



THE RADIO NEW ZEALAND (ASSETS) ORDER 1992

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 3rd day of August 1992

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 3 (3) and 4 of the Finance Act (No. 2) 1989, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title—This order may be cited as the Radio New Zealand (Assets) Order 1992.

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

“Agreement” has the meaning given to that word by section 29 (1) of the State-Owned Enterprises Act 1986:

“Applicable” means—

(a) Vested in the Crown by section 5 (b) of the Broadcasting Amendment Act (No. 2) 1988; and

(b) Still vested in the Crown immediately before the vesting day:

“The company” means Radio New Zealand Limited (being a company duly incorporated under the Companies Act 1955, having its registered office at Wellington, and being a State enterprise

within the meaning of section 2 of the State-Owned Enterprises Act 1986):

“The former corporation” means the Broadcasting Corporation of New Zealand dissolved by section 5 (a) of the Broadcasting Amendment Act (No. 2) 1988:

“Ministers” has the meaning given to that word by section 2 of the Finance Act (No. 2) 1989:

“Rights” has the meaning given to that word by section 29 (1) of the State-Owned Enterprises Act 1986:

“The vesting day” means the 7th day of August 1992.

3. Issue of equity securities—Consequent upon the vesting in it of the assets and liabilities specified in this order, the company shall on the vesting day issue to the Ministers—

- (a) 15,065,000 fully paid up ordinary shares, each having a nominal value of \$1; and
- (b) 5,000,000 redeemable preference shares, each having a nominal value of \$1,—
 - (i) Redeemable on or after the 1st day of December 1993, at the option of the shareholders, for cash or for fully paid up ordinary shares issued at par; and
 - (ii) With a cumulative preferential dividend of 6 percent per year, payable in cash when redeemed.

4. Vesting of assets—(1) Subject to subclause (2) of this clause, on the vesting day the following assets (being assets specified in a list prepared by the Ministers pursuant to section 3 (1) of the Finance Act (No. 2) 1989 dated the 31st day of July 1992) shall vest in the company:

- (a) The applicable interests of the Crown in the land described in the First Schedule to this order; and
- (b) The assets described in the Second Schedule to this order.

(2) The assets vested in the company by subclause (1) of this order do not include anything claimed or requested by the Crown in relation to the action brought by Progeni Systems Limited against the former corporation, filed in the Wellington Registry of the High Court as A. No. 371/83.

5. Vesting of liabilities—(1) Subject to subclause (2) of this clause, on the vesting day there shall vest in the company the liabilities described in the Third Schedule to this order (being liabilities specified in a list prepared by the Ministers pursuant to section 3 (1) of the Finance Act (No. 2) 1989 dated the 31st day of July 1992).

(2) The liabilities vested in the company by subclause (1) of this order do not include any liability to Progeni Systems Limited or any third party arising under or in connection with the action described in clause 4 (2) of this order.

SCHEDULES

FIRST SCHEDULE

Cl. 4 (1) (a)

LAND

Description	Area (more or less)	Title Document
<i>North Auckland Land District</i>		
Lot 8, parts Lots 6 and 7, Deposited Plan 1034, being portion allotment 6, Parish of Waipareira	6.2372 hectares	Certificate of Title 487/87
Part Lots 4, 5, 6 and 7, Deposited Plan 1034, being part allotment 6, Parish of Waipareira	8.1144 hectares	Certificate of Title 41D/299
Allotment 658, Parish of Waipareira	5619 square metres	Certificate of Title 42C/1135
Part Lot 10, D.P. 1034, and part allotment 6, Parish of Waipareira	6845 square metres	Certificate of Title 35B/1191
Part Lot 9, D.P. 1034, and part allotment 6, Parish of Waipareira	100 square metres	Certificate of Title 35B/1190
Part Te Riu Block, XII Omapere S.D.	5.3034 hectares	Certificate of Title 2081/9
Lot 1, Deposited Plan 103120, part allotments 11 and 12, Parish of Maungatapere	2.9607 hectares	Certificate of Title 56D/884
Part Lot 4, Deposited Plan 43276 and being part Maxwells Grants	5.2599 hectares	Certificate of Title 2070/44
Part allotment 1, Parish of Whangarei	1464 square metres	Certificate of Title 2070/40
Lot 1, Deposited Plan 50223, part allotment 1, Parish of Whangarei	1201 square metres	Certificate of Title 2070/41
<i>South Auckland Land District</i>		
Lots 1 and 2, Deposited Plan 21509, Lots 3 and 4, Deposited Plan 19075, and part Sections 43 and 44, Township of Hamilton West	2090 square metres	Certificate of Title 1B/528

