



ANALYSIS

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An Act to provide for the formation of Crown-owned companies to undertake scientific research and other related activities, and to provide for matters incidental thereto
[15 June 1992]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Crown Research Institutes Act 1992.

(2) Except as provided in sections 46 (3), 47 (3), 48 (5), and 49 (3) of this Act, this Act shall come into force on the 15th day of June 1992.

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

“Board”, in relation to a Crown Research Institute, means the board of directors of the Crown Research Institute:

“Crown Research Institute” means a company formed and registered by the shareholding Ministers in accordance with section 11 of this Act:

“Research” means scientific research; and includes scientific development and related services:

“Responsible Minister” means, subject to any enactment, the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act:

“Rules”, in relation to a Crown Research Institute, means the memorandum of association and articles of association of the Crown Research Institute:

“Science” includes the physical sciences, the biological sciences, and the social sciences; and also includes technology; and “scientific” has a corresponding meaning:

“Shareholding Ministers” means the Minister of Finance and the responsible Minister:

“Sitting day” means a sitting day of the House of Representatives:

“Statement of corporate intent”, in relation to a Crown Research Institute, means the current statement of corporate intent for the Crown Research Institute prepared pursuant to section 16 of this Act:

“Subsidiary” has the same meaning as in section 158 of the Companies Act 1955.

3. Act to bind the Crown—This Act binds the Crown.

PART I

PRINCIPLES

4. Purpose of Crown Research Institutes—The purpose of every Crown Research Institute is to undertake research.

5. Principles of operation—(1) Every Crown Research Institute shall, in fulfilling its purpose, operate in accordance with the following principles:

- (a) That research undertaken by a Crown Research Institute should be undertaken for the benefit of New Zealand;
- (b) That a Crown Research Institute should pursue excellence in all its activities;
- (c) That in carrying out its activities a Crown Research Institute should comply with any applicable ethical standards;
- (d) That a Crown Research Institute should promote and facilitate the application of—
 - (i) The results of research; and
 - (ii) Technological developments;
- (e) That a Crown Research Institute should be a good employer;
- (f) That a Crown Research Institute should be an organisation that exhibits 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.

(2) Every Crown Research Institute shall, in fulfilling its purpose, operate in a financially responsible manner so that it maintains its financial viability.

(3) For the purposes of subsection (2) of this section, a Crown Research Institute is financially viable if—

- (a) Regardless of whether or not it is required to pay dividends to the Crown, the activities of the Crown Research Institute generate, on the basis of generally accepted accounting principles, an adequate rate of return on shareholders' funds; and
- (b) The Crown Research Institute is operating as a successful going concern.

(4) For the purposes of this section, a "good employer" is 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—

- (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 Maori; and
 - (ii) The employment requirements of Maori; and
 - (iii) The need for greater involvement of Maori as employees of the company; and
- (e) Opportunities for the enhancement of the abilities of individual employees; and
- (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.

Cf. 1986, No. 124, s. 4

6. Ministers and their role—(1) The shareholding Ministers shall be 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 rules of a Crown Research Institute.

(2) The shareholding Ministers shall exercise or perform the powers, duties, and functions conferred or imposed on them with respect to a Crown Research Institute in a manner that is consistent with the purpose of a Crown Research Institute (as expressed in section 4 of this Act) and the principles of operation of a Crown Research Institute (as expressed in section 5 of this Act).

7. Directors and their role—(1) The directors of a Crown Research Institute, and the chairperson of the board of a Crown Research Institute, shall be appointed by the shareholding Ministers in accordance with the rules of the Crown Research Institute.

(2) The directors of a Crown Research Institute shall be persons who, in the opinion of the shareholding Ministers, will bring (either individually or collectively) a wide range of skills to the board of the Crown Research Institute, including—

- (a) The skills necessary to ensure the sound management of the Crown Research Institute, both financially and generally:
 - (b) Knowledge of, or experience in, the carrying out of, or the management of, research:
 - (c) Knowledge of, or experience in, the application, by the productive sector, of research and technology:
 - (d) An understanding of, and the skills necessary to promote, the actual and potential linkages between the activities of the Crown Research Institute and the activities of—
 - (i) The private sector; and
 - (ii) Other persons or bodies that are able, or may be able, to utilise the research undertaken by the Crown Research Institute or collaborate with the Crown Research Institute in that research.
- (3) No director of a Crown Research Institute shall be appointed to represent, or promote the views of, a particular interest group.
- (4) The board of a Crown Research Institute shall be accountable to the shareholding Ministers in the manner set out in Part III of this Act and in the rules of the Crown Research Institute.
- (5) The directors of a Crown Research Institute shall exercise or perform the powers, duties, and functions conferred or imposed on them with respect to the Crown Research Institute in a manner that is consistent with the purpose of a Crown Research Institute (as expressed in section 4 of this Act) and the principles of operation of a Crown Research Institute (as expressed in section 5 of this Act).

8. Appointment of chief executives—(1) The terms and conditions of employment of every chief executive appointed by a Crown Research Institute shall be determined in each case by agreement between the board of that Crown Research Institute and the person to be appointed.

(2) The board of the Crown Research Institute shall not finalise the terms and conditions of employment of any chief executive without first consulting with the State Services Commissioner.

9. Collective employment contracts—No Crown Research Institute shall enter into a collective employment contract with any or all of its employees unless that Crown Research Institute, or an authorised representative of that

Crown Research Institute, has first consulted with the State Services Commissioner with respect to the terms and conditions of employment to be included in the collective employment contract.

10. Treaty of Waitangi—In relation to the transfer, pursuant to this Act, of any land, or any interest in any land, to a Crown Research Institute or a subsidiary of a Crown Research Institute, the shareholding Ministers shall have regard to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

PART II

FORMATION AND OWNERSHIP OF CROWN RESEARCH INSTITUTES

11. Incorporation of Crown Research Institutes under Companies Act 1955—(1) For the purpose of establishing Crown Research Institutes, the shareholding Ministers may, from time to time, form and register under Part VIII of the Companies Act 1955 private companies limited by shares in which the shareholding Ministers are the subscribers.

(2) The rules of every company formed and registered pursuant to subsection (1) of this section shall state that the company is a Crown Research Institute for the purposes of this Act.

(3) All the shares in the capital of a Crown Research Institute held by a shareholding Minister shall be held on behalf of the Crown.

(4) The number of shares in the capital of a Crown Research Institute held by each shareholding Minister shall be the same.

(5) Except as provided in this Act, the Companies Act 1955 shall apply to a Crown Research Institute.

Cf. 1988, No. 163, s. 5

12. Shareholding Ministers may subscribe for additional shares—Subject to section 11 (4) of this Act, each shareholding Minister may, from time to time, on behalf of the Crown, subscribe for or otherwise acquire shares in the capital of a Crown Research Institute in addition to the shares subscribed for under section 11 of this Act.

Cf. 1988, No. 163, s. 6 (1)

13. Payment for shares—Any money required to be paid by a shareholding Minister on subscribing for or otherwise acquiring shares in the capital of a Crown Research Institute

shall be paid out of money appropriated by Parliament for the purpose.

Cf. 1988, No. 163, s. 6 (2)

14. Further provisions relating to Ministers' shareholding—(1) Shares in a Crown Research Institute held in the name of a person described as the Minister of Finance or the responsible Minister shall be held by the person for the time being holding the office of Minister of Finance or responsible Minister, as the case may be.

(2) Notwithstanding any other enactment or rule of law, it shall not be necessary to complete or register a transfer of shares of the kind referred to in subsection (1) of this section consequent upon a change in the person holding the office of Minister of Finance or responsible Minister, as the case may be.

(3) Each shareholding Minister may exercise all the rights and powers attaching to the shares in a Crown Research Institute held by that Minister.

(4) A shareholding Minister may at any time or times, by written notice to the secretary of a Crown Research Institute, authorise (on such terms and conditions as are specified in the notice) such person as the Minister thinks fit to act as the Minister's representative at any or all of the meetings of shareholders of the Crown Research Institute, and any person so authorised shall be entitled to exercise the same powers on behalf of the Minister as the Minister could exercise if present in person at the meeting or meetings.

