

**Reprint
as at 30 April 2014**



**Archives, Culture, and Heritage
Reform Act 2000**

Public Act 2000 No 32
Date of assent 14 September 2000
Commencement see section 2

Contents

	Page
1 Title	2
2 Commencement	2
3 Purpose	2

Part 1

Preliminary provisions and transfer of employees

4 Interpretation	3
5 Transfer of employees	3
6 Protection of terms and conditions for transferred employee	4
7 Employment to be continuous	4
8 No compensation for technical redundancy	4

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 for Culture and Heritage, and Archives New Zealand.

Part 2		
Transfer of obligations and functions, and other related matters		
9	Transfer of contracts or leases not to give rise to claims	5
10	References to functions being transferred to responsible department or responsible ministry	5
11	Savings relating to brands, logos, marks, etc	6
12	Amendments to other Acts	6
13	Revocation	6
Schedule		7
Acts Amended		

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- 1 Title**
This Act is the Archives, Culture, and Heritage Reform Act 2000.
- 2 Commencement**
This Act comes into force on 1 October 2000.
- 3 Purpose**
The purpose of this Act is—
- (a) to provide for the transfer of staff and resources from the Department of Internal Affairs to a new department of State responsible for the National Archives; and
 - (b) to facilitate the transfer of—
 - (i) certain functions under the Archives Act 1957; and
 - (ii) administration of that Act; and
 - (c) to facilitate the transfer of—
 - (i) functions currently performed by the Minister of Internal Affairs under the Protected Objects Act 1975, the Massey Burial-ground Act 1925, the National War Memorial Act 1992, and the Patriotic and Canteen Funds Act 1947; and
 - (ii) functions currently performed by the Minister of Conservation under the Historic Places Act 1993; and
 - (iii) administration of those enactments; and

- (d) to provide for matters ancillary to the transfer of certain functions from the Department of Internal Affairs to the Ministry for Culture and Heritage; and
- (e) to amend related enactments and to provide for related matters.

Section 3(c)(i): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Part 1 Preliminary provisions and transfer of employees

4 Interpretation

In this Act, unless the context otherwise requires,—

responsible department means the department of State that is, with the authority of the Prime Minister, for the time being responsible for the administration of the Archives Act 1957

responsible ministry means the department of State that is, with the authority of the Prime Minister, for the time being responsible for the administration of the Arts Council of New Zealand Toi Aotearoa Act 2014

transferred employee means a person employed in the Department of Internal Affairs immediately before the commencement of this Act who is transferred to the responsible department under section 5.

Section 4 **responsible ministry**: amended, on 30 April 2014, by section 27 of the Arts Council of New Zealand Toi Aotearoa Act 2014 (2014 No 1).

5 Transfer of employees

- (1) Every person who is employed in the Department of Internal Affairs immediately before the date of commencement of this Act must be treated as having transferred to the responsible department on that date of commencement if—
 - (a) the person is carrying out duties that on or after that date are to be carried out, in whole or in part, by the responsible department; and
 - (b) the person's transfer to the responsible department is agreed between the chief executive of the Department

of Internal Affairs and the chief executive of the responsible department.

- (2) The transfer of any employee by this section is subject to any relevant transfer provisions of the employment contract applying to that employee.

Compare: 1998 No 106 s 3; 1999 No 76 s 3; 2000 No 14 s 32

6 Protection of terms and conditions for transferred employee

- (1) The employment of a transferred employee must be on terms and conditions no less favourable than those applying to the employee immediately before the date of the person's transfer to the responsible department.

- (2) Subsection (1)—

- (a) continues to apply to the terms and conditions of employment of a transferred employee until those terms and conditions are varied by agreement between the transferred employee and the responsible department; but
- (b) does not apply to a transferred employee who, after the transfer, receives any subsequent appointment within the responsible department.

Compare: 1998 No 106 s 4; 1999 No 76 s 4; 2000 No 14 s 33

7 Employment to be continuous

For the purposes of any provisions of a transferred employee's employment contract relating to continuity of service, that employee's transfer from the Department of Internal Affairs to the responsible department is insufficient by itself to break his or her employment.

Compare: 1998 No 96 s 4; 1999 No 76 s 5; 1999 No 82 s 5

8 No compensation for technical redundancy

A transferred employee is not entitled to receive any compensation for redundancy or any severance payment solely on the ground that—

- (a) the position held by that employee in the Department of Internal Affairs has ceased to exist; or

- (b) the person has ceased to be an employee of the Department of Internal Affairs as a result of his or her transfer to the responsible department.