FIRST SCHEDULE—*continued*LAND—*continued*

Description	Area (more or less)	Title Document
Part Section 19, Block VIII, Maketu Survey District	5.5075 hectares	Certificate of Title 1B/530
Part Section 20, Block VIII, Maketu Survey District	2.0679 hectares	Certificate of Title 1B/531
Lots 1, 2 and 3, Deposited Plan, 18658 being part Sections 3 and 4, Block XVII, Town of Rotorua	1517 square metres	Certificate of Title 1B/532
Lot 4, Deposited Plan 18658, part Section 2, Block XVII, Town of Rotorua	506 square metres	Certificate of Title 2B/566
Block situated in the Piopioatea Survey District called Ohura South G. No. 3A	1015 square metres	Certificate of Title 261/283
Situated in Block I, Piopioatea Survey District called Ohura South G. No. 3C, Section 3	2749 square metres	Certificate of Title 377/6
Part Section 79, Block II, Tauhara Survey District	4.6979 hectares	Certificate of Title 14D/758
Section 177, Block II, Tauhara Survey District	1.4865 hectares	Certificate of Title 10A/949
Lot 3, Deposited Plan 3892, and being part Tokoroa No. 1 Block	827 square metres	Certificate of Title 1272/98
Section 75, Block VIII, Patetere South Survey District	1012 square metres	Certificate of Title 7D/217
Lot 1 on Deposited Plan S. 21430, being New Zealand Loan and Mercantile Company Limited Grant	10.739 hectares	Certificate of Title 20B/487

FIRST SCHEDULE—*continued*LAND—*continued*

Description	Area (more or less)	Title Document
<i>Gisborne Land District</i>		
Sections 99 and 100, Town of Gisborne	2023 square metres	Certificate of Title 127/44
Block VIII, Turanganui Survey District, being part Kaiti 314 Block	4.0468 hectares	Certificate of Title 127/43
<i>Taranaki Land District</i>		
Block II, Paritutu Survey District, being part Section 33, Hua District	6.1538 hectares	Certificate of Title 271/64
Part Sections 699, 700 and 716, Town of New Plymouth. Lot 1, Deposited Plan 2250, Lot 1, Deposited Plan 6888 and part Lot 1, Deposited Plan 5072	1480 square metres	Certificate of Title 271/65
Part Section 699, Town of New Plymouth	321 square metres	Certificate of Title 271/66 (limited as to parcels)
<i>Hawkes Bay Land District</i>		
Part Lots 183, 184 and 185, Deeds Plan 83, being portion Heretaunga Block	2850 square metres	Certificate of Title F4/508
Part Block XVI, Maraekakaho Survey District and part Block XIII, Te Mata Survey District being the Maori Land Court Subdivision known as Pukerowhitu 1A4 Block	4.9624 hectares	Certificate of Title A1/1102
Block XIII, Te Mata Survey District being part of the Maori Land Court Subdivision known as Pukerowhitu 1B Block	5.3281 hectares	Certificate of Title A1/1103
Lots 1 and 2, Deposited Plan 4400, being part Town Section 244, Napier	617 square metres	Certificate of Title B4/1255

