

Economic Development (Industry New Zealand and Ministry of Economic Development) Bill

Government Bill

As reported from the Commerce Committee

Commentary

Recommendation

The Commerce Committee has examined the Economic Development (Industry New Zealand and Ministry of Economic Development) Bill and recommends that it be passed with the amendments shown.

Introduction

The bill allows for the establishment and naming of the two government organisations that will be responsible for developing, co-ordinating and implementing the Government's economic development policies. The bill creates a new vehicle, Industry New Zealand (INZ), through which the Government is able to deliver programmes aimed at promoting regional and industry development. In addition, it renames the Ministry of Commerce as the Ministry of Economic Development (the ministry) to reflect the greater focus this Government has on proactively promoting economic, regional and industry development.

Government members recommend amendments to the bill to make partnership between central government, business and the community a central feature of the bill. The amendments make explicit INZ's role in facilitating the development of industry and regional development strategies and providing a conduit to Government on how best its policies can be achieved. We seek strong board representation from the private sector.

Purpose of the bill: Clauses 3 and 50

The purpose of the bill is twofold. The purpose of Part 1 of the bill, as contained in clause 3, is to promote and encourage sustainable economic development in New Zealand by establishing INZ. It will be the Crown entity responsible for facilitating regional and sectoral strategy development in co-operation with business and community groups. It will implement programmes and activities for industry and regional development as directed by the Government. The purpose of Part 2 of the bill, as contained in clause 50, is to give effect to the Ministry of Commerce's change of name to the Ministry of Economic Development.

The bill is necessary because legislation is required to establish INZ as a Crown entity and to amend the various existing statutory references to the Ministry of Commerce and Secretary of Commerce. The ministry and INZ are intended to dovetail to provide for the development and implementation of the Government's economic development policies. It is intended that the BIZ Business Development Programmes and Industrial Supplies Office be transferred from the ministry to INZ. The ministry and INZ are each accountable to the Government for the performance of their respective roles. The bill provides for those roles to be distinct.

Partnership with business, the community and local government

The Government is looking for a new approach to policy-making and implementation characterised by greater partnership between central government, industry, local government, Māori economic entities, and other community groups. Some submissions suggest that the concept of partnership should be explicitly referred to in the bill. For instance, the Tourist Industry Association suggested the addition of the term "partnership with the private sector" to clause 3.

The term “partnership” tends to be used in a symbolic sense, but it also has a technical legal meaning. It may not be appropriate for INZ to enter into formal partnerships with other organisations, and it should not be required to do so as part of its statutory function. The technical meaning of “partnership” includes concepts of joint and several liability, and may form the basis of an implied guarantee from INZ in favour of its “partners”. In addition, the term “private sector” may be too narrow.

Government members recommend that the bill be amended to make the concept of partnership with business and a range of community groups a central feature. Government members recommend alternative wording be included in the clause that conveys the idea of working co-operatively with business to achieve sustainable economic development. Government members agree that the term “private sector” is too narrow and recommend use of the term “industry”, as well as specific mention of a wide range of sector groups, such as business, local government and other relevant community groups to better reflect the sectors we expect INZ to work with.

Sustainable economic development

The bill refers to the concept of sustainable economic development. This can be thought of in terms of policies and programmes designed to meet the needs of present generations without compromising the ability of future generations to meet their own needs. The Government is looking for greater integration and co-ordination of policy-making and its implementation across the public sector, and across social, economic and environmental policy portfolios.

A number of submissions commented on the use of the term “sustainable economic development” in clause 3. The New Zealand Law Society suggested the term “sustainable” is ambiguous and should be omitted and replaced with “viable” or “self-supporting”. We note that a government policy decision has been made to include references to “sustainable” in the bill. The Parliamentary Commissioner for the Environment reported to us that the term “economic” should be omitted to provide consistency with World Commission on Environment and Development Agenda 21. We note that the primary focus and functions of INZ relate to economic development.

Structure of clause 3

We recommend that clause 3 be redrafted into two subclauses. Subclause (1) should set out the purpose of the bill and subclause (2) should explain the main purpose of INZ.

Purpose of INZ and the ministry

We considered the role of the ministry and INZ in the development and implementation of economic development policy. The present State sector model encourages a specialisation and differentiation in roles between government agencies that provide policy advice and ones that deliver services or implement policy. The bill makes a clear differentiation between the policy role of the ministry and the implementation role of INZ. For instance, the ministry would be responsible for advising on the development and co-ordination of policy. On the other hand INZ would be primarily responsible for the delivery and co-ordination of programmes and activities that contribute to the implementation of the sustainable economic development policies. Both organisations would be required to work in partnership with each other.

Government members consider that the bill requires a new, more flexible and responsive approach towards government interaction with business and community stakeholders. Consequently, Government members consider that some form of regional and sectoral strategy development role should be extended to INZ and explicitly stated in the bill, while recognising the primary policy role of the ministry. Government members therefore recommend that clause 3 be amended to recognise the role of INZ in facilitating the development of industry and regional development strategies in partnership with business, the community and local government.

National and ACT members note that advisers to the committee informed us that it would be undesirable to confuse the separate roles of the ministry and INZ.

Definition of industry: Clause 5

The term “business” was considered for use in the bill. However, the committee was advised that the term has specific connotations as to its meaning. In the context of this bill it was considered that “industry” was a more accurate term. We recommend that a definition of “industry” be included in the bill to mean a business, trade,

manufacturing or commercial undertaking, profession, occupation, research, or undertaking relating to the supply or acquisition of goods or services. We encourage a wide interpretation of the term “industry”.

Functions of Industry New Zealand: Clause 8

Clause 8 sets out the functions of INZ. They include the effective and efficient administration of Government initiatives on regional and industry development, working closely with the ministry to develop programmes, and allocating funds and delivering services within programmes. They also include facilitating and encouraging co-operation and co-ordination among different Crown entities and carrying out any other functions and duties in relation to the bill as prescribed by the responsible Minister.

A number of submissions suggested changes or additions to enhance these functions. The New Zealand Council of Trade Unions submitted that INZ should be able to consult with relevant organisations in the community on industrial and regional development. The Manufacturers Federation submitted that INZ should be able to advise the Government on policies and programmes that would implement its objectives for industry and regional development. It suggested that INZ should be able to initiate, promote and monitor co-operation and co-ordination among all government agencies of appropriate policies and programmes. The Wellington City Council submitted that explicit mention should be made that INZ works closely with local government and other local agencies.

Government members recommend that clause 8 be amended to clarify existing functions and to add new functions. INZ should work closely with business, central and local government, and community groups to develop and implement industry strategy at sectoral and regional levels. INZ should act as a conduit for input and advice from key private sector groups and key community groups on programmes to implement the Government’s policies in this area. The strength of INZ’s private sector linkages will put it in a good position to provide input on strategic economic development issues to the Government.

