



ANALYSIS

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1996, No. 11

An Act to amend the Environment Act 1986

[1 April 1996]

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

1. Short Title—This Act may be cited as the Environment Amendment Act 1996, and shall be read together with and deemed part of the Environment Act 1986 (hereinafter referred to as the principal Act).

2. Employees—The principal Act is hereby amended by repealing section 11, and substituting the following section:

“11. (1) The Commissioner may from time to time appoint such employees as may be necessary for the efficient carrying out of the Commissioner’s functions, powers, and duties under this Act.

“(2) The Commissioner shall be responsible for negotiating, under the Employment Contracts Act 1991, every employment contract applicable to employees appointed under this section.

“(3) The Commissioner shall operate a personnel policy that complies with the principle of being a good employer.

“(4) No person so employed shall be deemed to be employed in the service of Her Majesty for the purposes of the State Sector Act 1988 by reason of that person’s appointment under this section.”

3. Secondment of State servants to office of Commissioner—Section 12 of the principal Act is hereby repealed.

4. Employment of consultants—Section 13 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The Commissioner shall determine the terms and conditions under which any person is appointed under subsection (1) of this section.”

5. Delegation of functions and powers—Section 22 (3) of the principal Act is hereby amended by repealing paragraphs (b) and (c).

6. Proceedings privileged—The principal Act is hereby amended by inserting, after section 22, the following section:

“22A. (1) This section applies to—

“(a) The Commissioner; and

“(b) Every person engaged or employed in connection with the work of the Commissioner.

“(2) Subject to subsection (3) of this section—

“(a) No proceedings, civil or criminal, shall lie against any person to whom this section applies for anything he or she may do or report or say in the course of the exercise or intended exercise of his or her duties under this Act, unless it is shown that he or she acted in bad faith:

“(b) No person to whom this section applies shall be required to give evidence in any court, or in any proceedings of a judicial nature, in respect of anything coming to his or her knowledge in the exercise of his or her functions.

“(3) Nothing in subsection (2) of this section applies in respect of proceedings for—

“(a) An offence against section 78 or section 78A(1) or section 105 or section 105A or section 105B of the Crimes Act 1961; or

“(b) The offence of conspiring to commit an offence against section 78 or section 78A(1) or section 105 or section 105A or section 105B of the Crimes Act 1961; or

“(c) The offence of attempting to commit an offence against section 78 or section 78A(1) or section 105 or section 105A or section 105B of the Crimes Act 1961.

“(4) Anything said or information supplied or any document or thing produced by any person in the course of any inquiry by or proceedings before the Commissioner under this Act shall be privileged in the same manner as if the inquiry or proceedings were proceedings in a court.

“(5) For the purposes of clause 3 of Part II of the First Schedule to the Defamation Act 1992, any report made under this Act by the Commissioner shall be deemed to be an official report made by a person holding an inquiry under the authority of the Parliament of New Zealand.”

7. Audit—The principal Act is hereby amended by repealing section 26, and substituting the following section:

“26. (1) The House of Representatives shall appoint an auditor to audit the accounts of the Office of the Parliamentary Commissioner for the Environment.

“(2) The provisions of the Public Finance Act 1977 shall apply to the money and stores of the Commissioner as if they were public money and public stores within the meaning of that Act.

“(3) In carrying out the functions conferred by this section, the auditor shall have the same functions, duties, and powers as the Audit Office.”

This Act is administered in the Ministry for the Environment.