Cf. 1986, No. 124, s. 22

15. Powers of shareholding Ministers—(1) Notwithstanding any other provision of this Act or the rules of any Crown Research Institute,—

- (a) The shareholding Ministers may from time to time, by written notice to the board, direct the board of a Crown Research Institute to include in, or omit from, a statement of corporate intent for that Crown Research Institute any provision or provisions of a kind referred to in paragraphs (a) to (h) of section 16 (2) of this Act; and
- (b) The shareholding Ministers may, by written notice to the board, determine the amount of dividend payable by any Crown Research Institute in respect of any financial year or years; and
- (c) The shareholding Ministers may from time to time, on the advice of the Minister of External Relations and

Trade, by written notice to the board, direct the board of a Crown Research Institute to include in the statement of corporate intent for that Crown Research Institute such provision as the Minister considers necessary—

(i) To enable the fulfilment (in whole or in part) of any obligation or undertaking arising from any international convention or international agreement or international arrangement to which the Government of New Zealand, or any department, agency, or other instrument of the Government of New Zealand, is a party; or

(ii) To implement (in whole or in part) any policy of the Government of New Zealand in respect of the Government's international relations,—

and any board to whom such a notice is given shall comply with the notice.

(2) Before giving any notice under this section, the shareholding Ministers shall consult the board concerned as to the matters to be referred to in the notice.

(3) Within 12 sitting days after a notice is given to a board pursuant to this section, the responsible Minister shall lay a copy of the notice before the House of Representatives.

Cf. 1986, No. 124, s. 13

PART III

ACCOUNTABILITY

16. Statement of corporate intent—(1) The board of every Crown Research Institute shall deliver to the shareholding Ministers a draft statement of corporate intent not later than 1 month before the commencement of each financial year of the Crown Research Institute.

(2) Each statement of corporate intent shall specify for the group comprising the Crown Research Institute and its subsidiaries (if any), in respect of that financial year and each of the immediately following 2 financial years, the following information:

- (a) The objectives of the group:
- (b) The nature and scope of the activities to be undertaken:
- (c) The ratio of consolidated shareholders' funds to total assets, and definitions of those terms:
- (d) The accounting policies:

- (e) The performance targets and other measures by which the performance of the group may be judged in relation to its objectives;
 - (f) A statement of the principles adopted in determining the annual dividend (if any) together with an estimate of the amount or proportion of annual tax paid earnings (from both capital and revenue sources) that is intended to be distributed to the Crown;
 - (g) The kind of information to be provided to the shareholding Ministers by the Crown Research Institute during the course of those financial years, including the information to be included in each half-yearly report;
 - (h) The procedures to be followed before any member of the group subscribes for, purchases, or otherwise acquires shares in any company or other organisation;
 - (i) Any activities for which the board seeks compensation from the Crown (whether or not the Crown has agreed to provide such compensation);
 - (j) Such other matters as are agreed by the shareholding Ministers and the board.
- (3) Each statement of corporate intent shall also include the board's estimate of the current commercial value of the Crown's investment in the group and a statement of the manner in which that value was reassessed.
- (4) The board shall consider any comments on the draft statement of corporate intent that are made to it not later than 14 days before the commencement of the financial year by the shareholding Ministers, and shall deliver the completed statement of corporate intent to the shareholding Ministers on or before the commencement of the financial year or such later date as the shareholding Ministers may determine.
- (5) A statement of corporate intent for a Crown Research Institute may be modified at any time by written notice from the board to the shareholding Ministers, so long as the board has first given written notice to the shareholding Ministers of the proposed modification and considered any comments made on that proposed modification by the shareholding Ministers within 1 month of the date on which that notice was given.

Cf. 1986, No. 124, s. 14; 1992, No. 27, s. 3

17. Annual report, accounts, and dividend—(1) Within 3 months after the end of each financial year of a Crown Research Institute, the board of the Crown Research Institute shall deliver to the shareholding Ministers—

- (a) A report of the operations of the Crown Research Institute and those of its subsidiaries (if any) during that financial year; and
 - (b) Audited consolidated financial statements for that financial year consisting of statements of financial position, profit and loss, changes in financial position, and such other statements as may be necessary to show the financial position of the Crown Research Institute and its subsidiaries and the financial results of their operations during the financial year; and
 - (c) The auditor's report on those financial statements.
- (2) Every report under subsection (1) (a) of this section shall—
- (a) Contain such information as is necessary to enable an informed assessment of the operations of the Crown Research Institute and its subsidiaries, including a comparison of the performance of the Crown Research Institute and subsidiaries with the relevant statement of corporate intent; and
 - (b) State the dividend (if any) that could be paid to the Crown by the Crown Research Institute for the financial year to which the report relates.

Cf. 1986, No. 124, s. 15

18. Half-yearly reports—(1) Within 2 months after the end of the first half of each financial year of a Crown Research Institute, the board of the Crown Research Institute shall deliver to the shareholding Ministers a report of its operations during that half-year.

(2) Each report required by this section shall include the information required by the statement of corporate intent to be included in the report.

Cf. 1986, No. 124, s. 16

19. Information to be laid before House of Representatives—(1) The responsible Minister shall lay before the House of Representatives the rules of a Crown Research Institute, and any change to these rules, within 12 sitting days after the date of those rules or that change or the date on which the Crown Research Institute became such, whichever is the later.

(2) Within 12 sitting days after receiving all the following documents in respect of a financial year of a Crown Research Institute, the responsible Minister shall lay the documents before the House of Representatives:

- (a) The statement of corporate intent of the Crown Research Institute for that year and the succeeding 2 years; and
- (b) The annual report and audited financial statements of the Crown Research Institute for the preceding financial year; and
- (c) The auditor's report on those financial statements.

(3) Where a statement of corporate intent for a Crown Research Institute has been modified pursuant to section 16 (5) of this Act, the responsible Minister shall lay before the House of Representatives a copy of the notice making the modification within 12 sitting days after the date on which the Minister receives the notice.

(4) Within 12 sitting days after a half-yearly report is given to the responsible Minister pursuant to section 18 of this Act, the responsible Minister shall lay a copy of the report before the House of Representatives.

Cf. 1986, No. 124, s. 17

20. Other information—(1) Subject to subsection (3) of this section, the board of a Crown Research Institute shall supply to the shareholding Ministers or to such other person or class or classes of persons as either of those Ministers specifies such information relating to the affairs of the Crown Research Institute, or any of its subsidiaries, as either of those Ministers requests after consultation with the board (whether or not the information is of a kind referred to in the statement of corporate intent).

(2) A shareholding Minister may request information to be supplied whether or not the supply of the information is required for the purposes of, or is contemplated by, this Act.

(3) The board of a Crown Research Institute shall not be obliged by subsection (1) of this section to supply to any person any information relating to an individual employee or customer of the Crown Research Institute, or of any subsidiary of it, or any other person, if the information supplied would enable the identification of the person concerned.

(4) Nothing in subsection (3) of this section empowers the board of a Crown Research Institute to refuse to supply to a Minister any information relating to the Foundation for Research, Science, and Technology, unless the information supplied would enable the identification of any other person.

(5) Notwithstanding any other enactment or rule of law, the board of a Crown Research Institute may direct an officer or employee of the Crown Research Institute to comply with a request under subsection (1) of this section, and the officer or

employee shall comply with the request on being directed to do so.

(6) No member of a board of a Crown Research Institute and no officer or employee of a Crown Research Institute who acts in accordance with a request or direction under this section is liable to any person under any other enactment or rule of law by reason of acting in accordance with that request or direction.

Cf. 1986, No. 124, s. 18; 1990, No. 23, s. 2 (1)

21. Audit Office to be auditor of Crown Research Institutes and subsidiaries—(1) Notwithstanding sections 163 to 165 and section 354 (3) of the Companies Act 1955, the Audit Office shall be the auditor of every Crown Research Institute, and of every subsidiary of every Crown Research Institute, and for the purposes of that Act shall have and may exercise the functions, duties, and powers of an auditor appointed under that Act and all such powers as it has under the Public Finance Act 1977 in respect of public money and public stores.

(2) Every Crown Research Institute shall pay to the Audit Office for carrying out its duties and functions under this section fees at such rates as may be prescribed by the Minister of Finance.

(3) Without limiting subsection (1) or subsection (2) of this section, the board of a Crown Research Institute may, after consultation with the Audit Office and if the responsible Minister so approves, appoint a person or firm that is qualified for appointment as an auditor of a company to be an additional auditor of the Crown Research Institute or any subsidiary of the Crown Research Institute.

Cf. 1986, No. 124, s. 19

22. Protection from disclosure of sensitive information—Nothing in this Act shall be construed as requiring the inclusion in any statement of corporate intent, annual report, financial statements, or half-yearly report referred to in sections 16 to 18 of this Act of any information that could be properly withheld if a request for that information were made under the Official Information Act 1982.

