

**Reprint**  
**as at 1 February 2011**

**Foundation for Research, Science,  
and Technology Act 1990**

Public Act 1990 No 72  
Date of assent 1 August 1990

Foundation for Research, Science, and Technology Act 1990: repealed, on 1 February 2011, by section 13 of the Research, Science, and Technology Act 2010 (2010 No 131).

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

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**An Act—**

- (a) To establish the Foundation for Research, Science, and Technology and to define its functions and powers; and**
- (b) To provide for matters incidental thereto**

**Be it enacted by the Parliament of New Zealand as follows:**

**1 Short Title and commencement**

- (1) This Act may be cited as the Foundation for Research, Science, and Technology Act 1990.
- (2) This Act shall come into force on the day after the date on which it receives the Royal assent.

**2 Interpretation**

In this Act, unless the context otherwise requires,—

**Foundation** means the Foundation for Research, Science, and Technology established by section 4 of this Act

**Minister** means the Minister of Research, Science, and Technology

**Ministerial scheme** means a scheme that is for the time being the subject of a direction to the Foundation pursuant to section 8A of this Act

**Ministry** means the Ministry of Research, Science, and Technology

**outputs** means goods or services; and includes knowledge and information

**public good science and technology** means science or technology—

- (a) that is likely to increase knowledge or understanding of the physical, biological, or social environment; or
- (b) that is likely to develop, maintain, or increase skills or scientific or technological expertise that is of particular importance to New Zealand; or
- (c) that may be of benefit to New Zealand, but is unlikely to be funded, or adequately funded, from non-governmental sources:

**research**—

- (a) means—
  - (i) scientific research;
  - (ii) technological research; and
- (b) includes scientific development and technological development, and related services:

**science** includes the physical sciences, the biological sciences, and the social sciences; and **scientific** has a corresponding meaning.

Section 2: substituted, on 1 April 1993, by section 2 of the Foundation for Research, Science, and Technology Amendment Act 1993 (1993 No 18).

### 3 Act binds the Crown

This Act binds the Crown.

### 4 Foundation for Research, Science, and Technology

- (1) There is hereby established a foundation called the Foundation for Research, Science, and Technology.
- (2) The Foundation is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.
- (3) The Crown Entities Act 2004 applies to the Foundation except to the extent that this Act expressly provides otherwise.

Section 4(2): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 4(3): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**5 Functions**

- (1) The functions of the Foundation are—
  - (a) to allocate funds for the production of outputs relating to public good science and technology;
  - (b) to allocate funds pursuant to ministerial schemes;
  - (c) to provide independent policy advice to the Minister on matters relating to research, science, and technology, including advice on national priorities for those matters.
- (2) The Foundation's advice on matters relating to national priorities for research, science, and technology shall be formulated after consultation between the Foundation and representatives of industry, researchers, Maori, and the community.
- (3) In order to ensure that the views of industry, researchers, Maori, and the community are able to be considered in the formulation of the Foundation's advice on other matters, the Foundation shall institute a programme of regular consultation with representatives of industry, researchers, Maori, and the community, but nothing in this subsection shall be taken to require such consultation before each and every occasion on which such advice is formulated.
- (4) The Foundation shall ensure that the advice that it provides to the Minister on national priorities for research, science, and technology is publicised by such means as appear to the Foundation to be necessary to ensure that the advice is readily available to researchers and the public as soon as practicable after the advice is provided to the Minister.

Section 5: substituted, on 1 April 1993, by section 3 of the Foundation for Research, Science, and Technology Amendment Act 1993 (1993 No 18).

**6 Powers of Foundation**

*[Repealed]*

Section 6: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**7 Foundation to adhere to Government priorities**

- (1) The Minister shall from time to time, at intervals of not more than 3 years, advise the Foundation, by notice in writing, of the priorities that the Foundation shall adhere to in carrying out its functions under section 5(1)(a) of this Act.

