

Television New Zealand Bill

Government Bill

As reported from the Commerce Committee

Commentary

Recommendation

The Commerce Committee has examined the Television New Zealand Bill and was unable to reach agreement on whether it should be passed, but considered the following amendments discussed below.

Summary

We recommend a number of changes to the bill including:

- an amendment so that the Charter must be reviewed at least once every five years
- an amendment to the Charter so that TVNZ will feature programming that contributes to spiritual and ethical development
- an amendment to the Charter to specify that TVNZ is to serve children's interests better by adding education to the provision for children's programming and to show both New Zealand and international programmes
- an amendment to the Charter 'preamble' to state that Charter objectives are considered when programming for children
- an amendment to the Charter that specifically notes the obligation of TVNZ to comply with free-to-air codes of broadcasting practice, in particular any code with provisions on violence

- an amendment so that qualitative and quantitative performance measures are required to measure the implementation of the Charter as a whole
- an amendment to remove the right for shareholding Ministers to issue directions to the TVNZ Group Limited (TVNZG) subsidiaries
- an amendment to clause 34 to require a statement of costs to accompany directions given to TVNZG or the TVNZG subsidiaries under section 41G of the Public Finance Act 1989
- a number of minor or technical amendments.

Introduction

The Television New Zealand bill (the bill) provides for a more appropriate organisational form to allow Television New Zealand (TVNZ) to focus on its Charter.

The public broadcasting Charter for TVNZ has been approved by the Government and will be implemented from 1 July 2002. The Charter establishes the standard the Government wishes to reach in public broadcasting on television. TVNZ's Charter provides direction for its public broadcasting objectives and places obligations on it that set it apart from other national channels. Clause 16(2) of the bill contains the Charter.

Under its current State enterprise model, TVNZ's primary objective is to act as a successful business. This means that TVNZ could implement a Charter only to the degree to which it is consistent with this objective. This bill will allow TVNZ to become a Crown-owned company, which will permit it to better deliver both Charter and commercial objectives.

In addition to its television business TVNZ is also involved in the transmission business, which includes domestic and international linking and transmission facilities and services for the television and radio broadcasting and narrowcasting industries. This part of the business has no role in implementing the Charter. The bill allows for the transmission business to continue with its current objective of acting as a successful business.

To allow for the separate operations and governance for the two very different parts of TVNZ's business the new structure comprises a

holding company, TVNZ Group Limited (TVNZG), with two subsidiaries, TVNZ Limited (TVNZ) and Transmission Holdings Limited (THL).

The Charter

Review of the Charter

The Screen Producers and Directors Association of New Zealand and Viewers for Television Excellence (VOTE) submit the bill should prescribe that the Charter be periodically reviewed by Parliament, as the Radio New Zealand Charter is required to be under the Radio New Zealand Act 1995.

We recommend an amendment be made so that the Charter must be reviewed at least once every five years. This would be consistent with legislation governing the Charter of Radio New Zealand. We also note that through the annual financial review process a select committee can consider how all aspects of the company are adapting to new technologies over the next few years and consider, as required, whether the Charter remains adaptable to the actual broadcasting environment.

Spiritual and ethical programming

The Churches Broadcasting Commission submits the Charter should require broadcasts that reflect the diverse religious and ethical beliefs of New Zealanders and TVNZ should reflect the role that spirituality plays in New Zealand life and culture.

We recommend an amendment to the Charter so that TVNZ will feature programming that contributes to spiritual and ethical development that reflects the diverse beliefs of New Zealanders.

Children

We are particularly concerned about the impact of the Charter on children. We recommend the Charter be amended to specify that TVNZ is to serve children's interests better by adding education to the provision for children's programming and by showing both New Zealand and international programmes.

The Children's Television Foundation submits that in relation to children's programming the bill does not give sufficient recognition that children should be specifically considered whenever seeking to fulfil all Charter objectives.

We recommend an amendment to the Charter 'preamble' to state that, in programming for particular audiences, TVNZ is to consider all relevant provisions of the Charter. This amendment is to ensure that Charter objectives are considered when programming for children.

The Green party member notes that TV1 has no children's programmes on it, and that TV2 is the channel many children and young people watch. In her view priority should be given to implementing the Charter on the channel that children and young people watch. We want to be assured that TVNZ will implement the Charter on all of its television channels, and not focus principally on implementing the Charter objectives on TV1. We note the need for the Charter to be implemented across all channels.

The Children's Television Foundation further submits that levels of advertising for children should be lowered when children are most likely to be viewing and the nature of advertising should be appropriate to children and should not exploit them.

Lower levels of advertising when children are viewing is not prevented by the bill, but as the bill is not concerned with levels of funding it would be unreasonable to place such an obligation on TVNZ without the guarantee of a subsidy to offset lost advertising revenue.

We have general sympathy with the tenor of this submission and agree that advertisements should not exploit children and should be appropriate to the age of the children watching. We are aware that children's advertising is currently regulated by a code devised by the Advertising Standards Authority. This code includes provisions so that:

- children should not be urged in advertisements to ask their parents to buy particular products for them
- advertisements should not suggest to children any feeling of inferiority or lack of social acceptance for not having the advertised product
- children are not treated as a homogenous group but are recognised to have varying levels of maturity and understanding. Care needs to be taken that the product advertised and style of advertisement are appropriate for the audience to whom it is primarily directed.

This code applies to all advertising for children shown by TVNZ and other broadcasters.

TVNZ also observes the children's television guidelines *Advertising on Television: Getting it Right for Children* promulgated in 2001 by the Television Broadcasters' Council. This document cross-refers to and may be regarded as complementing the Advertising Standards Authority's Code of Advertising for Children and Television Code of Broadcasting Practice, with their emphasis on standards. It places limits on the levels of advertising that children are exposed to. Advertisements are limited to ten minutes per hour during programmes intended for five-to-thirteen year olds and are not allowed during programmes for pre-schoolers. The repetition of advertisements within children's viewing hours is also restricted by these guidelines.

Furthermore, TVNZ discusses trends and concerns in children's programming on an annual basis through a meeting of broadcasters and children's representatives, held under the aegis of the Television Broadcasters' Council and including the Children's Television Foundation, the Children's Commissioner and the Broadcasting Standards Authority (BSA). TVNZ also maintains ad hoc contacts with the Children's Television Foundation and other representatives of children's interests.

The Children's Television Foundation further submits that funding for children's programming should be ring-fenced. It is outside the scope of the bill to prescribe levels of funding; however, in addition to the Charter, the statutory remit of NZ On Air requires it to 'ensure that a range of broadcasts are available to provide for the interests of . . . children'.

We believe that TVNZ as a public broadcaster has a leading role to ensure that children are not exposed to inappropriate levels of advertising. We call on the Government to find the most appropriate means to deal with this issue.

