

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 26 June 1990

LAW REFORM (MISCELLANEOUS PROVISIONS) BILL

Proposed Amendments

Hon. W. P. JEFFRIES, in Committee, to move the following amendments:

To add as *clauses 23 to 26* the following clauses:

State-Owned Enterprises

23. Sections to be read with State-Owned Enterprises Act 1986—(1) This section and the next 3 succeeding sections shall be read together with and deemed part of the State-Owned Enterprises Act 1986* (in those sections referred to as the principal Act).

(2) **Sections 24 and 25** of this Act shall come into force on the date on which this Act receives the Royal assent.

(3) **Section 26** of this Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

(4) A date may be appointed pursuant to **subsection (3)** of this section only where the Governor-General is satisfied, at the time of the making of the Order in Council, that at least 50 percent of the ordinary shares in the capital of New Zealand Liquid Fuels Investment Limited are no longer held on behalf of Her Majesty the Queen.

24. Provision for New Zealand Liquid Fuels Investment Limited to cease to be State enterprise—

(1) The principal Act is hereby amended by omitting from the First Schedule, and also from the Second Schedule, the words “New Zealand Liquid Fuels Investment Limited”.

(2) Notwithstanding the coming into force of **subsection (1)** of this section, sections 22 and 30 of the principal Act shall, so long as Ministers of the Crown continue to hold shares in New Zealand Liquid Fuels Investment Limited, continue to apply in relation to New Zealand Liquid Fuels Investment Limited as if it were a State enterprise and a company named in the Second Schedule to that Act.

(3) Notwithstanding the coming into force of **subsection (1)** of this section and whether or not all or any of the shares in New Zealand Liquid Fuels Investment Limited are held by Ministers

*1986, No. 124; 1987, No. 117; 1988, No. 1; 1988, No. 23; 1988, No. 82; 1988, No. 162; 1988, No. 169; 1989, No. 45; 1989, No. 57; 1989, No. 141; 1990, No. 23

of the Crown on behalf of the Crown, sections 23 to 29 of the principal Act and any Order in Council made at any time pursuant to any of those sections shall continue to apply after the coming into force of subsection (1) of this section as if—

- (a) New Zealand Liquid Fuels Investment Limited were a State enterprise named in the Second Schedule to the principal Act; and
 - (b) The Minister of Finance and the Minister for State Owned Enterprises were the shareholding Ministers for New Zealand Liquid Fuels Investment Limited.
- (4) Each Minister of the Crown who holds shares in New Zealand Liquid Fuels Investment Limited on behalf of Her Majesty the Queen may exercise all or any of Her Majesty's rights and powers as the holder of those shares.
- (5) Sections 2, 3, 5, 6 and 7 of the State-Owned Enterprises Amendment Act (No. 3) 1989 are hereby repealed.

25. Acquisition of land under Public Works Act 1981—Where any negotiations or action had been commenced by the Crown before the coming into force of this section in respect of the taking or acquisition of land under the Public Works Act 1981, being land that is to be transferred to New Zealand Liquid Fuels Investment Limited pursuant to section 23 of the principal Act, the taking or acquisition may be continued and concluded as if the land were required for a public work.

26. Consequential amendments—(1) The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(2) Section 4 of the State-Owned Enterprises Amendment Act (No. 3) 1989 is hereby consequentially repealed.

Section 26

SCHEDULE
ENACTMENTS AMENDED

Title of Act	Amendment
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)	By omitting from Part II of the First Schedule the item relating to New Zealand Liquid Fuels Investment Limited.
1976, No. 65—The Income Tax Act 1976 (R.S. Vol. 12, p. 1)	By omitting from the Fourteenth Schedule the item relating to New Zealand Liquid Fuels Investment Limited.
1982, No. 156—The Official Information Act 1982 (R.S. Vol. 21, p. 579)	By omitting from the First Schedule the item relating to New Zealand Liquid Fuels Investment Limited.

EXPLANATORY NOTE

Section 6 of the State-Owned Enterprises Amendment Act (No. 3) 1989 omits New Zealand Liquid Fuels Investment Limited from the First and Second Schedules to the State-Owned Enterprises Act 1986.

Section 7 of that Act omits the name of that company from Part II of the First Schedule to the Ombudsmen Act 1975, the Fourteenth Schedule to the Income Tax Act 1976, and the First Schedule to the Official Information Act 1982.

Section 5 of that Act provides that sections 6 and 7 of that Act come into force on a date to be appointed by the Governor-General by Order in Council.

Section 5 also provides that a date may be appointed for bringing those sections into force only where the Governor-General is satisfied, at the time of the making of the order, that at least 50 percent of the ordinary shares in the capital of New Zealand Liquid Fuels Investment Limited are no longer held by the Crown.

Section 5 in its present form would prevent the making of an Order in Council removing the company from the Second Schedule to the State-Owned Enterprises Act 1986 as section 11 of that Act prohibits the Crown from selling or disposing of shares in a company named in the Second Schedule to that Act.

Clause 24 removes the company from both Schedules. The clause re-enacts section 6 of the State-Owned Enterprises Amendment Act (No. 3) 1989.

Clause 25 provides that the Crown may take or acquire land under the Public Works Act 1981 even though it is intended to transfer the land to New Zealand Liquid Fuels Investment Limited if negotiations or action to take or acquire the land had been commenced before the date on which the clause comes into force.

Clause 26 re-enacts section 7 of the State-Owned Enterprises Amendment Act (No. 3) 1989. The restriction on bringing this section into force remains. The clause will come into force on a date to be appointed by the Governor-General by Order in Council. A date may only be appointed for bringing it into force if the Governor-General is satisfied at the time the order is made that at least 50 percent of the ordinary shares in the company are no longer held by the Crown.