



ANALYSIS

Title
1. Short Title

2. Disposal and investment of surplus
funds

1986, No. 133

An Act to amend the Phosphate Commission of New Zealand Act 1981 [24 December 1986]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Phosphate Commission of New Zealand Amendment Act 1986, and shall be read together with and deemed part of the Phosphate Commission of New Zealand Act 1981 (hereinafter referred to as the principal Act).

2. Disposal and investment of surplus funds—(1) The principal Act is hereby amended by repealing section 12, and substituting the following section:

“12. (1) The Commission shall, as soon as practicable after—

“(a) The 30th day of June in every year; and

“(b) The date of any request in that regard made by the Minister,—

furnish the Minister with a statement of the amount of any surplus funds as at that date.

“(2) Where the Commission at any time advises the Minister that it has any surplus funds the Minister may, subject to subsection (4) of this section, direct the Commission to pay the whole or any part of such surplus funds into the Consolidated Account.

“(3) Where the Commission at any time has any surplus funds with respect to which—

“(a) It has advised the Minister that such surplus funds exist; and

“(b) The Minister has not directed that such surplus funds be paid into the Consolidated Account,—

the Commission may, subject to subsection (4) of this section, invest those funds (for such period as the Minister may approve) in any manner authorised by the Trustee Act 1956 or any other Act providing for the investment of trust funds, or in such other securities and in such manner as the Minister of Finance may for the time being authorise.

“(4) Both the Minister and the Commission in exercising their powers with respect to any surplus funds under this section shall have regard to the need to provide for such reserves as the Minister or the Commission, as the case may be, thinks desirable.

“(5) In the event that the Commission is required to meet any liabilities that exceed the funds available to the Commission to meet the liabilities, and the Commission has paid any funds into the Consolidated Account on the direction of the Minister pursuant to subsection (2) of this section, there shall be paid to the Commission out of the Consolidated Account, without further appropriation than this section, the lesser of—

“(a) The amount of that excess of those liabilities over those funds:

“(b) The aggregate amount paid into the Consolidated Account pursuant to subsection (2) of this section, less any other amounts paid out of the Consolidated Account under this subsection.”

(2) Section 15 (1) of the principal Act is hereby consequentially amended by inserting, after the words “changes in financial position,” the words “sums directed to be paid into the Consolidated Account under section 12 (2) of this Act”.