of work were references to the plan.</p> <p>“101F. Application of Part III—(1) Part III of this Act shall apply to coal mining rights granted by this Part of this Act, except that—</p> <p>“(a) Part III shall be read subject to Part IIIA:</p> <p>“(b) Sections 85 to 87 and 90 to 94 of this Act shall not apply to licences that are subject to an obligation under section 101C of this Act until that obligation has been fulfilled and the licences have been amended accordingly. Until then this Act shall operate as sufficient notice of the grant and existence of those licences:</p>

New

SIXTH SCHEDULE— <i>continued</i>	
AMENDMENTS TO COAL MINES ACT 1979— <i>continued</i>	
Title	Amendment
	<p>“(c) Notwithstanding that applications have not been made in respect of the coal mining rights granted by this Part of this Act, the Minister may review the conditions on which they are granted and impose new conditions in the same manner as the Minister is authorised to impose conditions by virtue of section 51 of this Act:</p> <p>“(d) The Corporation shall supply to the Minister such information as the Minister may by written notice require for the purpose of exercising the power under subsection (1)(c) of this section within such period as the Minister may specify in the notice:</p> <p>“(e) The prescribed deposit or bond in lieu thereof shall become due on the 1st day of April 1987 in respect of each coal mining right granted by this Part of this Act.</p> <p>“101G. Compensation—(1) The owner and the occupier of any land or coal in respect of which a coal mining right has been granted by this Part of this Act shall be each entitled to compensation (according to their respective interests) against the Crown for all loss and damage suffered or likely to be suffered by them as a result of the grant of the coal mining right.</p> <p>“(2) The amount and the procedure for determination of compensation under this section shall be as provided in subsections (2) to (4) of section 83 of this Act.</p> <p>“101H. Leases, licences, etc., granted over State Coal Mines land—(1) Any person lawfully carrying on any coal mining operations pursuant to any lease, licence, or other right granted pursuant to section 110 of this Act as at the 1st day of April 1987 is hereby granted a coal mining licence for those operations for the term and on the same conditions of that lease licence, or other right.</p>

New

SIXTH SCHEDULE— <i>continued</i>	
AMENDMENTS TO COAL MINES ACT 1979— <i>continued</i>	
Title	Amendment
	<p>“(2) The prescribed deposit or bond in lieu thereof shall become due on the 1st day of April 1987 in respect of each such coal mining licence except to the extent that any such deposit or bond (or any similar security for performance) has not previously been paid or delivered.</p> <p>“(3) As from the 1st day of April 1987 any coal mining licence granted by this section shall be subject to this Act and any lease, licence, or other right to which the licence relates shall be extinguished as from that date.</p> <p>“(4) Sections 101c, 101d, and 101f of this Act shall apply in respect of every licence granted under this section as if all references therein to the Corporation were references to the persons granted the licence, except that—</p> <p>“(a) No programme of work need be prepared if such a programme is specified in the lease, licence, or other right pursuant to which operations were being carried on pursuant to section 110 of this Act;</p> <p>“(b) The Minister may in his discretion exempt any such person from the survey requirements of section 101c(3) of this Act.”</p> <p>By inserting after section 121, the following section:</p> <p>“121A. Limitation of Minister's powers to carry on business—(1) Notwithstanding any other provision of this Act, the Minister may exercise the powers conferred on him or her by this Part of this Act for the following purposes only:</p> <p>“(a) Rendering or maintaining coal mines, land, buildings, plant, machinery, or other property, or interests of whatsoever nature acquired or held by him or her, in proper condition for sale or other disposal:</p> <p>“(b) Closing or abandoning coal mines:</p> <p>“(c) Complying with any legal obligation existing at the 1st day of April 1987.</p>

New

SIXTH SCHEDULE— <i>continued</i>	
AMENDMENTS TO COAL MINES ACT 1979— <i>continued</i>	
Title	Amendment
	<p>“(2) The Minister may, on behalf of the Crown, enter into an agreement with any person providing for the management or operation of any coal mine by that person on such terms and conditions as the Minister thinks fit.”</p> <p>By repealing subsection (1) (a) of section 128. By omitting from subsection (1) (b) of section 128 the word “other”.</p> <p>By adding the following schedule:</p>