Cf. 1986, No. 124, s. 20

PART IV

TRANSFER OF ASSETS TO CROWN RESEARCH INSTITUTES

23. Interpretation relating to transfer of assets and liabilities—(1) In this section and in sections 24 to 38 of this Act, unless the context otherwise requires,—

“Agreement” includes a deed, a contract, an agreement, an arrangement, and an understanding, whether oral or written, express or implied, and whether or not enforceable at law:

“Assets” means any real or personal property of any kind, whether or not subject to rights; and, without limiting the generality of the foregoing, includes—

(a) Any estate or interest in any land, including all rights of occupation of land or buildings:

(b) All buildings, vehicles, plant, equipment, and machinery, and any rights therein:

(c) All livestock, products from livestock, and crops:

(d) All securities within the meaning of the Securities Act 1978:

(e) All rights of any kind, including rights under Acts, deeds, agreements, or licences, and all applications, objections, submissions, and appeals in respect of such rights:

(f) All patents, trade marks, designs, copyright, plant variety rights, and other intellectual property rights of any kind whether enforceable by Act or rule of law:

(g) Goodwill, and any business undertaking:

“Crown Research Institute” includes a subsidiary of a Crown Research Institute:

“Liabilities” includes—

(a) Liabilities and obligations under any Act or agreement; and

(b) Deposits and other debt securities within the meaning of the Securities Act 1978; and

(c) Contingent liabilities:

“Rights” includes powers, privileges, interests, licences, approvals, consents, designations, permissions, dispensations, authorisations, benefits, and equities of any kind, whether actual, contingent, or prospective:

“Transfer” includes—

(a) Assign and convey; and

(b) Vest by Order in Council or notice in the *Gazette*; and

- (c) Confer estates in fee simple of land held by the Crown, whether in allodium or otherwise; and
- (d) Grant leases, rights, and interests in any real or personal property; and
- (e) In the case of liabilities, the assumption thereof by a Crown Research Institute.

(2) In this section and in sections 24 to 38 of this Act, a reference to “transfer”, “authorise”, or “grant” includes entering into an agreement to transfer, authorise, or grant, as the case may be.

(3) This section and sections 24 to 38 of this Act shall have effect, and assets and liabilities may be transferred pursuant to this Act, notwithstanding any restriction, prohibition, or other provision contained in any Act, rule of law, or agreement that would otherwise apply.

(4) Nothing in this Act shall limit any powers or rights that the Crown or a Minister has other than pursuant to this Act.

Cf. 1986, No. 124, s. 29; 1991, No. 69, s. 362; 1992, No. 27, s. 10

24. Transfer of Crown assets and liabilities to Crown Research Institutes—(1) Notwithstanding any Act, rule of law, or agreement, the shareholding Ministers may, on behalf of the Crown, do any one or more of the following:

- (a) Transfer to a Crown Research Institute assets and liabilities of the Crown:
- (b) Authorise the Crown Research Institute to act on behalf of the Crown in providing goods or services, or in managing assets or liabilities of the Crown:
- (c) Grant to a Crown Research Institute leases, licences, easements, permits, or rights of any kind in respect of any assets or liabilities of the Crown—

for such consideration, and on such terms and conditions, as the shareholding Ministers may agree with the Crown Research Institute.

(2) The responsible Minister shall lay before the House of Representatives any contract or other document entered into pursuant to subsection (1) of this section within 12 sitting days after the date of that contract or document.

Cf. 1986, No. 124, s. 23 (1), (2); 1987, No. 117, s. 6 (1)

25. Assets relating to land and interests in land may be transferred separately—(1) Assets that are fixed to, or are under or over, any land may be transferred to a Crown

Research Institute pursuant to this Act whether or not any interest in the land is also transferred.

(2) Where any such asset is so transferred, the asset and the land shall be regarded as separate assets each capable of separate ownership.

Cf. 1986, No. 124, s. 23 (3)

26. Further provisions relating to transfer of assets and liabilities—(1) Any asset or liability of the Crown may be transferred to a Crown Research Institute pursuant to this Act whether or not any Act or agreement relating to the asset or liability permits such transfer or requires any consent to such a transfer.

(2) Where a transfer of the kind described in subsection (1) of this section takes place,—

- (a) The transfer shall not entitle any person to terminate, alter, or in any way affect the rights or liabilities of the Crown, or the Crown Research Institute, under any Act or agreement:
- (b) Where the transfer is registrable, the person responsible for keeping the register shall register the transfer forthwith after written notice of the transfer is received by him or her from any person authorised for this purpose by the responsible Minister:
- (c) The laying before the House of Representatives of any contract or other document relating to the transfer shall be deemed to be notice of the transfer, and any third party shall after the date of such contract or document deal with the Crown Research Institute in place of the Crown:
- (d) The Crown shall remain liable to any third party as if the asset or liability had not been transferred but shall be indemnified by the Crown Research Institute in respect of any liability to any third party:
- (e) Any satisfaction or performance by the Crown Research Institute in respect of the asset or liability shall be deemed to be also satisfaction or performance by the Crown:
- (f) Any satisfaction or performance in respect of the asset or liability by any third party to the benefit of the Crown Research Institute shall be deemed to be also to the benefit of the Crown.

(3) No provision in any agreement limiting the Crown's right to sell any assets to third parties, or for determining the consideration for the sale of any assets to third parties, or

obliging the Crown to account to any person for the whole or part of the proceeds of sale by the Crown of any assets to third parties, or obliging the Crown to pay a greater price than otherwise by reason of or as a consequence of the sale of any assets to third parties, shall have any application or effect in respect of any agreement or transfer entered into or effected pursuant to or under this Act or pursuant to such an agreement or transfer.

Cf. 1986, No. 124, s. 23 (4)-(6); 1990, No. 23, s. 3

27. Crown may continue to take benefit of provisions relating to compensation or liability—(1) In any case where—

- (a) The Crown transfers or agrees to transfer to a Crown Research Institute assets that the Crown acquires or is entitled to acquire from another person for the purpose of carrying on any activity; and
- (b) The assets are acquired by the Crown, or the Crown's rights to acquire the assets arise, under an agreement with that person that contains a provision specifying or limiting the Crown's rights to recover compensation or damages; and
- (c) The Crown Research Institute carries on that activity or part of that activity whether or not it also carries on any other activity,—

the provision referred to in paragraph (b) of this subsection shall, notwithstanding the transfer of the assets to the Crown Research Institute, continue in force in favour of the Crown as if the Crown Research Institute were part of the Crown, the Crown continued to carry on the activity, and any loss suffered by the Crown Research Institute were a loss suffered by the Crown and not, by reason only of having been suffered by the Crown Research Institute, an indirect or a consequential loss or a loss suffered by a third party.

(2) In any case where—

- (a) The Crown transfers or agrees to transfer to a Crown Research Institute assets that the Crown acquires or is entitled to acquire from another person for the purpose of carrying on any activity; and
- (b) The assets are acquired by the Crown, or the Crown's rights to acquire the assets arise, under an agreement with that person that contains a provision relieving the Crown from performing any obligation imposed upon it, or relieving the Crown from any claim or cause of action based on the failure by the Crown to

perform any such obligation, as a result of any particular event; and

- (c) The Crown Research Institute carries on that activity or part of that activity whether or not it also carries on any other activity,—

the provision referred to in paragraph (b) of this subsection shall, notwithstanding the transfer of the assets to the Crown Research Institute, continue in force in favour of the Crown as if the Crown Research Institute were part of the Crown, the Crown continued to carry on the activity, and as if the occurrence of any such event referred to in the provision in relation to the Crown Research Institute were the occurrence of the event in relation to the Crown.

Cf. 1986, No. 124, s. 23 (6A), (6B); 1990, No. 83, s. 2 (1)

28. Transfer of assets where certain terms and conditions prescribed by statute—(1) Where—

- (a) Rights or obligations to provide goods or services to third parties are transferred to a Crown Research Institute pursuant to this Act; and
- (b) Those goods or services have previously been provided by the Crown on terms and conditions wholly or partly prescribed by any Act; and
- (c) The Governor-General has by Order in Council declared that this subsection shall apply in respect of those goods or services,—

the goods or services shall, to the extent that those terms and conditions are not already contained in contracts between the Crown and third parties, from the date of transfer be deemed to be provided pursuant to contracts between the Crown Research Institute and the third parties (whether or not the Act is repealed).