National and ACT members note that advisers told the committee that it is important for the sake of efficiency, accountability and effectiveness that the balance between the ministry and INZ, which

is set out in clause 8(1), be maintained. National and ACT members consider that the addition of a policy-type role to the functions of INZ may risk duplicating roles leading to confusion.

Assistance from Regulations Review Committee

We requested assistance from the Regulations Review Committee concerning clauses 8(1)(e) and 8(2). The combined effect of these clauses is to ensure a notice from the Minister extending the functions of INZ is not to be regarded as a “regulation” for the purposes of the Regulations (Disallowance) Act 1989. A notice by a Minister made under any Act can be regarded as a regulation under the Regulations (Disallowance) Act if it “extends or varies the scope or provisions of an enactment”. The effect of clause 8(2) as it is drafted is to remove the possibility of such a notice being regarded as a regulation for the purposes of the Regulations (Disallowance) Act.

We are concerned about the powers that clause 8 gives to the responsible Minister. We were also concerned about excluding the application of the Regulations (Disallowance) Act. But we were not certain whether a notice from the Minister extending the functions of INZ could be regarded as a regulation for the purposes of that Act. We consulted the Regulations Review Committee on this issue, which expressed the view that a notice made under clause 8(1)(e) of the bill might, in the absence of 8(2), be regarded as a regulation subject to the Regulations (Disallowance) Act, at least in some circumstances. In the absence of compelling justification being put forward for expressly excluding the application of the Regulations (Disallowance) Act, the Regulations Review Committee suggested that clause 8(2) in its present form should not be retained. We agreed to implement that recommendation accordingly.

The Regulations Review Committee also drew attention to the issue of publication of such notices. It suggested that written notices prescribed by the Minister under clause 8(1)(e) should, at least, be treated in no less a way as Ministerial directions given under clause 10 are treated under clause 11, that is, copies are to be published in the *Gazette* and presented to the House of Representatives. We recommend that the bill be amended accordingly. Because notices will now be subject to such publication in the *Gazette*, we are also proposing that it should be made clear that, in the event that a particular notice is regarded as a regulation, it is not also required to

be published in the Statutory Regulations Series under the requirements of the Acts and Regulations Publication Act 1989. We therefore recommend amendment of clause 8(2) to exclude the application of that Act.

Industry New Zealand board membership: Clause 12

Clauses 12 to 19 relate to INZ's board of members. Clause 12 provides that membership of the board will be determined by the responsible Minister and must consist of at least five members, but not more than nine. Schedules 1 to 3 set out the terms and conditions of membership. For example, the Minister will appoint people who have appropriate expertise to assist INZ to achieve its purpose. In the bill this is to be facilitated by allowing the Minister, and through the Minister, Cabinet discretion in selecting the appropriate people for appointment to the board.

Several submitters commented that the board should contain a majority of members from the private sector and industry. Our advisers from the Ministry of Economic Development informed us that an overly prescriptive requirement would be unlikely to make the board more effective, but noted that the Minister of Economic Development had no difficulty accepting majority private sector representation.

We consider that there should be strong representation from private sector and community stakeholders on the INZ board to ensure its effectiveness. We recommend that a majority of board members should be drawn from industry.

Industry New Zealand advisory committees: Clause 20

Clauses 20 to 22 provide that the board may appoint committees to advise the board on, or exercise any, of the board's functions, duties, or powers that are referred or delegated to the committees. In particular, clause 20 provides that the powers of the board include the power to appoint advisory committees. Government members consider it may be possible to formalise the requirements for INZ to establish linkages with industry, local government and other groups by prescribing the composition of any advisory committees appointed by the board.

Government members consider that the board should have an explicit power to form advisory committees that develop strategies

and recommendations that are specific to the needs of a particular industry sector or a particular region. Government members recommend that the bill be amended accordingly.

Transparency and accountability arrangements

During the last Parliament there was debate about the adequacy of transparency and accountability arrangements for a number of particular Crown entities. Several submissions suggested that INZ should be subject to further accountability requirements than those set out in the bill. INZ will be accountable through its board to the responsible Minister. As a Crown entity, INZ will be subject to the full range of accountability mechanisms under the Public Finance Act 1989. It will have its own appropriation. INZ will also have a memorandum of understanding and a purchase agreement with the Minister. INZ will be audited by the Audit Office and its activities and operations will be covered by the Official Information Act 1982 and the Ombudsmen Act 1975. However, we note that much of the information that INZ will hold will be subject to the commercial confidentiality exception under the Official Information Act. Government members consider that the accountability arrangements provided in the bill are sufficient.

Employment policies

The bill contains in full detailed employment policies relating to INZ. We considered the need for these provisions to be included in the bill. Clause 26 provides that INZ must comply with the principle of being a good employer, and clause 27 provides that it must operate an equal employment opportunities programme. These are almost identical to the provisions that apply to departments under the State Sector Act 1988. State enterprises are also subject to an abbreviated version of the good employer principle. The provisions have been endorsed by the current Crown Entity project.

Crown entities are not covered by the State Sector Act, and there is no generic legislation that applies to Crown entities. The standard practice is therefore to include the good employer and equal employment opportunities programme provisions in each specific Act establishing a Crown entity. There are two Crown entity Acts we have identified that include cross-references to the State Sector Act principles rather than setting them out in full (Transit New Zealand

Act 1989 and QE II National Trust Act 1977). However, the usual practice is to set the provisions out in full, which makes the legislation more accessible. Therefore we recommend no change.

Technical amendments

There are two issues on which technical amendments are required to be made as a consequence of recent work by the Treasury and the State Services Commission on the Crown Entity project. The first technical amendment concerns borrowing powers. We recommend that the bill include a new clause 41A stating that INZ may only borrow with the consent of the Minister of Finance. The Treasury and the State Services Commission are due to report to the Cabinet in September on a proposal that the Minister of Finance should approve borrowing rules for Crown entities, but in the meantime a standard clause should be inserted.

Secondly, we recommend several amendments in relation to subsidiaries of INZ. A paper concerning the status of subsidiaries of Crown entities was recently approved by the Cabinet. Consequently, any subsidiary of INZ should be subject to the same limitations on its functions and powers as INZ itself. We recommend amendments to clauses 8 and 9 to achieve this outcome. Any subsidiary of INZ should be audited by the Audit Office and we recommend the amendment of clause 42. Any subsidiary should be subject to the Ombudsmen Act 1975 and the Official Information Act 1982 and we recommend the amendment of clauses 46 and 47 respectively. The restriction on INZ's borrowing power should also apply to any subsidiary of INZ. These amendments can be achieved by amending the definition of INZ in clause 5.