While we note that it is outside the scope of this bill, during submissions it was noted that the current adult viewing watershed of 8.30 pm is unusual amongst developed western nations where a 9.00 pm threshold is the norm. While we understand the commercial reasons for an earlier threshold, some members believe that a 9 pm threshold is more appropriate in terms of protecting children's interests. We therefore urge that the current 8.30 pm watershed for violence and other adult viewing is changed to 9.00 pm.

Violence on television

Submissions from the Green Party, VOTE and two individual submitters express concern over the amount of violence viewed on television, concerns which we share.

Under its requirement in section 21 of the Broadcasting Act 1989, the BSA has promulgated a Free-to-Air Television Code of Broadcasting Practice (the code) that is binding on TVNZ and all other free-to-air broadcasters. The code covers the portrayal of violence by broadcasters and consists of ten standards. The latest version of the code was published in January 2002.

The Violence Standard states that 'broadcasters should ensure that any violence shown is not gratuitous and is justified by the context'. The Children's Interests Standard includes provisions relating to violence and other potentially disturbing material, including the provision that 'Children's cartoons should avoid gratuitous violence, especially involving humans or human-like creatures unless, even to the youngest of viewers, the themes are clearly fanciful or farcical'. A further Law and Order Standard states that violent crime (and other types of 'anti-social' behaviour) 'should not be shown in a way that glamorises these activities'.

The code sets out the complaints procedure for viewers that requires broadcasters to consider and respond to complaints in the first instance. If the complaint is not resolved the BSA will review it. The BSA has certain powers, given in section 13 of the Broadcasting Act, if the complaint is upheld. The BSA may:

- order statements to be broadcast
- impose penalties, including an order to refrain from broadcasting for limited periods
- refer a complaint back to the broadcaster for consideration and determination by the broadcaster in accordance with such directions or guidelines as the BSA thinks fit.

TVNZ advises us that it actively promotes the complaints procedure and the code of practice to viewers. It advises that only a very small proportion of complaints relate to violence (the most common ground for complaints being taste and decency, and balance and fairness). TVNZ works within the code when appraising and editing programmes for broadcast and provides advice to New Zealand production houses about standards and content while programmes are in production. TVNZ also employs a Programme Standards Manager who oversees its observance of the code and monitors

overseas research and the decisions of regulators in other jurisdictions.

The Green Party's submission proposes an additional provision in clause 16(2) requiring TVNZ to 'refrain from broadcasting programmes which sensationalise violence or use violence to shock gratuitously'. The majority of us note that this issue is best dealt with outside the TVNZ Charter as it applies to all broadcasters and requires a holistic solution. However, for the avoidance of doubt we recommend an amendment that specifically notes the obligation of TVNZ to comply with free-to-air codes of broadcasting practice, in particular any code with provisions on violence.

The VOTE submission advocates a regime to monitor violence levels, run either by TVNZ or the BSA, as well as research.

Monitoring in terms of observing trends in content and effect on viewers is allowed by the function conferred on the BSA by the Broadcasting Act to 'conduct research and publish findings on matters relating to standards in broadcasting' (section 21(1)(h)). In fulfilment of this function, the BSA has in the past contracted the Mental Health Foundation to study instances of violence on television, but advises that further research of this kind is not currently a priority.

Close monitoring of all television programming by a government company or agency would be an expensive undertaking. The Broadcasting Act can be seen as taking an alternative approach by requiring broadcasters to observe a code in selecting and editing programmes, and by giving viewers the means of complaining when they consider the code has not been observed.

We acknowledge and share the widespread concern over the issue of violence on television. While we believe that, given the BSA's role in relation to all broadcasting, its reporting provides the public with the best means of assessing trends in broadcast violence. We urge that the BSA undertake proactive reporting of violence levels on television as we consider that the reactive approach is not providing sufficient scrutiny. We note also that through the annual select committee financial review of the BSA its performance in approving the Free-to-Air Television code and its content can be monitored and assessed. This process allows consideration of not only TVNZ but also the content of television in general. However, we believe that given community concern over violence on television is a particular

public concern, the Broadcasting Standards Tribunal should take a more proactive role in monitoring violence on television.

Digital services

We considered whether the Charter fully complied with digital services of TVNZ. Our advisors have confirmed that it will. Therefore we are not making any recommendation on this matter.

TV2 and the Charter

There is some concern amongst submitters that the Charter will not apply to TV2. We would like to reaffirm that the Charter applies to the entire broadcast content of TVNZ, both on existing channels and any future channels, but we are mindful that there must be some management discretion in how it is applied. While TVNZ must give effect to the Charter, it is not prevented from tailoring individual channels to different sections of the audience.

Potential conflicts of interest by common chairpersons and directors of the TVNZG, TVNZ and THL

The bill allows, but does not require, the chairperson of TVNZG to also be the chairperson of either of the two main subsidiary companies. The bill also allows common directors to the three boards.

There are no restrictions on common membership of parent and subsidiary boards in the Companies Act 1993; it is a relatively common practice in private company arrangements and is also utilised by some Crown research institutes and State enterprises.

It can be argued that a common chairperson for the parent and the main subsidiary companies would provide for greater coherence and understanding between the three boards. However, separate chairpersons might more easily allow for any conflicts of interests between the companies to be identified and transparently managed and would increase the TVNZG subsidiaries' independence from the parent, TVNZG. It should be noted that the chairperson of a company does not make company decisions single handedly; the board of the company makes company decisions.

Furthermore, under the Companies Act in relation to potential conflicts of interest by directors of a holding company and wholly-owned subsidiaries there are certain exceptions to a director's general fiduciary duties to the company of which they are board members. One of these exceptions is to the duty to act in good faith

and in the best interests of the company. Where a company is a wholly-owned subsidiary the director may act in the best interests of the holding company, even though it may not be in the best interests of the subsidiary. This exception is permissible only if expressly permitted by the subsidiary's constitution. Our advisors inform us that all three companies in the TVNZ group will have constitutions.

Where conflicts occur between TVNZ and THL we were advised that there would be no legal conflict of interest for a common director of TVNZG, TVNZ and THL. In practice a director who sat on all three boards would need to consider matters from different viewpoints, depending on the company that the director was representing at the time.

However, TVNZG does have some unusual characteristics that could make conflicts between TVNZ and THL more difficult to manage. TVNZ and THL have different objectives, so balancing the needs of both companies may be harder than for some other company groups.

We are aware that the new structure of TVNZ contains in-built tensions between the subsidiary boards but we are aware that there are commercial precedents for a common chairperson for boards of subsidiary companies.

Government members note that, although the structure proposed in the bill requires good judgement to be exercised to balance the viewpoints of different subsidiary entities, it does not contain the potential for legal conflicts of interest. We believe that on balance it achieves maximum separation of operations and governance for the two very different parts of TVNZ's business. This separation is important as it:

- provides a very high level of transparency about each of the businesses
- signals the importance of both the television and the transmission business to the group
- makes it possible to provide for the different objectives that each business needs.