(2) Each such contract shall be deemed to include such of the terms and conditions contained in that Act (with all necessary modifications) as are specified in the Order in Council.

(3) Where any land that is subject to any lease, licence, permit, or right, created on terms and conditions wholly or partly set out in any Act, has been or is to be transferred to a Crown Research Institute pursuant to this Act, the Governor-General may, by Order in Council, declare that such of the provisions of that Act as are specified in the order shall continue to apply in relation to the land and such licence, lease, permit, or right.

(4) Where an Order in Council is made under subsection (3) of this section, the provisions of the Act referred to in the order

shall, with all necessary modifications, continue to apply in relation to the land and the terms or conditions of the lease, licence, permit, or right subject to any agreement to—

- (a) Amend or revoke any such term or condition; or
- (b) Revoke any such term or condition and substitute another term or condition for it—

made between the owner for the time being of the land and the holder for the time being of the lease, licence, permit, or right.

Cf. 1986, No. 124, s. 23 (7), (8)

29. Provisions relating to transfer of land—

(1) Notwithstanding any other provision of this Act, Crown land within the meaning of the Land Act 1948 and any lands of the Crown other than lands registered under the Land Transfer Act 1952 that are to be transferred to a Crown Research Institute pursuant to this Act shall—

- (a) Be identified by an adequate legal description, or on plans lodged in the office of the Chief Surveyor for the land district in which the land is situated (being plans certified as correct for the purposes of this section by that Chief Surveyor); and
- (b) Vest in the Crown Research Institute—

- (i) Pursuant to and on a date specified in an Order in Council made for the purposes of this section; or
 - (ii) Pursuant to and on a date specified in a notice in the *Gazette* given for the purposes of this section by the shareholding Ministers or by a person authorised in writing by those Ministers.

(2) Every notice given under subsection (1) (b) (ii) of this section may be given on such terms and conditions as the shareholding Ministers or a person authorised in writing by those Ministers, as the case may be, thinks fit, and shall have effect according to its tenor.

(3) Notwithstanding any other provision of this Act, no land that is subject to a lease or licence pursuant to section 66 or section 66AA of the Land Act 1948 shall be transferred to a Crown Research Institute pursuant to section 24 (1) (a) of this Act.

(4) Subject to subsection (5) of this section, but notwithstanding any other provision of this Act, no land for the time being held, managed, or administered under the Conservation Act 1987 or under any enactment specified in the First Schedule to that Act shall be transferred to a Crown Research Institute pursuant to section 24 (1) (a) of this Act.

(5) Nothing in subsection (4) of this section prevents the granting, to a Crown Research Institute, of a licence to occupy any land to which that subsection applies if the Minister of Conservation consents to the granting of that licence.

(6) All land that is subject to the Land Act 1948 or the Forests Act 1949 and that is transferred to a Crown Research Institute pursuant to this Act shall cease to be subject to the Land Act 1948 or the Forests Act 1949, as the case may be, from the date of that transfer, unless otherwise expressly provided by this Act or any other Act.

(7) Nothing in this Act or in any transfer of land to a Crown Research Institute pursuant to this Act shall derogate from the provisions of section 10 or section 11 of the Crown Minerals Act 1991.

Cf. 1986, No. 124, s. 24; 1987, No. 117, s. 7 (1), (2); 1990, No. 31, s. 37; 1991, No. 70, s. 121; 1992, No. 27, s. 5

30. Modification of provisions of Public Works Act 1981—(1) This section applies to the transfer of land or an interest in land to a Crown Research Institute—

(a) Pursuant to this Act; or

(b) By another Crown Research Institute,—

where that transfer occurs not later than the 30th day of June 1994.

(2) Nothing in sections 40 to 42 of the Public Works Act 1981 shall apply to the transfer of land or an interest in land to a Crown Research Institute (being a transfer to which this section applies) so long as the land or interest in land continues to be used for the purposes of a Crown Research Institute, but, if all or any part of the land or interest in land is no longer required for such purposes, sections 40 and 41 of that Act shall apply to the land or interest no longer required as if the Crown Research Institute were the Crown and the transfer of that land or interest to that Crown Research Institute were not a transfer to which this section applies.

(3) If, in relation to land or an interest in land that has been transferred to a Crown Research Institute (being a transfer to which this section applies), an offer made under subsection (2) of section 40 of the Public Works Act 1981 is not accepted—

(a) Within 40 working days after the making of the offer or such further period as the chief executive of the Department of Survey and Land Information considers reasonable; or

(b) If an application has been made pursuant to subsection (2A) of that section to the Land Valuation Tribunal,

within 20 working days after the determination of the Tribunal,—

whichever is later, and the parties have not agreed on other terms for the sale of the land or interest, the Crown Research Institute may sell or otherwise dispose of the land or interest to any person on such terms and conditions as it thinks fit.

(4) For the purposes of subsection (3) of this section, the term “working day” has the same meaning as it has in section 2 of the Public Works Act 1981.

Cf. 1990, No. 52, s. 9 (4)

31. Obligation to lodge caveat—(1) Where, before the 30th day of June 1994, land or an interest in land is transferred to a Crown Research Institute pursuant to this Act or by another Crown Research Institute, the Crown or, as the case may be, the Crown Research Institute transferring the land or interest shall, for the purpose of protecting the rights of persons from whom that land or interest was acquired and their successors to have that land or interest offered to them under section 40 (2) of the Public Works Act 1981, lodge an appropriate caveat under the Land Transfer Act 1952, and this section shall be sufficient authority for the lodging of such a caveat.

(2) For the purposes of this section, the rights of persons from whom land or an interest in land was acquired and their successors to have that land or interest offered to them under section 40 (2) of the Public Works Act 1981 shall be deemed to be interests in land for the purposes of section 137 of the Land Transfer Act 1952.

(3) In stating, in a caveat lodged pursuant to subsection (1) of this section, the interest claimed by the caveator, it shall be sufficient, for the purposes of section 138 of the Land Transfer Act 1952, to refer to sections 40 to 42 of the Public Works Act 1981 and this section.

Cf. 1974, No. 66, s. 594zG; 1989, No. 29, s. 34 (1)

32. Transfer of land not to constitute a subdivision or development—Nothing in section 11 or Part X of the Resource Management Act 1991 applies to the transfer of land or an interest in land to a Crown Research Institute—

(a) Pursuant to this Act; or

(b) By another Crown Research Institute,—
where that transfer occurs not later than the 30th day of June 1994.

33. Land Settlement Promotion and Land Acquisition Act 1952 not to apply—The provisions of Part II of the Land Settlement Promotion and Land Acquisition Act 1952 shall not apply to any transfer of land or an interest in land to a Crown Research Institute by another Crown Research Institute, where that transfer occurs not later than the 30th day of June 1994.

34. Uses deemed to be permitted activity—Where any land is transferred to a Crown Research Institute pursuant to this Act, the use of that land which is established at the date of the transfer shall be deemed to be a permitted activity under the Resource Management Act 1991 until the next completion of the review of the district plan or appropriate part of the district plan, and thereafter the status of that use shall be as provided from time to time in or under the district plan.

Cf. 1974, No. 66, s. 594ZN; 1989, No. 29, s. 34 (1); 1991, No. 69, s. 362

35. Title to land—(1) A District Land Registrar shall, on written application by any person authorised by a shareholding Minister and on payment of the prescribed fee,—

- (a) Register a Crown Research Institute as the proprietor, in substitution for the Crown, of the estate or the interest of the Crown in any land that is incorporated in the register or otherwise registered in the Land Registry Office of the land registration district concerned and that is transferred to the Crown Research Institute pursuant to this Act; and
- (b) Make such entries in the register and on any outstanding documents of title and generally do all such things as may be necessary to give effect to this section.

(2) The powers conferred by subsection (1) of this section may be exercised in respect of an estate or interest that is incorporated in the register by virtue of a lease or licence that has expired or has been determined.

(3) A District Land Registrar shall, on written application by any person authorised by a shareholding Minister and on payment of the prescribed fee, issue a certificate of title for land vested in a Crown Research Institute pursuant to section 29 (1) of this Act in form No. 1 in the First Schedule to the Land Transfer Act 1952, amended as appropriate.

(4) As soon as registration is accomplished in accordance with subsection (1) of this section or a certificate of title is issued in accordance with subsection (3) of this section, the Crown Research Institute shall, except where the interest acquired is

either an easement in gross or an estate as lessee or mortgagee, be deemed to be seized of an estate in fee simple in possession in respect of that land.