Conclusion

Government members strongly support the intent of this bill and regard Industry New Zealand as a key part of the Government's economic development strategy. Government members consider that a number of amendments are required to strengthen the bill so that it matches stakeholder expectations and embodies a new model of partnership between central government, the private sector and the community. Government members believe that the functions of INZ should be more clearly defined and that it should play a greater role in strategy development. It will be in a strong position as a

conduit for industry to communicate with Government. We acknowledge the primary policy role of the ministry.

Alternative view

National and ACT members believe that the purpose of Part 1 of the bill is not credible. Part 1 of the bill establishes a bureaucratic Crown entity. While the stated purpose is to promote and encourage sustainable economic development, the functions in the bill as introduced describe only a delivery mechanism for government initiatives and any activities as directed by the Minister. Redrafting by Government members has sought to expand the functions to include strategic policy-type roles in an attempt to meet the stated purpose. All this has resulted in is potential confusion of roles between the ministry and INZ. National and ACT members are concerned that the committee's official advisers were excluded from part of the consideration process. Our concern at the unfettered powers conferred on the Minister led to the recommendation to amend clause 8(2).

National and ACT members consider that the change of name from Ministry of Commerce to Ministry of Economic Development in Part 2 is disingenuous. Aside from a \$3 million provision out of this ministry's total \$97 million budget for economic development policy advice, the structure and programmes for Vote Commerce, Vote Energy, Vote Consumer Affairs, Vote Industry and Regional Development remain substantially the same. Moreover, it is damaging to send the message that somehow objective policy advice relating to competition, intellectual property and regulatory framework will be obtainable from a body whose name suggests a much narrower focus. Accordingly National and ACT members reserve their position on this bill.

Appendix

Committee process

The Economic Development (Industry New Zealand and Ministry of Economic Development) Bill was referred to the committee on 16 May 2000. The closing date for submissions was 16 June 2000. We received and considered 13 submissions from interested groups and individuals. We heard seven submissions orally. Hearing evidence took two hours and 45 minutes and consideration took four hours and 45 minutes.

We received advice from the Ministry of Economic Development. The Regulations Review Committee assisted us with our consideration of clauses 8(1)(e) and 8(2) of the bill.

Committee membership

David Cunliffe (Chairperson)
Kevin Campbell (Deputy Chairperson)
Steve Chadwick
Hon Ruth Dyson
Gerrard Eckhoff
Warren Kyd
Dr the Hon Lockwood Smith
Pansy Wong

Key to symbols used in reprinted bill

As reported from a select committee

Struck out (majority)

Subject to this Act,

Text struck out by a majority

New (majority)

Subject to this Act,

Text inserted by a majority

<Subject to this Act,>

Words struck out by a majority

<Subject to this Act,>

Words inserted by a majority

Hon Jim Anderton

Economic Development (Industry New Zealand and Ministry of Economic Development) Bill

Government Bill

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**Economic Development (Industry New
Zealand and Ministry of
Economic Development)**

cl 1

48	Amendment to Public Finance Act 1989	55	Consequential amendments to other enactments
	Part 2		
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54	Transitional provisions relating to consents, etc		Procedure of board
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			Regulations amended

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Economic Development (Industry New Zealand and Ministry of Economic Development) Act **2000**.
- 2 Commencement** 5
Except as provided in **section 49**, this Act comes into force 1 month after the date on which it receives the Royal assent.

Part 1
Industry New Zealand

Preliminary 10

Struck out (majority)

- 3 Purpose** 15
The purpose of this **Part and Schedules 1 to 3 of this** Act is to promote and encourage sustainable economic development in New Zealand by establishing Industry New Zealand (the Crown entity responsible for implementing programmes and activities for industry and regional development as directed by the Government).

New (majority)

3 Purpose

- (1) The purpose of this **Part and Schedules 1 to 3 of this Act** is to promote and encourage sustainable economic development in New Zealand by establishing Industry New Zealand. 5
- (2) Industry New Zealand is the Crown entity responsible for facilitating (in co-operation with industry, central and local government, and relevant community groups) the development, and implementation, of strategies, programmes, and activities for industry and regional development as directed by the Government. 10

4 Overview

In this **Part and Schedules 1 to 3 of this Act**,—

- (a) key provisions about INZ are set out in **sections 7 to 11**: 15
- (b) provisions relating to the board are set out in **sections 12 to 22**. Those provisions are supplemented by **Schedule 1** (which relates to members' duties) and **Schedules 2 and 3** (which relate to membership and procedure of the board):
- (c) a range of matters concerning the employees (including the chief executive) of INZ are set out in **sections 23 to 36**: 20
- (d) miscellaneous administrative matters (for example, the execution of documents) and financial provisions are set out in **sections 37 to 45**:
- (e) related amendments to other Acts are set out in **sections 46 to 48**. 25

5 Interpretation

In this **Part and Schedules 1 to 3 of this Act**, unless the context otherwise requires,—

- board** means the board of INZ 30
- chairperson** means the chairperson of the board
- chief executive** means the chief executive of INZ
- committee** means a committee appointed under **section 20**
- deputy chairperson** means the deputy chairperson of the board 35

enactment includes this Act

equal employment opportunities programme has the meaning set out in **section 27(2)**

good employer has the meaning set out in **section 26(2)**

Struck out (majority)

5

INZ—

(a) means Industry New Zealand established by **section 7**; and

(b) in **Schedule 1** (which relates to members' duties), includes a subsidiary of INZ

10

New (majority)

industry means a business, trade, manufacturing or commercial undertaking, profession, occupation, research, or undertaking relating to the supply or acquisition of goods or services

15

INZ—

(a) means Industry New Zealand established by **section 7**; and

(b) in **sections 8, 9, 41A, 42, 46, 47**, and in **Schedule 1** (which relates to members' duties), includes a subsidiary of INZ

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member means a member of the board

Minister 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 this Act

25

Ministry means the Ministry of Economic Development

transferred employee means a person employed in the Ministry of Economic Development immediately before the commencement of this Act who is transferred to INZ under **section 29**.

30

6 Act to bind the Crown

This **Part and Schedules 1 to 3 of this Act** binds the Crown.

Key provisions about INZ

7 Establishment

- (1) This section establishes INZ. 5
- (2) INZ is a body corporate with perpetual succession.
- (3) INZ is a Crown entity for the purposes of the Public Finance Act 1989.

