

Reprint
as at 1 December 2014



New Zealand Antarctic Institute Act 1996

Public Act 1996 No 38
Date of assent 24 June 1996
Commencement see section 1(2)

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Foreign Affairs and Trade.

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An Act to establish the New Zealand Antarctic Institute to manage New Zealand's Antarctic activities and to provide for incidental matters

1 Short Title and commencement

- (1) This Act may be cited as the New Zealand Antarctic Institute Act 1996.
- (2) This Act shall come into force on 1 July 1996.

2 Interpretation

In this Act, unless the context otherwise requires,—

Board means the New Zealand Antarctic Institute Board established by section 7

Institute means the New Zealand Antarctic Institute established by section 4

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act.

Section 2 **year**: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

3 Act to bind the Crown

This Act shall bind the Crown.

Part 1

New Zealand Antarctic Institute

4 New Zealand Antarctic Institute

- (1) There is hereby established a body to be called the New Zealand Antarctic Institute.
- (2) The Institute 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 Institute 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

The principal functions of the Institute are—

- (a) to develop, manage, and execute New Zealand activities in respect of Antarctica and the Southern Ocean, in particular in the Ross Dependency;
- (b) to maintain and enhance the quality of New Zealand Antarctic scientific research;
- (c) to co-operate with other institutions and organisations both within and outside New Zealand having objectives similar to those of the Institute.

6 Performance of functions

In performing its functions, the Institute shall act in a manner that is consistent with—

- (a) the need to conserve the intrinsic values of Antarctica and the Southern Ocean; and
- (b) active and responsible stewardship of the Ross Dependency for the benefit of present and future generations of New Zealanders; and
- (c) New Zealand's international obligations; and
- (d) the provisions of the Antarctica Act 1960 and the Antarctica (Environmental Protection) Act 1994; and
- (e) the risks to personnel being minimised as far as is reasonable.

7 Membership of Board

- (1) The governing body of the Institute shall be called the New Zealand Antarctic Institute Board.
- (2) The Board shall consist of not fewer than 5 nor more than 7 members.

(3) *[Repealed]*

(4) *[Repealed]*

Section 7(2): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 7(3): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

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

8 Restriction on power of delegation

(1) The Board may not delegate any power to borrow money that the Institute may have under sections 160 and 162 of the Crown Entities Act 2004.

(2) In other respects, section 73 of the Crown Entities Act 2004 applies.

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

9 Government directions

[Repealed]

Section 9: repealed, on 1 July 2014, by section 72 of the Crown Entities Amendment Act 2013 (2013 No 51).

10 Further provisions applying to Institute and Board

The provisions set out in Schedule 1 shall apply in respect of the Institute and the Board.

11 Protection of names

(1) No body other than the Institute and the Board shall be incorporated or registered under any other enactment or in any other manner, under the following names:

(a) New Zealand Antarctic Institute:

(b) Ross Dependency Research Committee:

(c) New Zealand Antarctic Programme:

(d) any other name that so resembles any name listed in paragraphs (a) to (c) as to be likely to mislead any person.

(2) No person other than the Institute and the Board shall, either alone or with any other person or persons,—

(a) trade or carry on business under any name listed in paragraphs (a) to (c) of subsection (1); or

(b) trade or carry on business under any other name, knowing that that name so resembles any name listed in paragraphs (a) to (c) of subsection (1), as to be likely to mislead any person.

- (3) Every person who contravenes subsection (2) commits an offence and is liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues.

Section 11(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 2

Miscellaneous provisions

12 Transfer of Crown assets and liabilities relating to New Zealand Antarctic Programme

- (1) Notwithstanding any Act, rule of law, or agreement, the Minister may, on behalf of the Crown,—
- (a) transfer to the Institute assets and liabilities of the Crown:
 - (b) authorise the Institute to act on behalf of the Crown in providing goods or services, or in managing assets or liabilities of the Crown:
 - (c) grant to the Institute leases, licences, easements, permits, or rights of any kind in respect of any assets or liabilities of the Crown—
- for such consideration, and on such terms and conditions, as the Minister may agree with the Institute.
- (2) The Minister shall lay before the House of Representatives any contract or other document entered into pursuant to subsection (1) within 12 sitting days after the date of that contract or document.
- (3) Where a transfer of the kind described in subsection (1) takes place,—
- (a) the transfer shall not entitle any person to terminate, alter, or in any way affect the rights or liabilities of the Crown under any Act or agreement:
 - (b) the laying before the House of Representatives of any contract or other document relating to the transfer shall be deemed to be notice of the transfer, and any third party shall, after the date of such contract or document, deal with the Institute in place of the Crown:
 - (c) the Crown shall remain liable to any third party as if the asset or liability had not been transferred but shall be indemnified by the Institute in respect of any liability to any third party.

Compare: 1993 No 147 ss 16, 18

13 Ross Dependency Research Committee

- (1) On the commencement of this Act the Ross Dependency Research Committee is dissolved.

- (2) Any assets and liabilities of that Committee become, on its dissolution, assets and liabilities of the Crown, and may be transferred to the Institute in accordance with section 12.
- (3) No member of the Committee shall be entitled to compensation for loss of office resulting from its dissolution.