(5) Applications in accordance with subsections (1) and (3) of this section shall specify the name of the Crown Research Institute and the date of the agreement, together with a description of the land sufficient to identify it and, in the case of applications under subsection (3) of this section, a certificate by the Chief Surveyor for the district concerned as to the correctness of such description.

Cf. 1986, No. 124, s. 25; 1989, No. 57, s. 2

36. Land certification—(1) Before a District Land Registrar issues a certificate of title in respect of any land vested in a Crown Research Institute pursuant to section 29 (1) of this Act, the District Land Registrar shall either receive under the hand of or request from the Director-General of Survey and Land Information or any Chief Surveyor a certificate in the form set out in the Second Schedule to the Land Act 1948 as to the legal description of the land, any trusts, reservations, or restrictions affecting the land, and any other matters that the District Land Registrar considers appropriate.

(2) A certificate in accordance with subsection (1) of this section shall be filed by the District Land Registrar in the Land Registry Office and shall be conclusive evidence to the District Land Registrar of the matters required to be stated in that certificate.

Cf. 1986, No. 124, s. 26; 1987, No. 117, s. 8; 1989, No. 57, s. 3 (1), (2)

37. Certification of easements—(1) Where land is vested in a Crown Research Institute pursuant to section 29 (1) of this Act subject to the reservation of or together with any easement, not being an easement previously registered under the Land Transfer Act 1952, the Director-General of Survey and Land Information or any Chief Surveyor shall include in the certificate given under section 36 (1) of this Act a sufficient description of the easement and particulars as to the rights and powers, terms, covenants, conditions, or restrictions attaching thereto.

(2) The District Land Registrar shall enter a memorial of the easement upon the relevant certificate of title by reference to the certificate in which it is described as if that certificate were the instrument creating the easement.

(3) Where a memorial of an easement is entered upon the relevant certificate of title under subsection (2) of this section, the easement shall be treated for all purposes including all subsequent dealings as if it had been created under the Land Transfer Act 1952.

Cf. 1986, No. 124, s. 26A; 1992, No. 27, s. 6

38. Orders in Council relating to transfer of assets and liabilities—(1) For the purpose of facilitating the transfer of assets and liabilities to a Crown Research Institute pursuant to this Act, the Governor-General may from time to time, by Order in Council, do any one or more of the following:

- (a) Vest in or impose on a Crown Research Institute any asset or liability (other than land to which section 29 (1) of this Act applies), or any class of any such asset or liability, that is to be transferred to the Crown Research Institute:
- (b) Vest land in a Crown Research Institute for the purposes of section 29 (1) of this Act:
- (c) Declare that a reference to the Crown or a Minister, officer, employee, department, or instrument of the Crown in any or all regulations, orders, notices, or documents shall be deemed to be or to include a reference to a Crown Research Institute specified in the order:
- (d) Declare that a Crown Research Institute shall assume or continue to have the rights and obligations of the Crown or a Minister, officer, employee, department, or instrument of the Crown in respect of applications for rights, objections, or proceedings before any court, authority, or other person, being rights and obligations that the Crown Research Institute has agreed to assume:
- (e) Declare, in respect of any assets or liabilities transferred to a Crown Research Institute pursuant to this Act, that the Crown Research Institute shall be deemed to have specified rights or obligations in respect of those assets or liabilities, being rights or obligations that are required in respect of those assets or liabilities as a result of the change of ownership or responsibility from the Crown to the Crown Research Institute:
- (f) Declare that any Order in Council made under this section shall be deemed to be notice to all persons, and that specific notice need not be given to any authority or other person:

(g) Direct any authority or other person to register or record any such vesting or declaration.

(2) Every Order in Council made under this section may be made on such terms and conditions as the Governor-General thinks fit, and shall have effect according to its tenor.

Cf. 1986, No. 124, s. 28; 1991, No. 69, s. 362

39. Transfer of employees—(1) Notwithstanding anything in section 61A of the State Sector Act 1988, where the chief executive of a Government department finds, in respect of any duties being carried out by the department, that those duties are no longer to be carried out by the department and are to be carried out (in whole or in part) by a Crown Research Institute, that chief executive and the chief executive of that Crown Research Institute may, subject to subsection (3) of this section, agree to the transfer, from that department to that Crown Research Institute, of all or any of the employees of that department who are carrying out those duties.

(2) Before transferring any employee under subsection (1) of this section, the respective chief executives of the Government department and the Crown Research Institute shall consult with the employee about the proposed transfer.

(3) The power conferred by this section to transfer any employee is subject to the employment contract applying to that employee.

Cf. 1988, No. 20, s. 61A; 1989, No. 136, s. 14

40. Protection of conditions of employment upon transfer—(1) Where any employee of a Government department is transferred to a Crown Research Institute pursuant to section 39 of this Act to do substantially the same work as that person was doing before the transfer, the employment of that person by the Crown Research Institute shall be on terms and conditions of employment based on the terms and conditions of employment applying to that person immediately before the date of the transfer.

(2) Subsection (1) of this section shall continue to apply to the terms and conditions of employment of each transferred employee until such time as any of the terms and conditions of employment that apply under the employment contract applying to that employee at the date of the transfer are varied.

(3) The terms and conditions of employment of each transferred employee shall, from the date of any such variation, be determined in accordance with the employment contract

applying to that employee in the Crown Research Institute in which the transferred employee is then employed.

(4) Nothing in subsection (1) of this section shall continue to apply to any transferred employee who receives any subsequent appointment within the Crown Research Institute to which that employee was transferred.

Cf. 1988, No. 20, s. 61B; 1989, No. 136, s. 14

41. Employment of transferred employees deemed to be continuous—(1) Every employee of a Government department who is transferred to a Crown Research Institute pursuant to section 39 of this Act shall, on the date of the transfer, become an employee of the Crown Research Institute, but, for the purposes of every enactment, law, determination, contract, and agreement relating to the employment of each such employee, the contract of employment of that employee shall be deemed to have been unbroken and that employee's period of service with that department, and every other period of service of that employee that is recognised by that department as continuous service, shall be deemed to have been a period of service with the Crown Research Institute.

(2) No employee of a Government department who is transferred to a Crown Research Institute pursuant to section 39 of this Act shall be entitled to receive any payment or other benefit by reason only of that person ceasing by virtue of that transfer to be an employee of that department.

PART V

MISCELLANEOUS PROVISIONS

42. Saving of certain transactions—A failure by a Crown Research Institute to comply with any provision contained in Part I of this Act or in any statement of corporate intent shall not affect the validity or enforceability of any deed, agreement, right, or obligation entered into, obtained, or incurred by a Crown Research Institute.

Cf. 1986, No. 124, s. 21

43. Prime Minister may give directions to Crown Research Institutes—(1) This section applies where—

- (a) There is in force a state of national or civil defence emergency declared under Part III or Part IV of the Civil Defence Act 1983; or
- (b) There is in force a state of animal disease emergency declared under section 30 of the Animals Act 1967; or

- (c) A declaration made under section 13 of the Apiaries Act 1969 is in force in respect of any area; or
- (d) There is in force a state of plant disease emergency declared under section 12 of the Plants Act 1970; or
- (e) The assistance of any Crown Research Institute is required for the purposes of giving effect to any measures—

- (i) That are authorised or required to be taken by or under any regulations made under section 69 or section 70 of the Forests Act 1949; and

- (ii) That relate to the control or eradication of any infection or disease that may be injurious to or may cause any unhealthy condition in any tree, tree seed, timber, or timber produce.

(2) Notwithstanding anything in this Act or the Companies Act 1955, and notwithstanding any rule of law or the rules of any Crown Research Institute, where this section applies, the Prime Minister may from time to time, after consultation with the shareholding Ministers, by notice in writing give to the board of a Crown Research Institute such directions with respect to the operations of the Crown Research Institute as the Prime Minister considers necessary in the circumstances.

(3) Where, pursuant to subsection (2) of this section, the Prime Minister gives any directions to the board of a Crown Research Institute, that board shall ensure that those directions are complied with.

(4) Where a notice is given to the board of a Crown Research Institute under subsection (2) of this section, the Prime Minister shall, as soon as practicable after the giving of the notice,—

- (a) Publish a copy of it in the *Gazette*; and

- (b) Lay a copy of it before the House of Representatives.

44. Compensation may be paid to Crown Research Institutes—(1) Where any direction is given pursuant to section 15 (1) (c) or section 43 (2) of this Act in relation to a Crown Research Institute, the Crown may, in the Crown's absolute discretion, pay to the Crown Research Institute such amount as it thinks fit for the purpose of compensating the Crown Research Institute for anything the Crown Research Institute is or might be or has been required to do to comply with the direction.