8 Functions

Struck out (majority)

10

- (1) The functions of INZ are to—
 - (a) efficiently and effectively manage and administer Government initiatives for industry and regional development:
 - (b) work closely with the Ministry to contribute to the development of the detail of programmes that implement the Government's policies for industry and regional development: 15
 - (c) allocate funds or deliver services within programmes for industry and regional development for which appropriations have been made: 20
 - (d) facilitate and encourage co-operation and co-ordination among different Crown agencies and Crown entities in the delivery of Government business assistance and other industry and regional development programmes: 25
 - (e) carry out any other functions and duties in relation to the purpose of this Act as the Minister may prescribe by notice in writing signed by the Minister.

New (majority)

- (1) The functions of INZ are to— 30
 - (a) work closely with industry, central and local government, and relevant community groups to develop and

New (majority)

implement industry strategies at sectoral and regional levels:

- (b) provide a conduit for input and advice from industry, local government, and relevant community groups on programmes to implement the Government's policies for industry and regional development: 5
- (c) efficiently and effectively manage and administer Government initiatives and policies for industry and regional development: 10
- (d) work closely with the Ministry to contribute to the development of strategies, and the details of programmes, that implement the Government's policies for industry and regional development:
- (e) allocate funds or deliver services within programmes for industry and regional development for which appropriations have been made: 15
- (f) facilitate and encourage co-operation and co-ordination among different government departments and Crown entities in the delivery of Government business assistance and other industry and regional development programmes: 20
- (g) carry out any other functions and duties in relation to the purpose of this Act as the Minister may prescribe by notice in writing signed by the Minister and given to INZ. 25

- (2) A notice under **subsection (1) <(e)> <(g)>** is not a regulation for the purposes of the *<Regulations (Disallowance) Act 1989>* *<Acts and Regulations Publication Act 1989>*.

9 Powers 30

For the purposes of carrying out its functions, INZ—

- (a) may carry on or undertake any activity, do any act, or enter into any transaction as if it were a natural person of full age and capacity; and
- (b) for the purposes of **paragraph (a)**, has and may exercise the full rights, powers, and privileges of a natural person of full age and capacity. 35

10 Compliance with Government policy

- (1) In the performance and exercise of its functions, duties, and powers, INZ must give effect to any policy of the Government that is—
- (a) communicated to INZ by written direction given and signed by the Minister; and 5
 - (b) consistent with INZ's functions.
- (2) A Ministerial direction may, at any time, be amended or revoked in the same manner.
- (3) Nothing in this section authorises the Minister to direct INZ to allocate funds to or for the benefit of a particular person. 10

Struck out (majority)

11 Requirements for Ministerial directions

- If a direction is given to INZ under **section 10**, the Minister must, as soon as practicable after giving the direction,— 15
- (a) publish a copy of it in the *Gazette*; and
 - (b) present a copy of it to the House of Representatives.

New (majority)

11 Requirements for notices and Ministerial directions

- The Minister must, as soon as practicable after prescribing a notice under **section 8(1)(g)** or giving a direction under **section 10** (as the case may be),— 20
- (a) publish a copy of it in the *Gazette*; and
 - (b) present a copy of it to the House of Representatives.

Key provisions about board

25

12 Membership of board

- (1) The board must consist of at least 5, but not more than 9, members appointed by the Minister.

New (majority)

(1A) A majority of the members of the board must be drawn from industry.

(2) **Schedules 1 to 3** apply to the board and its members.

13 Board's management duty 5
The board must manage, or supervise or direct the management of, the affairs of INZ.

14 Board's powers
The board has all the powers necessary for managing, and for supervising and directing the management of, the affairs of INZ. 10

Delegation by board

15 Persons to whom board may delegate its functions, duties, or powers 15
The board may by writing, either generally or specifically, delegate any of its functions, duties, or powers to any of the following:

- (a) any of its members:
- (b) a committee:
- (c) the chief executive: 20
- (d) any employee of INZ.

16 Certain powers must not be delegated
The board must not delegate any of the following powers:
(a) the power of delegation conferred by **section 15**:
(b) the power to acquire or dispose of real property: 25
(c) the power to form and register a subsidiary:
(d) the power to borrow money:
(e) the power to appoint a chief executive.

17 Effect of delegation 30
Subject to the board's direction, a person to whom any powers are delegated under **section 15** may exercise those powers in the same manner and with the same effect as if they had been

conferred on the person directly by this Act and not by delegation.

18 Presumption of acting in accordance with delegation

A person who appears to act under a delegation under **section 15** is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation. 5

19 Other matters relating to delegation

A delegation under **section 15**—

- (a) is revocable at will; but the revocation does not take effect until it is communicated to the delegate; and 10
- (b) continues in force according to its terms until it is revoked, despite any change in the membership of the board; and
- (c) does not prevent the performance or exercise of a function, duty, or power by the board. 15

Committees

20 Board may appoint committee

- (1) The board may, by resolution, appoint a committee to—
 - (a) advise the board on any matters relating to the board's functions, duties, or powers that are referred to the committee by the board<; or>: 20
 - (b) exercise any of the board's functions, duties, or powers that are delegated to the committee under **section 15**:

New (majority)

- (c) develop strategies and recommendations that are specific to the needs of— 25
 - (i) a particular industry sector:
 - (ii) a particular region.

- (2) The board may, by resolution, alter, discharge, continue, or reconstitute a committee appointed under **subsection (1)**. 30

- 21 Membership of committee**
A committee must consist of at least 2 members and may include any other persons that the board thinks fit.
- 22 Committee to regulate its own procedure**
Subject to the board's direction, a committee may regulate its own procedure. 5
- Chief executive of INZ*
- 23 Appointment of chief executive**
- (1) The board must appoint a chief executive. 10
 - (2) The chief executive must not be a member. 10
 - (3) The chief executive is responsible to the board for the efficient and effective administration of the affairs of INZ.
- 24 Terms and conditions of chief executive's employment**
- (1) The chief executive is to be appointed on terms and conditions determined by the board. 15
 - (2) However, the board must not determine any terms and conditions of employment for the chief executive without—
 - (a) consulting the State Services Commissioner; and
 - (b) considering every recommendation made, within a reasonable time of being consulted, by the State Services Commissioner about those terms and conditions. 20
- 25 Delegation of functions, duties, or powers by chief executive**
- (1) The chief executive may by writing, either generally or specifically, delegate to an employee of INZ, any functions, duties, or powers delegated to the chief executive by the board as long as the board has given its written consent to the delegation. 25
 - (2) **Sections <15> <17> to 19** apply (with any necessary modifications) to a delegation under **subsection (1)**. 30

Employees of INZ

26 Personnel policy

- (1) INZ must operate a personnel policy that complies with the principle of being a good employer.
- (2) 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 10
 - (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 15
 - (ii) the employment requirements of Maori; and
 - (iii) the need for involvement of Maori as employees of INZ; and
 - (e) opportunities for the enhancement of the abilities of individual employees; and 20
 - (f) recognition of the aims and aspirations, and the cultural differences, of ethnic and minority groups; and
 - (g) recognition of the employment requirements of women; and
 - (h) recognition of the employment requirements of persons with disabilities. 25

