

**Māori Television Service (Te Aratuku
Whakaata Irirangi Māori) Bill**

(formerly titled Māori Television Service Bill)

Government Bill

As reported from the committee of the whole House

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

As reported from the committee of the whole House

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New

Subject to this Act,

Text inserted

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Words struck out

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Subject to this Act,

Words inserted

Subject to this Act,

Words inserted

Hon Parekura Horomia

Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Bill

Government Bill

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**Māori Television Service (Te Aratuku
Whakaata Irirangi Māori)**

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Preamble

New (majority)

He kōrero whakataki

- (1) I roto i tana Pūrongo mō *Te Reo Māori* (WAI 11) ka whakatauhia e te Rūnanga Whakamana i te Tiriti o Waitangi e whai mana ana te Tiriti o Waitangi ki te whakapūmau wāhi noho tahitanga mō ngā iwi e rua ki Aotearoa. Ka whakatau te Rūnanga, he iho matua taketake te reo Māori nō ngā tikanga Māori, ā, me noho tonu mai hei taonga tūturu. Ka puta hoki te whakapae a te Rūnanga mēnā ka taea ngā mātāpono me ngā whāinga whānui te whakatutuki ki te kore e kitea he ahurewa tōtika mō te reo Māori. I whakatauhia anō hoki e te Rūnanga he here tā te Tiriti kia kaha ake te ūtanga o te Karauna ki te tiaki i te reo Māori. Ka whakaae te Karauna ki ēnei whakatau: 5
- (2) I te whiu ā-ture, ko te whakatau a te Komiti ā-Ture a te Kaunihera Piriwiri i te marama o Hakihea 1993 (*Kaunihera Māori v Te Toa Ture Tianara* [1994] I NZLR 513) tōna otinga, ka whakaae te Karauna he here mutunga kore tā ngā mātāpono o te Tiriti o Waitangi ki te pīkau kia pūmau tonu te manaaki i te reo Māori mā te whakamahia o ngā mahi pāpāho reo irirangi, whakaata irirangi anō hoki: 15 20
- (3) I roto i tērā whiu ā-ture ka whakatakotoria e te Karauna tāna kaupapa takawā e hāngai ana, i tua atu i ētahi atu āhuatanga, ki te whanaketanga o tētahi ratonga whakaata irirangi Māori motuhake. Ko te Aratuku Whakaata Irirangi Māori tētahi otinga nui o te kaupapa i kōkiritia hei tiaki, hei whakatairanga i te reo Māori i runga whakaata irirangi: 25
- (4) Ko te tikanga mā te whakatūranga o te Aratuku Whakaata Irirangi e whai wāhi maru ai te reo Māori me ngā tikanga Māori, ā, e whai mana ai, e kaha ake ai te whakatairanga kia tutuki ai te whakaū a te Karauna ki te tiaki ki te whakatairanga anō hoki i te reo Māori me ngā tikanga Māori mā roto i ngā mahi pāpāho: 30

Background in English

- (1) In its *Te Reo Maori Report* (Wai 11), the Waitangi Tribunal found that the Treaty of Waitangi was directed to ensuring a 35

- place for 2 peoples in New Zealand. The Tribunal found that the Māori language is an essential part of Māori culture and must be regarded as a taonga, a valued possession. The Tribunal questioned whether the principles and broad objectives of the Treaty of Waitangi could be achieved without a recognised place for the Māori language. The Tribunal found that the Crown is obliged by the Treaty to take active steps to protect the Māori language. The Crown accepted these findings: 5
- (2) In the litigation that culminated in the decision of the Judicial Committee of the Privy Council in December 1993 (*New Zealand Maori Council v Attorney General* [1994] 1 NZLR 513), the Crown accepted that the principles of the Treaty of Waitangi impose a continuing obligation to take such steps as are reasonable to assist in the preservation of te reo Māori by the use of both radio and television broadcasting: 15
- (3) In that litigation, the Crown outlined a time frame relating to, among other things, the development of special purpose Māori television. The Māori Television Service is a key result of the policy developed for protecting and promoting te reo Māori on television: 20
- (4) The establishment of the Māori Television Service in which te reo Māori me ngā tikanga Māori have a secure place and are recognised and actively promoted is intended to contribute to meeting the Crown's commitment to the protection and promotion of te reo Māori me ngā tikanga Māori through broadcasting: 25

Struck out (majority)

He kōrero whakataki

- (1) I whakatau te Runanga Whakamana i te Tiriti o Waitangi i roto i tana purongo mo *Te Reo Maori* (Wai 11) ko te Tiriti o Waitangi e tutohu anga tika ana, ki tētahi wāhi nohotahitanga mo ngā iwi e rua ki Aotearoa. Kā whakatau te Runanga, he iho matua taketake te reo Māori no ngā tikanga Māori he taonga tuturu, me manaaki. Ka patai te Runanga mena ka taea te hiki i ngā mātāpono me ngā whaingā matawhānui o te Tiriti 30 35
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Struck out (majority)

- o Waitangi, mehemea kaore i te aro matenuitia te reo Māori. Ka whakatau te Runanga he here ta te Tiriti i te Karauna ki te whakahaere tikanga kia tiakina ponotia te reo Māori. Ka whakaaea te Karauna ki te katoa o enei whakatau:
- (2) Na te kawenga i te take karo ture ki te Kōti Matua, kā hua mai te whakatau a te Kaunihera Piriwiri, i te marama o Hakihea 1993 (*Kaunihera Maori o Aotearoa v Te Toa Ture Tianara*[1994] 1 NZLR 513), ka whakaaea te Karauna ko ngā mātāpono o te Tiriti o Waitangi he here mutunga kore tōna ki te pikau kia pumau tonu o te manaaki i te reo Māori ma roto i ngā kaupapa e rua o te pāho reo irirangi me te whakaata irirangi: 5 10
- (3) I roto i tera kawenga karo ture ka whakatakotoria e te Karauna tāna kaupapa takawā, i tua atu i etahi ahuatanga, ki te whanaketanga o tētahi Pouaka Whakaata Irirangi Māori Motuhake. Ko te Aratuku Whakaata Irirangi Māori e huaina nei i roto i tēnei Ture tētahi otinga nui o ngā kaupapa whakahiato hatepetanga i kowhiria hei tiaki i te reo Māori mo te pouaka whakaata irirangi Māori: 15
- (4) Hei te whakatūranga o tēnei Aratuku Whakaata Irirangi Māori me noho maru te reo Māori me ona tikanga katoa hei whakakitenga me te whakanui kia tatū hoki ki te aro matenuitanga a te Karauna kia tutuki ai te tiaki me te whakatairanga i te reo Māori me ngā tikanga Māori mā roto tonu o te kaupapa whakapāoho irirangi: 20 25

The Parliament of New Zealand therefore enacts as follows:

1 Title

- (1) This Act is the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act **2001**.

New

- (2) This Act may be cited as either— 30
- (a) The Māori Television Service Act **2003**; or
- (b) Te Aratuku Whakaata Irirangi Māori Act **2003**.

Part 1
Preliminary provisions <and> provisions to establish
Māori Television Service and <Māori Television
Electoral College, and provisions relating to Māori
Television Kaitiaki Trust> <Te Pūtahi Paoho>

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Subpart 1—Preliminary provisions

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Purpose

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In recognition that the Crown and Māori together have an obligation under the Treaty of Waitangi to preserve, protect, and promote te reo Māori, the purpose of this Act is to provide for—

- (a) the establishment <of> and the functions, duties, and powers of the Service and <the College> <Te Pūtahi Paoho>:

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Struck out (majority)

- (b) the sole purpose of the Kaitiaki Trust:

- (c) the transfer <to the Kaitiaki Trust> <to the Service by the Crown> of the UHF right for the use and management by the Service in protecting and promoting te reo Māori me ngā tikanga Māori:

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New

- (ca) a process to safeguard the UHF right, for the purpose of protecting and promoting te reo Māori me ngā tikanga Māori, if, in performing its functions set out in **section 8**, the Service does not require the right, or ceases to use the spectrum licences created for its use under that right, or wishes to transfer the right or spectrum licences created under it to a third party other than Te Pūtahi Paoho:

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- (d) the framework of accountability for the Service:
- (e) the termination of Te Reo Māori Television Trust (Te Awhiorangi):
- (f) the transfer to the Service of the establishment arrangements undertaken during the transition period. 5

4 Act binds the Crown

This Act binds the Crown.

5 Outline of Act

- (1) This section is a guide to the general scheme and effect of this Act. 10
- (2) **Part 1** has ~~4~~ 3 subparts, as follows:
 - (a) **subpart 1** contains the preliminary provisions for the commencement of the Act, states its purpose, and defines certain terms:
 - (b) **subpart 2** contains key provisions about the establishment of the Service, its governing body, and its functions and powers, and provides for its independence in certain respects, and for the protection of certain names: 15
 - (c) **subpart 3** contains provisions that establish Te Pūtahi Paoho, ~~and~~ provide for ~~the~~ its membership, functions and powers, ~~of the College~~ for the joint responsibilities of the chairperson of Te Pūtahi Paoho and the responsible Ministers, and for the resolution of disputes between Te Pūtahi Paoho and the responsible Ministers. 20 25

Struck out (majority)

- (d) **subpart 4** sets out the sole purpose of the Kaitiaki Trust.

- (3) **Part 2** has ~~4~~ 3 subparts, as follows:

Struck out (majority)

- (a) **subpart 1** provides for the appointment of the governing body of the Service, the board of directors: 30

New (majority)

- (a) **subpart 1** provides for the appointment of the governing body of the Service and the board of directors, sets out the duties of directors, and provides for the transfer of the UHF right to the Service:

New

- (ab) **subpart 1A** sets out provisions relating to the transfer of the UHF right by the Crown to the Service, the obligations and powers of the Service in relation to the UHF right, and the role of Te Pūtahi Paoho in safeguarding the UHF right for the purpose of protecting and promoting te reo Māori me ngā tikanga Māori if specified circumstances arise: 5
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Struck out (majority)

- (b) **subpart 2** sets out the duties of directors and matters relevant to the responsibilities of the board:
- (c) **subpart 3** sets out the accountability framework for the Service: 15
- (d) **subpart 4** provides the basis *<for>* *<on which>* the Service *<to>* *<may>* form, or acquire an interest in, a related entity.
- (4) **Part 3** has *<3>* *<4>* subparts, as follows:
- (a) **subpart 1** provides for the termination of Te Reo Māori Television Trust (Te Awhiorangi): 20
- (b) **subpart 2** provides for decisions made and actions taken in relation to establishment arrangements in the transition period to be treated as though made or taken under this Act: 25

New (majority)

- (ba) **subpart 2A** provides for the review of this Act by the Minister of Māori Affairs:

- (c) **subpart 3** sets out amendments to the Ombudsmen Act 1975, the Official Information Act 1982, the Broadcasting Act 1989, and the Public Audit Act 2001.
- (5) There are 2 schedules, as follows:

Struck out (majority)

- (a) **Schedule 1** lists the organisations that may appoint representatives to the College and sets out certain procedures for the College; and 5

New (majority)

- (a) **Schedule 1** lists the organisations that may appoint representatives to Te Pūtahi Paoho, sets out certain procedures for Te Pūtahi Paoho, and provides procedures for dispute resolution: 10

- (b) **Schedule 2** sets out provisions for,— 15
- (i) in **Part 1**, the criteria to be taken into account in appointing the directors of the Service: *<and the procedures of the College; and>*

Struck out (majority)

- (ii) in **Part 2**, the appointment, resignation, and removal of directors, their powers of delegation, the Service's power to contract, and procedures for meetings; and

New (majority)

- (ii) in **Part 2**, the qualification and term of office of directors and the method of their appointment, disclosure of directors' conflicts of interest, removal of directors from office or their resignation, procedure for board meetings, directors' remuneration, immunity of directors, delegations 20
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New (majority)

by directors and the chief executive, and provisions relating to information:

(ii) in **Part 2A**, provisions on aspects of the Service's financial governance and its power to contract:

(iii) in **Part 3**, the appointment of the chief executive and the employment of staff. 5

6 Interpretation

In this Act, unless the context otherwise requires,—

annual report means the accountability document, the contents of which are prescribed in **section 62** 10

board means the board of directors of the Service

Struck out (majority)

College means the Māori Television Electoral College established by **section 11**

commencement day means the date on which this Act comes into force 15

director means a director of the board of the Service

financial year means the 12 months ending on the close of 30 June or another date that the board determines

Struck out (majority)

Kaitiaki Trust means the Māori Television Kaitiaki Trust to be set up as a bare trust by the College and called the Māori Television Kaitiaki Trust, with the sole purpose as stated in **section 21** 20

ngā tikanga Māori, for the purposes of this Act, means Māori *<customs and practices>* (*(<custom, practice, and law>)*) customary values and practices 25

output agreement means the accountability document, the purpose of which is stated in **section 58**

prime time means the times of broadcasting identified by the Service <(and included in the statement of intent in accordance with **section 50(1)(g)**)> as having the largest number of viewers for its particular target audiences

related entity means an entity referred to in **section 66** 5

responsible Ministers means the Minister of Māori Affairs and the Minister of Finance, acting jointly

Service means the Māori Television Service established as a statutory corporation by **section 7**

statement of intent means the accountability document, the purpose of which is stated in **section 48** 10

subsidiary means a subsidiary of the Service within the meaning of section 2 of the Financial Reporting Act 1993

New (majority)

Te Pūtahi Paoho means the Māori Television Electoral College established by **section 11** 15

te reo Māori means the Māori language

Struck out (majority)

trustees means the trustees of the Kaitiaki Trust

UHF right means an ultra high frequency management right to be—

(a) recorded in the Register of Radio Frequencies on the application of the chief executive of the Ministry of Economic Development under the Radiocommunications Act 1989— 20

(i) for the frequencies with a lower boundary of 582 MHz and an upper boundary of 614 MHz; and 25

(ii) for a period of 10 years from the date when that right is recorded by the Registrar of Radio Frequencies; and

(b) transferred to and held by the Kaitiaki Trust for transfer to the Service under **section 21**. 30

New (majority)

UHF right means an ultra high frequency management right (including any successive management right) that is recorded in the Register of Radio Frequencies under the Radiocommunications Act 1989—

- (a) for a 32 MHz range of frequencies within the limits of 494 and 806 MHz; and 5
- (b) for an overall period of 10 years from the date when that right is transferred to the Service under **section 28A**.