FOURTH SCHEDULE

Section 101b

CONDITIONS APPLICABLE TO COAL PROSPECTING AND COAL MINING
LICENCES GRANTED BY PART IIIA

1. Reports

- (1) In the case of a prospecting licence, the licensee shall forward to the Chief Inspector or such other Inspector as the Chief Inspector may direct:
- (a) Three copies of the results of all coal analyses, accompanied by a description of each sample analysed and its location; and
 - (b) At intervals of 6 months from the date of issue of the licence, 3 copies of a statement of work progress, accompanied by a statement of the amount of money expended on prospecting operations, during the preceding 6 months verified by a statutory declaration; and
 - (c) Six copies of all geological, mining, and environmental assessment reports prepared as part of the operations and any other geological, geotechnical, and geophysical information obtained during prospecting.
- (2) In the case of a mining licence, the licensee shall forward to the Chief Inspector or such other Inspector as the Chief Inspector may direct, details of the proposed mining operations for the following 12 months including details of proposed rehabilitation work. Thereafter, at 12-monthly intervals, the licensee shall forward to an Inspector progress reports of the mining operations carried out over the previous 12 months, analysis reports of all samples of coal analysed together with information on the proposed mining operations for the following 12 months.

New

SIXTH SCHEDULE—*continued*
 FOURTH SCHEDULE—*continued*

2. Survey Marks

The licensee may remove only survey marks made by the licensee. No prospecting is permitted within a 10 metre radius of any trig station.

3. Protection of the Environment and Livestock

- (1) The licensee shall to the extent practicable—
- (a) Prevent disturbance to the environment and, in particular, avoid injury or damage to native plants and trees:
 - (b) Prevent injury or damage to wildlife and native bird life:
 - (c) Prevent damage to the property of the landowner or occupier and, in particular, fence or otherwise isolate areas where the surface of the licensed area has been disturbed by prospecting operations until the areas have been restored:
 - (d) Ensure the safety of the public and livestock and, in particular, ensure that no fire hazard arises from mining operations.
- (2) The licensee shall not—
- (a) Leave any debris, litter, rubbish, or dangerous or offensive matter on the licensed area:
 - (b) Use explosives during prospecting operations without the prior approval of an Inspector:
 - (c) Bring any firearm or dog on to the licensed area unless approved by an Inspector:
 - (d) Undertake any blasting or other work on the licensed area in a manner that would endanger the public, livestock, or wildlife:
 - (e) Carry out prospecting operations on any part of the licensed area being used for lambing without the consent of the landowner or occupier and, to the extent practicable, shall otherwise not disturb livestock on the licensed area.

4. Use of Licensed Area

Unless otherwise agreed between the licensee and the landowner or occupier, the licensee shall give the landowner or occupier 24 hours notice before entering onto property contained in the licensed area. The licensee shall leave all gates as found, unless otherwise requested by the landowner or occupier.

5. Restoration

- (1) Where the preparation of sites requires the disturbance of the land the licensee shall to the extent practicable—
- (a) Strip and stockpile topsoil progressively so as to prevent movement into watercourses and progressively respread onto backfilled areas and revegetate:
 - (b) Ensure that overburden is replaced and graded so as to conform to existing slopes in the area with a maximum permitted slope of one vertical in five horizontal and construct contour drains across the slope at intervals sufficient to mitigate soil erosion:

*New*SIXTH SCHEDULE—*continued*FOURTH SCHEDULE—*continued*

- (c) Ensure that after final grading, and before replacement of topsoil, the graded land is scarified or otherwise treated in order to prevent overcompaction, to eliminate slippage surfaces, and to aid root penetration:
- (d) Ensure that restoration of the area is done on a progressive basis and that a rehabilitation programme is submitted for the approval of an Inspector after consultation with the Ministry of Agriculture and Fisheries and any catchment authority having jurisdiction:
- (e) Ensure that surface drainage from areas disturbed during mining operations including the overburden dump and stockpiles and rehabilitated land, is passed through a sedimentation pond or series of sediment ponds before leaving the licensed area:
- (f) Ensure that sedimentation ponds and other treatment facilities are maintained after mining has ceased until the disturbed areas have been rehabilitated:
- (g) Ensure that excavations including trenches, boreholes, pits, shafts, or similar surface disturbances made to the surface of the land while mining shall be plugged and filled to the reasonable satisfaction of an Inspector immediately after mining operations have ceased but before expiry of the licence:
- (h) On completion of mining operations, and prior to expiry of the licence, remove from the licensed area all implements, machinery, and associated equipment used in the mining operations unless such is required to maintain the area in a safe condition.