National, ACT and Green members have reservations concerning the ability of the TVNZG chairperson to also be the chairperson of either TVNZ or THL.

Information required in annual report for TVNZG and TVNZG subsidiaries

One submitter comments that for full transparency the revenues, costs and profits of the component companies or divisions that make up each subsidiary should be broken out in the annual and half-yearly statements. We also strongly support transparency in the reporting requirements of TVNZG and its subsidiaries.

TVNZG will have a number of subsidiary companies, and divisions within those subsidiaries. Our advisors inform us that requiring separate statements for all the subsidiaries and divisions will be a major extra compliance cost. The Institute of Chartered Accountants of New Zealand (ICANZ) sets reporting standards taking into account the costs and benefits, and the TVNZG group will be required to comply with those standards. Further, the group will be required to produce more public reporting than other equivalent company groups, because TVNZG, TVNZ and THL will all be required to separately report publicly. It is our view that complying with ICANZ standards as well as separate reporting for TVNZG, TVNZ and THL will provide the necessary transparency in reporting.

Measuring performance

The Screen Producers and Directors Association of New Zealand and the Screen Directors Guild of N.Z. Inc submit TVNZ's Statement of Intent should include quantitative and qualitative performance measures for measuring performance against every element of the Charter.

TVNZ has advised us it is developing both quantitative and qualitative performance measures in anticipation of the Charter. It should be noted that some of the Charter provisions lend themselves less readily to quantitative reporting than others. This is true of the general, aspirational objectives in the Charter's opening section. It might be reasonable to expect TVNZ to report on its achievement of some of these objectives in a narrative form rather than to attempt precise quantification.

We recommend an amendment so that qualitative and quantitative performance measures are required to measure the Charter as a whole. This leaves TVNZ with some flexibility in deciding the types of measurement appropriate for particular parts of the Charter.

The Churches' Agency on Social Issues submits that, in relation to how TVNZ measures its performance against the Charter, its Statement of Intent should include a statement of its intended process for establishing and working with public and special interest advisory groups and other means of involving the public. An individual submitter also comments on the use of children's advocacy groups in assisting the development of appropriate benchmarks for children's programming and advertising, and recommends the use of 'citizen juries'.

We believe it is preferable for TVNZ to be allowed the scope to adopt and vary methods of consultation as its resources permit. The bill does require TVNZ to demonstrate the kinds of public consultation it has carried out and thus allows judgments to be made on the quality of this consultation.

Powers of shareholding Ministers

The Screen Producers and Directors Association of New Zealand submits that clause 32(1) should be amended so that Ministers cannot issue directions to the TVNZG subsidiaries. Several submitters, including the Screen Producers and Directors Association of New Zealand, the Screen Directors Guild of N.Z. Inc, Women in Film and Television, and an individual submitter, commented on the ability of shareholding Ministers to determine the amount of dividend payable to TVNZG.

The ability of shareholding Ministers to direct parent company State enterprises and Crown companies is one of the mechanisms available to shareholders to help ensure that managers, and therefore the company, perform well. The clause allowing shareholding Ministers to determine the level of dividend is a backup power and has rarely been used in practice. If a direction were issued, it would need to be tabled in Parliament and there would be Parliamentary scrutiny of any decision to require increased dividends.

However, the majority of us believe that shareholding Ministers' ability to direct the TVNZG subsidiaries is sufficiently provided for through the ability to direct TVNZG through the Statement of Intent process. TVNZG should therefore have the direct link to the TVNZG subsidiaries. If directions need to be issued, shareholding Ministers should make these through TVNZG.

The majority of us believe the ability of shareholding Ministers to direct the TVNZG subsidiaries should be removed. The majority of us recommend that clause 32 be removed from the bill.

The Alliance member has reservations about the removal of the power under clause 32. There is some value in the shareholding Minister of a Crown-owned company being able to give directions affecting a subsidiary. The directions permitted by clause 32 are limited. It is noted however, that officials advise that the Minister could still issue directions to TVNZG and in practice TVNZG could ensure that directions from the shareholding Minister are carried out by the subsidiary.

Cross-subsidies between THL and TVNZ

The Screen Producers and Directors Association of New Zealand, the Screen Directors Guild of N.Z. Inc, Women in Film and Television and an individual submitter commented that THL dividends should be used to fund television activities.

The level of dividends to be paid will be agreed each year in the Statement of Intent process. All THL dividends will be paid to TVNZG. While there is potential for dividends to be paid directly to the Crown, TVNZG also has the ability to pay dividends directly to TVNZ to supplement its other revenues. This decision will be made through the Statement of Intent and business planning process and any subsequent negotiations. TVNZG can be expected to argue that THL dividends should be paid as revenue to TVNZ since it is in their interests to ensure that TVNZ is successful.

It is important to note how TVNZ's Charter content is funded; for a given level of Charter content the impact on the Government's operating balance will be the same. Whether the Charter is funded by reduced TVNZ surpluses (or losses), reduced dividends from the group, direct funding from the Crown, or via NZ On Air, the impact on the operating balance is the same because TVNZG's financial statements are consolidated into the Crown's financial statements in the Crown accounts.

From a Crown operating balance perspective, any funding method has the same impact for a given level of Charter content. If forgoing dividends is considered the best method of funding TVNZ for the Charter, then this can occur through agreement during the Statement of Intent process. If THL dividends are considered the best way to fund the Charter, the most transparent way for this to occur is

through those dividends flowing from THL to TVNZG and then onto TVNZ, since each of these entities will publish separate accounts.

Directions and compliance costs

Clause 34 requires each direction given under clause 31 or 32 to be accompanied by a statement of the estimated expenditure to be incurred and revenue to be foregone by TVNZG. We recommend an amendment to clause 34 so that such a statement of costs also accompanies directions given to TVNZG or the TVNZG subsidiaries under section 41G of the Public Finance Act 1989. This will make the two provisions consistent with respect to TVNZG.

Conclusion

A number of amendments that we have recommended to the bill relate to the Charter. We intend that the Charter should be reviewed at least once every five years and that TVNZ should feature programming that contributes to spiritual and ethical development. Certain amendments have been recommended so that TVNZ is able to serve children's interests better, including considering all Charter objectives when programming for children. A further amendment has been proposed to require quantitative and qualitative performance measures to measure the Charter as a whole. We also recommend the removal of the right for shareholding Ministers to issue directions to the TVNZG subsidiaries.

On the issue of violence on television, we acknowledge and share the widespread concern over this issue. Although, the BSA's reporting on violence on television provides the public with the best means of assessing trends in broadcast violence, we urge that the BSA undertake proactive reporting of violence levels on television, as we consider that the reactive approach is not providing sufficient scrutiny. Specifically concerning children's programming and violence levels, we urge that the current 8.30 pm watershed for violence levels be changed to 9.00 pm.