27 Equal employment opportunities programme

- (1) In each year, INZ must—
- (a) develop and publish an equal employment opportunities programme for itself; and 30
 - (b) ensure that the programme for that year is complied with.
- (2) For the purposes of this section and **section 26**, an **equal employment opportunities programme** is a programme aimed at identifying and eliminating all aspects of policies, procedures, and other institutional barriers that cause or perpetuate, or tend to cause or perpetuate, inequality in respect of the employment of any persons or group of persons. 35

- 28 Appointment of employees**
- (1) INZ may employ any employees (including employees on secondment from other organisations) it thinks necessary for the efficient performance of its functions.
- (2) Subject to the terms and conditions of employment, INZ may at any time terminate or suspend the employment of any of its employees. 5
- 29 Transfer of employees**
- INZ and the chief executive of the Ministry of Economic Development may, after consulting the employee concerned, agree to the transfer of an employee from the Ministry to INZ. 10
- 30 Terms and conditions of employment for transferred employee**
- (1) The employment of a transferred employee must be on terms and conditions no less favourable to the transferred employee than those applying to the employee immediately before the date of the person's transfer to INZ. 15
- (2) **Subsection (1)**—
- (a) continues to apply to the terms and conditions of employment of a transferred employee until those terms and conditions are varied by agreement between the transferred employee and INZ; but 20
- (b) does not apply to a transferred employee who receives any subsequent employment with INZ.
- 31 Continuity of employment** 25
- (1) Every transferred employee becomes an employee of INZ on the date of transfer.
- (2) However, for the purposes of every enactment, law, determination, contract, and agreement relating to the employment of the employee,— 30
- (a) the contract of employment of that employee is deemed to have been unbroken; and
- (b) the employee's period of service with the Ministry, and every other period of service of that employee that is recognised by the Ministry as continuous service, is deemed to have been a period of service with INZ. 35

- 32 No compensation for technical redundancy**
A transferred employee is not entitled to receive any payment or any other benefit solely on the ground that—
- (a) the position held by the person in the Ministry has ceased to exist; or
 - (b) the person has ceased (as a result of the transfer to INZ) to be an employee of the Ministry.

5

Superannuation

- 33 Establishment of superannuation schemes**
INZ may establish superannuation schemes in accordance with sections 84A to 84D of the State Sector Act 1988.

10

34 Government Superannuation Fund

- (1) A person who, immediately before becoming an employee of INZ, was a contributor to the Government Superannuation Fund under Part II or Part IIA of the Government Superannuation Fund Act 1956 is, for the purposes of that Act, to be treated as if he or she were employed in the Government service as long as the person continues to be an employee of INZ.

15

- (2) The Government Superannuation Fund Act 1956 applies to the person in all respects as if the person's service as an employee of INZ were Government service.

20

- (3) A person employed by INZ who ceases to be a contributor to the Government Superannuation Fund is not subsequently entitled to become a contributor.

25

- (4) For the purposes of applying the Government Superannuation Fund Act 1956 in accordance with **subsection (2), controlling authority**, in relation to that employee, means INZ.

35 Employees not in service of the Crown

Except as otherwise provided in **section 34**, an employee of INZ is to be treated as if he or she is not employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956.

30

Liability of board members and employees

36 Liability of members and employees

Except as otherwise provided in this Act, no member or employee of INZ is personally liable for any liability of INZ, or for any act done or omitted to be done by the board, member, or any employee of INZ, in good faith in pursuance or intended pursuance of the functions, duties, or powers of INZ.

Execution of documents

37 Execution of documents

INZ may,—

- (a) in writing, authorise any 1 or more members or employees of INZ to execute any deed, instrument, contract, or other document on its behalf; and
- (b) at any time, in the same manner revoke the authority.

38 Presumption of authority to execute document

Every person who appears to be authorised under **section 37** to execute a document on behalf of INZ is, in the absence of evidence to the contrary, presumed to be acting in accordance with that authority.

Financial provisions

39 Funds of INZ

The funds of INZ consist of—

- (a) all money appropriated by Parliament and paid to INZ; and
- (b) all other money lawfully received by INZ for its purposes; and
- (c) all accumulations of income derived from that money.

40 Bank accounts

- (1) INZ must open at any registered bank or registered banks (within the meaning of the Reserve Bank of New Zealand Act 1989) any accounts as are necessary for the exercise or performance of its functions, duties, and powers.
- (2) All money received by INZ, or by any member or employee of INZ for its purposes must, as soon as practicable after it has

been received, be paid into a bank account of INZ as it determines.

- (3) The withdrawal or payment of money from any of its accounts must be authorised in any manner as INZ thinks fit.

41 Investment of money 5

Any money that belongs to INZ and that is not immediately required may be invested in accordance with section 25 of the Public Finance Act 1989.

New (majority)

41A INZ not to borrow without consent of Minister of Finance 10

Despite anything in **section 9**, INZ must not borrow or contract to borrow any money, or renew any loan made to INZ, without the prior written consent of the Minister of Finance.

42 Audit Office to be auditor of INZ 15

The Audit Office is the auditor of INZ and, for that purpose, the Audit Office has and may exercise all of the functions, powers, and duties that the Audit Office has under the Public Finance Act 1977 in respect of public money and public stores. 20

43 Annual report

- (1) INZ must, as soon as practicable after the end of each financial year, give to the Minister a report on its operations during that financial year.
- (2) INZ must include in its annual report— 25
- (a) financial statements prepared by it, in accordance with Part V of the Public Finance Act 1989, in respect of the financial year to which the report relates; and
 - (b) the audit report and the management statement relating to those financial statements. 30
- (3) The Minister must present a copy of the report to the House of Representatives under section 44A of the Public Finance Act 1989.

44 INZ deemed to be public authority

- (1) INZ is deemed to be a public authority for the purposes of the Inland Revenue Acts.
- (2) In this section, **Inland Revenue Acts** has the same meaning as in section 3(1) of the Tax Administration Act 1994. 5

Application of Archives Act 1957

45 Archives Act 1957 to apply

INZ is a Government office for the purposes of the Archives Act 1957.