Subpart 2—Māori Television Service

Establishment of Māori Television Service 10

7 Establishment of Service

- (1) This section establishes the Māori Television Service.
- (2) The Service is a body corporate with perpetual succession.
- (3) The governing body of the Service is the board of directors, consisting of 7 directors appointed in accordance with **section 24**. 15

Key provisions about Māori Television Service

8 Functions of Service

- (1) The principal function of the Service is to promote te reo Māori me ngā tikanga Māori through the provision of a high quality, cost-effective Māori television service, in both Māori and English, that informs, educates, and entertains a broad viewing audience, and, in doing so, enriches New Zealand's society, culture, and heritage. 20
- (2) The Service must also— 25

Struck out (majority)

- (a) ensure that the programmes broadcast by the Service during prime times consist mainly of programmes in te reo Māori; and

New (majority)

- (a) ensure that during prime times it broadcasts mainly in te reo Māori; and

Struck out (majority)

- (b) ensure that a substantial proportion of its programmes broadcast at other times is broadcast in te reo Māori; and

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New (majority)

- (b) ensure that at other times it broadcasts a substantial proportion of its programmes in te reo Māori; and

- (c) ensure that, in its programming, the Service has regard to the needs and preferences of—

(i) children participating in te reo Māori immersion education; and

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(ii) all persons learning te reo Māori; and

- (d) provide broadcast services that are technically available throughout New Zealand and practicably accessible to as many people as is reasonably possible.

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Struck out (majority)

- (e) undertake any other function consistent with the purposes of the Act.

New (majority)

- (3) The Service may undertake other functions consistent with the purposes of the Act, including (without limitation) fostering development of the broadcasting capacity of the Service through appropriate training and education.

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9 Powers of Service

- (1) For the purpose of performing its functions under this Act, the Service—
- (a) has full capacity to carry out or undertake any business or activity, do any act, or enter into any transaction; and 5
 - (b) for the purposes of **paragraph (a)**, has full rights, powers, and privileges.
- (2) **Subsection (1)** applies subject to—
- (a) the provisions of this Act and any other enactment; and
 - (b) the general law. 10

10 Independence of Service**Struck out (majority)**

- (1) The responsible Ministers, the College, and a director acting without the authority of the board must not direct the Service in respect of—
- (a) specific programmes; or 15
 - (b) the gathering, preparation, or presentation of news or current affairs programmes.

Struck out**New (majority)**

- (1) The responsible Ministers, Te Pūtahī Paoho or a member of Te Pūtahī Paoho, or a director acting without the authority of the board, must not direct the Service, or any director, officer, or employee of the Service, or any subsidiary of the Service, in respect of—
- (a) a particular programme: 20
 - (b) a particular allegation or complaint relating to a particular programme: 25
 - (c) the gathering or presentation of news or the preparation or presentation of current affairs programmes:
 - (d) programme standards.

New

- (1) The responsible Ministers, or any other Minister, or any person acting by or on behalf of or at the direction of any Minister, or Te Pūtahi Paoho, or a member of Te Pūtahi Paoho, or a director acting without the authority of the board, must not direct the Service, or any subsidiary of the Service, or any director, officer, or employee of the Service in respect of—
- (a) a particular programme: 5
 - (b) a particular allegation or complaint relating to a particular programme:
 - (c) the gathering or presentation of news or the preparation or presentation of current affairs programmes: 10
 - (d) programme standards.
- (2) The other provisions of this Act apply subject to **subsection (1)**.

New (majority)

10A Protection of names

- (1) No person may be incorporated or registered under any other enactment or in any other manner using the following names: 15
- (a) Māori Television Service;
 - (b) Te Aratuku Whakaata Irirangi Māori;
 - (c) any other name that so resembles the names in **paragraph (a)** or **paragraph (b)** as to be likely to mislead a person. 20
- (2) No person other than the Service may, either alone or with another person, trade or carry on business—
- (a) under a name listed in **subsection (1)(a) or (b)**; or
 - (b) under a name, knowing that it so resembles a name listed in **subsection (1)(a) or (b)** as to be likely to mislead a person. 25
- (3) A person who breaches **subsection (2)** commits an offence and is liable on summary conviction to a fine not exceeding \$2,500.

Subpart 3—*⟨Māori Television Electoral College⟩⟨Te Pūtahi Paoho⟩*

11 Establishment

- (1) This section establishes *⟨the Māori Television Electoral College⟩⟨Te Pūtahi Paoho⟩*.

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New (majority)

- (2) The purpose of Te Pūtahi Paoho is to perform its functions under this Act.

New

- (3) For the purposes of **subsection (2)**, Te Pūtahi Paoho has full powers, rights, and privileges.

12 Membership of *⟨College⟩⟨Te Pūtahi Paoho⟩*

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- (1) Each of the organisations listed in **Part 1 of Schedule 1** may appoint 1 representative to be a member of *⟨the College⟩⟨Te Pūtahi Paoho⟩*.

- (2) The chairperson of *⟨the College⟩⟨Te Pūtahi Paoho⟩* must notify the chief executive of Te Puni Kōkiri in writing~~⟨,⟩~~—

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- (a) ~~⟨at the commencement day,⟩~~ of the names of the members of *⟨the College⟩⟨Te Pūtahi Paoho at the commencement day,⟩* and the organisation that each person represents; and

- (b) of any changes in the membership of *⟨the College⟩⟨Te Pūtahi Paoho⟩*.

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- (3) **Part 2 of Schedule 1** applies to *⟨the College⟩⟨Te Pūtahi Paoho⟩* and its members.

Struck out (majority)

Chairperson and deputy chairperson of College

13 Chairperson and deputy chairperson of College

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- (1) The College must elect 1 of its members as its chairperson and another member as its deputy chairperson.

Struck out (majority)

- (2) The chairperson of the College (and his or her deputy, when acting as the chairperson) must at all times, act with the authority of the College and in accordance with its directions.
- (3) The deputy chairperson, when acting as the chairperson, has and may exercise all the powers, functions and duties of the chairperson. 5
- (4) If the chairperson or the deputy chairperson vacates office as a member of the College, or resigns from the office of chairperson or deputy chairperson, as the case may be, the College must elect an existing member of the College to hold the office of chairperson or deputy chairperson, as the case may be. 10
- (5) No person may, at the same time, hold the office of both chairperson and deputy chairperson of the College.

- 14 Change in composition of <College> <Te Pūtahi Paoho>** 15
- (1) The Governor-General may, by Order in Council, amend **Part 1 of Schedule 1** by adding or removing the name of an organisation.
- (2) An Order in Council may be made only on the recommendation of the Minister of Māori Affairs. 20
- (3) The Minister of Māori Affairs may make a recommendation only at the request of, or with the consent of, the chairperson of <the College> <Te Pūtahi Paoho> authorised by a resolution of <the College> <Te Pūtahi Paoho>.
- (4) <The College> <Te Pūtahi Paoho> must not pass a resolution in relation to— 25
- (a) an organisation whose name is to be added to **Part 1 of Schedule 1** unless <the College> <Te Pūtahi Paoho> is satisfied that it is an organisation that has a role in promoting te reo Māori: 30
- (b) an organisation whose name is to be omitted from **Part 1 of Schedule 1** unless—
- (i) the organisation wishes to withdraw from <the College> <Te Pūtahi Paoho>; or

- (ii) *<the College>**<Te Pūtahi Paoho>* is satisfied that the organisation no longer has a role in promoting te reo Māori.

15 Functions of *<College>* *<Te Pūtahi Paoho>*

The functions of *<the College>* *<Te Pūtahi Paoho>* are—

- (a) to appoint 4 of the 7 directors of the Service in accordance with **section 24(a)** and, if necessary, remove any of those 4 directors in accordance with **clause 5 of Schedule 2**; and 5
- (b) to provide direction to the chairperson of *<the College>* *<Te Pūtahi Paoho>* in the performance and exercise of his or her functions and powers under **(sections 16 and 17) section 16**; and 10
- (c) to consider the need to increase or decrease the number of organisations represented on *<the College>* *<Te Pūtahi Paoho>* for the purpose of **section 14**, and to pass resolutions as necessary for that purpose; and 15
- (d) to receive the accountability documents prepared by the board under **subpart 3 of Part 2**; and

New

- (e) to safeguard the UHF right in accordance with **section 28C**. 20

Struck out (majority)

- (2) The College must, not less than once every 5 years, review its functions and the criteria it applies in making appointments under **subsection (1)(a)**.

Struck out

- (3) For the purposes of performing its functions under this *<section, the College>* *<Act, Te Pūtahi Paoho>* has full rights, powers, and privileges. 25

- 16 Joint responsibilities of responsible Ministers and chairperson of <College> <Te Pūtahi Paoho>**
- (1) The responsible Ministers and the chairperson of <the College> <Te Pūtahi Paoho>, acting jointly,—
- (a) must appoint 1 director to be the chairperson of the board and another director to be the deputy chairperson, in accordance with <section 27> <clause 4 of Schedule 2>; and 5
 - (b) must determine the remuneration and other benefits for— 10
 - (i) the board in accordance with <section 41> <clauses 14A and 14B of Schedule 2>; and
 - (ii) the governing body of a subsidiary of the Service in accordance with section 68; and
 - (c) must approve the statement of intent prepared by the board under subpart 3 of Part 2; and 15
 - (d) may direct the board to amend the statement of intent in respect of 1 or more specified items in accordance with <sections 54 to 56> <section 55>; and
 - (e) subject to subsection (2), may review the performance of the Service; and 20
 - (f) may consent to the reappointment of a director for more than 2 terms, in accordance with clause 2(1) of Schedule 2; and
 - (g) must perform any other functions or duties required by this Act. 25
- (2) For the purpose of carrying out a review of the Service, the responsible Ministers and the chairperson of <the College> <Te Pūtahi Paoho>, acting jointly,—
- (a) must give notice in writing to the Service of their intention to conduct a review; and 30
 - (b) may require any information from the Service relating to its operation and activities that is relevant to that review.
- (3) <Section 36> <Clause 16B of Schedule 2> applies to a requirement under subsection (2)(b). 35

Struck out (majority)

- 17 Notice for transfer of UHF right**
- The chairperson of the College must,—
- (a) at his or her discretion, determine the date of transfer of the UHF right from the Crown, acting by and through the chief executive of the Ministry of Economic Development, to the Kaitiaki Trust; and 5
 - (b) give written notice not less than 20 working days prior to that date to—
 - (i) the chief executive of the Ministry of Economic Development; and 10
 - (ii) the trustees.
- 18 Remuneration for members of College**
- The members of the College are entitled to receive—
- (a) remuneration determined by the responsible Ministers, in accordance with the fees framework for members of statutory and other bodies; and 15
 - (b) payment of reimbursing allowances or actual and reasonable expenses incurred in undertaking the functions of the College.
- 19 Funds for College** 20
- The operating costs of the College (including the costs incurred under **section 18**, the cost of administrative support for the College and the chairperson, and the costs in respect of the Kaitiaki Trust) must be met from money—
- (a) appropriated by Parliament for the purposes of this Act; and 25
 - (b) identified in the annual output agreement under **section 60**; and
 - (c) administered by the chief executive of Te Puni Kōkiri.
- Process if responsible Ministers and chairperson of College unable to agree* 30

New (majority)*Dispute resolution*

20 Resolution of disagreement <between the responsible Ministers and the chairperson of Te Pūtahi Paoho>

Struck out (majority)

(1) For the purposes of this section, **parties** means the responsible Ministers and the chairperson of the College.