Finally, while the structure of the new TVNZ group, does not contain potential for legal conflicts, judgment will need to be exercised by common directors or chairpersons of the boards, to appropriately balance the different needs of the subsidiaries. Government members believe that the structure proposed is a workable hybrid model.

National and ACT views

National and ACT strongly oppose this bill. At a time when the television industry is increasingly competitive and TVNZ faces profitability pressures, we are concerned that restructuring the organisation and imposing Charter requirements will make it harder for TVNZ to survive without increasing amounts of taxpayer subsidy.

Despite the amount of time and resource that has been expended in the development and discussion of the Charter, the significant questions remain unanswered. Issues include: the full cost to TVNZ of implementing the Charter, what funding is required and being offered by the Government to increase the amounts of local content, and finally, how Charter performance will be measured. That any organisation should be required to invest in such a major project when the cost implications and performance requirements remain unclear is commercial foolishness.

We also oppose the restructuring of TVNZ into a Crown-owned company and the implementation of a cumbersome three-board structure. We were alarmed to hear from officials that the proposed structure for TVNZ is an unusual hybrid and that there is no structure either in the private or public sector exactly like the one proposed. Rather than introducing greater clarity to decision making, we believe that the new structure will bring increased complexity and ambiguity.

We do not accept the arguments that the Charter could not have been implemented under the present structure as a State Enterprise. The State-Owned Enterprises Act 1986 allows for social objectives to be separated out from commercial objectives and funded separately by Government. Achieving non-commercial objectives under TVNZ's present structure would have provided a greater transparency and clarity than what is being proposed.

We are concerned that the new structure allows less independence from ministerial direction and a greater opportunity for ministerial interference. Once a Crown entity, the Minister will be answerable to Parliament for the actions of the TVNZ Group. While not expected to manage the organisation, the Minister will have a constitutional obligation to investigate and solve perceived problems with the company. The new structure will mean a greater amount of Ministerial involvement and political interference in broadcasting than has been seen for a long time in this country.

If the Government's aim is to increase the amount and quality of local television, this can be more simply addressed through increased funding and NZ On Air rather than unnecessary restructuring which diverts funding away from programming.

Appendix

Committee process

The Television New Zealand Bill was referred to the committee on 11 December 2001. We received and considered 22 submissions on the bill. We heard nine submissions. Hearing evidence took approximately 3 hours and 45 minutes and consideration took approximately 5 hours and 10 minutes.

We received advice from The Treasury and the Ministry for Culture and Heritage.

Committee membership

David Cunliffe (Chairperson)

Kevin Campbell (Deputy Chairperson)

Steve Chadwick

Hon Ruth Dyson

Owen Jennings

Warren Kyd

Hon Tony Ryall

Pansy Wong

Martin Gallagher replaced Hon Ruth Dyson for this item of business.

Katherine Rich replaced Hon Tony Ryall for this item of business.

Sue Kedgley was a member of the committee for the purpose of its consideration of the bill but without the right to vote on any question before the committee.

Key to symbols used in reprinted bill

As reported from a select committee

Struck out (majority)

Subject to this Act,

Text struck out by a majority

New (majority)

Subject to this Act,

Text inserted by a majority

<Subject to this Act,>

Words struck out by a majority

<Subject to this Act,>

Words inserted by a majority

Hon Marian Hobbs

Television New Zealand Bill

Government Bill

Contents

1	Title	25	Information required in annual report for TVNZG and TVNZG subsidiaries
	Part 1		
	Preliminary provisions		
2	Commencement	26	Additional information requirements for statement of intent
3	Purpose of Act	27	Half-year financial statements
4	Interpretation	28	Preparation of statements of intent, annual reports, and half-year financial statements
5	Meaning of maintaining commercial performance	29	Protection from disclosure of sensitive information
6	Act binds the Crown	30	Responsible Minister
	Part 2		
	Structure and shareholdings of TVNZG		
7	TVNZG		Part 4
8	TVNZ to be subsidiary of TVNZG		Ministers and editorial independence
9	Additional subsidiary to be formed	31	Powers of shareholding Ministers in relation to TVNZG
10	Functions and objectives of TVNZG	33	Shareholding Ministers must not give certain directions
11	TVNZG board	34	Directions and compliance costs
12	Duties of TVNZG board		Part 5
13	Ministers to hold all shares in TVNZG		Miscellaneous
14	Authorising Crown shareholding in TVNZG	35	Consequential amendments to enactments
15	Further provisions relating to Ministers' shareholding in TVNZG	36	Consequential repeal
16	Functions and objectives of TVNZ	37	Superannuation or retiring allowances
17	Functions and objectives of THL	38	Existing Government Superannuation Fund members
18	TVNZG subsidiaries boards	39	Transfer of land from TVNZ to THL
19	Duties of TVNZG subsidiaries boards	40	Shareholder continuity
20	TVNZG must hold all shares in TVNZG subsidiaries	41	Savings of certain transactions
21	Changes in names of companies		
22	Shares or interests of TVNZG or TVNZG subsidiaries in bodies corporate or interests in associations		Schedule 1
22A	Equal employment opportunities		Consequential amendments
	Part 3		Schedule 2
	Reporting		Land to be transferred from TVNZ to THL
23	Application of Public Finance Act 1989		
24	Auditor-General is auditor of TVNZG		

The Parliament of New Zealand enacts as follows:

1	Title This Act is the Television New Zealand Act 2001 .	
 Part 1 Preliminary provisions		
2	Commencement The Act comes into force on 1 July 2001 .	5
3	Purpose of Act The purpose of this Act is to—	
	(a) provide for a Television New Zealand Crown entity group consisting of a Crown holding company with 2 subsidiaries, one of which conducts a television business and the other a transmission business:	10
	(b) ensure that the Television New Zealand Crown entity group has, and continues to have, a television function and that the subsidiary responsible for the television business gives effect to its Charter while maintaining its commercial performance:	15
	(c) ensure that the subsidiary responsible for the transmission business operates as a successful business:	
	(d) provide for the governance of the Crown entity group, including reporting requirements and the role of shareholding Ministers.	20
4	Interpretation In this Act, unless the context otherwise requires,—	
	equal employment opportunities programme means a programme aimed at identifying and eliminating all aspects of policies, procedures, and other institutional barriers that cause or perpetuate, or tend to cause or perpetuate, inequality in respect of the employment of any persons or group of persons	25
	GAAP means generally accepted accounting practice (as defined in section 2 of the Financial Reporting Act 1993)	30
	good employer means 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—	35
	(a) good and safe working conditions; and	
	(b) an equal employment opportunities programme; and	

- (c) the impartial selection of suitably qualified persons for appointment; and
- (d) recognition of—
 - (i) the aims and aspirations of Māori; and
 - (ii) the employment requirements of Māori; and 5
 - (iii) the need for greater involvement of Māori as employees of the employer operating the personnel policy; and
- (e) opportunities for the enhancement of the abilities of individual employees; and 10
- (f) recognition of the aims and aspirations, and the cultural differences, of ethnic or minority groups; and
- (g) recognition of the employment requirements of women; and
- (h) recognition of the employment requirements of persons with disabilities 15

shareholding Ministers means the Minister of Finance and the Minister of Broadcasting

subsidiary means a company within the meaning of section 5 of the Companies Act 1993 20

THL means the company Transmission Holdings Limited

TVNZ means the company Television New Zealand Limited

TVNZG means the company Television New Zealand Group Limited

Struck out (majority)

TVNZG Crown entity group means the companies TVNZG, TVNZ, and THL	25
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TVNZG subsidiaries means the companies TVNZ and THL.