Related amendments to other Acts 10

46 Amendment to Ombudsmen Act 1975

The Ombudsmen Act 1975 is amended by inserting in Part II of the First Schedule, in its appropriate alphabetical order, the following item:

Industry New Zealand. 15

47 Amendment to Official Information Act 1982

The Official Information Act 1982 is amended by inserting in the First Schedule, in its appropriate alphabetical order, the following item:

Industry New Zealand. 20

48 Amendment to Public Finance Act 1989

The Public Finance Act 1989 is amended by inserting in the Fourth, Fifth, Sixth, and Seventh Schedules, in its appropriate alphabetical order, the following item:

Industry New Zealand. 25

Part 2

Ministry of Economic Development

49 Commencement

This **Part and Schedules 4 and 5 of this** Act comes into force on the day after the date on which it receives the Royal assent. 30

- 50 Purpose**
The purpose of this **Part and Schedules 4 and 5 of this Act** is to give effect to the Ministry of Commerce's change of name to the Ministry of Economic Development.
- 51 Act to bind the Crown** 5
This **Part and Schedules 4 and 5 of this Act** binds the Crown.
- 52 Transitional provisions relating to references to Ministry of Commerce, etc**
Unless the context otherwise requires, in any enactment, agreement, deed, instrument, application, notice, or in any other document in force immediately before the commencement of this Act,— 10
- (a) every reference to the Ministry of Commerce is, on and after that commencement, to be read as a reference to the Ministry of Economic Development: 15
- (b) every reference to the Secretary of Commerce is, on and after that commencement, to be read as a reference to the chief executive of the Ministry of Economic Development.
- 53 Transitional provisions relating to proceedings in name of Secretary of Commerce** 20
- (1) Any action initiated before the commencement of this Act by the Secretary of Commerce under the authority of an enactment that formerly referred to the Secretary of Commerce may be continued and completed by the chief executive of the Ministry of Economic Development. 25
- (2) Any proceedings to which the Secretary of Commerce is a party before the commencement of this Act may be continued, completed, and enforced by or against the chief executive of the Ministry of Economic Development. 30
- (3) This section applies for the avoidance of doubt.
- 54 Transitional provisions relating to consents, etc**
- (1) Any consent, licence, permit, approval, delegation, or remission given or granted by the Secretary of Commerce that was in force immediately before the commencement of this Act 35

continues in force on and after that commencement until it is transferred, amended, or revoked by the chief executive of the Ministry of Economic Development.

- (2) This section applies for the avoidance of doubt.

55 Consequential amendments to other enactments **5**

- (1) The Acts specified in **Schedule 4** are amended in the manner indicated in that schedule.
- (2) The regulations specified in **Schedule 5** are amended in the manner indicated in that schedule.
-

Schedule 1
Members' duties

s 12(2)

Fundamental duties

- 1 Duty to act in good faith** 5
A member, when exercising powers or performing duties as a member,—
- (a) must act in good faith:
 - (b) must ensure that INZ acts within its powers and functions:
 - (c) must endeavour to ensure that the activities of INZ are conducted efficiently and effectively and in a financially prudent manner: 10
 - (d) must not act as a representative of, or to promote the views of, any particular interest group, entity, or region.
- 2 Compliance with enactments** 15
A member must not act, or agree to INZ's acting, in a manner that contravenes any enactment.
- 3 Duty of care**
A member, when exercising powers or performing duties as a member, must exercise the care, diligence, and skill that a reasonable member would exercise in the same circumstances taking into account, but without limitation,— 20
- (a) the nature of INZ; and
 - (b) the nature of the decision; and
 - (c) the position of the member and the nature of the responsibilities undertaken by him or her. 25

Disclosure of interest

- 4 Obligation to disclose interest**
- (1) A member who (otherwise than as a member) has a direct or indirect interest in any of the matters listed in **subclause (2)**, must, as soon as practicable after the member knows about the relevant facts, disclose the nature of the interest in accordance with **clause 5**. 30
 - (2) The matters are—
 - (a) INZ's performance of a function or exercise of a power: 35

- (b) an arrangement, agreement, or contract, made or entered into, or proposed to be made or entered into, by INZ.

5 Disclosure to Minister or chairperson

A member who is required to disclose the nature of an interest must disclose it—

- (a) to the Minister if—
- (i) the person is the chairperson; or
 - (ii) the positions of chairperson and deputy chairperson are vacant; or
- (b) to the chairperson in any other case.

6 Consequences of disclosure

A member who discloses his or her interest under **clause 5**—

- (a) must not take part in any deliberation or decision of the board relating to the matter; and
- (b) is to be disregarded for the purpose of forming a quorum for a meeting of the board during which a deliberation or decision relating to the matter occurs or is made.

7 Effect of non-compliance

If a member fails to comply with the disclosure requirements in **clause 5**, the validity of the arrangement, agreement, or contract, made or entered into by INZ is not affected.

Use of information

8 Restrictions on disclosure or use of INZ's information

- (1) A member must not disclose to any person, or make use of, or act on, any information that is only available to the member in that capacity.
- (2) **Subclause (1)** does not apply if the member—
- (a) is required or authorised by this Act to disclose, use, or act on, the information; or
 - (b) discloses, uses, or acts on the information for the purposes of INZ or the requirements of the law.

-
- 9 When member may rely on certain information and advice**
- (1) A member, when exercising powers or performing duties as a member, may rely on reports, statements, financial data, and other information prepared or supplied, and on professional or expert advice given, by any of the persons listed in **subclause (2)**. 5
- (2) The persons are—
- (a) an employee of INZ or a member of the public service who the member believes on reasonable grounds is reliable and competent in relation to the matters concerned; or 10
- (b) a professional adviser or expert in relation to matters that the member believes on reasonable grounds are within the person's professional or expert competence; or 15
- (c) any other member or committee on which the member did not serve in relation to matters within the member's or committee's designated authority.
- 10 When clause 9 applies** 20
- Clause 9** applies to a member only if the member—
- (a) acts in good faith; and
- (b) makes proper inquiry if the need for inquiry is indicated by the circumstances; and
- (c) has no knowledge that the reliance is unwarranted. 25
-

s 12(2)

Schedule 2 Membership of board

Members' appointments

- 1 Restrictions on appointments**
The Minister must only appoint a person as a member who, in the Minister's opinion, has the expertise as will enable INZ to achieve its purpose. 5
- 2 Method of appointment**
Every member is appointed by notice published in the *Gazette*. 10
- 3 When appointment takes effect**
Every member takes office from the date stated in the notice of appointment.
- 4 Position where concurrent office**
A person appointed as a member may hold that office concurrently with any other office. 15

Term of office

- 5 Term of office**
- (1) Except as otherwise provided in this Act, a member— 20
- (a) holds office for a term not exceeding 3 years; and
 - (b) may be reappointed; and
 - (c) continues in office (unless the member dies, resigns, or is removed from office) until—
 - (i) the member is reappointed; or
 - (ii) the member's successor is appointed; or 25
 - (iii) the member is informed in writing by the Minister that the member is not to be reappointed and that the member's successor is not to be appointed.