(2) Any money required for the purposes of this section shall be paid out of money appropriated by Parliament for the purpose.

45. Archives Act 1957 to apply—It is hereby declared that every Crown Research Institute is a Government office for the purposes of the Archives Act 1957.

46. Amendments and repeal—(1) The enactments specified in the First Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(2) Section 11 of the Atomic Energy Amendment Act 1957 is hereby consequentially repealed.

(3) This section shall come into force on the 1st day of July 1992.

47. Amendments to Scientific and Industrial Research Act 1974—(1) The following provisions of the Scientific and Industrial Research Act 1974 are hereby repealed:

(a) The definitions of the terms “intellectual property”, “invention”, “New Zealand standard of measurement”, “physical quantity”, “plant variety”, “principal standard measure”, “research”, “standard measure”, and “verifying authority” in section 2:

(b) Sections 5, 10, 11, 12, 13A, 14, and 15.

(2) The Scientific and Industrial Research (Intellectual Property) Regulations 1989 (S.R. 1989/359) are hereby revoked.

(3) This section shall come into force on the 1st day of July 1992.

48. Repeal of Scientific and Industrial Research Act 1974—(1) The enactments specified in the Second Schedule to this Act are hereby repealed.

(2) The Ombudsmen Act 1975 is hereby consequentially amended by omitting from Part I of the First Schedule the item relating to the Department of Scientific and Industrial Research.

(3) The State Sector Act 1988 is hereby consequentially amended by omitting from the First Schedule (as substituted by section 28 (1) of the State Sector Amendment Act (No. 2) 1989) the item relating to the Department of Scientific and Industrial Research.

(4) Section 47 of this Act is hereby consequentially repealed.

(5) This section shall come into force on a date to be appointed by the Governor-General by Order in Council.

49. Amendments to Fertilisers Act 1982—(1) The Fertilisers Act 1982 is hereby amended by repealing section 13, and substituting the following sections:

“13. Appointment of analysts and inspectors—

(1) Subject to section 13A of this Act, there shall from time to time be appointed under the State Sector Act 1988 such number of Analysts and Inspectors as are necessary for the purposes of this Act and any other enactment that confers or imposes powers or duties on Analysts or Inspectors.

“(2) Subject to section 13A of this Act, the Director-General may from time to time appoint any suitable person (not being an employee in the State Services) to be an Analyst for the purposes of this Act.

“(3) Every person appointed under subsection (2) of this section—

“(a) Shall be appointed for such term, not exceeding 3 years, as the Director-General thinks fit, and may from time to time be re-appointed:

“(b) May be paid, out of money appropriated by Parliament for the purpose, such remuneration as the Director-General from time to time determines:

“(c) May at any time be removed from office by the Director-General for incapacity, neglect of duty, or misconduct:

“(d) May at any time resign his or her office by writing addressed to the Director-General.

“(4) Every person appointed under subsection (2) of this section shall, on the expiration of his or her term of appointment, or on the sooner expiry of his or her appointment by removal from office or resignation, surrender to the Director-General his or her warrant of appointment.

“(5) No person appointed by the Director-General under subsection (2) of this section shall by reason only of that appointment be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956.

“13A. Qualifications of analysts and inspectors—No person shall be appointed to be an Analyst or Inspector unless—

“(a) He or she has completed, to the satisfaction of the Director-General, a course of training and instruction approved by the Director-General for Analysts or Inspectors (as the case requires); or

“(b) He or she has so completed some other training and instruction that, in the opinion of the Director-General, it is unnecessary for him or her to complete

a course approved under paragraph (a) of this section.”

(2) So much of the First Schedule to this Act as relates to the Fertilisers Act 1960 is hereby consequentially repealed.

(3) This section shall come into force on the date on which the Fertilisers Act 1982 comes into force.

SCHEDULES

FIRST SCHEDULE

Section 46 (1)

ENACTMENTS AMENDED

(Which amendments take effect on the 1st day of July 1992)

Enactment	Amendment
<p>1945, No. 41—The Atomic Energy Act 1945 (R.S. Vol. 1, p. 189)</p>	<p>By repealing the definition of the term “Minister for Scientific and Industrial Research” in section 2, and substituting the following definition: “ ‘Minister of Research, Science, and Technology’ means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of the Foundation for Research, Science, and Technology Act 1990:”.</p> <p>By omitting from section 12 the words “Minister for Scientific and Industrial Research” in each place where they occur, and substituting in each case the words “Minister of Research, Science, and Technology”.</p> <p>By omitting from section 13 (1) the words “and at any laboratory under the control of the Department of Scientific and Industrial Research or any other Department of State”, and substituting the words “at any laboratory under the control of any Department of State, and at any other laboratory for the time being approved by the Minister of Research, Science, and Technology”.</p> <p>By omitting from the proviso to subsection (2) of section 13, and also from subsection (3) of that section, the words “Minister for Scientific and Industrial Research”, and substituting in each case the words “Minister of Research, Science, and Technology”.</p> <p>By omitting from section 13 (3) the words “and any laboratory under the control of the Department of Scientific and Industrial Research or any other Department of State”, and substituting the words “any laboratory under the control of any Department of State, and any laboratory for the time being</p>

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1945, No. 41—The Atomic Energy Act 1945 (R.S. Vol. 1, p. 189)—<i>continued</i></p>	<p>approved by the Minister of Research, Science, and Technology”.</p> <p>By omitting from section 14 the words “Minister for Scientific and Industrial Research”, and substituting the words “Minister of Research, Science, and Technology”.</p> <p>By repealing section 16, and substituting the following section:</p> <p>“16. Granting of consents, etc.—In granting any consent or approval or imposing any requirement under this Act, the Minister or the Minister of Research, Science, and Technology, as the case may be, may impose such conditions as he or she thinks fit.”</p>
<p>1952, No. 55—The Dairy Industry Act 1952 (R.S. Vol. 26, p. 113)</p>	<p>By inserting, after section 4, the following section:</p> <p>“4A. Analysts who are not public servants—(1) The Director may from time to time appoint any suitable person (not being an employee in the State Services) to be an Analyst for the purposes of this Act.</p> <p>“(2) Every person appointed under subsection (1) of this section—</p> <p>“(a) Shall be appointed for such term, not exceeding 3 years, as the Director thinks fit, and may from time to time be re-appointed:</p> <p>“(b) May be paid, out of money appropriated by Parliament for the purpose, such remuneration as the Director from time to time determines:</p> <p>“(c) May at any time be removed from office by the Director for incapacity, neglect of duty, or misconduct:</p> <p>“(d) May at any time resign his or her office by writing addressed to the Director.</p> <p>“(3) Every person appointed under subsection (1) of this section shall, on the</p>

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1952, No. 55—The Dairy Industry Act 1952 (R.S. Vol. 26, p. 113)—<i>continued</i></p>	<p>expiration of his or her term of appointment, or on the sooner expiry of his or her appointment by removal from office or resignation, surrender to the Director his or her warrant of appointment.</p> <p>“(4) No person appointed by the Director under subsection (1) of this section shall by reason only of that appointment be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956.”</p>
<p>1956, No. 47—The Government Superannuation Fund Act 1956 (R.S. Vol. 21, p. 209)</p>	<p>By inserting in the definition of the term “controlling authority” in section 2 (1) (as substituted by section 87 of the State Sector Act 1988), after paragraph (ea) (as inserted by section 2 of the Government Superannuation Fund Amendment Act (No. 2) 1990), the following paragraphs:</p> <p>“(eb) A contributor employed in a Crown Research Institute, means the chief executive of that Crown Research Institute:</p> <p>“(ec) A contributor employed in a subsidiary of a Crown Research Institute, means the chief executive of that subsidiary.”</p> <p>By inserting, after section 2A (as substituted by section 3 of the Government Superannuation Fund Amendment Act (No. 2) 1990), the following section:</p> <p>“2B. Application to certain employees of Crown Research Institutes—(1) This section applies to every person—</p> <p>“(a) Who becomes an employee of a Crown Research Institute, or of any subsidiary of a Crown Research Institute, at any time within 9 months of the date of</p>