5 Meaning of maintaining commercial performance

For the purposes of this Act, a company is **maintaining its commercial performance** if— 30

- (a) it operates in a financially responsible manner so that it maintains its financial viability; and
- (b) its activities generate, on the basis of GAAP, an adequate rate of return on shareholders' funds; and
- (c) it is operating as a successful going concern. 35

6 Act binds the Crown

This Act binds the Crown.

Part 2**Structure and shareholdings of TVNZG***〈Crown entity group〉*

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7 TVNZG

There is a company called Television New Zealand Group Limited incorporated under the Companies Act 1993, all the shares of which are held by the shareholding Ministers.

8 TVNZ to be subsidiary of TVNZG

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(1) On the day of commencement of this Act,—

(a) TVNZ will cease to be a State enterprise subject to the State-Owned Enterprises Act 1986; and

(b) the Ministers who hold shares in TVNZ will transfer their shares to TVNZG for the consideration that the shareholding Ministers determine, following consultation with TVNZ.

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(2) The shareholding Ministers are responsible to the House of Representatives for the exercise or performance of the powers, duties, and functions conferred or imposed on them by this Act or the constitution of TVNZG.

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(3) The ceasing of TVNZ to be a State enterprise and the transfer of shares from the shareholders of TVNZ to TVNZG under **subsection (1)** does not give any party to a contract with TVNZ or any of its subsidiaries a right to avoid that party's obligations under that contract.

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9 Additional subsidiary to be formed

There is a subsidiary of TVNZG called Transmission Holdings Limited.

10 Functions and objectives of TVNZG

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(1) *〈The constitution of TVNZG must provide that〉* TVNZG's principal functions are to—

(a) endeavour to ensure that the TVNZG subsidiaries carry out their functions and fulfil their objectives; and

(b) oversee the operations of the TVNZG subsidiaries; and

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- (c) endeavour to ensure that TVNZ gives effect to its Charter while maintaining its commercial performance.
- (2) In carrying out its functions, TVNZG has the following objectives:
- (a) to be a good employer, as defined in **section 4:** 5

Struck out (majority)

- (b) to develop and publish for itself an equal employment opportunities programme each year and to ensure that that programme is complied with:
- (c) to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates and by endeavouring to accommodate or encourage those interests when able to do so: 10
- (d) to ensure that, in the event that the functions or objectives of the TVNZG subsidiaries are or may be in conflict or competition, those functions or objectives are given the appropriate weight: 15
- (e) to maintain its commercial performance, as defined in **section 5.**

11 TVNZG board

A board member of TVNZG is not entitled to any compensation or other payment or benefit relating to his or her removal or resignation from office or loss of office. 20

12 Duties of TVNZG board

In addition to their duties under the Companies Act 1993, the board of TVNZG must— 25

- (a) ensure that TVNZG acts in a manner consistent with its current statement of intent; and
- (b) endeavour to ensure that each of the TVNZG subsidiaries acts in a manner consistent with its current statement of intent. 30

13 Ministers to hold all shares in TVNZG

- (1) A shareholding Minister of TVNZG may not—
- (a) sell or otherwise dispose of any shares in TVNZG held in the Minister's name; or

- (b) permit shares in TVNZG to be allotted or issued to any person other than a shareholding Minister.
- (2) Nothing in **subsection (1)** applies to redeemable preference shares that—
- (a) are not convertible into shares of any other class; and 5
- (b) do not confer any rights to vote at any general meeting of TVNZG.
- 14 Authorising Crown shareholding in TVNZG**
- (1) The shareholding Ministers may, from time to time, on behalf of the Crown,— 10
- (a) subscribe for, or otherwise acquire shares in, TVNZG; and
- (b) exercise any or all of the Crown’s rights as the holder of any shares in TVNZG.
- (2) Each shareholding Minister must hold the same number of shares in TVNZG. 15
- 15 Further provisions relating to Ministers’ shareholding in TVNZG**
- (1) Shares in TVNZG held in the name of the person described as the Minister of Finance or the Minister of Broadcasting must be held by the person for the time being holding the office of Minister of Finance or Minister of Broadcasting. 20
- (2) It is not necessary to complete or register a transfer of shares in TVNZG as a result of a change in the person holding the office of Minister of Finance or Minister of Broadcasting. 25
- (3) Each shareholding Minister may exercise all the rights and powers attaching to the shares in TVNZG held by that Minister.
- (4) A shareholding Minister may, at any time or times, by written notice to the directors of TVNZG, authorise (on the terms and conditions that are specified in the notice) a person to act as the Minister’s representative at any or all of the meetings of shareholders of TVNZG, and any person so authorised is entitled to exercise the same powers on behalf of the Minister as the Minister could exercise if present in person at the meeting. 30
- (5) **Subsections (2) and (4)** apply despite any other enactment or rule of law. 35

16 Functions and objectives of TVNZ

- (1) *<The constitution of TVNZ must provide that>* TVNZ's principal function is to provide the television and other services that may be specified from time to time in its current statement of intent. 5
- (2) In carrying out its functions, TVNZ's principal objective is to give effect to its Charter (set out below) while maintaining its commercial performance.