(2) <This section applies if> <If> the responsible Ministers and the chairperson of <the College> <Te Pūtahi Paoho> are unable to agree on <any of the matters> <a matter> for which their joint determination is required under **section 16**, they must, for the purpose of endeavouring to reach agreement on that matter, appoint a mediator in accordance with **clauses 10 and 11 of Schedule 1**>. 5 10

Struck out (majority)

(3) If the parties are unable to reach agreement in respect of a matter for their joint determination referred to in **subsection (2)**, the parties must enter into a memorandum of understanding that sets out a process for resolving the disagreement. 15

New (majority)

(3) **Clauses 12 to 17 of Schedule 1** apply to the process of mediation commenced under this section.

Struck out (majority)

Subpart 4—Māori Television Kaitiaki Trust
Sole purpose

21 Purpose of Kaitiaki Trust 20

(1) The sole purpose of the Kaitiaki Trust is for the trustees, as bare trustees,—
(a) to receive the UHF right upon a bare trust; and
(b) to transfer the right to the Service when notified by the chairperson of the College under **section 17**. 25

Struck out (majority)

- (2) The Kaitiaki Trust must execute a transfer of the right referred to in **subsection (1)** to the Service.

22 Funding of Kaitiaki Trust

- (1) The trustees are not entitled to be paid fees or allowances.
- (2) Any administrative costs of the Kaitiaki Trust must— 5
- (a) be met from the funds for the College; and
- (b) be managed by the chief executive of Te Puni Kōkiri.

Part 2

Key provisions relating to appointment and duties of directors, <transfer of UHF right,> accountability of Service, and establishment <by Service> of related entities 10

Subpart 1—<Appointment of board of directors><Key provisions about board of directors>

Board is governing body of Service 15

23 Governing body of Service

- (1) The board has authority, subject to this Act, to exercise the powers and perform the functions of the Service.
- (2) The board must supervise or direct the management of the affairs of the Service in accordance with the statement of intent to achieve the purpose of this Act. 20
- (3) The board has all the powers necessary for carrying out its functions and duties under this Act.
- (4) **Schedule 2** applies to the board, the directors, and the administration of the Service. 25

Appointment of board of directors

24 Appointment of directors

- (1) The board must consist of 7 directors appointed as follows:
- (a) 4 directors appointed by <the College> <Te Pūtahi Paoho>; and 30
- (b) 3 directors appointed by the responsible Ministers.

New (majority)

- (2) In making their respective appointments under this section, the responsible Ministers and Te Pūtahi Paoho may appoint a person as a director of the board only if, in their respective opinions, the person has the appropriate skills and experience to assist the Service to perform its functions. 5
- (3) The skills and experience referred to in **subsection (2)** include (but are not limited to) the criteria set out in **Part 1 of Schedule 2**.

Struck out (majority)

25 Criteria for appointment

- (1) In making their respective appointments under **section 24**, the responsible Ministers and the College may appoint a person as a director of the board only if, in their respective opinions, the person has the appropriate skills and experience to assist the Service to perform its functions. 10
- (2) The skills and experience referred to in **subsection (1)** include (but are not limited to) the criteria set out in **Part 1 of Schedule 2**. 15

26 Qualifications of directors

- (1) A natural person who is not disqualified by **subclause (2)** may be a director of the board.
- (2) The following persons are disqualified from being a director: 20
- (a) a person who is an undischarged bankrupt: 20
 - (b) a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, a company under section 382, section 383, or section 385 of the Companies Act 1993:
 - (c) a person who is subject to a property order made under section 10, section 11, section 12, section 30, or section 31 of the Protection of Personal and Property Rights Act 1988, or whose property is managed by a trustee corporation under section 32 of that Act: 25
 - (d) a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon or 30

Struck out (majority)

served the sentence or otherwise suffered the penalty imposed on the person:

- (e) a person who has failed to disclose all interests under **clause 3(4) of Schedule 2.**

Appointment of chairperson and deputy chairperson of board 5

27 Appointment of chairperson and deputy chairperson

- (1) Subject to **subsection (2)**, the responsible Ministers and the chairperson of the College jointly must appoint 1 of the directors to be the chairperson of the board and 1 to be the deputy chairperson. 10
- (2) If the person appointed to be the chairperson is—
- (a) a director appointed by the responsible Ministers, the deputy chairperson must be appointed from among the directors appointed by the College; or 15
- (b) a director appointed by the College, the deputy chairperson must be appointed from among the directors appointed by the responsible Ministers.
- (3) Every person appointed as chairperson holds that office until the person— 20
- (a) dies or resigns from that office; or
- (b) is removed from that office by the Minister or the chairperson of the College, as the case may be; or
- (c) ceases to hold office as a director.
- (4) The chairperson may resign from the office of chairperson, without resigning as a director, by written notice to the responsible Ministers and the chairperson of the College jointly. 25
- (5) If there is no chairperson or, for any reason, the chairperson is unable to perform his or her functions and duties or to exercise his or her powers as chairperson, the deputy chairperson has all the functions, duties, and powers of the chairperson. 30

Subpart 2—Key provisions about board of directors

Duties <of directors>

28 Duties of directors

A director of the board, when acting as a director, and the board acting collectively must—

- (a) act in good faith, honestly, and with integrity; and 5
- (b) not contravene, or cause the Service to contravene, this Act; and
- (c) act with the care, diligence, and skill that a reasonable director would exercise in the same circumstances, taking into account, without limitation,— 10
 - (i) the nature of the activities of the Service; and
 - (ii) the nature of the action or decision taken by the director; and
 - (iii) the position of the director and the nature of the responsibilities undertaken by him or her; and 15
- (d) act in accordance with <section 31> <clause 4B of Schedule 2> (which governs directors' conflicts of interest); and
- (e) not act as a representative of, or promote the views of, any particular person, organisation, or political party; and 20
- (f) ensure that the Service—
 - (i) acts within its statutory functions; and
 - (ii) acts in accordance with the statement of intent and the output agreement; and
 - (iii) performs its functions and conducts its activities effectively, efficiently, and in a financially prudent manner, which includes, without limitation, endeavouring to— 25
 - (A) prudently manage the assets and liabilities of the Service: 30
 - (B) maintain the long-term financial viability of the Service:
 - (C) cover the annual costs of the Service from the net annual income:
 - (D) act as a successful going concern. 35

New

Subpart 1A—Provisions relating to UHF right

New (majority)

Transfer of UHF right to Service

28A Transfer of UHF right from Crown to Service

- (1) The chairperson of the board must,—
- (a) in consultation with the chairperson of Te Pūtahi Paoho, determine the date of transfer of the UHF right to the Service from the Crown, acting by and through the chief executive of the Ministry of Economic Development; and 5
 - (b) give written notice not less than 20 working days prior to that date to— 10
 - (i) the chief executive of the Ministry of Economic Development; and
 - (ii) the chairperson of Te Pūtahi Paoho; and
 - (iii) the responsible Ministers.
- (2) The chief executive of the Ministry of Economic Development must transfer the UHF right to the Service on or before the date notified under **subsection (1)(b)**. 15

New

28B Use of UHF right by Service

As soon as reasonably practicable after the transfer of the UHF right from the Crown to the Service under **section 28A**, the Service must, in performing its functions set out in **section 8**, decide whether to create for its use spectrum licences under the UHF right. 20

28C Transfer of UHF right and spectrum licences by Service

- (1) If the Service does not require the UHF right transferred by the Crown under **section 28A**, it must transfer the UHF right to Te Pūtahi Paoho. 25
- (2) If the Service ceases to use the spectrum licences created for its use under the UHF right in accordance with **section 28B**, it must cancel the spectrum licences. 30

New

- (3) If the Service proposes to transfer the UHF right to a third party, or to create spectrum licences for, or to transfer spectrum licences to, a third party (other than Te Pūtahi Paoho), it must—
- (a) prepare and present to Te Pūtahi Paoho a business plan on the proposal; and 5
 - (b) obtain the agreement of Te Pūtahi Paoho to the proposed transfer.
- (4) In **subsection (3)**, **business plan** means a plan stating how a proposal referred to in that subsection would fulfil the Service's functions set out in **section 8**, and the terms and conditions of that transfer. 10

28D Role of Te Pūtahi Paoho in relation to UHF right

- (1) If the Service transfers the UHF right to Te Pūtahi Paoho under **section 28C(1)**, Te Pūtahi Paoho must, in consultation with the responsible Ministers, transfer the UHF right— 15
- (a) to an appropriate television broadcaster, to be used for the purpose of promoting and protecting te reo Māori me ngā tikanga Māori; or
 - (b) to the Crown to be used in fulfilling the functions set out in **section 8**. 20
- (2) If the Service proposes to transfer the UHF right to a third party, or to create spectrum licences for, or to transfer spectrum licences to, a third party under **section 28C(3)**, Te Pūtahi Paoho must, before agreeing to the proposal,— 25
- (a) consult with the responsible Ministers; and
 - (b) have regard to the fact that the UHF right was provided to the Service to use for the purpose of protecting and promoting te reo Māori me ngā tikanga Māori.

Struck out (majority)

Appointment of chief executive of Service

30

29 Appointment of chief executive of Service

- (1) The board must appoint a chief executive of the Service in accordance with **clause 18 of Schedule 2**.

Struck out (majority)

- (2) In making an appointment under **subsection (1)**, the board must act independently.

Directors' conflicts of interest

30 Meaning of interested

- (1) A director is **interested** in a transaction of, or other matter relating to, the Service if the director—
- (a) is a party to, or will derive a material financial benefit from, the transaction or matter; or
 - (b) has a material financial interest in another party to the transaction, or in a person to whom the matter relates; or
 - (c) is a director, officer, member, or trustee of another party to, or a person who will or may derive a material financial benefit from, the transaction or matter; or
 - (d) is the parent, child, spouse, or partner of another party to, or a person who will or may derive a material financial benefit from, the transaction or matter; or
 - (e) is otherwise directly or indirectly materially interested in the transaction or matter.
- (2) The transactions or matters relevant to **subsection (1)** include—
- (a) the performance of a function or exercise of a power by the Service;
 - (b) a negotiation, arrangement, agreement, or contract made or entered into, or proposed to be made or entered into, by the Service.

31 Obligation to disclose interest

A director who is interested in a transaction or proposed transaction of, or other matter relating to, the Service must disclose the nature of the interest in accordance with **section 32** as soon as practicable after the director becomes aware, or should have been aware, that he or she is interested.

32 Method of disclosure

A director required to disclose an interest under **section 31** must make the disclosure—

Struck out (majority)

- (a) to the chairperson of the board; and
- (b) if the director is the chairperson, to the responsible Ministers and the chairperson of the College.