FIRST SCHEDULE—*continued*LAND—*continued*

Description	Area (more or less)	Title Document
<i>Wellington Land District</i>		
Block VI, Ikatara Survey District, Lot 1, Deposited Plan 59575 and part Section 398, Left Bank, Wanganui River	1.6769 hectares	Certificate of Title 30A/205
Part Section 2, Evans Bay District and being also Lot 1 on Deposited Plan 32170 and part Lot 1, Deposited Plan 8174	3584 square metres	Certificate of Title 9A/606
Part Section 41, Town of Palmerston North, being part Lots 7 and 8, Deposited Plan 276	1012 square metres	Certificate of Title 359/49
Part Section 41, Town of Palmerston North, being part Lots 6 and 7, Deposited Plan 276	490 square metres	Certificate of Title 430/121
Part Section 186, Porirua District, Lot 6, Deposited Plan 29446	16.9048 hectares	Certificate of Title 8B/1004
Lots 36, 37, 38, 39 on Deposited Plan 25036, Lot 5 on Deposited Plan 29446 and part Lot 1, Deposited Plan 10900	36.4140 hectares	Certificate of Title 26B/990
Part Sections 400 and 401, Town of Wanganui	1414 square metres	Certificate of Title 426/269
Part Section 1564, Block X, Kairanga Survey District and being also part Lots 1 and 2, Deposited Plan 7073 as defined by S.O. Plan 21861	9.5832 hectares	Certificate of Title 615/33
<i>Nelson Land District</i>		
Part section 446 of the City of Nelson	536 square metres	Certificate of Title 1A/884
Part section 445 of the City of Nelson	582 square metres	Certificate of Title 1A/882

FIRST SCHEDULE—*continued*LAND—*continued*

Description	Area (more or less)	Title Document
Block VII, Waimea Survey District, being part Deposited Plan 3154 and part Sections 75 and 76, District of Waimea East	7.1452 hectares	Certificate of Title 1A/883
<i>Marlborough Land District</i>		
Lot 2, Deposited Plan 2918	744 square metres	Certificate of Title 1B/464
Lot 1, Deposited Plan 2918	744 square metres	Certificate of Title 1A/1313
<i>Westland Land District</i>		
Block VII, Waimea Survey District being Reserve 1883	5.4892 hectares	Certificate of Title 5A/938
Section 39, Block I, as shown on Sheet 1, Deposited Plan 8, being part Greymouth or Mawhero Maori Reserve 31	152 square metres	Certificate of Title 3B/61
Sections 40 and 42, Block I being Part Maori Reserved land 31	379 square metres	Certificate of Title 3B/66
Section 41, Block 1, being Part Maori Reserved land 31	177 square metres	Certificate of Title 3B/62
<i>Canterbury Land District</i>		
Block XI, Halswell Survey District, being Lot 1, Deposited Plan 10218, part Lots 11 and 12, Deposited Plan 6355, part Rural sections 1340, 7213, 21387, 21388, 21389, 21409 and 35601	26.0458 hectares	Certificate of Title 1C/1173
Block IV, Christchurch Survey District, Lot 2, Deposited Plan 42078	11.1900 hectares	Certificate of Title 21K/1486
Lot 1, Deposited Plan 46530	4.1150 hectares	Certificate of Title 25K/1260

FIRST SCHEDULE—*continued*LAND—*continued*

Description	Area (more or less)	Title Document
Lot 10, Deposited Plan 10872, Lot 1, Deposited Plan 9551 and part Lot 1, Deposited Plan 8960, part Rural section 7555	1100 square metres	Certificate of Title 1C/1175
Block IX, Arowhenua Survey District, being Lot 1, Deposited Plan 26593, part Reserve 2593, and part Section 6, Meadows Settlement	5059 square metres	Certificate of Title 8F/1040
<i>Otago Land District</i>		
Part Sections 10 and 14, Block VI, Leaning Rock District	21.2688 hectares	Certificate of Title B1/361
Part Lot 1, DP 4464, and part sections 35 and 613R, Block I, Otago Peninsula District	7.5064 hectares	Certificate of Title 9A/1379
Part section 30, Block I, Otago Peninsula District	3.8315 hectares	Certificate of Title B1/360
Part section 41, Block III, Tomahawk District, part section 66R Block I, Otago Peninsula District and part Lots 4 and 5, Block VIII, part Lots 1, 2, 3, 4, 5 and 6, Block XIII, part Lots 1, 2 and 3 Block XVII, Lot 5 and part Lots 2, 3, 4, 5, 6, and 7 Block XVII, Deeds Plan 55, being part Section 26, Block I, Otago Peninsula District	1.2450 hectares	Certificate of Title B1/358
Lot 1, Deposited Plan 20262, City of Dunedin	5318 square metres	Certificate of Title 11D/810