The following charter shall apply to all those parts of TVNZ's operations that contribute to its broadcast content. It shall be predominantly fulfilled through free-to-air broadcasting. <In programming for particular audiences, TVNZ is to consider all relevant provisions of the Charter.> 10

- (a) TVNZ will
- (i) feature programming across all genres that informs, entertains and educates New Zealand audiences; 15
 - (ii) strive always to set and maintain the highest standards of programme quality and editorial integrity;
 - (iii) provide shared experiences that contribute to a sense of citizenship and national identity; 20
 - (iv) ensure in its programmes and programme planning the participation of Māori and the presence of a significant Māori voice;
 - (v) feature programming that serves the varied interests and informational needs and age groups within New Zealand society, including tastes and interests not generally catered for by other national television broadcasters; 25
 - (vi) maintain a balance between programmes of general appeal and programmes of interest to smaller audiences; 30
 - (vii) seek to extend the range of ideas and experiences available to New Zealanders;
 - (viii) play a leading role in New Zealand television by setting standards of programme quality and encouraging creative risk-taking and experiment; 35

New (majority)

- | |
|--|
| (ix) comply with free-to-air codes of broadcasting practice, in particular any code with provisions on violence; |
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- (x) support and promote the talents and creative resources of New Zealanders and of the New Zealand film and television industry. 40
- (b) In fulfilment of these objectives, TVNZ will

- | | | |
|--------|---|-------------|
| (i) | provide independent, comprehensive, impartial, and in-depth coverage and analysis of news and current affairs in New Zealand and throughout the world and of the activities of public and private institutions; | |
| (ii) | feature programming that contributes towards intellectual, scientific <i><and></i> cultural, and spiritual and ethical development <i><that reflects the diverse beliefs of New Zealanders></i> , promotes informed and many-sided debate and stimulates critical thought, thereby enhancing opportunities for citizens to participate in community, national and international life; | 5

10 |
| (iii) | in its programming enable all New Zealanders to have access to material that promotes Māori language and culture; | |
| (iv) | feature programmes that reflect the regions to the nation as a whole | 15 |
| (v) | promote understanding of the diversity of cultures making up the New Zealand population; | |
| (vi) | feature New Zealand films, drama, comedy and documentary programmes; | 20 |
| (vii) | feature programmes about New Zealand's history and heritage, and natural environment; | |
| (viii) | feature programmes that serve the interests and informational needs of Māori audiences, including programmes promoting the Māori language and programmes addressing Māori history, culture and current issues; | 25 |
| (ix) | include in programming intended for a mass audience material that deals with minority interests; | |
| (x) | feature <i><New Zealand and international></i> programmes that provide for the informational <i><and></i> entertainment, and educational needs of children and young people and <i><programmes that></i> allow for the participation of children and young people; | 30 |
| (xi) | maintain and observe a code of ethics that addresses the level and nature of advertising to which children are exposed; | 35 |
| (xii) | feature programmes that encourage and support the arts, including programmes featuring New Zealand and international artists and arts companies; | 40 |
| (xiii) | reflect the role that sporting and other leisure interests play in New Zealand life and culture; | |
| (xiv) | and feature programming of an educational nature that supports learning and the personal development of New Zealanders. | 45 |
- (3) TVNZ also has the following further objectives in carrying out its functions:
- (a) to be a good employer, as defined in **section 4**:

Struck out (majority)

(b) to develop and publish for itself an equal employment opportunities programme each year and to ensure that that programme is complied with:

(c) to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates and by endeavouring to accommodate or encourage those interests when able to do so.

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New (majority)

(4) The Charter must be reviewed by the House of Representatives at least every 5 years.

17 Functions and objectives of THL

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- (1) *<The constitution of THL must provide that>* THL’s principal function is to provide the services that may be specified from time to time in its current statement of intent.
- (2) In carrying out its functions, THL’s objective is to operate as a successful business and, to this end,—
 - (a) to be as profitable and efficient as comparable businesses that are not owned by the Crown:
 - (b) to be a good employer, as defined in **section 4**:

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Struck out (majority)

(c) to develop and publish for itself an equal employment opportunities programme each year and to ensure that that programme is complied with:

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(d) to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates and by endeavouring to accommodate or encourage those interests when able to do so.

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18 TVNZG subsidiaries boards

- (1) TVNZG must consult with the shareholding Ministers before appointing members to the boards of the TVNZG subsidiaries.

- (2) The chairperson of the TVNZG board may be a member and may also be the chairperson of either or both of the TVNZG subsidiaries boards.
- (3) At least 2 members of each TVNZG subsidiary board must be non-executive directors who are not members of the TVNZG board. 5
- (4) The TVNZG board may, after consultation with the chief executive of the relevant TVNZG subsidiary, appoint executive directors to each of the TVNZG subsidiaries boards.
- (5) A board member of a TVNZG subsidiary is not entitled to any compensation or other payment or benefit relating to his or her removal or resignation from office or loss of office. 10

19 Duties of TVNZG subsidiaries boards

In addition to the duties under the Companies Act 1993, *<every director>* *<the board>* of a TVNZG subsidiary must ensure that the subsidiary acts in a manner consistent with its current statement of intent. 15

20 TVNZG must hold all shares in TVNZG subsidiaries

- (1) TVNZG may not—
- (a) sell or otherwise dispose of any shares in the TVNZG subsidiaries; or 20
- (b) permit shares in the TVNZG subsidiaries to be allotted or issued to any person other than TVNZG.
- (2) Nothing in **subsection (1)** applies to redeemable preference shares that— 25
- (a) are not convertible into shares of any other class; and
- (b) do not confer any rights to vote at any general meeting of the relevant TVNZG subsidiary.

21 Changes in names of companies

- (1) The Governor-General may, from time to time, by Order in Council made on the recommendation of the shareholding Ministers, change the name of TVNZG or either of the TVNZG subsidiaries. 30
- (2) The shareholding Ministers must not recommend the making of an order in respect of a change of name of TVNZG or the TVNZG subsidiaries unless satisfied that,— 35

- (a) in the case of a TVNZ subsidiary, the board of TVNZ has given its consent; and
- (b) the change of name has been registered at the Companies Office in accordance with section 23 of the Companies Act 1993.

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22 Shares or interests of TVNZ or TVNZ subsidiaries in bodies corporate or interests in associations

TVNZ or a TVNZ subsidiary must, if it forms or acquires or holds any equity interest in a body corporate, partnership, joint venture, or other association of persons, or settles or is appointed a trustee of a trust, use its best endeavours to ensure that the body corporate, partnership, joint venture, trust, or other association of persons—

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- (a) does not carry on or undertake any business or activity, do any act, or enter into any transaction that TVNZ or the TVNZ subsidiary itself has no capacity or power to carry on, undertake, do, or enter into; and
- (b) exercises its powers for the purpose of performing, or assisting TVNZ or the TVNZ subsidiary to perform, their functions; and
- (c) in carrying on or undertaking a business or activity, doing an act, or entering into a transaction, is subject to the same obligations and restrictions as would apply to TVNZ or the TVNZ subsidiary in relation to that matter; and
- (d) does not authorise remuneration or allowances for *<its>* *<any>* members *<that are also members of TVNZ or a TVNZ subsidiary>* that could not be authorised for the directors of TVNZ or the TVNZ subsidiary.

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New (majority)

22A Equal employment opportunities

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TVNZ, TVNZ, and THL must each develop and publish an equal employment opportunities programme and ensure that it is complied with.