- (2) The Foundation shall carry out its functions under section 5(1)(a) of this Act in accordance with the priorities from time to time advised to it by the Minister pursuant to subsection (1) of this section.
- (3) Nothing in subsection (1) of this section authorises the Minister to give a direction under that subsection in respect of the production, by a particular person, of outputs relating to public good science and technology.
- (4) This section applies in addition to sections 103 and 115 of the Crown Entities Act 2004.

Section 7: substituted, on 1 April 1993, by section 4(1) of the Foundation for Research, Science, and Technology Amendment Act 1993 (1993 No 18).

Section 7(4): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## **8 Contracts in relation to use of funds**

In carrying out its functions under section 5(1)(a) of this Act, the Foundation shall, to the extent that, in the opinion of the Foundation, it is practicable to do so,—

- (a) ensure that the process for determining the allocation of funds for the production of outputs relating to public good science and technology is designed to ensure contestability in the allocation of those funds; and
- (b) ensure by the terms of contracts pursuant to which the Foundation funds the production of outputs relating to public good science and technology that the producers of those outputs are obliged both to attain specified standards of performance in relation to those outputs and to account for the use of the funds provided by the Foundation; and
- (c) adopt measures to ensure that those terms are complied with.

Section 8: amended, on 1 April 1993, by section 5 of the Foundation for Research, Science, and Technology Amendment Act 1993 (1993 No 18).

Section 8(a): substituted, on 27 September 2001, by section 3 of the Foundation For Research, Science, and Technology Amendment Act 2001 (2001 No 66).

## **8A Foundation to fund schemes at direction of Minister**

- (1) Subject to subsections (3) and (4) of this section, the Minister may, from time to time, by notice in writing to the Foundation,

- direct the Foundation to allocate funds in accordance with such scheme as is specified in the notice, and the Foundation shall comply with the direction.
- (2) Any direction given by the Minister pursuant to subsection (1) of this section may be in like manner amended or revoked at any time.
- (3) The Minister may direct the Foundation to allocate funds in accordance with a ministerial scheme only if—
- (a) the scheme is intended to do any 1 or more of the following:
    - (i) develop, or assist in the development of, skills relating to research, science, and technology, or any of them;
    - (ii) facilitate research;
    - (iii) promote or facilitate the application of the results of research;
    - (iv) promote or facilitate the application of technological developments; and
  - (b) the Minister is satisfied that the Foundation has, or will have, sufficient money available to it to fund the scheme.
- (4) Nothing in this section authorises the Minister to direct the Foundation to allocate funds to or for the benefit of a particular person.
- (5) Every direction given to the Foundation pursuant to subsection (1) of this section shall specify, in relation to the scheme to which the direction relates,—
- (a) the nature of the scheme; and
  - (b) the objectives of the scheme; and
  - (c) an estimate of the amount of funds that will be required to be allocated by the Foundation for the purposes of the scheme; and
  - (d) an estimate of the period for which the scheme will operate; and
  - (e) the agency that is to monitor the scheme.
- (6) *[Repealed]*

Sections 8A: inserted, on 1 April 1993, by section 6 of the Foundation for Research, Science, and Technology Amendment Act 1993 (1993 No 18).

Sections 8A(3)(a): substituted, on 27 September 2001, by section 4 of the Foundation For Research, Science, and Technology Amendment Act 2001 (2001 No 66).

Sections 8A(5): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Sections 8A(6): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**8B Further provisions relating to ministerial schemes**

- (1) The Foundation shall fund a ministerial scheme only out of—
  - (a) money appropriated by Parliament for the purposes of the scheme:
  - (b) any accumulation of income derived from money appropriated by Parliament for the purposes of the scheme.
- (2) The funding, by the Foundation, of a ministerial scheme shall take the form of the allocation of funds by the Foundation, and, subject to section 161 of the Crown Entities Act 2004, shall in no respect involve the investment of funds by the Foundation with a view to providing the Foundation with a financial return.
- (3) In particular, the Foundation shall not, in funding any ministerial scheme, require or permit the allocation, to or for the benefit of the Foundation, of any equity securities or debt securities (as those terms are defined in the Securities Act 1978).
- (4) Where, pursuant to section 8A(1) of this Act, the Minister directs the Foundation to allocate funds in accordance with a ministerial scheme, the Minister shall appoint an appropriate agency to monitor the scheme, and to report from time to time to the Minister.
- (5) In funding a ministerial scheme, the Foundation shall, to the extent that, in the opinion of the Foundation, it is practicable to do so,—
  - (a) ensure, by the terms of contracts pursuant to which funds are made available to persons pursuant to the scheme, that those persons are obliged—
    - (i) to attain specified standards of performance in relation to the use of those funds; and
    - (ii) to account for the use of the funds; and
  - (b) adopt measures to ensure that those terms are complied with.