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1956, No. 47—The Government Superannuation Fund Act 1956 (R.S. Vol. 21, p. 209)—<i>continued</i></p>	<p>establishment of that Crown Research Institute; and</p> <p>“(b) Who was, immediately before becoming so employed, a contributor under this Act.</p> <p>“(2) For the purposes of this section,—</p> <p>“(a) ‘Date of establishment’ in relation to any Crown Research Institute, means the date declared, by the Minister of Finance by notice in the <i>Gazette</i> for the purposes of this section, to be the date on which any Crown Research Institute is or was established; and</p> <p>“(b) ‘Crown Research Institute’ means a Crown Research Institute within the meaning of the Crown Research Institutes Act 1992; and</p> <p>“(c) ‘Subsidiary’ has the same meaning as in section 158 of the Companies Act 1955.</p> <p>“(3) For the purposes of this Act,—</p> <p>“(a) Every person to whom this section applies shall be deemed to be employed in the Government service so long as that person continues to be employed by any Crown Research Institute or any subsidiary of a Crown Research Institute; and</p> <p>“(b) This Act shall apply to that person in all respects as if service with any Crown Research Institute or subsidiary of a Crown Research Institute were Government service.</p> <p>“(4) Except as provided in sections 61r and 61s of this Act, once any person to</p>

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1956, No. 47—The Government Superannuation Fund Act 1956 (R.S. Vol. 21, p. 209)—<i>continued</i></p>	<p>whom this section applies has ceased to be a contributor under this Act that person shall not be entitled to again become a contributor under this Act by virtue of any employment in any Crown Research Institute or subsidiary of a Crown Research Institute.”</p>
<p>1960, No. 33—The Fertilisers Act 1960 (R.S. Vol. 19, p. 335)</p>	<p>By repealing section 4, and substituting the following sections:</p> <p>“4. Appointment of Analysts and Inspectors—(1) There may from time to time be appointed under the State Sector Act 1988 such Analysts and Inspectors as are required for the purposes of this Act.</p> <p>“(2) The Director-General may from time to time appoint any suitable person (not being an employee in the State Services) to be an Analyst for the purposes of this Act.</p> <p>“(3) Every person appointed under subsection (2) of this section—</p> <p>“(a) Shall be appointed for such term, not exceeding 3 years, as the Director-General thinks fit, and may from time to time be re-appointed:</p> <p>“(b) May be paid, out of money appropriated by Parliament for the purpose, such remuneration as the Director-General from time to time determines:</p> <p>“(c) May at any time be removed from office by the Director-General for incapacity, neglect of duty, or misconduct:</p> <p>“(d) May at any time resign his or her office by writing addressed to the Director-General.</p> <p>“(4) Every person appointed under subsection (2) of this section shall, on the expiration of his or her term of appointment, or on the sooner expiry of</p>

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1960, No. 33—The Fertilisers Act 1960 (R.S. Vol. 19, p. 335)— <i>continued</i>	<p>his or her appointment by removal from office or resignation, surrender to the Director-General his or her warrant of appointment.</p> <p>“(5) No person appointed by the Director-General under subsection (2) of this section shall by reason only of that appointment be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956.</p> <p>“4A. Powers and duties of Analysts and Inspectors—Every Analyst and every Inspector shall have the powers and shall perform the duties set out in this Act, and shall have such other powers and perform such other duties as may be necessary to carry into effect the provisions of this Act or as may be prescribed by regulations made under this Act.”</p>
1965, No. 23—The Radiation Protection Act 1965 (R.S. Vol. 18, p. 673)	<p>By repealing paragraph (c) of subsection (2) of section 5 (as substituted by section 2 of the Radiation Protection Amendment Act 1986).</p> <p>By repealing paragraph (f) of section 5 (2) (as so substituted), and substituting the following paragraph:</p> <p>“(f) Two persons who by reason of academic or technical training have relevant knowledge of, or experience in, the use of ionising or non-ionising radiation, and of whom at least 1 is a qualified physicist.”</p> <p>By repealing section 5c (2) (as so substituted).</p>
1967, No. 51—The Animal Remedies Act 1967 (R.S. Vol. 21, p. 11)	<p>By inserting in the definition of the term “analyst” in section 2 (1), after the expression “section 16”, the expression “or section 16A”.</p> <p>By repealing paragraph (g) of section 5 (1), and substituting the following paragraph:</p>

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
<p>1967, No. 51—The Animal Remedies Act 1967 (R.S. Vol. 21, p. 11)—<i>continued</i></p>	<p>“(g) One person, being an analytical chemist, to be appointed on the nomination of the Minister.”</p> <p>By inserting in section 16 (3), after the word “section”, the words “or under section 16A of this Act”.</p> <p>By inserting, after section 16, the following section:</p> <p>“16A. Analysts who are not public servants—(1) The Director-General may from time to time appoint any suitable person (not being an employee in the State Services) to be an analyst for the purposes of this Act.</p> <p>“(2) Every person appointed under subsection (1) of this section—</p> <p>“(a) Shall be appointed for such term, not exceeding 3 years, as the Director-General thinks fit, and may from time to time be re-appointed:</p> <p>“(b) May be paid, out of money appropriated by Parliament for the purpose, such remuneration as the Director-General from time to time determines:</p> <p>“(c) May at any time be removed from office by the Director-General for incapacity, neglect of duty, or misconduct:</p> <p>“(d) May at any time resign his or her office by writing addressed to the Director-General.</p> <p>“(3) Every person appointed under subsection (1) of this section shall, on the expiration of his or her term of appointment, or on the sooner expiry of his or her appointment by removal from office or resignation, surrender to the Director-General his or her warrant of appointment.</p> <p>“(4) No person appointed by the Director-General under subsection (1) of</p>

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1967, No. 51—The Animal Remedies Act 1967 (R.S. Vol. 21, p. 11)— <i>continued</i>	this section shall by reason only of that appointment be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956.”
1969, No. 53—The Apiaries Act 1969 (R.S. Vol. 21, p. 163)	<p>By inserting in section 26 (1), after the expression “section 39A” (as inserted by section 11 (2) of the Apiaries Amendment Act 1980), the expression “or section 39B”.</p> <p>By inserting in section 28 (1), after the expression “section 39A” (as inserted by section 11 (2) of the Apiaries Amendment Act 1980), the expression “or section 39B”.</p> <p>By inserting, after section 39A (as inserted by section 11 (1) of the Apiaries Amendment Act 1980), the following section:</p> <p style="margin-left: 2em;">“39B. Analysts who are not public servants—(1) The Director-General may from time to time appoint any suitable person (not being an employee in the State Services) to be an analyst for the purposes of this Act.</p> <p style="margin-left: 2em;">“(2) Every person appointed under subsection (1) of this section—</p> <p style="margin-left: 4em;">“(a) Shall be appointed for such term, not exceeding 3 years, as the Director-General thinks fit, and may from time to time be re-appointed:</p> <p style="margin-left: 4em;">“(b) May be paid, out of money appropriated by Parliament for the purpose, such remuneration as the Director-General from time to time determines:</p> <p style="margin-left: 4em;">“(c) May at any time be removed from office by the Director-General for incapacity, neglect of duty, or misconduct:</p>

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1969, No. 53—The Apiaries Act 1969 (R.S. Vol. 21, p. 163)— <i>continued</i>	<p>“(d) May at any time resign his or her office by writing addressed to the Director-General.</p> <p>“(3) Every person appointed under subsection (1) of this section shall, on the expiration of his or her term of appointment, or on the sooner expiry of his or her appointment by removal from office or resignation, surrender to the Director-General his or her warrant of appointment.</p> <p>“(4) No person appointed by the Director-General under subsection (1) of this section shall by reason only of that appointment be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956.”</p>
1971, No. 25—The Mining Act 1971 (R.S. Vol. 17, p. 355)	<p>By omitting from section 153 (3) the words “the Director of the New Zealand Geological Survey”, and substituting the words “such person as is from time to time designated by the Minister for the purposes of this subsection”.</p> <p>By omitting from section 153 (4) the words “the New Zealand Geological Survey”, and substituting the words “such body as is from time to time designated by the Minister”.</p>
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)	<p>By adding to section 2 (as substituted by section 2 of the Ombudsmen Amendment Act 1992) the following subsection:</p> <p>“(3) For the purposes of Part II of the First Schedule to this Act, a company is a related company of a Crown Research Institute if the Crown Research Institute, whether alone or together with any other Crown Research Institute, directly or indirectly owns, or controls the exercise of all the voting rights attaching to, the equity share capital (as defined in section 158 of the Companies Act 1955) of the company.”</p>