New (majority)

30

- (2) A member's term of office referred to in **subclause (1)(a)** must be stated in the notice of appointment.

Resignation and removal of members

6 Resignation
A member of the board may at any time resign from office by written notice given to the Minister.

7 Removal from office 5
A member may at any time be removed from office by written notice from the Minister.

Vacancies in board's membership

8 Position where vacancy in membership

Struck out (majority) 10

(1) If a member vacates office as a member or is removed from office, the Minister may appoint another person to act as a member.

New (majority)

(1) If a member, for any reason, ceases to hold office as a member, the Minister may appoint another person to act as a member. 15

(2) A member who is appointed under **subclause (1)** is appointed for the residue of the term for which the vacating member was appointed. 20

9 Effect of vacancy in membership
The functions, duties, and powers of INZ and of the board are not affected by any vacancy in the board's membership.

Chairperson and deputy chairperson

10 Appointment 25

(1) The Minister may appoint 1 of the members as the chairperson and another member as the deputy chairperson.

(2) However, no person may, at the same time, hold the office both of chairperson and deputy chairperson.

11 Term of office

Every person appointed as chairperson or deputy chairperson holds that office until the person—

- (a) dies or resigns from that office; or
- (b) is removed from it by the Minister; or
- (c) ceases to be a member.

12 Resignation

A chairperson or deputy chairperson may, without resigning as a member, resign from that office by written notice given to the Minister.

13 Appointment of new chairperson or deputy chairperson

If the chairperson or deputy chairperson ceases to be the chairperson or deputy chairperson, the Minister may appoint an existing member or a new member as the chairperson or deputy chairperson.

14 Exercise of chairperson's functions, duties, and powers during vacancy

- (1) During a vacancy in the office of chairperson, or while the chairperson is for any reason unable to perform the functions, duties, and powers of the chairperson, the deputy chairperson has and may exercise all of the functions, duties, and powers of the chairperson.
- (2) No acts done by the deputy chairperson acting as the chairperson may, in any proceedings, be questioned on the grounds that the occasion for the deputy chairperson so acting had not arisen or had ceased.

Remuneration

15 Remuneration

The members are to be paid, out of the funds of INZ, such remuneration by way of fees, allowances, or expenses as is determined by the Minister.

Schedule 3 Procedure of board

s 12(2)

General

1 Procedure generally

Except as otherwise provided in this Act, the board may regulate its own procedure. 5

Meetings

2 Times and places of meetings

- (1) The board or the chairperson must appoint the times and places for meetings of the board. 10
- (2) The chairperson, or any 2 members, may at any time call a special meeting of the board by giving not less than 7 days' notice of the special meeting, and of the business to be transacted at the meeting, to each member of the board for the time being in New Zealand. 15
- (3) No business other than that specified in a notice of special meeting may be transacted at that meeting.

3 Quorum

- (1) A quorum for a meeting of the board is—
 - (a) half the number of members (if the board has an even number of members); or 20
 - (b) a majority of the members (if the board has an odd number of members).
- (2) However, a quorum for a meeting of the board is not less than 3 members. 25
- (3) No business may be transacted at a meeting of the board if a quorum is not present.

4 Who presides at meetings?

- (1) At all meetings of the board, the chairperson presides if he or she is present. 30
- (2) If the chairperson is not present, or if there is no chairperson, the deputy chairperson, if present, must preside.
- (3) The members present must appoint 1 of their number to be the chairperson for the meeting if—

- (a) the chairperson or the deputy chairperson is not present;
or
 - (b) there is no chairperson and no deputy chairperson.
- (4) The elected person has and may exercise all the powers, duties, and functions of the chairperson for the purposes of the meeting. 5

5 Voting at meetings

- (1) All questions arising at a meeting of the board must be decided by a majority of the votes cast by the members present. 10
- (2) The member presiding at the meeting has a deliberative vote and, in the case of an equality of votes, also has a casting vote.

6 Resolutions

- (1) A resolution in writing signed or assented to by letter, telegram, telex, fax message, or electronic message by all members of the board is as valid and effectual as if it had been passed at a meeting of the board duly called and constituted. 15
 - (2) The resolution may consist of several documents in the same form, each signed or appearing to have been sent by 1 or more members. 20
-

Schedule 4
Acts amended

s 55(1)

Broadcasting Act 1989 (1989 No 25)

Omit from section 95(3) the words “Secretary of Commerce” in both places where they appear and substitute in each case the words “chief executive of the Ministry of Economic Development”. 5

Business Development Boards Act 1991 (1991 No 108)

Omit from clause 11(1) and (2) of the Schedule the words “Secretary of Commerce” and substitute in each case the words “chief executive of the Ministry of Economic Development”. 10

Omit from clause 11(1) and (3) of the Schedule the word “Commerce” and substitute in each case the words “Economic Development”.

Civil Aviation Act 1990 (1990 No 98)

Omit from section 99B and its heading the words “Secretary of Commerce” wherever they appear and substitute in each case the words “chief executive of the Ministry of Economic Development”. 15

Omit from section 99D the word “Commerce” and substitute the words “Economic Development”.

Crown Minerals Act 1991 (1991 No 70)

Repeal the definition of **Secretary** in section 2(1) and substitute: “**Secretary** means the chief executive of the Ministry of Economic Development”. 20

Omit from the heading to section 90 the words “**of Commerce**”.

Customs and Excise Act 1996 (1996 No 27)

Repeal the definition of **Secretary of Commerce** in section 2(1). 25

Omit from sections 113(5), 116(7), and 117(8) the words “Secretary of Commerce” and substitute in each case the words “chief executive of the Ministry of Economic Development”.

Dumping and Countervailing Duties Act 1988 (1988 No 158)

Repeal the definition of **Secretary** in section 3(1) and substitute: “**Secretary** means the chief executive of the Ministry of Economic Development”. 30

Import Control Act 1988 (1988 No 157)

Omit from the definition of **prescribed** in section 2(1) the word “Secretary” and substitute the words “chief executive of the Ministry of Economic Development”.

Repeal the definition of **Secretary** in section 2(1). 5

Omit from section 3(4) the word “Secretary” wherever it appears, and substitute in each case the words “chief executive of the Ministry of Economic Development”.

Income Tax Act 1994 (1994 No 164)

Omit from sections EG17(6) and EZ11(3) the words “Secretary of Commerce” wherever they appear and substitute in each case the words “chief executive of the Ministry of Economic Development”. 10

Life Insurance Act 1908 (1908 No 105)

Omit from sections 21, 22, 26, 27, 34(2), 40A(3)(a), 40H(2), 79(1), and 79A and its heading the words “Secretary of Commerce” 15
wherever they appear and substitute in each case the words “chief executive of the Ministry of Economic Development”.