Sections 8B: inserted, on 1 April 1993, by section 6 of the Foundation for Research, Science, and Technology Amendment Act 1993 (1993 No 18).

Section 8B(2): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### **8C Provision of information**

- (1) The Foundation must supply any information that the Minister requests to any person or class or classes of persons that the Minister specifies.
- (2) The Minister may request information to be supplied only if the supply of the information is necessary for the purposes of monitoring a ministerial scheme.
- (3) Subsection (1) does not limit section 133 of the Crown Entities Act 2004.
- (4) No member of the Foundation, and no officer or employee of the Foundation, who acts in accordance with a request or direction under this section is liable to any person under any other enactment or rule of law by reason of acting in accordance with that request or direction.

Section 8C: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### **9 Membership of Foundation**

- (1) The Foundation shall consist of not fewer than 5 nor more than 9 members.
- (2) *[Repealed]*
- (3) *[Repealed]*
- (3A) Members of the Foundation are the board for the purposes of the Crown Entities Act 2004.
- (4) *[Repealed]*
- (5) *[Repealed]*

Section 9(1): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 9(2): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 9(3): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 9(3A): inserted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 9(4): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 9(5): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## **10 Co-opted members**

*[Repealed]*

Section 10: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## **11 Disclosure of interests**

*[Repealed]*

Section 11: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## **12 Review of operation of Act**

- (1) As soon as practicable after the expiry of the period of 3 years beginning on the date of commencement of this Act, and then at intervals of not more than 5 years, the Foundation and the Ministry shall each—
  - (a) review the operation of this Act since—
    - (i) the date of its commencement (in the case of the first review carried out under this paragraph); or
    - (ii) the date of the last review carried out under this paragraph by the Foundation (in the case of every subsequent review carried out by the Foundation); or
    - (iii) the date of the last review carried out under this paragraph by the Ministry (in the case of every subsequent review carried out by the Ministry); and
  - (b) consider—
    - (i) whether the Foundation should be retained or abolished; and
    - (ii) whether any amendments to this Act are necessary or desirable; and
  - (c) report their findings to the Minister.
- (2) As soon as practicable after receiving a report from the Foundation or the Ministry under subsection (1)(c) of this section,

the Minister shall lay a copy of that report before the House of Representatives.

**13 Further provisions applying to Foundation**

The provisions set out in Schedule 1 to this Act shall apply in respect of the Foundation.

**14 Consequential amendments and repeals**

- (1) The enactments specified in Schedule 2 to this Act are hereby amended in the manner indicated in that Schedule.
- (2) The following enactments are hereby consequentially repealed:
  - (a) section 2 of the Carter Observatory Amendment Act 1977:
  - (b) section 18(4) of the Finance Act 1988.

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**Schedule 1**  
**Provisions applying in respect of**  
**Foundation**

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**1 Term of office**

*[Repealed]*

Schedule 1 clause 1: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**2 Continuation in office after term expires**

*[Repealed]*

Schedule 1 clause 2: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**3 Extraordinary vacancies**

*[Repealed]*

Schedule 1 clause 3: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**4 Meetings**

*[Repealed]*

Schedule 1 clause 4: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**5 Presiding Member to preside at meetings**

*[Repealed]*

Schedule 1 clause 5: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**6 Voting at meetings**

*[Repealed]*

Schedule 1 clause 6: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**7 Procedure**