14 Power to transfer employees of Ministry

- (1) Notwithstanding anything in section 61A of the State Sector Act 1988, where the Secretary of Foreign Affairs and Trade finds, in respect of any duties being carried out by the Ministry of Foreign Affairs and Trade, that those duties are no longer to be carried out by the Ministry and are to be carried out (in whole or in part) by the Institute, the Secretary may, subject to the relevant employment contract and to subsection (2), transfer from the Ministry to the Institute all or any of the employees of the Ministry who are carrying out those duties.
- (2) Before transferring any employee under this section, the Secretary shall consult with the employee about the proposed transfer.

15 Terms and conditions of employment

The terms and conditions of employment of every employee who is transferred to the Institute under section 14 shall, unless varied by agreement, be based on the terms and conditions of employment that applied to that employee immediately before the date of transfer, as if the terms and conditions of employment were contained in an employment contract made between the Institute and the employee.

16 Employment of transferred employee deemed to be continuous

- (1) Every employee who is transferred to the Institute under section 14 shall, on the date of transfer, become an employee of the Institute but, for the purposes of every enactment, law, contract, and agreement relating to the employment of each such employee,—
 - (a) the contract of employment of that employee that applied immediately before the commencement of this Act in respect of that person's employment in the Ministry of Foreign Affairs and Trade shall be deemed to have been unbroken; and
 - (b) that employee's period of service with the Ministry, and every other period of service of that employee that is recognised by the Ministry as continuous service, shall be deemed to have been a period of service with the Institute.
- (2) No employee who is transferred to the Institute under section 14 shall be entitled to any payment or other benefit for redundancy or otherwise by reason only of that person ceasing by virtue of that transfer to be an employee of the Ministry.

17 Certain references deemed to be references to New Zealand Antarctic Institute

Every reference to the Ross Dependency Research Committee or the New Zealand Antarctic Programme in any document executed before the commencement of this Act shall, unless the context requires otherwise, be deemed to be a reference to the Institute.

18 Amendments to other enactments

The enactments specified in Schedule 2 are hereby amended in the manner indicated in that schedule.

Schedule 1

Provisions applying in respect of Institute and Board

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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 Chairperson

[Repealed]

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

6 Deputy Chairperson

[Repealed]

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

7 Acts not to be called into question

[Repealed]

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

8 Co-opted members

[Repealed]

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

9 Committees

[Repealed]

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

10 Delegation of functions and powers

[Repealed]

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

11 Contracts

[Repealed]

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

12 Fees and allowances of members of Board and committees

[Repealed]

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

13 Employees

[Repealed]

Schedule 1 clause 13: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

14 Personnel policy

[Repealed]

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

15 Equal employment opportunities

[Repealed]

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

16 Superannuation or retiring allowances

- (1) For the purpose of providing a superannuation fund or retiring allowances for any members of the Board, the Institute may from time to time pay sums by way of subsidy or contribution into any retirement scheme (within the meaning of section 6(1) of the Financial Markets Conduct Act 2013).
- (2) Notwithstanding anything in this Act, a person who, immediately before becoming an employee of the Institute by virtue of a transfer under section 14(1) of this Act, was a contributor to the Government Superannuation Fund under the Government Superannuation Fund Act 1956 shall, for the purposes of that Act, be deemed to be employed in the Government service so long as that per-

son continues to be an employee of the Institute; and that Act shall apply to that person in all respects as if that person's service with the Institute were Government service.

- (3) Subject to the Government Superannuation Fund Act 1956, nothing in subclause (2) 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), the term **controlling authority**, in relation to any transferring employee, means the Institute.

Schedule 1 clause 16(1): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

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

17 Application of certain Acts to members and employees

[Repealed]

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

18 Funds of Institute

[Repealed]

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

19 Bank accounts

[Repealed]

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

20 Investment of money

[Repealed]

Schedule 1 clause 20: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

21 Borrowing powers

[Repealed]

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

22 Unauthorised expenditure

[Repealed]

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

23 Auditor-General to be auditor of Institute

[Repealed]

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

24 Seal

[Repealed]

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

Schedule 2

Enactments amended

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Estate and Gift Duties Act 1968 (1968 No 35) (RS Vol 28, p 341)*Amendment(s) incorporated in the Act(s).***Flags, Emblems, and Names Protection Act 1981 (1981 No 47)***Amendment(s) incorporated in the Act(s).***Local Authorities (Members' Interests) Act 1968 (1968 No 147) (RS Vol 24, p 463)***Amendment(s) incorporated in the Act(s).***Ombudsmen Act 1975 (1975 No 9) (RS Vol 21, p 657)***Amendment(s) incorporated in the Act(s).***Public Finance Act 1989 (1989 No 44) (RS Vol 33, p 419)***Amendment(s) incorporated in the Act(s).***Stamp and Cheque Duties Act 1971 (1971 No 51) (RS Vol 23, p 771)***Amendment(s) incorporated in the Act(s).*

Reprints notes

1 *General*

This is a reprint of the New Zealand Antarctic Institute Act 1996 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150

Crown Entities Amendment Act 2013 (2013 No 51): section 72

Criminal Procedure Act 2011 (2011 No 81): section 413

Crown Entities Act 2004 (2004 No 115): section 200