New Zealand Trade Development Board Act 1988

(1988 No 160)

Repeal section 6(c), and substitute: 20

“(c) the chief executive of the Ministry of Economic Development.”

Ombudsmen Act 1975 (1975 No 9)

Omit from Part I of the First Schedule the item “The Ministry of Commerce.” 25

Insert in Part I of the First Schedule, in its appropriate alphabetical order, the item “The Ministry of Economic Development.”

Overseas Investment Act 1973 (1973 No 14)

Omit section 3(2)(d) and substitute:

“(d) the chief executive of the Ministry of Economic Development or any other officer of the Ministry nominated by the chief executive as his or her representative.” 30

Ozone Layer Protection Act 1996 (1996 No 40)

Omit from paragraph (a) of the definition of **officer** in section 2(1) the words “Ministry of Commerce” and substitute the words “Ministry of Economic Development”. 35

- Ozone Layer Protection Act 1996** (1996 No 40)—continued
Omit from section 25(2) the word “Commerce” and substitute the words “Economic Development”.
- Privacy Act 1993** (1993 No 28)
Omit from the third column of the Fifth Schedule, opposite the item 5 relating to vehicles of interest, the words “Ministry of Commerce” and substitute the words “Ministry of Economic Development”.
- State Sector Act 1988** (1988 No 20)
Omit from the First Schedule the item “Ministry of Commerce.”
Insert in the First Schedule, in its appropriate alphabetical order, the 10 item “Ministry of Economic Development.”
- Tariff Act 1988** (1988 No 155)
Insert, before the definition of **collector** in section 2(1):
“**chief executive** means the chief executive of the Ministry of
Economic Development” 15
Omit from the definition **prescribed** in section 2(1) the word “Secretary” and substitute the words “chief executive”.
Repeal the definition of **Secretary** in section 2(1).
Omit from section 15 and its heading the word “Secretary”
wherever it appears and substitute in each case the words “chief 20 executive”.
- Telecommunications Act 1987** (1987 No 116)
Omit from section 5(d) the words “Secretary of Commerce” and substitute the words “chief executive of the Ministry of Economic Development” 25
Omit from section 5(d) the word “Secretary” in the second and third places where it appears and substitute in each case the words “chief executive”.
Omit from section 5D and its heading the words “Secretary of Commerce” wherever they appear and substitute in each case the 30 words “chief executive of the Ministry of Economic Development”.
- Temporary Safeguard Authorities Act 1987** (1987 No 88)
Omit from section 3(5) the word “Commerce” and substitute the words “Economic Development”.
-

Schedule 5 Regulations amended

Crown Minerals (Fees) Regulations 1991 (SR 1991/207)

Omit from regulations 3(4), 4(4), 5(4), 6(4), and 8(1) to (3) the words “Secretary of Commerce” and substitute in each case the words “chief executive of the Ministry of Economic Development”. 5

Omit from regulation 8(3) in the second place where it appears the word “Secretary” and substitute the words “chief executive”.

Crown Minerals (Minerals and Coal) Regulations 1999

(SR 1999/312) 10

Omit from forms 1 to 7 in Schedule 1 and forms AR and FR in Schedule 2 the word “Commerce” wherever it appears and substitute in each case the words “Economic Development”.

Omit from forms 1 to 4, 6, 7, and 9 in Schedule 1 and forms AR and FR in Schedule 2 the words “Secretary of Commerce” wherever they appear and substitute in each case the words “chief executive of the Ministry of Economic Development”. 15

Gas (Information Disclosure) Regulations 1997 (SR 1997/127)

Omit from forms 5 and 6 in Schedule 3 the words “Secretary of Commerce” wherever they appear and substitute in each case the words “chief executive of the Ministry of Economic Development”. 20

Petroleum Products Specifications Regulations 1998

(SR 1998/267)

Omit from regulation 7 the word “Commerce” and substitute the words “Economic Development”. 25

Plumbers, Gasfitters, and Drainlayers Regulations 1977

(SR 1977/67)

Omit from paragraph (b) of the definition of **suitably qualified auditor** in regulation 2 the words “Secretary of Commerce” and substitute the words “chief executive of the Ministry of Economic Development”. 30

Omit from regulation 6A(3), (4), (6), and (7) the words “Secretary of Commerce” wherever they appear and substitute in each case the words “chief executive of the Ministry of Economic Development”.

- Radiocommunications (Forms) Regulations 1990** (SR 1990/42)
Omit from forms 1 and 4 in the Schedule the words “Secretary of
Commerce” wherever they appear and substitute in each case the
words “chief executive of the Ministry of Economic Development”.
- Securities Regulations 1983** (SR 1983/121) 5
Omit from clause 12(4) of Schedule 3B the words “Secretary of
Commerce” and substitute the words “chief executive of the Minis-
try of Economic Development”.
- Omit from clause 18(c) of Schedule 3D the words “Ministry of
Commerce” and substitute the words “Ministry of Economic 10
Development”.
- Shipping (Radio) Regulations 1994** (SR 1994/51)
Omit from the definition of **GMDSS operator’s certificate** in regu-
lation 4 the words “Secretary of Commerce” and substitute the
words “chief executive of the Ministry of Economic Development”. 15
- Telecommunications (Information Disclosure) Regulations
1999** (SR 1999/383)
Repeal the definition of **Secretary** in regulation 2(1).
Omit the word “Secretary” from regulation 13(a) and substitute the
words “chief executive of the Ministry of Economic Development”. 20
Omit from form 1 in Schedule 3 the words “Secretary of Com-
merce” and substitute the words “chief executive of the Ministry of
Economic Development”.
- Telecommunications (International Services) Regulations 1994**
(SR 1994/280) 25
Repeal the definition of **Secretary** in regulation 2(1) and substitute:
“**Secretary** means the chief executive of the Ministry of Eco-
nomic Development”.
- Weights and Measures Regulations 1999** (SR 1999/373)
Omit from forms 4, 5, 10, and 11 in Schedule 5 the words “Secretary 30
of Commerce” wherever they appear and substitute in each case the
words “chief executive of the Ministry of Economic Development”.
- Omit from forms 10 and 11 in Schedule 5 the word “Commerce”
wherever it appears and substitute in each case the words “Econo- 35
mic Development”.

**Economic Development (Industry New
Zealand and Ministry of
Economic Development)**

Schedule 5

Wheat Board Regulations 1965 (SR 1965/227)

Omit from regulation 26(1) the words “Department of Trade and Industry” and substitute the words “Ministry of Economic Development”.

**Economic Development (Industry New
Zealand and Ministry of
Economic Development)**

Legislative history

4 May 2000	Introduction (Bill 17-1)
16 May 2000	First reading and referral to Commerce Committee