33 Consequences of interest

A director who is interested in a transaction or proposed transaction of, or other matter relating to, the Service— 5

- (a) must not vote or take part in any deliberation or decision of the board or any board committee relating to the matter; and
- (b) must not be counted for the purpose of forming a quorum for that part of a meeting of the board or board committee during which a deliberation or decision relating to the matter occurs or is made. 10

34 Effect of non-compliance

- (1) If a director fails to comply with the obligation to disclose an interest under **section 31**, the validity of the arrangement, agreement, or contract made or entered into by the Service is not affected. 15
- (2) The chairperson of the board must, as soon as practicable after becoming aware of a failure, report to the responsible Ministers and the chairperson of the College any failure by directors (including that of the chairperson) to disclose interests in accordance with this Act. 20

Provisions relating to information held by or provided to Service 25

35 Confidentiality, disclosure, and use of information

- (1) In this section, **confidential information** means information that the board determines must be treated in confidence.
- (2) A director who, in his or her capacity as a director, has confidential information that would not otherwise be available to the director must not disclose to any person, use, or act on that information except— 30
 - (a) for the purposes of the Service; or
 - (b) as required or permitted by law; or

Struck out (majority)

- (c) in complying with the requirement for directors to disclose interests.
- (3) **Subsection (2)** does not apply if the director is first authorised to disclose, use, or act on information by the board.
- 36 Provision of information for purpose of review** 5
- The Service must, as soon as reasonably practicable, supply information required jointly in writing by the responsible Ministers and the chairperson of the College under **section 16(2)(b)**—
- (a) relating to the operation and activities of the Service; 10
and
- (b) that is reasonably required for the exercise of the power under **section 16(1)(e)**.
- 37 Reliance on information and advice**
- (1) A director, when acting as a director, may rely on reports, 15
statements, financial data, and other information prepared or supplied, and on professional or expert advice given, by any of the following persons:
- (a) an employee of the Service whom the director believes 20
on reasonable grounds is reliable and competent in relation to the matters concerned; or
- (b) a professional adviser or expert in relation to matters that the director believes on reasonable grounds are within the person's professional or expert competence; 25
or
- (c) any other director, or a committee, of the board on which the director did not serve in relation to matters within the director's or committee's designated authority; or
- (d) the Crown. 30
- (2) **Subsection (1)** applies to a director only if the director—
- (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. 35

Struck out (majority)

Financial provisions

38 Bank accounts

- (1) The Service must have 1 or more bank accounts, as necessary for the exercise of its powers and the performance of its functions and duties,— 5
- (a) at any registered bank (within the meaning of the Reserve Bank of New Zealand Act 1989); and
 - (b) with the approval of the Minister of Finance, at any bank outside New Zealand.
- (2) All money received by the Service, or for or on its behalf by a director of the board or an employee, must be paid into a bank account of the Service as soon as practicable after that money has been received. 10
- (3) The Service must properly authorise the withdrawal or payment of money from or into its bank accounts. 15

39 Restrictions on investment of money

- (1) The Service may invest money that is surplus to its immediate requirements only—
- (a) on deposit with a registered bank in New Zealand;
 - (b) on deposit with a bank outside New Zealand that has been approved by the Minister of Finance for that purpose: 20
 - (c) on deposit with the Crown if approved by the Minister of Finance;
 - (d) in other debt securities issued by a registered bank in New Zealand, or by a bank outside New Zealand approved by the Minister of Finance for that purpose: 25
 - (e) in public and other securities approved by the Minister of Finance for the purpose.
- (2) **Subsection (1)** also applies to money that the Service manages on behalf of a related entity of the Service. 30

40 Restrictions on borrowing

- (1) The Service must not, without the prior written permission of the Minister of Finance and the chairperson of the College,—
- (a) borrow or contract to borrow from any person; or 35

Struck out (majority)

- (b) amend the terms of any borrowing; or
- (c) acquire a derivative instrument; or
- (d) amend the terms of a derivative instrument; or
- (e) enter into or offer a guarantee; or
- (f) amend the terms of a guarantee. 5

*Directors' remuneration and allowances***41 Remuneration**

- (1) A director may not receive payments or fees as an employee of, or consultant for,—
- (a) the Service; or 10
 - (b) any related entity.
- (2) A director is entitled to receive, from the funds of the Service, remuneration and other benefits for services as a director at a rate and of a kind determined jointly by the responsible Ministers and the chairperson of the College in accordance with the appropriate fees framework determined by the Government. 15

42 Allowances for directors

A director is entitled to receive, from the funds of the Service, payment of reimbursing allowances or actual and reasonable expenses incurred in the performance of his or her duties as a director. 20

*Protection from liability for directors and employees***43 Interpretation**

In sections 44 and 45,—

director includes a former director 25

employee includes a former employee

indemnify includes to relieve or excuse from liability, whether before or after the liability arises.

44 Immunity of directors and employees

- (1) A director or employee of the Service is not personally liable— 30
- (a) for any liability of the Service; or

Struck out (majority)

- (b) to any person (other than the Service) for any act or omission in good faith by the board, any director, or any employee of the Service in the performance or the intended performance of the functions or duties or the exercise or intended exercise of the powers of the Service. 5
- (2) The Service is liable for any act or omission for which, but for this section, the director or employee of the Service would have been liable in person.
- 45 Indemnity for directors and employees** 10
The Service may indemnify a director or employee for costs incurred by him or her in a proceeding—
- (a) that relates to acts or omissions by him or her in good faith in the performance or intended performance of the functions of the Service; and 15
- (b) in which judgment is given in his or her favour, in which he or she is acquitted, or that is discontinued.

Subpart 3—Accountability required of Service

- 46 Interpretation** 20
In this subpart, unless the context otherwise requires,—
- class of outputs** means a grouping of similar outputs
- effective date** means the date on which a statement of intent or any amendment takes effect in accordance with **section 53** or **section 57** respectively
- financial report** means the report referred to in **section 64** 25
- generally accepted accounting practice** has the same meaning it has in section 3 of the Financial Reporting Act 1993
- group** means a group comprising the Service and its subsidiaries
- outcomes** means the impacts on, or consequences for, the community of the outputs or activities of the Service 30
- outputs** means—

- (a) the goods and services provided or to be provided by the Service in fulfilment of its functions under this Act; but
- (b) does not include services produced for purchase or consumption solely within the Service

5

statement of output objectives means part of the statement of intent referred to in **section 50(1)(h)**

statement of responsibility means the accountability document described in **section 63**

statement of service performance means part of the annual report referred to in **section 62(1)(c)**.

10

Key provisions on accountability of Service

47 Overview of accountability responsibilities

- (1) The board must prepare and deliver, in accordance with the requirements of this subpart, the following reports relevant to the accountability of the Service under this Act:

15

- (a) the annual statement of intent (including the statement of output objectives); and
- (b) the output agreement; and
- (c) the annual report (including the audited financial report, the statement of service performance, and the statement of responsibility).

20

- (2) The responsible Ministers must present to the House of Representatives—

- (a) the annual statement of intent (and any amendments provided for under ~~sections 54 to 56~~ section 55); and
- (b) the annual report.

25

- (3) The Crown must not incur any liability to the Service or expend any money for the use of the Service under an appropriation by Parliament unless—

30

- (a) a final statement of intent has been presented to the House of Representatives by the responsible Ministers; and
- (b) the responsible Ministers have agreed to the output agreement prepared by the board on behalf of the Service under **section 59** and the output agreement has been made final under **section 61(1)**.

35

Key <documents> <document> of accountability: statement of intent

48 Purpose of statement of intent

The purpose of a statement of intent is to promote the accountability of the Service by— 5

- (a) providing to the House of Representatives contextual information about the Service and information about the intentions and commitments set by the board for the Service; and
- (b) setting out the medium-term intentions and commitments of the board for the Service; and 10
- (c) identifying the key strategic issues for the Service; and
- (d) identifying how the board will respond to these key strategic issues and fulfil the statutory functions of the board; and 15
- (e) providing a baseline against which the performance of the Service and its subsidiaries can be assessed in a subsequent year or years.

49 Obligation to prepare statement of intent

(1) The Service must, in accordance with **section 52**, prepare a statement of intent that— 20

- (a) relates to at least—
 - (i) the next financial year; and
 - (ii) the 2 following financial years; and
- (b) is consistent with this Act; and 25
- (c) is approved and finalised in accordance with the provisions of this subpart.

(2) If the Service has 1 or more subsidiaries, it must prepare the statement of intent for the group.

Contents of statement of intent 30

50 Contents of statement of intent

(1) Without limiting the matters that may be addressed, the statement of intent must include the following information, in relation to the period to which the statement applies:

- (a) the period to which it applies: 35
- (b) an outline of the key contextual framework within which the Service operates, including—
 - (i) the principal statutory functions of the Service:

- (ii) the current organisational structure of the Service:
 - (iii) any related entities of the Service:
 - (c) in the case of a group,—
 - (i) the entities that comprise the group; and 5
 - (ii) the nature of the business of each entity in the group; and
 - (iii) the principal areas of activity for each operation:
 - (d) the nature of the long-term specific goals of the Service for its operations: 10
 - (e) the nature and scope of the intended operations for the Service:
 - (f) the principal areas of its activity:
 - (g) the prime times identified by the Service for particular target audiences: 15
 - (h) the strategies proposed for the Service to achieve its goals, manage risks, and carry out operations, including long-term and short-term investment strategies:
 - (i) a statement of output objectives specifying the classes of outputs to be produced by the Service and its subsidiaries: 20
 - (j) the other <qualitative and quantitative> performance targets or measures by which the performance of the Service and its subsidiaries may be judged:
 - (k) any other proposed operating policies. 25
- (2) The statement of intent must include prospective financial information for the period to which the statement of intent applies, which must—
- (a) be prepared in accordance with generally accepted accounting practice; and 30
 - (b) include the following information:
 - (i) a statement of financial performance; and
 - (ii) a statement of financial position; and
 - (iii) a statement of cash flows; and
 - (iv) an outline of the strategy proposed for managing any recently reported or anticipated material net deficit (as determined in accordance with generally accepted accounting practice). 35

- (3) The statement of intent must include any other information material to understanding and assessing the information provided under **subsections (1) and (2)**, or include information without which the information provided under **subsections (1) and (2)** would be false or misleading in a material way. 5

51 Matters for consultation and reporting must be identified

The statement of intent must identify and state the matters on which the Service will—

- (a) consult the responsible Ministers and the chairperson of *<the College>* *<Te Pūtahi Paoho>* before making a decision; and 10
- (b) report to the responsible Ministers and the chairperson of *<the College>* *<Te Pūtahi Paoho>* and when that will be done. 15

Process for creating and finalising statement of intent

52 Creating and finalising statement of intent

- (1) The board must prepare in writing a draft statement of intent and deliver it to the responsible Ministers and the chairperson of *<the College>* *<Te Pūtahi Paoho>* not later than 60 days before the beginning of the financial year to which it relates. 20
- (2) The responsible Ministers and the chairperson of *<the College>* *<Te Pūtahi Paoho>* may, within 14 working days, jointly provide comments on the draft statement to the board.
- (3) The board must, within 10 working days of receiving the comments referred to in *<subclause>* *<subsection>* (2),— 25
- (a) consider any comments; and
- (b) provide a second draft to the responsible Ministers and the chairperson of *<the College>* *<Te Pūtahi Paoho>*.
- (4) When the responsible Ministers, the chairperson of *<the College>* *<Te Pūtahi Paoho>*, and the board have agreed *<upon>* *<on>* the text of the draft statement of intent in the course of the process under this clause,— 30
- (a) the responsible Ministers and chairperson of *<the College>* *<Te Pūtahi Paoho>* must sign and date the agreed statement of intent; and 35
- (b) the chairperson of the board, on behalf of the board, must also sign the statement of intent.

- (5) The statement of intent is final when it has been signed in accordance with *<subclause>* *<subsection>* (4).
- (6) The responsible Ministers must present the statement of intent *<(and any amendments made under section 55)>* to the House of Representatives as soon as practicable after it becomes final. 5
- (7) The responsible Ministers, the chairperson of *<the College>* *<Te Pūtahi Paoho>*, and the board must endeavour to finalise the statement of intent in time for it to be presented to the House of Representatives before the beginning of the financial year to which it relates. 10

53 Effective date and term of statement of intent

A statement of intent is effective—

- (a) from the date on which it becomes final under **section 52**; and 15
- (b) until a new statement of intent takes effect in accordance with the Act (even if that date is outside the financial year to which it relates).

Amendments to statement of intent

54 When statement of intent may be amended 20

After a statement of intent becomes final under **section 52**, it may only be amended if an obligation arises to make a mandatory amendment under **section 55**.

55 Mandatory amendment *<of statement of intent>*

- (1) The board must amend a statement of intent if— 25
- (a) the responsible Ministers and the chairperson of *<the College>* *<Te Pūtahi Paoho>* jointly direct an amendment to the statement of intent *<in accordance with section 56>*; or
- (b) changes in the law materially alter or affect the information contained in the statement of intent; or 30
- (c) the information contained in the statement of intent is false or misleading in a material way, and was so at the time when the statement of intent first took effect.
- (2) The board must amend the statement of intent as soon as practicable after it becomes aware of the facts that give rise to 35

the obligation to make a mandatory amendment under **subsection (1)(b) or (c)**.

New (majority)

- | | | |
|-----|---|----|
| (3) | If the responsible Ministers and chairperson of Te Pūtahi Paoho direct the board to amend the statement of intent under subsection (1)(a) , they must, jointly,— | 5 |
| | (a) give written notice to the board specifying the amendment they propose; and | |
| | (b) consult the board before the board makes the proposed amendment. | |
| (4) | An amendment directed under subsection (1)(a) must be consistent with the functions of the Service. | 10 |

Struck out (majority)

- | | | |
|-----------|--|----|
| 56 | Notice to amend statement of intent | |
| (1) | If the responsible Ministers and chairperson of the College jointly agree to direct the board to amend the statement of intent, they must, jointly,— | 15 |
| | (a) give written notice to the board specifying the amendment they propose; and | |
| | (b) consult the board before the board makes the proposed amendment. | |
| (2) | An amendment directed under subclause(1) must be consistent with the functions of the Service. | 20 |

New (majority)

- | | | |
|-----------|--|----|
| 56 | Amendments must be presented to House of Representatives | |
| | An amendment made under section 55 must be presented to the House of Representatives by the responsible Ministers as soon as practicable after the amendment has been made. | 25 |

57 Effective date of amendments

An amendment is effective,—

- (a) if made under **section 55(2)**, on the day when it is signed by the responsible Ministers *<and>* the chairperson of *<the College,>* *<Te Pūtahi Paoho,>* and *<by>* the chairperson of the board, on behalf of the board; and 5
- (b) if notified under **section <55> <55(3)>**, on the day when it is signed by the responsible Ministers and the chairperson of *<the College>* *<Te Pūtahi Paoho>*.