Part 3 Reporting

- 23 Application of Public Finance Act 1989**
TVNZG and the TVNZG subsidiaries are each Crown entities for the purpose of the Public Finance Act 1989. 5
- 24 Auditor-General is auditor of TVNZG <Crown entity group>**
TVNZG and the TVNZG subsidiaries are each public entities as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is their auditor. 10
- 25 Information required in annual report for TVNZG and TVNZG subsidiaries**
- (1) Without limiting section 41I of the Public Finance Act 1989, every annual report of TVNZG and the TVNZG subsidiaries must contain— 15
- (a) a statement of any fees (including consultancy fees) received by board members in any capacity from TVNZG and any of its subsidiaries; and
- (b) a statement of the number of employees or former employees of TVNZG and any of its subsidiaries who, during the accounting period, received remuneration and any other benefits in their capacity as employees, the value of which was or exceeded \$100,000 per annum, and showing the number of those employees or former employees in brackets of \$10,000. 20 25
- (2) In addition to the information required to be contained in the annual report under section 41I of the Public Finance Act 1989,—
- (a) TVNZG's annual report must include a statement of how it ensured that, in the event that the functions or objectives of the TVNZG subsidiaries were or may have been in conflict or competition, it gave those functions or objectives the appropriate weight; and 30
- (b) TVNZ's annual report must include a statement of its performance against its Charter, using the performance measures set out in its statement of intent. 35

- 26 Additional information requirements for statement of intent**
- In addition to the information required to be contained in the statement of intent under section 41D of the Public Finance Act 1989,— 5
- (a) TVNZG’s statement of intent must include a statement of the methods to be used and the principles to be taken into account to ensure that, in the event that the functions or objectives of the TVNZG subsidiaries are or may be in conflict or competition, it will give those functions or objectives the appropriate weight: 10
- (b) TVNZ’s statement of intent must include the following information:
- (i) its functions; and
- (ii) <qualitative and quantitative> performance measures for measuring performance against its Charter; and 15
- (iii) a statement of how it will involve the public in measuring performance against its Charter:
- (c) THL’s statement of intent must include a statement of its functions. 20
- 27 Half-year financial statements**
- In addition to the annual financial statements required to be prepared under section 41 of the Public Finance Act 1989, TVNZG and the TVNZG subsidiaries must, within 2 months after the end of the first 6 months of each financial year, each prepare financial statements for that half-year in accordance with GAAP. 25
- 28 Preparation of statements of intent, annual reports, and half-year financial statements** 30
- The statements of intent, annual reports, and financial statements of TVNZG and the TVNZG subsidiaries must be prepared separately by each company, but the separate statements or reports, as the case may be, may be presented in a single document. 35
- 29 Protection from disclosure of sensitive information**
- Nothing in this Act must be construed as requiring in any statement of intent, annual report, or financial statement any

information that could be properly withheld if a request for that information were made under the Official Information Act 1982.

30 Responsible Minister

For the purposes of section 45B of the Public Finance Act 1989, **responsible Minister** means either shareholding Minister. 5

Part 4

Ministers and editorial independence

31 Powers of shareholding Ministers in relation to TVNZG 10

- (1) The shareholding Ministers may, by written notice to the TVNZG board,—
 - (a) direct the board to include in, or omit from, its statement of intent any provision or provisions of a kind referred to in **section 26**; and 15
 - (b) determine the amount of dividend payable by TVNZG to the Crown in respect of any financial year or years.
- (2) TVNZG must comply with the directions set out in a notice given under **subsection (1)**.
- (3) Before giving any notice under **subsection (1)**, the shareholding Ministers must have regard to the objectives and functions of TVNZG and consult with the board of TVNZG as to the matters to be referred to in the notice. 20

Struck out (majority)

32 Powers of shareholding Ministers in relation to TVNZG subsidiaries 25

- (1) The shareholding Ministers may, by written notice to the boards of TVNZG and the relevant TVNZG subsidiary,—
 - (a) direct the board of that TVNZG subsidiary to include in, or omit from, its statement of intent any provision or provisions of a kind referred to in **section 26**; and 30
 - (b) determine the amount of dividend payable to TVNZG in respect of any financial year or years.
- (2) The TVNZG subsidiary must comply with the directions set out in a notice given under **subsection (1)**.

Struck out (majority)

- (3) Before giving any notice under **subsection (1)**, the shareholding Ministers must have regard to the functions and objectives of TVNZG and the TVNZG subsidiary and consult with the board of TVNZG and the TVNZG subsidiary as to the matters to be referred to in the notice.

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33 Shareholding Ministers must not give certain directions

- (1) Nothing in this Act authorises any shareholding Minister to give a direction to TVNZG or to any of its subsidiaries, or to any director or officer or employee of TVNZG or of any of its subsidiaries, in respect of—

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- (a) a particular programme ~~<or programmes>~~ or a particular allegation or a particular complaint; or
 (b) the gathering or presentation of news or the preparation or presentation of current affairs programmes; or
 (c) programme standards.

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- (2) No director of TVNZG or of any of its subsidiaries may be removed for any reason relating to—

- (a) a particular programme or a particular allegation or a particular complaint relating to a particular programme; or
 (b) the gathering or presentation of news or the preparation or presentation of current affairs programmes; or
 (c) the responsibility of TVNZG or any of its subsidiaries for programme standards.

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Compare: 1988 No 162 s 7

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34 Directions and compliance costs

- (1) Every direction given under **section 31 or section 32** ~~<of this Act or section 41G of the Public Finance Act 1989>~~ must be accompanied by a statement of the estimated expenditure to be incurred and revenue to be forgone by TVNZG or any of its subsidiaries.

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- (2) Every direction and its accompanying statement of the estimated expenditure and revenue forgone must be presented by either of the shareholding Ministers to the House of Representatives and notified in the *Gazette* within 12 sitting days.