Compare: 1998 No 96 s 5; 1998 No 106 s 7; 1999 No 76 s 7; 2000 No 14 s 35

Part 2

Transfer of obligations and functions, and other related matters

9 Transfer of contracts or leases not to give rise to claims

- (1) No person has any claim against the Crown for breach of any contract merely because the administration of the contract, or the benefit or burden of the contract, is transferred (in whole or in part) to the responsible department or the responsible ministry, whether that transfer takes place before, on, or after the commencement of this Act.
- (2) Subsection (1) applies—
 - (a) whether or not the person has agreed to the transfer; and
 - (b) whether or not the transfer involves the responsible department or the responsible ministry (and its employees) gaining access to any information, data, programme, intellectual property right, know-how, chattel, equipment, transmission device, or facility of the claimant or any other person.
- (3) No person has any claim against the Crown for breach of any lease of any premises that are, or are to be, occupied or administered (in whole or in part) by the responsible department or the responsible ministry merely because of that occupation or administration of the premises by the responsible department or the responsible ministry.
- (4) Subsection (3) applies whether or not the person has agreed to the occupation or administration of the premises by the responsible department or the responsible ministry.

Compare: 1998 No 96 s 6; 1999 No 82 s 7

10 References to functions being transferred to responsible department or responsible ministry

- (1) Unless the context otherwise requires, in any regulation, rule, order, agreement, deed, instrument, application, notice, direc-

tion, contract, lease, or other document in force at the commencement of this Act, the references specified in subsections (2) and (3) must be read in the manner indicated in those subsections.

- (2) Every reference to the Secretary for Internal Affairs, when used in relation to the National Archives, is a reference to the chief executive of the responsible department.
- (3) Every reference to the Secretary for Internal Affairs, when used in relation to the Heritage Property Unit, Historical Branch of the Department of Internal Affairs, or the Dictionary of New Zealand Biography, is a reference to the chief executive of the responsible ministry.

Compare: 1998 No 96 s 10; 1999 No 82 s 11

11 Savings relating to brands, logos, marks, etc

All names, brands, stamps, logos, emblems, marks, forms, and other representation or documents that were in use by the Department of Internal Affairs at any time before the date of commencement of this Act for the purposes of the National Archives, the Heritage Property Unit, the Historical Branch, or the Dictionary of New Zealand Biography—

- (a) continue to have effect in relation to anything done before that date; and
- (b) may continue to be used, and are to have effect, for the purposes of the functions, duties, and powers of the responsible department or the responsible ministry, as the case may be.

Compare: 1997 No 100 s 6; 1998 No 96 s 8; 1999 No 82 s 9

12 Amendments to other Acts

The Acts specified in the Schedule are amended in the manner indicated in that schedule.

13 Revocation

The State Sector Order (No 2) 1990 (SR 1990/171) is consequentially revoked.

Schedule
Acts Amended

s 12

Antiquities Act 1975 (1975 No 41)

Amendment(s) incorporated in the Act(s).

Archives Act 1957 (1957 No 13)

Amendment(s) incorporated in the Act(s).

Arts Council of New Zealand Toi Aotearoa Act 1994 (1994 No 19)

Amendment(s) incorporated in the Act(s).

Conservation Act 1987 (1987 No 65)

Amendment(s) incorporated in the Act(s).

Historic Places Act 1993 (1993 No 38)

Amendment(s) incorporated in the Act(s).

Massey Burial-ground Act 1925 (1925 No 5)

Amendment(s) incorporated in the Act(s).

Museum of New Zealand Te Papa Tongarewa Act 1992 (1992 No 19)

Amendment(s) incorporated in the Act(s).

National War Memorial Act 1992 (1992 No 20)

Amendment(s) incorporated in the Act(s).

New Zealand Film Commission Act 1978 (1978 No 61)

Amendment(s) incorporated in the Act(s).

New Zealand Symphony Orchestra Act 1988 (1988 No 163)

Amendment(s) incorporated in the Act(s).

Ombudsmen Act 1975 (1975 No 9)

Amendment(s) incorporated in the Act(s).

Patriotic and Canteen Funds Act 1947 (1947 No 63)

Amendment(s) incorporated in the Act(s).

State Sector Act 1988 (1988 No 20)

Amendment(s) incorporated in the Act(s).

Reprints notes

1 *General*

This is a reprint of the Archives, Culture, and Heritage Reform Act 2000 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*

Arts Council of New Zealand Toi Aotearoa Act 2014 (2014 No 1): section 27
Protected Objects Amendment Act 2006 (2006 No 37): section 35