6. Roading and Site Preparation

- (1) Before the construction or maintenance of any access tracks or sites connected with mining operations requiring the use of earthmoving machinery is commenced, the licensee shall submit to an Inspector a plan, showing the location of the proposed access tracks or sites together with other relevant details for the Inspector's written approval.
- (2) Any access tracks created by the licensee (other than walking tracks) shall not exceed a width of five metres with a maximum grade of one in five, unless otherwise approved by an Inspector.
- (3) The licensee shall—
 - (a) Provide adequate drainage on all access tracks and benches in order to prevent erosion; and
 - (b) Maintain all access tracks and batters in a stable condition and oversow and topdress them as necessary to maintain stability.
- (4) During prospecting operations involving earthworks or in the construction of any access tracks, a buffer strip of not less than 20 metres in width as measured on the ground surface shall be left between the operations or track (as the case may be) and any stream, creek, river, or lake in the area unless otherwise approved in writing by an Inspector.

*New*SIXTH SCHEDULE—*continued*FOURTH SCHEDULE—*continued*7. *Water and Soil Protection*

- (1) The licensee shall not—
- (a) Initiate or accelerate watercourse bank slumping or erosion;
 - (b) Deposit any vegetation, soil, rock or debris in any watercourse.
- (2) Unless the prior written approval of an Inspector (after consultation with any catchment authority having jurisdiction) has been obtained, the licensee shall not—
- (a) Operate any earthmoving machinery in any watercourse; or
 - (b) Form or build any crossing, ford, bridge, or other structure adjacent to, in, or over any watercourse if it is likely to adversely affect the natural flow of that watercourse or to initiate soil or bank erosion.
- (3) The licensee shall, to the extent practicable, take precautions during and at the completion of mining operations, to ensure that any topsoil removed, or other material excavated, or any fillings, dumps, or other waste materials, do not enter into any watercourse.

8. *Fisheries Protection*

The licensee shall take any precautions which may be required by an Inspector in writing to prevent damage to any fishery and the licensee shall not interfere with the rights of the public to take stocks of fish.

9. *Buildings*

No buildings shall be erected without the prior written consent of an Inspector. On completion of mining operations any buildings may be retained by agreement between the landowner or occupier and the licensee.

10. *Pitting and Trenching*

If prospecting operations include the digging of pits or trenches, the dimensions shall not be greater than one metre wide or 1.5 metres deep without the prior approval of an Inspector. If the aggregate length of all trenches proposed within the licensed area exceeds 200 metres, the licensee shall obtain the prior approval of an Inspector in respect of the excess.

11. *Bulk Sampling*

No bulk sampling shall be undertaken pursuant to a prospecting licence without the prior written approval of an Inspector.

12. *Underground Work*

No underground work shall be carried out pursuant to a prospecting licence without the prior written approval of an Inspector.

New

SIXTH SCHEDULE—*continued*
FOURTH SCHEDULE—*continued*

13. *Site Maintenance*

The licensee shall, during and on completion of the prospecting operations, leave all the licensed areas in a clean and tidy state to the reasonable satisfaction of both the landowner or occupier and an Inspector of Coal Mines.

14. *Interpretation*

(1) "Practicable" means reasonably practicable having regard, amongst other things, to local conditions and circumstances, to the financial implications, and to the current state of technical knowledge.

(2) Terms used in these conditions bear the same meanings as those ascribed to them by the Act.

SEVENTH SCHEDULE

Section 26

ENACTMENTS REPEALED

- 1926, No. 69—The Forests Amendment Act 1926 (R.S. Vol. 18, p. 190)
1953, No. 42—The Forests Amendment Act 1953 (R.S. Vol. 18, p. 195)
1954, No. 31—The Timber Floating Act 1954 (R.S. Vol. 11, p. 529)
1964, No. 29—The Forests Amendment Act 1964 (R.S. Vol. 18, p. 196)
1970, No. 62—The Forests Amendment Act 1970 (R.S. Vol. 18, p. 198)
1973, No. 122—The Forests Amendment Act 1973 (R.S. Vol. 18, p. 199)
1983, No. 137—The New Zealand Forestry Council Act 1983.