



# Television New Zealand (Separation of Transmission Business) Order 2003

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 17th day of November 2003

Present:

Her Excellency the Governor-General in Council

Pursuant to section 9 of the Television New Zealand Act 2003 and section 10A of the State-Owned Enterprises Act 1986, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the shareholding Ministers, makes the following order.

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## Order

### 1 Title

This order is the Television New Zealand (Separation of Transmission Business) Order 2003.

### 2 Commencement

This order comes into force on 31 December 2003.

### 3 Interpretation

In this order, unless the context otherwise requires,—

**Act** means the Television New Zealand Act 2003

**separation proposal** means the document prepared by TVNZ in accordance with section 8 of the Act entitled “Separation Proposal”, dated 4 November 2003, and submitted by TVNZ to the shareholding Ministers on 6 November 2003

**TVNZ** means the company Television New Zealand Limited.

### 4 Approval of separation proposal

The separation proposal, providing for Transmission Holdings Limited to be separated from TVNZ and to become a new State enterprise subject to the State-Owned Enterprises Act 1986, is approved.

### 5 Effective date for separation of transmission business

The effective date for Transmission Holdings Limited to be separated from TVNZ is on 31 December 2003.

### 6 Transmission Holdings Limited becomes subject to Ombudsmen Act 1975

On the effective date for the separation, Part II of the First Schedule of the Ombudsmen Act 1975 is amended by inserting, after the item relating to The Transitional New Zealand Fish and Game Council, the following item:

Transmission Holdings Limited.

### 7 Transmission Holdings Limited becomes subject to Official Information Act 1982

On the effective date for the separation, the First Schedule of the Official Information Act 1982 is amended by inserting,

after the item relating to Transitional Fish and Game Councils, the following item:

Transmission Holdings Limited

**8 Transmission Holdings Limited becomes subject to Schedule 18 of Income Tax Act 1994**

On the effective date for the separation, Schedule 18 of the Income Tax Act 1994 is amended by inserting, after the item relating to Timberlands West Coast Limited, the following item:

Transmission Holdings Limited

**9 Transmission Holdings Limited added to First and Second Schedules of State-Owned Enterprises Act 1986**

On the effective date for the separation, the First and Second Schedules of the State-Owned Enterprises Act 1986 are amended by inserting, after the item relating to Timberlands West Coast Limited, the following item:

Transmission Holdings Limited

Diane Morcom,  
Clerk of the Executive Council.

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**Explanatory note**

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

This order, which comes into force on 31 December 2003, provides for Transmission Holdings Limited (**THL**) (the company which, through its subsidiaries, holds and operates the transmission business of Television New Zealand Limited (**TVNZ**)) to be separated from TVNZ, and to become a State enterprise, on 31 December 2003.

The order does this by approving the separation proposal prepared by TVNZ in accordance with section 8 of the Television New Zealand Act 2003, dated 4 November 2003, and submitted by TVNZ to the shareholding Ministers on 6 November 2003.

The effect of this is that, under that Act, on 31 December 2003,—

- THL becomes a State enterprise; and
- all of the shares in THL transfer to the shareholding Ministers; and
- the property, rights, and liabilities held by THL and its subsidiary companies are transferred out of TVNZ.

Also, under the order, on 31 December 2003,—

- THL becomes subject to the Ombudsmen Act 1975; and
- THL becomes subject to the Official Information Act 1982; and
- THL is added to Schedule 18 of the Income Tax Act 1994, which means that it will be taxed as a State enterprise; and
- THL is added to the First and Second Schedules of the State-Owned Enterprises Act 1986.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 20 November 2003.

This order is administered in the Ministry for Culture and Heritage.

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