Key <documents> <document> of accountability: 10
output agreement

58 Purpose of output agreement

The purpose of an output agreement is—

- (a) to assist the Service and the responsible Ministers to clarify, align, and manage their respective expectations and responsibilities in relation to the funding and production of outputs paid for by the Crown; and 15
- (b) to provide the basis on which money may be made available for the use of the Service under an appropriation by Parliament. 20

59 Preparation of output agreement

(1) An output agreement must—

- (a) be prepared by the board on behalf of the Service; and
- (a) be agreed to by the responsible Ministers.

(2) The board is responsible to the responsible Ministers for meeting the terms of the output agreement. 25

60 Contents of output agreement

(1) The output agreement must specify—

- (a) the purposes to which money must be applied that is made available for the use of the Service under an appropriation by Parliament; and 30
- (b) the period to which the output agreement relates.

(2) Unless the responsible Ministers otherwise agree, an output agreement must contain the following information:

- (a) a clear description of the outputs to be produced under the agreement; and 35

- (b) an explanation of the conditions under which the Service will be paid for its outputs; and
 - (c) a description of the delivery standards that the board has agreed to meet; and
 - (d) the amount to be set aside for the operating costs of *<the College>* *<Te Pūtahi Paoho>* under *<sections 18 and 19>* *<clauses 9A and 9B of Schedule 1>*. 5
- (3) The output agreement must include any other relevant information, such as the purpose for which the outputs are required, that may assist the board and the responsible Ministers to interpret and implement the output agreement. 10
- (4) The output agreement must be consistent with the functions of the Service.
- (5) The amount specified under **subsection (2)(d)** must be—
- (a) determined in consultation with the chairperson of *<the College>* *<Te Pūtahi Paoho>*; and 15
 - (b) sufficient to meet the costs of the matters provided for in *<sections 18 and 19>* *<clauses 9A and 9B of Schedule 1>*.
- 61 Formal requirements for output agreement**
- (1) The output agreement must be in writing and dated and signed by— 20
- (a) the responsible Ministers; and
 - (b) by the chairperson on behalf of the board.
- (2) The board must endeavour to complete, and the responsible Ministers to agree to, the output agreement in a timely manner to permit the payment of the funds appropriated by Parliament to the Service in accordance with **section 47(3)**. 25
- Key <documents> <document> of accountability:
annual report*
- 62 Contents of annual report** 30
- (1) The annual report must contain the following information for the financial year to which the report relates:
- (a) a report on the operations of the Service (and of its subsidiaries); and
 - (b) a comparison between the actual amounts in the financial report and the amounts in the prospective financial information contained in the statement of intent; and 35

- (c) a financial report prepared in accordance with generally accepted accounting practice that includes a statement of service performance reporting on the classes of outputs actually produced during the financial year against the forecast classes of outputs specified in the statement of output objectives; and 5
- (d) a statement of responsibility prepared in accordance with **section 63**; and
- (e) the audit report.
- (2) The annual report must also include— 10
- (a) an assessment of the reasons for, and implications of, any material reported net deficit incurred during the financial year; and
- (b) any matter on which the statement of intent requires the annual report to report; and 15
- (c) a report on the total value of remuneration and other benefits received by each director of the board during the financial year; and
- (d) a report on compliance by the Service with its policy of being a good employer (in the context of the purpose of the Service), including a report on its equal employment opportunities programme; and 20
- (e) a report on the number of employees who, during the financial year, received remuneration and other benefits in their capacity as employees (other than compensation or other benefits referred to in **paragraph (g)**), the total value of which exceeds \$100,000 per year, and the number of those employees in brackets of \$10,000; and 25
- (f) a report on the remuneration and benefits received by each committee member (other than directors or employees); and 30
- (g) the total value of compensation or other benefits received by persons who ceased to be employees during the financial year, in relation to the cessation of employment, and the number of persons who received a share of that total; and 35
- (h) any other information that the board considers necessary to enable an informed assessment of the performance of the Service for that financial year.

New (majority)

Other documents of accountability

63 Statement of responsibility

- (1) A statement of responsibility must accompany the financial report.
- (2) The statement of responsibility must contain— 5
- (a) a statement of the responsibility of the signatories for the preparation of the financial report and the judgments recorded in them; and
 - (b) a statement of the responsibility of the signatories for establishing and maintaining a system of internal control designed to provide reasonable assurance as to the integrity and reliability of the financial reporting; and 10
 - (c) a statement that, in the opinion of the signatories, the financial report fairly reflects the financial position and operations of the Service and, if applicable, the group. 15
- (3) The statement of responsibility must be dated and signed by the chairperson of the board and by the chief executive of the Service or, if there is no chairperson, by the chief executive and the chief financial officer of the Service.

64 Financial report 20

- (1) The board must, not later than 90 days after the end of the financial year, prepare and send to the Auditor-General the financial report—
- (a) containing the information required by **section 62(1)(c)**; and 25
 - (b) signed and dated by the chairperson on behalf of the board.
- (2) The Auditor-General must, within 30 days of receiving the financial report, return it to the Service, together with the audit report. 30

- 65 Annual report presented to House of Representatives**
- (1) The Service must, as soon as reasonably practicable after receiving the financial report and audit report from the Auditor-General, forward the annual report to the responsible Ministers and the chairperson of *<the College>* *<Te Pūtahi Paoho>*. 5
- (2) The responsible Ministers must, as soon as reasonably practicable, present the annual report to the House of Representatives.
- Subpart 4—Related entities** 10
- 66 Shares or interests in related entities**
- (1) The Service may, with the joint consent of the responsible Ministers and the chairperson of *<the College>* *<Te Pūtahi Paoho>*,—
- (a) form or hold any shares or interests in any body corporate or in a partnership, joint venture, or other association of persons; or 15
- (b) settle, or be or appoint a trustee of, a trust.
- (2) The consent referred to in **subsection (1)** may be given on any conditions that the responsible Ministers and chairperson of *<the College>* *<Te Pūtahi Paoho>* jointly specify. 20
- (3) The Service may only form or hold any shares or interests in a related entity under **subsection (1)** for the purpose of performing its functions under this Act.
- 67 Limits to functions and powers of subsidiary** 25
- The Service and any subsidiary of the Service must ensure that the subsidiary—
- (a) does not carry on or undertake any business or activity, do any act, or enter into any transaction that the Service itself has no capacity or power to carry on, undertake, do, or enter into; and 30
- (b) exercises its powers only for the purpose of performing, or assisting the Service to perform, the functions of the Service; and
- (c) in carrying on or undertaking a business or activity, doing an act, or entering into a transaction, is subject to the same obligations and restrictions that would apply to the Service in relation to that matter; and 35

- (d) does not authorise remuneration or allowances for its members that could not be authorised for the directors of the Service; and
- (e) conducts its affairs in accordance with this Act, any other enactment, and with the general law; and
- (f) complies with the current statement of intent and any requirements of the current output agreement made under **subpart 3**.

5

68 Remuneration and allowances

- (1) A director of a subsidiary is entitled to receive, from the funds of the subsidiary,—
 - (a) remuneration and other benefits at a rate and of a kind jointly determined by the responsible Ministers and the chairperson of *<the College>* *<Te Pūtahi Paoho>* in accordance with the appropriate fees framework determined by the Government; and
 - (b) payment of reimbursing allowances or actual and reasonable expenses incurred in undertaking his or her duties as a director of the governing body of the subsidiary.
- (2) The remuneration and other benefits referred to in **subsection (1)(a)** must be determined before the Service forms or acquires shares in a subsidiary.

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Part 3

Provisions for termination of Te Reo Māori Television Trust (Te Awhiorangi), transitional arrangements for establishment Service, etc, <provision for review of Act,> and amendments to other Acts

25

69 Interpretation

In **subparts 1 and 2** of this Part, unless the context otherwise requires,—

appointed representatives means the persons appointed by organisations to constitute the Electoral College

assets means any real or personal property of any kind, whether tangible or intangible, corporeal or incorporeal, whether or not subject to rights, and wherever situated

30

35

Deed of Trust means the deed creating Te Reo Māori Television Trust (Te Awhiorangi) as a charitable trust that was incorporated under the Charitable Trusts Act 1957 on 10 September 1999

Electoral College means the Electoral College set up under the Deed of Trust 5

establishment board means the board appointed for the transition period by the responsible Ministers and the Electoral College to oversee the setting up and operations of the establishment Service 10

establishment chief executive means the person appointed for the transition period by the establishment board to undertake the functions, duties, and powers of the chief executive of the establishment Service

establishment directors means the directors *<of>* *<appointed to>* the establishment board, including any director who resigned from the establishment board before the commencement of this Act 15

establishment Service means the organisation set up in the transition period to prepare for the establishment of the Māori Television Service 20

Struck out (majority)

Te Reo Māori Television Trust (Te Awhiorangi) or Trust means the Trust created by the Deed of Trust

transition period means the period between 23 July 2001 and the commencement day 25

New (majority)

Trust means Te Reo Māori Television Trust (Te Awhiorangi) created by the Deed of Trust

Struck out (majority)

trustee means a trustee of Te Reo Māori Television Trust (Te Awhiorangi).

New (majority)

trustee means a trustee of the Trust.

**Subpart 1—Provisions for termination of Te Reo Māori
Television Trust (Te Awhiorangi)**

Te Reo Māori Television Trust (Te Awhiorangi) terminated

- 70 Trust terminated** 5
- On and from the commencement day, under this section,—
- (a) the Trust is terminated; and
 - (b) the trustees of the Trust cease to hold office; and
 - (c) any committee appointed by the Trust in the transition period is terminated; and 10
 - (d) the assets and liabilities of the Trust vest in the Service, freed of all trusts affecting those assets and liabilities; and
 - (e) the purchase agreement made between the Trust and the Minister of Communications acting for and on behalf of Her Majesty the Queen on 26 November 1999 is cancelled; and 15
 - (f) money payable to the Trust becomes payable to the Service; and
 - (g) a representative appointed to the Electoral College by an organisation listed in **Part 1 of Schedule 1** becomes a member of *<the College>* *<Te Pūtahi Paoho>*. 20
- 71 Final report of Trust**
- The Service must prepare the final audited financial report of the Trust within 3 months after the commencement day and provide copies to the responsible Ministers and the chairperson of *((the College))* Te Pūtahi Paoho. 25
- 72 Protection of trustees**
- (1) On and from the commencement day, any proceeding commenced by or against the Trust may be carried on, completed, or enforced by or against the Service. 30
 - (2) If, in the period between 23 July 2001 and the end of the day immediately before the commencement day, a trustee, officer, or agent of the Trust acts or fails or refuses to act in order to

prepare for, or assist in, the implementation of this Act, that person is not under a civil liability for acting, failing, or refusing to act if the action, failure, or refusal is done or made in good faith and with reasonable care.

- (3) **Subsection (2)** applies despite any provision in the Deed of Trust under which the Trust was created. 5

Subpart 2—Transitional arrangements relating to establishment Service, etc

73 Provisions relating to decisions, etc, in transition period

- (1) This subpart applies, in relation to the transition period, to— 10
- (a) the Electoral College and its members; and
 - (b) the establishment Service, the establishment directors, and the establishment board; and
 - (c) the establishment chief executive and the employees, consultants, or agents (if any) of the establishment Service; and 15
 - (d) the chief executive of Te Puni Kōkiri or his or her authorised delegate.
- (2) A decision, recommendation, action, appointment, undertaking, or transaction made, taken, or entered into in good faith and with reasonable care by a person or body referred to in **subsection (1)** during the transition period is as valid as if it had been made, taken, or entered into, under this Act. 20
- (3) Subject to **subsection (4)**, on and from the commencement day, a decision, recommendation, action, appointment, undertaking, or transaction referred to in **subsection (2)** is treated as if it had been made, taken, or entered into under this Act. 25
- (4) As soon as reasonably practicable after <the> commencement day, any draft statement of intent and output agreement prepared by the establishment board during the transition period must be confirmed and made final in accordance with **section 52 or section 61** respectively<, as the case may be>. 30

74 Transition from establishment board

As soon as reasonably practicable after the commencement day, <the College> <Te Pūtahi Paoho> and the responsible Ministers must appoint the directors of the Service in accordance with **section 24**. 35

75 Employees

- (1) On the commencement day, each person employed by, or on behalf of, the establishment Service for the transition period, or who is under contract as an agent of, or consultant to, the establishment Service for the transition period, becomes an employee, agent, or consultant, as the case may be, of the Service. 5
- (2) For the purpose of every enactment, law, determination, contract, or agreement relating to the employment of persons by or on behalf of the establishment Service, a person's agreement or contract of employment must be treated as having been unbroken and the period of employment with the establishment Service must be treated as a period of employment with the Service. 10
- (3) A person who becomes an employee of the Service under this section is not entitled to receive any payment or other benefit by reason only of ceasing to be an employee of the establishment Service. 15

76 Assets and liabilities of establishment bodies

On the commencement day, the assets and liabilities (if any) of the establishment Service and establishment board vest in, and become binding on, the Service. 20

New (majority)

Subpart 2A—Review of Act

76A Review of Act

- (1) The responsible Ministers must, as soon as practicable after the expiry of 5 years from the commencement day,— 25
- (a) commence a review of the operation and effectiveness of this Act in accordance with the terms of reference set by the responsible Ministers; and
- (b) prepare a report on the review undertaken under **paragraph (a)**. 30
- (2) Prior to commencing the review referred to in **subsection (1)**, the responsible Ministers must consult with Te Pūtahi Paoho on the terms of reference for the review.