FIRST SCHEDULE—*continued*LAND—*continued*

Description	Area (more or less)	Title Document
Sections 27 and 28, Block I, Coneburn District	212 square metres	Certificate of Title B4/206
<i>Southland Land District</i>		
Section 3, Block XIX, Town of Dacre	6.4218 hectares	Certificate of Title A1/249
Section 22, Block LXII, Town of Invercargill	1012 square metres	Certificate of Title A1/250
Lot 3, Deposited Plan 1857, part Section 1, Block LXII, Town of Invercargill	283.0 square metres	Certificate of Title 111/158
Lot 2, Deposited Plan 1857, part Section 1, Block LXII, Town of Invercargill	281.0 square metres	Certificate of Title 111/5

SECOND SCHEDULE

Cl. 4 (1) (b)

OTHER ASSETS

The following assets:

- (a) Every applicable estate or interest in any land not described in the First Schedule to this order (including any right to occupy or use all or any part of any land, building, or structure) that—
 - (i) Since vesting in the Crown has been used by the company for or in connection with its operations; or
 - (ii) When vested in the former corporation was used by it for or in connection with operations analogous to the company's operations:
- (b) All applicable consumable items that, immediately before the vesting day were held (whether by the Crown or by the company) for use in relation to the operations of the company:
- (c) All applicable rights (being rights arising under or in respect of any agreement for the supply of goods or services, or the construction of works or facilities) relating to or arising out of the operations of the company, or activities carried on by the former corporation that were analogous to the operations of the company:
- (d) All applicable rights (being rights arising under or in respect of any lease, licence, or concession) relating to or arising out of the operations of the company, or activities carried on by the former corporation that were analogous to the operations of the company:

SECOND SCHEDULE—*continued*OTHER ASSETS—*continued*

- (e) All other applicable rights of any kind, including (without limiting the generality of the foregoing)—
- (i) Rights or consents granted by or pursuant to any enactment or by-law:
 - (ii) Resource consents:
 - (iii) Rights arising out of applications for, or out of objections to applications for, any such right or consent,— relating to or arising out of the operations of the company, or activities carried on by the former corporation that were analogous to the operations of the company:
- (f) All applicable patents, trade marks, designs, copyright, trade secrets, or other intellectual property rights that—
- (i) Relate to or arise out of the operations of the company, or activities carried on by the former corporation that were analogous to the operations of the company; or
 - (ii) Since vesting in the Crown have been used by the company for or in connection with its operations; or
 - (iii) When vested in the former corporation were used by it for or in connection with operations analogous to the company's operations:
- (g) All applicable goodwill (if any):
- (h) All applicable shares in Radio Horowhenua Limited:
- (i) All applicable documents, correspondence, files, notes, plans, drawings, reports, and other written or recorded information (whether recorded on paper, by computer, or otherwise howsoever) relating to any of the assets vested in the company by this order, to the operations of the company, or to activities carried on by the former corporation that were analogous to the operations of the company:
- (j) All applicable buildings, vehicles, plant, equipment, machinery, furniture, fittings, computer software or hardware, and other personal property, and all right, title, and interest to or in any such property that—
- (i) Since vesting in the Crown have been used by the company for or in connection with its operations; or
 - (ii) When vested in the former corporation were used by it for or in connection with operations analogous to the company's operations.

Cl. 5 (1)

THIRD SCHEDULE

LIABILITIES

The following liabilities:

- (a) All applicable liabilities (being liabilities arising under or in respect of any agreement for the supply of goods or services, or the construction of works or facilities) relating to or arising out of the operations of the company, or activities carried on by the corporation that were analogous to the operations of the company:

- (b) All applicable liabilities (being liabilities arising under or in respect of any lease, licence, or concession) relating to or arising out of the operations of the company, or activities carried on by the former corporation that were analogous to the operations of the company:
- (c) All applicable losses, costs, claims, expenses, actions, or demands, relating to or arising out of the operations of the company, or activities carried on by the former corporation that were analogous to the operations of the company.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order vests certain Crown assets in, and imposes the burden of certain Crown liabilities on, Radio New Zealand Limited (a State enterprise) on 7 August 1992. The assets and liabilities were formerly assets and liabilities of the Broadcasting Corporation of New Zealand, and were vested in the Crown on the dissolution of that body. The order also requires Radio New Zealand to issue to its shareholders 5 million \$1 preference shares, redeemable from 1 December 1993 for cash or fully paid up ordinary \$1 shares, and paying in cash on redemption a cumulative annual preferential dividend of 6 percent, and 15,065,000 fully paid-up \$1 ordinary shares.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 6 August 1992.
This order is administered in the Treasury.