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Part 5 Miscellaneous

- 35 Consequential amendments to enactments**
The enactments listed in **Schedule 1** are amended in the manner indicated in that schedule. 5
- 36 Consequential repeal**
The State-Owned Enterprises Amendment Act (No 4) 1988 is repealed.
- 37 Superannuation or retiring allowances**
For the purposes of providing a superannuation fund or retiring allowances for its employees, TVNZG, the TVNZG subsidiaries, or any subsidiary of the TVNZG subsidiaries may, from time to time, pay sums by way of subsidy or contribution into any superannuation scheme that is registered under the Superannuation Schemes Act 1989. 10
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- 38 Existing Government Superannuation Fund members**
- (1) A person who, immediately before becoming an employee of TVNZG, the TVNZG subsidiaries, or a subsidiary of a TVNZG subsidiary, was a contributor to the Government Superannuation Fund under Part II or Part IIA of the Government Superannuation Fund Act 1956 is, for the purposes of that Act, deemed to be employed in the Government service so long as that person continues to be an employee of TVNZG, the TVNZG subsidiary, or any subsidiary of a TVNZG subsidiary, and that Act applies to that person in all respects as if that person's service as an employee of TVNZG, the TVNZG subsidiaries, or any subsidiary of the TVNZG subsidiaries were in the Government service. 20
25
- (2) Nothing in **subsection (1)** entitles a person to become a contributor to the Government Superannuation Fund after that person has ceased to be a contributor. 30
- (3) For the purposes of applying the Government Superannuation Fund Act 1956 under **subsection (1), controlling authority**, in relation to that employee, means TVNZG, the TVNZG subsidiaries, or any subsidiary of the TVNZG subsidiaries. 35

- 39 Transfer of land from TVNZ to THL**
- (1) Despite any other enactment or rule of law, on any day on or after the commencement of this Act, TVNZ may transfer to THL or to any of its subsidiaries the areas of land listed in **Schedule 2** for the consideration that is determined between TVNZ and THL. 5
- (2) Nothing in sections 40 to 42 of the Public Works Act 1981 applies to the transfer of land from TVNZ to THL or to any of its subsidiaries under this Act, but sections 40 to 42 of that Act will, after that transfer, apply to the land as if THL or any of its subsidiaries were the Crown and the land had not been transferred under this Act. 10
- (3) The Governor-General may, from time to time, by Order in Council,—
- (a) amend **Schedule 2** by including additional areas of land to the list in that schedule: 15
- (b) otherwise amend **Schedule 2**, or revoke that schedule, and substitute a new schedule.

New (majority)

- 40 Shareholder continuity** 20
The transfer of shares from the Crown to TVNZG does not constitute a breach in shareholder continuity for the purposes of the Income Tax Act 1994.
- 41 Savings of certain transactions** 25
A failure by TVNZG, TVNZ, or THL to comply with **sections 10, 12, 16 to 19, or 22** or any statement of corporate intent does not affect the validity or enforceability of any deed, agreement, right, or obligation entered into, obtained, or incurred by TVNZG, TVNZ, or THL or any of their subsidiaries.

s 35

Schedule 1 Consequential amendments

Broadcasting Act 1989 (1989 No 25)

Repeal paragraph (e) of the Preamble.

Income Tax Act 1994 (1994 No 164)

Insert in Schedule 18, in their appropriate alphabetical order, the words “Television New Zealand Group Limited” *<and “Transmission Holdings Limited”>*.

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New (majority)

Omit from Schedule 18 the words “Television New Zealand Limited”.

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Official Information Act 1982 (1982 No 156)

Insert in Part II of the First Schedule, in their appropriate alphabetical order, the words “Television New Zealand Group Limited” and “Transmission Holdings Limited”.

Ombudsmen Act 1975 (1975 No 9)

Insert in the First Schedule, in their appropriate alphabetical order, the words “Television New Zealand Limited”, “Television New Zealand Group Limited”, and “Transmission Holdings Limited”.

15

Public Finance Act 1989 (1989 No 44)

Insert in the Fourth and Sixth Schedules, in their appropriate alphabetical order, the words “Television New Zealand Limited”, “Television New Zealand Group Limited”, and “Transmission Holdings Limited”.

20

State-Owned Enterprises Act 1986 (1986 No 124)

Omit from the First Schedule the words “Television New Zealand Limited”.

25

Omit from the Second Schedule the words “Television New Zealand Limited”.

Schedule 2 s 39(1), (3)(a) and (b)
Land to be transferred from TVNZ to THL

Description	Area (more or less)	Title document	
<i>North Auckland Land District</i>			
Lot 1, Deposited Plan 113371 and Sections 1, 2, and 3 on Survey Office Plan 45895	9.4906 hectares	Certificate of Title 63D/289	5
Section 14, Block III Tangihua Survey District	98.685 hectares	Certificate of Title 241/300	10
Part Lots 3 and 4, Deposited Plan 8837, allotment 566, Parish of Waipareira	1.6890 hectares	Certificate of Title 9B/564	
Allotment 550, Parish of Waipareira	440 square metres	Certificate of Title 3A/1104	15
<i>South Auckland Land District</i>			
Part Rotomahana Parekarangi 3A 3B 5A block	1184 square metres	Certificate of Title 12D/123	20
<i>Hawkes Bay Land District</i>			
Blocks VII and XI, Te Mata Survey District, being Part Lot 24, Deeds Plan 107, more particularly described on Survey Office Plan 6486	2.3435 hectares	Certificate of Title F2/719	25
Block XI, Te Mata Survey District being Part Lot 4 and Parts of Lot 5, Deeds Plan 713, being part Block 12, Te Mata Crown Grant, District Part Te Wharau, and part Kohinurakau Blocks	3.9337 hectares	Certificate of Title E4/1121	30
<i>Wellington Land District</i>			
Lot 1, Deposited Plan 61858	3350 square metres	Certificate of Title 31A/317	35
Situated partly in the City of Wellington and partly in Blocks III Port Nicholson Survey District and Block XI Belmont Survey District, being part section 135 Ohariu District and being also Lot 2 Deposited Plan 27542	29.29 hectares	Certificate of Title 10A/838	40
Situated in the City of Wellington, being Part Section 94, Ohariu District	6.0275 hectares	Certificate of Title 13C/999	45
City of Wanganui, Section 351, Right Bank Wanganui River	2.2763 hectares	Certificate of Title 12C/965	50
County of Masterton, Lot 1 Deposited Plan 59378	6999 square metres	Certificate of Title 32A/765	

Description	Area (more or less)	Title document	
<i>Nelson Land District</i>			
City of Nelson, Section 31 Block 'D', Wakatu Dis- trict	1801 square metres	Certificate of Title 3C/881	5
<i>Westland Land District</i>			
Rural Section 5640, Block I, Cobden Survey District	600 square metres	Lease 5C/829	
<i>Canterbury Land District</i>			
Block VIII Part Run 284, Waihao Survey District	11.5158 hectares	Certificate of Title 8F/956	10
<i>Otago Land District</i>			
Section 68 Block II, Cairnhill Survey District	2.2210 hectares	Lease 10A/399	
Section 48, Block IX, Tarras Survey District	4800 square metres	Lease 9A/222	15
Section 1, Block IV, Naseby Survey District	6650 square metres	Lease 8D/701	
Sections 31 and 32, Block I and Section 31 Block IV, Kuriwao District	51.3154 hectares	Certificate of Title 3B/435	20
<i>Southland Land District</i>			
Lot 2, Deposited Plan 8310, being Part Section 65 Block VI Waimumu Hun- dred	13.0840 hectares	Certificate of Title 5A/398	25

Legislative history

11 December 2001	Introduction (Bill 185-1)
18 December 2001	First reading and referral to Commerce Committee