New (majority)

- (3) The responsible Ministers must present a report to the House of Representatives within 6 years of the commencement day, with recommendations for any amendments to this Act.

Subpart 3—Amendments to other Acts

- 77 Amendment to Ombudsmen Act 1975** 5
The Ombudsmen Act 1975 is amended by inserting in Part II of the First Schedule, in its appropriate alphabetical order, the item “Māori Television Service and every subsidiary of the Māori Television Service (if any).”

New (majority)

- 77A Amendment to Official Information Act 1982** 10
The Official Information Act 1982 is amended by inserting in the First Schedule, in its appropriate alphabetical order, the item “Māori Television Service and every subsidiary of the Māori Television Service (if any).”

- 78 Amendment to Broadcasting Act 1989** 15
Section 53E of the Broadcasting Act 1989 is amended by adding the word “; and” and also by adding the following paragraph:
“(f) the needs and preferences of—
 “(i) children participating in te reo Māori immersion education; and
 “(ii) all persons learning te reo Māori.” 20

- 79 Amendment to Public Audit Act 2001**
The Public Audit Act 2001 is amended by inserting in Part 1 of Schedule 2, in its appropriate alphabetical order, the item “Māori Television Service”. 25

ss 12, 14, <20,> 70

Schedule 1
**Provisions relating to <Māori Television Electoral
College> <Te Pūtahi Paoho>**

Part 1

Organisations that may appoint members of <Māori
Television Electoral College> <Te Pūtahi Paoho> 5

1 Organisations that may appoint members

The following organisations, which have a role in promoting
te reo Māori, are each entitled to appoint 1 representative to be
a member of <the College> <Te Pūtahi Paoho>: 10

- (a) Te Kohanga Reo National Trust:
- (b) Te Runanganui o Ngā Kura Kaupapa Māori o Aotearoa:
- (c) Te Tau Ihu o Ngā Wananga:
- (d) Te Ataarangi Incorporated:
- (e) Te Whakaruruhau o Ngā Reo Irirangi o Aotearoa: 15
- (f) Ngā Aho Whakaari Māori in Film, Video and Televi-
sion Incorporated:
- (g) Kawea Te Rongo:
- (h) New Zealand Māori Council:
- (i) National Māori Congress: 20
- (j) Māori Women's Welfare League:
- (k) Ngā Kaiwhakapumau i te Reo Māori.

Part 2

<Māori Television Electoral College> <Te Pūtahi Paoho>
procedures 25

**2 <College> <Te Pūtahi Paoho> may regulate its own
procedure**

Except as provided in this Act, <the College> <Te Pūtahi
Paoho> may regulate its own <procedures> <procedure>.

New (majority)

Chairperson and deputy chairperson of Te Pūtahi Paoho 30

2A Chairperson and deputy chairperson of Te Pūtahi Paoho

- (1) Te Pūtahi Paoho must elect 1 of its members as its chairperson
and another member as its deputy chairperson.

Part 2—*continued*

New (majority)

- | | | |
|-----|--|----|
| (2) | The chairperson of Te Pūtahi Paoho (and the deputy chairperson, when acting as the chairperson) must at all times, act with the authority of Te Pūtahi Paoho and in accordance with its directions. | 5 |
| (3) | The deputy chairperson, when acting as the chairperson, has and may exercise all the powers, and perform the functions and duties, of the chairperson. | |
| (4) | If the chairperson or the deputy chairperson vacates office as a member of Te Pūtahi Paoho, or resigns from the office of chairperson or deputy chairperson, as the case may be, Te Pūtahi Paoho must elect an existing member of Te Pūtahi Paoho to hold the office of chairperson or deputy chairperson, as the case may be. | 10 |
| (5) | No person may, at the same time, hold the office of both chairperson and deputy chairperson of Te Pūtahi Paoho. | 15 |

Conduct of meetings

3 Meetings

- | | | |
|-----|---|----|
| (1) | <The College> <Te Pūtahi Paoho> may hold meetings as necessary for the efficient performance of its functions. | 20 |
| (2) | The chairperson of <the College> <Te Pūtahi Paoho> must determine the date, time, and place of each meeting of <the College> <Te Pūtahi Paoho>, and must give not less than 7 working days' written notice to members of— | |
| | (a) the date, time, and place of the meeting; and | 25 |
| | (b) the agenda for the meeting. | |
| (3) | Notice need not be given under subclause (2) — | |
| | (a) to a member who for the time being is absent from New Zealand; or | |
| | (b) in respect of an adjourned meeting. | 30 |
| (4) | If all members who are entitled to receive notice give their consent, the requirement to notify a meeting may be waived. | |

Part 2—continued

4 Teleconference meetings

- (1) A meeting may be conducted by teleconference or by any means of communication that allows the members reasonably to participate in the proceedings.
- (2) All the provisions in this Act relating to the meetings of *<the College>* *<Te Pūtahi Paoho>* apply to a meeting held in accordance with this clause. 5

5 Quorum

- (1) A quorum for a meeting of *<the College>* *<Te Pūtahi Paoho>* is— 10
- (a) half the number of members (if *<the College>* *<Te Pūtahi Paoho>* has an even number of members) or a majority of the members (if *<the College>* *<Te Pūtahi Paoho>* has an odd number of members); but
- (b) in any case, not less than 6 members. 15
- (2) No business may be transacted at a meeting of *<the College>* *<Te Pūtahi Paoho>* at any time when a quorum is not present.

6 Conduct of meetings

- (1) At all meetings of *<the College>* *<Te Pūtahi Paoho>*, the chairperson must preside. 20
- (2) If the chairperson is not present,—
- (a) the deputy chairperson, if present, must preside; or
- (b) if the deputy chairperson is not present, the members present must elect 1 of their number to be the chairperson of the meeting. 25
- (3) A record must be kept in the minute book of all decisions taken and business transacted at every meeting, signed by the chairperson of the meeting.
- (4) The signed minutes of the proceedings of a meeting are evidence— 30
- (a) of the proceedings; and
- (b) unless the contrary is proved, that the meeting was properly convened and the proceedings were properly conducted.

Part 2—*continued***7 Voting**

- (1) Except as provided in **subclause (3)**, each member present has 1 vote.
- (2) All questions arising at a meeting must be decided by a majority of the votes cast by the members present. 5
- (3) In the case of an equality of votes, the chairperson or member presiding has a second or casting vote.
- (4) A written resolution signed by all the members is effective for all purposes as a resolution passed at a meeting of *<the College>* *<Te Pūtahi Paoho>* and may comprise more than 1 copy of the resolution, each signed by 1 or more of the members of *<the College>* *<Te Pūtahi Paoho>*. 10

8 Vacancies or irregularities in appointment

- (1) Despite a vacancy in its membership, *<the College>* *<Te Pūtahi Paoho>* may perform its functions, provided there is a quorum. 15
- (2) If **subclause (1)** applies, *<the College>* *<Te Pūtahi Paoho>* may, even if the quorum is not present, request an organisation listed in **clause 1** that has no representative on *<the College>* *<Te Pūtahi Paoho>* to appoint a representative. 20
- (3) The decisions and transactions of *<the College>* *<Te Pūtahi Paoho>* are not affected if a member's appointment is defective.

9 Change in membership of *<College>* *<Te Pūtahi Paoho>*

- In determining whether to give consent under **section 14** to a recommendation of the *<responsible Ministers>* *<Minister of Māori Affairs>* to add the name of an organisation to the list in **clause 1**, or to remove a name of an organisation from that list, *<the College>* *<Te Pūtahi Paoho>* must— 25
- (a) make that determination by resolution— 30
- (i) moved by not less *<that>* than 3 members; and
- (ii) approved by not less than 75% of all members; and
- (b) be satisfied that an organisation whose name is added to the list is an organisation that has a role in promoting te reo Māori. 35

Part 2—continued

New (majority)

Remuneration for members

9A Remuneration for members of Te Pūtahi Paoho

The members of Te Pūtahi Paoho are entitled to receive—

- (a) remuneration determined by the responsible Ministers, 5
in accordance with the fees framework for members of
statutory and other bodies; and
- (b) payment of reimbursing allowances or actual and reason-
able expenses incurred in undertaking the functions 10
of Te Pūtahi Paoho.

Funding for Te Pūtahi Paoho

9B Funds for Te Pūtahi Paoho

The operating costs of Te Pūtahi Paoho (including the costs
incurred under **clause 9A** and the costs of administrative sup- 15
port for Te Pūtahi Paoho and the chairperson) must be met
from money—

- (a) appropriated by Parliament for the purposes of this Act;
and
- (b) administered by the chief executive of Te Puni Kōkiri.

Dispute resolution 20

10 Disputes may be mediated

- (1) For the purposes of this clause and **clauses 11 to 17**, the **parties**
are the responsible Ministers and the chairperson of Te Pūtahi
Paoho.
- (2) This clause and **clauses 11 to 17** apply if the responsible Minis- 25
ters and the chairperson of Te Pūtahi Paoho are unable to
agree in respect of any of the following matters:
 - (a) the persons to be appointed as the chairperson and the
deputy chairperson of the board;
 - (b) whether and when to seek information from, and review 30
the performance of, the Service:
 - (c) determination or approval of the remuneration and
allowances for directors under **clause 14A or clause 14B of**
Schedule 2:
 - (d) finalisation of a statement of intent under **section 52:** 35

Part 2—*continued*

New (majority)

(e)	directing amendments to a statement of intent under section 55(1)(a) .	
(3)	In the event of a dispute, either party may give notice that it wishes to submit the dispute to mediation.	5
(4)	Clauses 11 to 17 apply to both parties.	
11	Appointment of mediator	
(1)	If notice is given under clause 10(3) , the parties must, within 10 days of notice being given, either—	
(a)	appoint a mediator by agreement; or	10
(b)	ask the President of the Arbitrators' and Mediators' Institute of New Zealand Incorporated to appoint a mediator.	
(2)	If subclause (1)(b) applies, the President of the Arbitrators' and Mediators' Institute of New Zealand Incorporated must, as soon as practicable, appoint a mediator.	15
(3)	The person appointed under subclause (1)(a) or subclause (2) must, as soon as reasonably practicable, convene a mediation conference with the parties.	
(4)	The mediator's appointment ends if—	20
(a)	the parties to the dispute—	
(i)	resolve it by agreement; or	
(ii)	agree to terminate the appointment; or	
(b)	the mediator withdraws from the appointment.	
12	Time and place of mediation conference	25
	Every conference organised by a mediator of the parties to a dispute must be held on a day and at a time and place—	
(a)	agreed to in writing by the parties to the dispute and the mediator; or	
(b)	if agreement cannot be reached within 2 working days, fixed by the mediator and notified in writing to the parties.	30

Part 2—continued

New (majority)

- | | | |
|-----------|---|----|
| 13 | Conference must be held in private
Except as provided in clause 15 , only the parties to a dispute and the mediator may attend a conference organised by the mediator. | 5 |
| 14 | Representatives
If satisfied that in all the circumstances it is appropriate to do so, a mediator may allow a representative of each party to a dispute to attend a conference of the parties organised by the mediator. | 10 |
| 15 | Right to be heard
Each party to a dispute, and every representative of a party allowed by the mediator to attend a conference of the parties organised by a mediator, may be heard at the conference. | |
| 16 | Evidence | 15 |
| (1) | A mediator may hear and take into account any relevant evidence or information, whether or not it would be admissible in a court of law. | |
| (2) | A mediator may, on his or her own initiative, seek and receive any evidence, and make any investigations and inquiries, that the mediator thinks desirable to resolve a dispute. | 20 |
| (3) | No evidence is admissible in a court or before a person acting judicially of any statement, information, or admission disclosed to any person in the course of a mediation conference convened under clause 11(3) . | 25 |
| 17 | Remuneration of mediator | |
| (1) | A mediator must be paid remuneration (by way of fees and allowances) as agreed to by the parties to the dispute. | |
| (2) | If the parties to a dispute cannot agree on the mediator's remuneration, the President of the Arbitrators' and Mediators' Institute of New Zealand Incorporated (or a person authorised by the President to do so), as the case may be, must— | 30 |

Part 2—*continued*

New (majority)

- | | |
|--|---|
| <p>(a) fix an amount or several amounts that must be paid to the mediator as remuneration; and</p> <p>(b) specify the amount (if any) that each party must pay.</p> <p>(3) Each party must pay to the mediator the amount fixed by the President (or authorised person) and specified as an amount to be paid by that party.</p> | 5 |
|--|---|

New (majority)

Schedule 2 ss 15, 16, 23<, 25, 26, 29>
**Provisions relating to appointment of directors and
terms of holding office on board**

Part 1

Criteria to be taken into account when directors of <Māori
Television> Service are appointed 5

1 Criteria for appointment

The criteria of governance experience and key competencies
that must be taken into account when directors of the Service
are appointed include, but are not limited to, the following
matters: 10

Governance experience

- (a) practical or professional commercial or business experience:
- (b) broadcasting or programme production.

