

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 16 June, 1987

STATE ENTERPRISES RESTRUCTURING BILL

Proposed Amendments

Hon. STAN RODGER, in Committee, to move the following amendments:

Clause 41: To omit from line 22 on page 29 the word "Telecommunications", and substitute the words "State Enterprises Restructuring".

Clause 42: To omit the definition of the term "person" in line 19 on page 32, and substitute the following definition:

"Person", in relation to any body corporate, includes an interconnected body corporate for the purpose of section 44 (a) of this Act:

Clause 45: To omit from line 29 on page 35 the words "or any rule of law".

Clause 51: To insert, after line 36 on page 38, the following subclause:

(2A) Where any line constructed by a network operator is fixed to or under any land which is not owned by the network operator, no person other than the network operator shall have an interest in that line by reason only of having an interest in the land.

Clauses 62AA to 62AC: To insert, after line 12 on page 51, the following clauses:

62AA. Interpretation—(1) Section 2 of the principal Act is hereby amended by inserting, after the definition of the term "Crown", the following definition:

"'Equity bond' means a State enterprise equity bond issued pursuant to section 12 of this Act."

(2) Section 2 of the principal Act is hereby further amended by adding to paragraph (a) of the definition of the term "share" the words "(but, except in sections 14 and 22 of this Act, does not include an equity bond)".

62AB. Ministers may hold shares and equity bonds in new State enterprises—The principal Act is hereby amended by repealing section 10, and substituting the following section:

10. (1) The Minister of Finance and the responsible Minister may from time to time, on behalf of the Crown, subscribe for or otherwise acquire shares or equity bonds, or both, in the companies named, or to be formed with the names specified, in the Second Schedule to this Act.

(2) The number of shares, and the number of equity bonds, held by a shareholding Minister in a company named in the Second Schedule to this Act shall be the same as the number of shares or equity bonds, as the case may be, in that company held by the other shareholding Minister thereof.

(3) Any money required to be paid by a shareholding Minister on subscribing for or otherwise acquiring shares or equity bonds pursuant to subsection (1) of this section shall be paid out of money appropriated by Parliament for the purpose.

62AC. State enterprise equity bonds—(1) Section 12 (1) of the principal Act is hereby amended by omitting the words “section 11 of this Act or any other enactment”, and substituting the words “any other enactment or rule of law”.

(2) Section 12 (2) of the principal Act is hereby amended by adding to paragraph (e) the words “or as are determined by the shareholding Ministers for the company issuing the bonds”.

Clause 84: To omit from line 26 on page 63 the word “Land”, and substitute the word “Lands”.

Clause 160: To omit from line 37 on page 101 the word “Fines”, and substitute the word “Fine”.

Clause 162: To omit lines 39 and 40 on page 102 and lines 2 to 4 on page 103, and substitute the following lines:

“ ‘Employee’ means—

“(a) Any person permanently employed by New Zealand Post Limited or Telecom Corporation of New Zealand Limited or Post Office Bank Limited or any other person employed by one of those corporations who is or becomes a contributor to the fund; and

“(b) Any other person who is a contributor to the fund and whom the trustees determine should continue to be regarded as an employee for the purposes of these regulations, notwithstanding that the person has ceased to be employed by New Zealand Post Limited or Telecom Corporation of New Zealand Limited or Post Office Bank Limited.”

EXPLANATORY NOTE

Clauses 41, 45, 84, and 160: These are minor drafting amendments.

Clause 42: This amendment restricts the extended definition of the term “person” to clause 44 (a) of the Bill only.

Clause 51: This amendment adds a new *subclause (2A)* to make it clear that where any line constructed by a network operator is fixed to or under any land which is not owned by the network operator, no person other than the network operator shall have any interest in the line by reason only of having an interest in the land.

Clauses 62AA to 62AC amend the State-Owned Enterprises Act 1986 to—

- (a) Make it clear that Ministers of the Crown may, on behalf of the Crown, subscribe for or otherwise acquire State enterprise equity bonds issued by State-Owned Enterprises; and
- (b) Authorise the shareholding Ministers to determine any terms of issue of equity bonds that are not prescribed in the Act or in the authorising resolution of Parliament.

Clause 162: This amendment extends the definition of the term “employee” for the purposes of the Post Office Sick Benefit Fund Regulations 1969 to include a person who is a contributor to the fund and whom the trustees determine should continue to be regarded as an employee, notwithstanding that that person has ceased to be employed by New Zealand Post Limited or Telecom Corporation of New Zealand Limited or Post Office Bank Limited.