*[Repealed]*

Schedule 1 clause 7: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**8 Committees**

*[Repealed]*

Schedule 1 clause 8: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**9 Remuneration and travelling allowances**

*[Repealed]*

Schedule 1 clause 9: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**10 Employees**

*[Repealed]*

Schedule 1 clause 10: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**11 Personnel policy**

*[Repealed]*

Schedule 1 clause 11: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**12 Equal employment opportunities programme***[Repealed]*

Schedule 1 clause 12: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**13 Superannuation or retiring allowances**

- (1) For the purpose of providing a superannuation fund or retiring allowance for any of the officers or employees of the Foundation, sums by way of subsidy may from time to time be paid into any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy or into any other employer-subsidised scheme approved by the Minister of Finance for the purposes of this clause.
- (2) Notwithstanding anything in this Act, any person who, immediately before becoming an officer or employee of the Foundation, is a contributor to the Government Superannuation Fund under Part 2 or Part 2A of the Government Superannuation Fund Act 1956 shall be deemed to be, for the purposes of the Government Superannuation Fund Act 1956, employed in the Government service so long as that person continues to be an officer or employee of the Foundation; and that Act shall apply to that person in all respects as if that person's service as such an officer or employee were Government service.
- (3) Subject to the Government Superannuation Fund Act 1956, nothing in subclause (2) of this clause entitles any such person to become a contributor to the Government Superannuation Fund after that person has once ceased to be a contributor.
- (4) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with subclause (2) of this clause, to a person who is in the service of the Foundation as an officer or employee and is a contributor to the Government Superannuation Fund, the term **controlling authority**, in relation to any such person who is in the service of the Foundation, means the Foundation.

**14 Crown may provide services for Foundation***[Repealed]*

Schedule 1 clause 14: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**15 Application of certain Acts to members and employees**

*[Repealed]*

Schedule 1 clause 15: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**16 Funds of Foundation**

*[Repealed]*

Schedule 1 clause 16: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**17 Bank accounts**

*[Repealed]*

Schedule 1 clause 17: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**18 Investment of money**

*[Repealed]*

Schedule 1 clause 18: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**19 Seal**

*[Repealed]*

Schedule 1 clause 19: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**20 Exemption from income tax**

The income of the Foundation shall be exempt from income tax.

**21 Annual report**

*[Repealed]*

Schedule 1 clause 21: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**22 Further matters to be included in annual report**

*[Repealed]*

Schedule 1 clause 22: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**23 Statement of Foundation's goals**

*[Repealed]*

Schedule 1 clause 23: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**24 Members not personally liable**

*[Repealed]*

Schedule 1 clause 24: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

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**Schedule 2**

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**Enactments consequentially amended**

**Building Research Levy Act 1969 (1969 No 23)**

**Carter Observatory Act 1938 (1938 No 9)**

**Heavy Engineering Research Levy Act 1978 (1978 No 81)**

**Ombudsmen Act 1975 (1975 No 9)**

**Public Bodies Contracts Act 1959 (1959 No 98)**

**Royal Society of New Zealand Act 1965 (1965 No 38)**

**State Sector Act 1988 (1988 No 20)**

**Testing Laboratory Registration Act 1972 (1972 No 36)**

Schedule 2: amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Schedule 2: amended, on 10 April 1998, by section 48(1) of the Crown Research Institutes Act 1992 (1992 No 47).

Schedule 2: amended, on 20 September 1993, by section 4(d) of the Thomas Cawthron Trust Amendment Act 1993(1993 No 3(P)).

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## Notes

### **1 General**

This is an eprint of the Foundation for Research, Science, and Technology Act 1990. The eprint incorporates all the amendments to the Act as at 1 February 2011. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

### **2 About this eprint**

This eprint has not been officialised. For more information about eprints and officialisation, please see <http://www.pco.parliament.govt.nz/eprints/>.

### **3 List of amendments incorporated in this eprint (most recent first)**

Research, Science, and Technology Act 2010 (2010 No 131): section 13

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