Key competencies 15

- (c) appreciation of the dual role of the Crown and Māori as
stakeholders:
- (d) understanding of Crown and Māori responsibilities to protect
and promote te reo Māori:
- (e) ability to distinguish corporate governance from 20
management:
- (f) knowledge of the responsibilities of a director:
- (g) background in the development and implementation of te reo
Māori policy:
- (h) competency in te reo Māori and knowledge of tikanga Māori: 25
- (i) financial literacy:
- (j) ability to work as a team member and collaboratively:
- (k) ability to clearly communicate orally and in writing:
- (l) ability to take a wide perspective on issues:
- (m) integrity and a strong sense of ethics. 30

New (majority)

Part 2
Further provisions relating to appointments to and
procedures of board, and for administration of Service

New (majority)

1A Persons who may be appointed as directors

- | | | |
|-----|---|----|
| (1) | A natural person who is not disqualified by subclause (2) may be a director of the board. | 5 |
| (2) | The following persons are disqualified from being a director: | |
| (a) | a person who is an undischarged bankrupt: | |
| (b) | a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, a company under section 382, section 383, or section 385 of the Companies Act 1993: | 10 |
| (c) | a person who is subject to a property order made under section 10, section 11, section 12, section 30, or section 31 of the Protection of Personal and Property Rights Act 1988, or whose property is managed by a trustee corporation under section 32 of that Act: | 15 |
| (d) | a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon or served the sentence or otherwise suffered the penalty imposed on the person: | 20 |
| (e) | a person who has failed to disclose all interests in accordance with clause 3(4)(a) . | 25 |

*Term of appointment of directors***2 Term of appointment of directors**

- | | | |
|-----|--|----|
| (1) | A director— | |
| (a) | holds office for a term not exceeding 3 years, or any shorter term stated in the notice of appointment given under clause 3 ; and | 30 |
| (b) | may be reappointed for 1 further term; but | |
| (c) | may not be reappointed for more than 2 continuous terms except with the joint consent of the responsible | |

Part 2—continued

Ministers and chairperson of *<the College>* *<Te Pūtahi Paoho>*.

- (2) Subject to **clause 5** *<or clause 6>*, on the expiry of a term of office, a director continues in office until—
- (a) the director is reappointed; or 5
 - (b) the director’s successor is appointed; or
 - (c) the director is informed in writing by the responsible Ministers or the *<Chairperson>* *<chairperson>* of *<the College>* *<Te Pūtahi Paoho>*, as the case may be, that the director is not to be reappointed and that no successor is to be appointed. 10
- (3) A copy of any notice given under this clause must be provided to the Service.
- 3 Method of appointment of directors of board**
- (1) A director is appointed by written notice given by the responsible Ministers or *<the College>* *<Te Pūtahi Paoho>*, as the case may be. 15
- (2) A copy of the notice of appointment must be provided to the Service by the responsible Ministers or *<the College>* *<Te Pūtahi Paoho>*, as the case may be. 20
- (3) A person must not be appointed until the following matters are agreed:
- (a) the date on which the appointment takes effect; and
 - (b) the term of the appointment if for less than 3 years; and
 - (c) the conditions of the appointment. 25
- (4) Before a person can be appointed, he or she must—
- (a) disclose to the responsible Ministers or the chairperson of *<the College>* *<Te Pūtahi Paoho>*, as the case may be,—
 - (i) the interests the person would have to disclose under **<section 31>** **<clause 4B>** if he or she were a director; and 30
 - (ii) any other interests or relationships that might give rise to those interests; and
 - (iii) any other matters that, if they were known or occurred while he or she were a director, would be likely to result in that person’s removal from office under **clause 5**; and 35

Part 2—*continued*

- (b) certify in writing to the responsible Ministers or the chairperson of *<the College>* *<Te Pūtahi Paoho>*, as the case may be, that he or she is not disqualified from being a director under **<section 26>** **<clause 1A>**; and
- (c) accept the appointment in writing to the responsible Ministers or the chairperson of *<the College>* *<Te Pūtahi Paoho>*, as the case may be. 5
- (5) The lawful acts of a person as a director are valid, even if—
 - (a) the person’s appointment was defective; or
 - (b) the person was not qualified for appointment. 10

New (majority)

Appointment of chairperson and deputy chairperson of board

4 Appointment of chairperson and deputy chairperson of board

- (1) Subject to **subclause (2)**, the responsible Ministers and the chairperson of Te Pūtahi Paoho acting jointly must appoint 1 of the directors to be the chairperson of the board and 1 to be the deputy chairperson. 15
- (2) If the person appointed to be the chairperson is—
 - (a) a director appointed by the responsible Ministers, the deputy chairperson must be appointed from among the directors appointed by Te Pūtahi Paoho; or 20
 - (b) a director appointed by Te Pūtahi Paoho, the deputy chairperson must be appointed from among the directors appointed by the responsible Ministers. 25
- (3) Every person appointed as the chairperson or deputy chairperson holds that office until the person—
 - (a) dies or resigns from that office; or
 - (b) is removed from that office by the responsible Ministers and the chairperson of Te Pūtahi Paoho acting jointly; 30
or
 - (c) ceases to hold office as a director.
- (4) The chairperson or deputy chairperson may resign from the office of chairperson or deputy chairperson, as the case may be, without resigning as a director, by written notice to the 35

Part 2—continued

New (majority)

responsible Ministers and to the chairperson of Te Pūtahi Paoho jointly.

- (5) If there is no chairperson or, for any reason, the chairperson is unable to perform his or her functions and duties or to exercise his or her powers as chairperson, the deputy chairperson has all the functions, duties, and powers of the chairperson. 5

Conflict of interest of directors

4A Meaning of interested

- (1) A director is **interested** in a transaction of or other matter relating to the Service if the director— 10
- (a) is a party to, or will derive a material financial benefit from, the transaction or matter; or
 - (b) has a material financial interest in another party to the transaction, or in a person to whom the matter relates; 15
- or
- (c) is a director, officer, member, or trustee of another party to, or a person who will or may derive a material financial benefit from, the transaction or matter; or
 - (d) is the parent, child, spouse, or partner of another party to, or a person who will or may derive a material financial benefit from, the transaction or matter; or 20
 - (e) is otherwise directly or indirectly materially interested in the transaction or matter.
- (2) The transactions or matters relevant to **subclause (1)** include— 25
- (a) the performance of a function or exercise of a power by the Service;
 - (b) a negotiation, arrangement, agreement, or contract made or entered into, or proposed to be made or entered into, by the Service. 30

4B Obligation to disclose interest

A director who is interested in a transaction, or proposed transaction of, or other matter relating to the Service must disclose the nature of the interest in accordance with **clause 4C**

Part 2—*continued*

New (majority)

	as soon as practicable after the director becomes aware, or should have been aware, that he or she is interested.	
4C	Method of disclosure A director required to disclose an interest under clause 4B must make the disclosure— (a) to the chairperson of the board; and (b) if the director is the chairperson, to the responsible Ministers and the chairperson of Te Pūtahī Paoho.	5
4D	Consequences of interest A director who is interested in a transaction, or proposed transaction of, or other matter relating to the Service— (a) must not vote or take part in any deliberation or decision of the board or any board committee relating to the matter; and (b) must not be counted for the purpose of forming a quorum for that part of a meeting of the board or board committee during which a deliberation or decision relating to the matter occurs or is made.	10 15
4E	Effect of non-compliance (1) If a director fails to comply with the obligation to disclose an interest under clause 4B , the validity of the arrangement, agreement, or contract made or entered into by the Service is not affected. (2) The chairperson of the board must,— (a) as soon as practicable after becoming aware of a failure, report to the responsible Ministers and the chairperson of Te Pūtahī Paoho any failure by directors (including that of the chairperson or the deputy chairperson) to disclose an interest in accordance with this Act; and (b) record any failure in the annual report of the Service.	20 25 30

Part 2—continued

⟨Resignation and removal⟩ ⟨Removal and resignation⟩ of
directors

5 Removal from office

- (1) A director may, at any time, be removed from office for any reason by written notice to the director by the responsible Ministers or by ⟨*the College*⟩ ⟨Te Pūtahi Paoho⟩, as the case may be. 5
- (2) The reasons referred to in **subclause (1)** include (without limitation)—
- (a) the factors relevant to disqualification under ⟨section 26⟩ ⟨clause 1A⟩; or 10
- (b) 1 or more of the following circumstances:
- (i) the director has brought the Service into disrepute;
- (ii) the director has failed to comply with directors' duties under **section 28**: 15
- (iii) the director has become a bankrupt;
- (iv) the director has acted with financial impropriety;
- (v) the director has been unable to perform the functions of office: 20
- (vi) the director has performed the functions of office inadequately;
- (vii) the director has failed to attend 3 consecutive meetings of the board, without giving prior notice of his or her inability to attend: 25
- (viii) the director has failed to disclose, without reasonable excuse, as soon as possible after the relevant facts become known to the director, an interest in a matter being considered or about to be considered by the board. 30

New (majority)

(2A) Despite **subclause (2)**, a director of the Service or of a subsidiary must not be removed for a reason relating to the matters set out in **section 10(1)(a) to (d)**.

- (3) Before removing a director from office, the responsible Ministers or ⟨*the College*⟩ ⟨Te Pūtahi Paoho⟩, as the case may be, 35

Part 2—*continued*

must give the director a reasonable opportunity to make submissions or be heard on the proposal to remove him or her.

- (4) The notice of removal must state the reasons for removal.

6 Resignation

- (1) A director of the board may resign from office by giving written notice to the responsible Ministers or to *<the College>* *<Te Pūtahi Paoho>*, as the case may be. 5
- (2) A copy of the notice referred to in **subclause (1)** must be provided to the Service.
- (3) A resignation is effective on receipt of the notice by the responsible Ministers or *<the College>* *<Te Pūtahi Paoho>*, as the case may be, or at a later time, as specified in the notice. 10

7 No entitlement to compensation

A director is not entitled to compensation or other payment or benefit if he or she ceases for any reason to hold office as a director. 15

*Vacancies in board's membership***8 Director ceasing to hold office**

A director ceases to hold office if that person—

(a) resigns in accordance with this Act; or 20

(b) is removed from office in accordance with this Act; or

(c) becomes disqualified from being a director under this Act; or

(d) otherwise ceases to hold office as a director in accordance with any enactment. 25

9 Vacancy in membership

- (1) If a director, for any reason, ceases to hold office, the responsible Ministers or *<the College>* *<Te Pūtahi Paoho>*, as the case may be, must appoint another person to act as a director. 30
- (2) A director appointed under **<subsection (1)>** **<subclause (1)>** must be appointed in accordance with this Act, and may be appointed either—
- (a) for the balance of the term for which the vacating director was appointed; or

Part 2—continued

- (b) for a new term, as provided for under **clause 2(1)**.

Procedure for meetings of board

10 Procedure generally

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

5

Meetings

11 Times and places of meetings

- (1) The board or the chairperson must appoint the dates, times, and places for meetings of the board, and give not less than 5 working days' written notice to directors of—

10

- (a) the date, time, and place of each meeting; and
(b) the agenda for the meeting.

- (2) The chairperson of the board must convene a special meeting of the board on receipt of a written request for a special meeting signed by at least 4 directors of the board.

15

- (3) The notice provisions of **subclause (1)** apply to a special meeting.

12 Quorum for board

- (1) A quorum for a meeting of the board is 5 directors.
(2) No business may be transacted at a meeting of the board at any time when a quorum is not present.