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)— <i>continued</i>	By inserting in Part II of the First Schedule, in their appropriate alphabetical order, the following items: “Crown Research Institutes” “Related companies of Crown Research Institutes (within the meaning of section 2 (3) of this Act)”.
1979, No. 21—The Coal Mines Act 1979	By repealing section 210 (2) (d).
1979, No. 26—The Pesticides Act 1979	By inserting in the definition of the term “Analyst” in section 2, after the expression “section 11”, the expression “or section 11A”. By inserting in Part I, after section 11, the following section: “11A. Analysts who are not public servants —(1) The Director-General may from time to time appoint any suitable person (not being an employee in the State Services) to be an Analyst for the purposes of this Act. “(2) Every person appointed under subsection (1) of this section— “(a) Shall be appointed for such term, not exceeding 3 years, as the Director-General thinks fit, and may from time to time be re-appointed: “(b) May be paid, out of money appropriated by Parliament for the purpose, such remuneration as the Director-General from time to time determines: “(c) May at any time be removed from office by the Director-General for incapacity, neglect of duty, or misconduct: “(d) May at any time resign his or her office by writing addressed to the Director-General. “(3) Every person appointed under subsection (1) of this section shall, on the expiration of his or her term of

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1979, No. 26—The Pesticides Act 1979— <i>continued</i>	<p>appointment, or on the sooner expiry of his or her appointment by removal from office or resignation, surrender to the Director-General his or her warrant of appointment.</p> <p>“(4) No person appointed by the Director-General under subsection (1) of this section shall by reason only of that appointment be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956.”</p> <p>By omitting from section 12 (2) (b) the words “Minister of Science”, and substituting the words “Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of the Foundation for Research, Science, and Technology Act 1990”.</p>
1979, No. 27—The Toxic Substances Act 1979	<p>By omitting from section 11 (2) (b) the words “Minister of Science”, and substituting the words “Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of the Foundation for Research, Science, and Technology Act 1990”.</p>
1981, No. 47—The Flags, Emblems, and Names Protection Act 1981	<p>By repealing section 20, and substituting the following section:</p> <p>“20. Unauthorised use of certain commercial names—(1) Subject to subsections (4) to (6) of this section, every person commits an offence against this Act who—</p> <p style="padding-left: 2em;">“(a) Causes any association (whether incorporated or unincorporated) to be formed under any name, title, style, or designation—</p> <p style="padding-left: 4em;">“(i) That includes any word or name to which this subsection applies; or</p>

FIRST SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1981, No. 47—The Flags, Emblems, and Names Protection Act 1981— <i>continued</i>	<p>“(ii) That so closely resembles any word or name to which this subsection applies as to be likely to deceive or mislead any person; or</p> <p>“(b) Publicly uses in connection with any business, trade, or occupation—</p> <p>“(i) Any word or name to which this subsection applies; or</p> <p>“(ii) Any word or name that so closely resembles any word or name to which this subsection applies as to be likely to deceive or mislead any person.</p> <p>“(2) Every association (whether incorporated or unincorporated) commits an offence against this Act which carries on its activities under any name, title, style, or designation that includes any word or name to which subsection (1) of this section applies, unless the association has been registered under that name, title, style, or designation in reliance on subsection (5) of this section.</p> <p>“(3) Subsection (1) of this section applies to the following:</p> <p>“(a) The word ‘D.S.I.R.’:</p> <p>“(b) The name ‘Department of Scientific and Industrial Research’:</p> <p>“(c) The word ‘Ruakura’:</p> <p>“(d) The name ‘Wheat Research Institute’:</p> <p>“(e) The name ‘New Zealand Soil Bureau’:</p> <p>“(f) The name ‘New Zealand Oceanographic Institute’:</p> <p>“(g) The name ‘Soil Conservation Centre’:</p> <p>“(h) The name ‘Physics and Engineering Laboratory’:</p>

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1981, No. 47—The Flags, Emblems, and Names Protection Act 1981— <i>continued</i>	<p>“(i) The name ‘Institute of Nuclear Sciences’;</p> <p>“(j) The name ‘Dominion Physical Laboratory’;</p> <p>“(k) The word ‘NECAL’;</p> <p>“(l) The word ‘NZGS’;</p> <p>“(m) The name ‘Animal Research Laboratory’;</p> <p>“(n) The name ‘Agricultural Research Centre’;</p> <p>“(o) The name ‘Management Consultancy Services’;</p> <p>“(p) The word ‘MAF’;</p> <p>“(q) The name ‘New Zealand Communicable Disease Centre’.</p> <p>“(4) Subsections (1) and (2) of this section do not apply to the use of any word or name where that use is expressly authorised by or under any other Act or by the Governor-General by Order in Council.</p> <p>“(5) A registering authority may authorise the registration of any association under any name, title, style, or designation that includes any word or name to which subsection (1) of this section applies if the Registrar is satisfied that—</p> <p>“(a) The word or name comprises the whole or part of the proper name of any town or road or other place, and that the name is or is to be used in full by the association; or</p> <p>“(b) The word or name is the surname (not being a surname taken or used for the purpose of defeating the intention of this section) of a foundation member of the company or incorporated society;—</p> <p>and, in the context in which it is used or is intended to be used, is not likely to deceive any person.</p>

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1981, No. 47—The Flags, Emblems, and Names Protection Act 1981— <i>continued</i>	“(6) Nothing in this section shall prohibit or affect the use by any person of any name, title, style, designation, or word if, immediately before the commencement of this section, that use was expressly authorised by any consent, permission, approval, or authority given by any person lawfully entitled to give it.” By repealing so much of the Third Schedule as relates to the Scientific and Industrial Research Act 1974.
1981, No. 56—The Meat Act 1981	By inserting in section 4 (2), after the word “part-time”, the words “or full-time”.
1983, No. 46—The Civil Defence Act 1983	By repealing section 19 (2) (n).
1983, No. 130—The Films Act 1983	By omitting from Part I of the Schedule the item relating to the Department of Scientific and Industrial Research.
1987, No. 65—The Conservation Act 1987	By inserting in section 24 (as inserted by section 15 of the Conservation Law Reform Act 1990), after subsection (7), the following subsection: “(7A) Every disposition of land by the Crown to a Crown Research Institute pursuant to the Crown Research Institutes Act 1992 shall be deemed to be a disposition of land for the purposes of this section.”
1988, No. 48—The Soil Conservation and Rivers Control Amendment Act 1988	By omitting from section 6 (3) the words “the Department of Scientific and Industrial Research”, and substituting the words “such body as is from time to time designated by the Minister for the purposes of this subsection”.
1989, No. 18—The Trade in Endangered Species Act 1989	By repealing paragraph (b) of section 7 (1), and substituting the following paragraph: “(b) Such Crown Research Institute (within the meaning of the Crown Research Institutes Act 1992) as the Minister from time to time determines:”.

FIRST SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1989, No. 44—The Public Finance Act 1989	By inserting in the definition of the term “Crown agency” in section 2 (1), after the word “Parliament,”, the words “a Crown Research Institute established pursuant to the Crown Research Institutes Act 1992,”.
1991, No. 70—The Crown Minerals Act 1991	By omitting from section 90 (4) the words “the Director of Department of Scientific and Industrial Research Geology and Geophysics”, and substituting the words “such person as is from time to time designated by the Minister for the purposes of this subsection”.

Section 48 (1)

**SECOND SCHEDULE
ENACTMENTS REPEALED***(Which repeals take effect on the commencement of section 48 of this Act)*

- 1952, No. 69—The Reserves and Other Lands Disposal Act 1952: Section 10.
- 1955, No. 49—The Reserves and Other Lands Disposal Act 1955: Section 20.
- 1974, No. 6—The Scientific and Industrial Research Act 1974 (R.S. Vol. 24, p. 773.)
- 1985, No. 96—The Scientific and Industrial Research Amendment Act 1985 (R.S. Vol. 24, p. 784.)
- 1987, No. 15—The Weights and Measures Act 1987: Section 43 (6).
- 1987, No. 55—The Scientific and Industrial Research Amendment Act 1987 (R.S. Vol. 24, p. 784.)
- 1988, No. 107—The Finance Act 1988: Section 18 (2) (d).
- 1989, No. 44—The Public Finance Act 1989: So much of the First Schedule as relates to the Scientific and Industrial Research Act 1974.
- 1990, No. 14—The Scientific and Industrial Research Amendment Act 1990.
- 1990, No. 72—The Foundation for Research, Science, and Technology Act 1990: So much of the Second Schedule as relates to the Scientific and Industrial Research Act 1974.

This Act is administered in the Treasury.