20

13 Conduct of meetings of board

- (1) The chairperson must preside at all meetings of the board if he or she is present.

- (2) If the chairperson is *<not present,>* <absent, the deputy chairperson must preside, and if the deputy chairperson is also absent,>—

25

- (a) and another director has been given delegated authority to act as the chairperson, that director must preside; and
(b) in any other case, the directors present must elect 1 of their number to be the chairperson for the meeting.

30

- (3) The person acting under **subclause (2)(a)<,>** or the person elected under **subclause (2)(b)<,>** has and may exercise all the

Part 2—*continued*

powers, duties, and functions of the chairperson for the purposes of the meeting.

- (4) The chairperson of the board may permit directors to participate in meetings, or in a particular meeting, by any means of communication that allows the directors reasonably to engage in the proceedings of the meeting. 5

14 Voting at meetings

- (1) Except as provided in **subclause (3)**, each director has 1 vote.
- (2) All questions arising at a meeting of the board must be decided by a majority of the votes cast by the directors present. 10
- (3) The director presiding at the meeting has a deliberative vote and, in the case of an equality of votes, also has a casting vote.

New (majority)*Directors' remuneration and allowances***14A Remuneration** 15

- (1) A director may not receive payments or fees as an employee of, or consultant for,—
- (a) the Service; or
- (b) any related entity.
- (2) A director is entitled to receive, from the funds of the Service, remuneration and other benefits for services as a director at a rate and of a kind determined jointly by the responsible Ministers and the chairperson of Te Pūtahi Paoho in accordance with the appropriate fees framework determined by the Government. 20

14B Allowances for directors 25

A director is entitled to receive, from the funds of the Service, payment of reimbursing allowances or actual and reasonable expenses incurred in the performance of his or her duties as a director. 30

Part 2—continued

New (majority)

Protection from liability for directors and employees

14C Interpretation

In clauses 14D and 14E,—

director includes a former director 5

employee includes a former employee

indemnify includes to relieve or excuse from liability,
whether before or after the liability arises.

14D Immunity of directors and employees

(1) A director or employee of the Service is not personally liable— 10

(a) for any liability of the Service by reason only of being a
director or employee; or

(b) to any person (other than the Service) for any act or
omission by him or her in the performance or the 15
intended performance of the functions or duties or the
exercise or intended exercise of the powers of the Ser-
vice, unless done in bad faith.

(2) The Service is liable for any act or omission for which, but for
this section, the director or employee of the Service would 20
have been liable in person.

14E Indemnity for directors and employees

The Service may indemnify a director or employee for costs
incurred by him or her in a proceeding—

(a) that relates to acts or omissions by him or her in good 25
faith in the performance or intended performance of the
functions of the Service; and

(b) in which judgment is given in his or her favour or in
which he or she is acquitted or that is discontinued.

Part 2—*continued**Delegation by board***15 Ability to delegate**

- (1) Subject to **subclause (4)**, the board may delegate any of the functions, powers, or duties of the Service or the board, either generally or specifically, by resolution and written notice to any of the following persons: 5
- (a) a director:
 - (b) the chief executive of the Service:
 - (c) a committee established by resolution of the board.
- (2) A committee established for the purposes of **subclause (1)**— 10
- (a) must consist of at least—
 - (i) 1 director appointed by the responsible Ministers; and
 - (ii) 1 director appointed by *<the College>* *<Te Pūtahi Paoho>*; and 15
 - (b) may include any other person that the board thinks fit.
- (3) The board may delegate the authority of the chairperson to a deputy chairperson for the purpose of **clause 13(2)(b)**.
- (4) The board must not delegate— 20
- (a) the power to delegate; or
 - (b) the power to acquire or dispose of real property; or
 - (c) the power to appoint a chief executive; or
 - (d) the power to borrow; or
 - (e) any other matter that the responsible Ministers and the chairperson of *<the College>* *<Te Pūtahi Paoho>* may stipulate by notice in writing to the board. 25

16 Effect of delegation

- (1) If any function or power of the Service or board are delegated, the delegate— 30
- (a) may, unless the delegation provides otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the delegate were the Service or the board; and
 - (b) must, for the purpose of performing the delegated function or power, act in accordance with the duties of the board as if the delegate were a director of the board. 35
- (2) A delegation—

Part 2—*continued*

- (a) may be revoked at will by resolution of the board and written notice to the delegate:
- (b) continues in force according to the terms of the delegation until it is revoked; but
- (c) does not prevent the board from performing the function or exercising the power. 5

New (majority)

Provisions relating to information held by or provided to Service

16A Confidentiality, disclosure, and use of information

- (1) In this section, **confidential information** means information that the board determines must be treated in confidence. 10
- (2) A director who, in his or her capacity as a director, has confidential information that would not otherwise be available to the director must not disclose to any person or use or act on that information except— 15
 - (a) for the purposes of the Service; or
 - (b) as required or permitted by law; or
 - (c) in complying with the requirement for directors to disclose interests.
- (3) **Subclause (2)** does not apply if the director is first authorised to disclose, use, or act on information by the board. 20

16B Provision of information for purpose of review

- The Service must, as soon as reasonably practicable, supply information required jointly in writing by the responsible Ministers and the chairperson of Te Pūtahi Paoho under **section 16(2)(b)**— 25
- (a) relating to the operation and activities of the Service; and
 - (b) that is reasonably required for the exercise of the power under **section 16(1)(e)**. 30

16C Reliance on information and advice

- (1) A director, when acting as a director, may rely on reports, statements, financial data, and other information prepared or

Part 2—*continued*

New (majority)

- supplied, and on professional or expert advice given, by any of the following persons:
- (a) an employee of the Service whom the director believes on reasonable grounds is reliable and competent in relation to the matters concerned; or 5
 - (b) a professional adviser or expert in relation to matters that the director believes on reasonable grounds are within the person's professional or expert competence; or 10
 - (c) any other director, or a committee, of the board on which the director did not serve in relation to matters within the director's or committee's designated authority; or
 - (d) the Crown. 15
- (2) **Subclause (1)** applies to a director only if the director—
- (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. 20

Part 2A
Financial provisions**16D Bank accounts**

- (1) The Service must have 1 or more bank accounts, as necessary for the exercise of its powers and the performance of its functions and duties,— 25
- (a) at any registered bank (within the meaning of the Reserve Bank of New Zealand Act 1989); and
 - (b) with the approval of the Minister of Finance, at any bank outside New Zealand. 30
- (2) All money received by the Service, or for or on its behalf by a director of the board or an employee, must be paid into a bank account of the Service as soon as practicable after that money has been received.

New (majority)

Part 2A—continued

- (3) The Service must properly authorise the withdrawal or payment of money from or into its bank accounts.
- 16E Restrictions on investment of money**
- (1) The Service may invest money that is surplus to its immediate requirements only— 5
- (a) on deposit with a registered bank in New Zealand:
 - (b) on deposit with a bank outside New Zealand that has been approved by the Minister of Finance for that purpose:
 - (c) on deposit with the Crown if approved by the Minister of Finance: 10
 - (d) in other debt securities issued by a registered bank in New Zealand, or by a bank outside New Zealand that has been approved by the Minister of Finance for that purpose: 15
 - (e) in public securities:
 - (f) in other securities that have been approved by the Minister of Finance for that purpose.
- (2) **Subclause (1)** also applies to money that the Service manages on behalf of a related entity of the Service. 20
- 16F Restrictions on borrowing**
- The Service must not, without the prior written permission of the Minister of Finance and the chairperson of Te Pūtahi Paoho,—
- (a) borrow or contract to borrow from any person; or 25
 - (b) amend the terms of any borrowing; or
 - (c) acquire a derivative instrument; or
 - (d) amend the terms of a derivative instrument; or
 - (e) enter into or offer a guarantee; or
 - (f) amend the terms of a guarantee. 30

Part 2A—*continued*
Contracting

17 Method of contracting

- (1) A contract or other enforceable obligation may be entered into by the Service as provided in this clause.
- (2) An obligation that, if entered into by an individual, is required to be by deed, may be entered into on behalf of the Service in writing, signed under the name of the Service by— 5
- (a) 2 or more of the directors of the board; or
 - (b) 1 or more attorneys appointed by the Service under this clause. 10
- (3) An obligation that, if entered into by an individual, is required to be in writing, may be entered into on behalf of the Service in writing by a person acting under the express or implied authority of the Service.
- (4) An obligation that, if entered into by an individual, is not required to be in writing, may be entered into on behalf of the Service in writing or orally by a person acting under the express or implied authority of the Service. 15
- (5) The Service may, by an instrument in writing executed as a deed, appoint a person as its attorney, either generally or in relation to a specified matter. 20
- (6) An act of the attorney in accordance with the instrument binds the Service.
- (7) This clause applies to a contract or other obligation— 25
- (a) whether or not that obligation was entered into in New Zealand; and
 - (b) whether or not the law governing that obligation is the law of New Zealand.

Part 3
Employment provisions 30

Part 3—continued

Chief executive of <Māori Television> Service

18 Appointment of chief executive

New (majority)

(1AA) The board must appoint a chief executive of the Service.

- (1) The chief executive must not be a director of the board.
- (2) In appointing a chief executive, the board must— 5
- (a) act independently; and
 - (b) be satisfied that the proposed appointee has disclosed the interests that he or she would, if he or she were a director, have to disclose at that time under <section 31> <clause 4B>; and 10
 - (c) determine the terms and conditions of ~~((appointment))~~ employment for the chief executive that are not provided for in this Act, including remuneration and allowances.
- (3) In determining or amending the terms and conditions of ~~((appointment))~~ employment of the chief executive, the board must— 15
- (a) consult with the State Services Commissioner; and
 - (b) consider any recommendations made by the State Services Commissioner about the terms and conditions of ~~((appointment))~~ employment; and 20
 - (c) if the proposed terms and conditions of ~~((appointment))~~ employment do not comply with the recommendations of the State Services Commissioner, consult with the responsible Ministers and the chairperson of <the College> <Te Pūtahi Paoho>. 25

19 Role of chief executive

The chief executive is responsible to the board for the efficient and effective administration of the day to day operations of the Service, and must act in accordance with the lawful policies and directions of the board. 30

Part 3—*continued***20 Method of appointment**

- (1) The board must appoint the chief executive by written notice to the person to be appointed.
- (2) The notice must—
- (a) state—
- (i) the date when the appointment begins; and
- (ii) the term of the appointment; and

5

Struck out

(iii) the conditions of the appointment; and

New

(iii) the terms and conditions of employment; and

- (b) be given only after the person to be appointed has disclosed any direct or indirect pecuniary interests to the board.

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21 Terms and conditions of (~~appointment~~) employment

- (1) The chief executive holds office on a full-time basis.
- (2) The appointment of the chief executive is for a term of not more than 5 years.
- (3) The chief executive is eligible for reappointment, but for no longer than 1 further term of not more than 5 years.
- (4) The chief executive performs his or her functions subject to the control and direction of the board.

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22 Delegation by chief executive

- (1) The chief executive may, either specifically or generally, delegate in writing to an employee—
- (a) his or her functions, duties, or powers; and
- (b) any functions, duties, or powers delegated to the chief executive by the board, subject to the consent of the board.

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Part 3—*continued*

- (2) **Clause 16** of this schedule applies to a delegation by the chief executive.

Personnel

- 23 Employment of staff**
- The Service— 5
- (a) may employ any persons (including employees on secondment from other organisations) that it considers necessary for the Service to perform its functions; but
- (b) must act independently in employing and managing employees. 10
- 24 Personnel policy**
- The Service must, if it employs personnel,—
- (a) be a good employer; and
- (b) operate a personnel policy that complies with the principle of being a good employer; and 15
- (c) report in the annual report on its compliance with that policy (including its equal employment opportunities programme).
- 25 Meaning of good employer**
- (1) For the purposes of **clause 24**, a **good employer** is an employer 20 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 25
- (b) an equal employment opportunities programme; and
- (c) the impartial selection of suitably qualified persons for appointment; and
- (d) recognition of— 30
- (i) the aims and aspirations of Māori; and
- (ii) the employment requirements of Māori; and
- (iii) the need for involvement of Māori as employees of the Service; and
- (e) opportunities for the enhancement of the abilities of individual employees; and 35

Part 3—*continued*

- (f) recognition of the different aims and aspirations, and of the cultural differences that may exist among employees; and
 - (g) recognition of the employment requirements of women; and 5
 - (h) recognition of the employment requirements of persons with disabilities.
- (2) For the purposes of the Act 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. 10

Legislative history

20 November 2001	Introduction (Bill 171-1)
5 December 2001	First reading and referral to Māori Affairs Committee
7 May 2002	Reported from Māori Affairs Committee (Bill 171-2)
8 April 2003	Second reading
9, 10, 29 April 2003	Committee of whole House (Bill 171-3)
