

New Zealand Railways Corporation Amendment Bill

Government Bill

As reported from the committee of the whole
House

This Bill was formerly Part of the Infrastructure Bill as reported from the Transport and Industrial Relations Committee. The committee of the whole House has further amended the bill and divided it into the following bills:

- Utilities Access Bill comprising Part 1 and the Schedule
 - Infrastructure (Amendments Relating to Utilities Access) Bill comprising Part 2
 - This Bill comprising Part 3
 - Affordable Housing: Enabling Territorial Authorities Act Repeal Bill comprising Part 4
-

New Zealand Railways Corporation
Amendment Bill

Key to symbols used in reprinted bill

**As reported from the committee of the whole
House**

text inserted

Hon Bill English

New Zealand Railways Corporation Amendment Bill

Government Bill

Contents

	Page
1 Title	1
2 Commencement	2
3 Principal Act amended	2
.	
42 Interpretation	2
43 Section 3 repealed	2
44 New Zealand Railways Corporation	2
45 Meetings of directors	3
46 New section 7A inserted	3
7A Indemnification and insurance	3
46A Grant of easements	3
47 Capital of Corporation	4
48 Sections 40 and 41 repealed	4
.	

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the New Zealand Railways Corporation Amendment Act **2010**.

2 Commencement

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

3 Principal Act amended

This Act amends the New Zealand Railways Corporation Act 1981.

.

42 Interpretation

Section 2(1) is amended by repealing the definition of **Minister** and substituting the following definition:

“**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”.

43 Section 3 repealed

- (1) Section 3 is repealed. 15
- (2) The following provisions are consequentially amended by omitting “Minister of Railways” and substituting in each case “Minister”:
 - (a) section 15(3):
 - (b) section 119(1). 20
- (3) The heading to section 30 is consequentially amended by omitting “**Minister of Railways**” and substituting “**Minister**”.

44 New Zealand Railways Corporation

- (1) Section 4(3) is amended by omitting “to be the Chairman of the Corporation” and substituting “to be chairperson of the Corporation, and may appoint any other director to be deputy chairperson of the Corporation”. 25
- (2) Section 4 is amended by repealing subsection (6) and substituting the following subsection:
 - “(6) The Minister and the Minister of Finance may jointly, at any time and entirely at their discretion, remove any director from office.” 30

(3) Section 4 is amended by repealing subsection (7) and substituting the following subsection:

“(7) The deputy chairperson has and may exercise all the functions and powers of the chairperson if the chairperson is absent or otherwise unable to act.”

5

Compare: 2004 No 117 s 36(1), Schedule 5, cl 5

45 Meetings of directors

(1) Section 6(3) is amended by omitting “the Chairman or any 4 directors” and substituting “the chairperson, or a majority of the directors.”

10

(2) Section 6(5) is amended by omitting “Chairman” and substituting “chairperson”.

(2A) Section 6(5) is amended by inserting “or she” after “he”.

(3) Section 6(6) is amended by omitting “Chairman is” and substituting “chairperson and deputy chairperson are”.

15

46 New section 7A inserted

The following section is inserted after section 7:

“7A Indemnification and insurance

“(1) The Corporation may indemnify any director or employee, but only in respect of—

20

“(a) liability for conduct that comprises acts or omissions by the director or employee in good faith and in the performance or intended performance of the Corporation’s functions; and

“(b) any costs incurred in defending or settling any claim or proceeding relating to liability for such conduct.

25

“(2) The Corporation may effect insurance cover for any director or employee, but only in respect of acts or omissions by the director or employee in good faith and in the performance or intended performance of the Corporation’s functions.

30

“Compare: 2004 No 115 ss 122, 123”.

46A Grant of easements

(1) Section 35(1) is amended by omitting “, and subject to revocation without compensation at any time when the service of the public requires it, and subject also to immediate revocation in”

35

case of the breach of any conditions under which the easement was granted.”.

- (2) Section 35(1) is further amended by repealing the proviso.
- (3) Section 35(2) is amended by omitting all the words above paragraph (a) and substituting “Without limiting subsection (1), the Corporation may grant any of the following easements, privileges, or concessions in respect of any railway land, subject to such conditions and payments of rent as it thinks fit:”. 5
- (4) Section 35(3) is amended by omitting “, including conditions as to revocation without compensation when the service of the public requires it, and such additional conditions as to revocation as the Corporation considers necessary”. 10
- (5) Section 35 is amended by adding the following subsection:
- “(6) This section continues to apply to any easement, privilege, or concession granted under it before **Part 3 of the Infrastructure Act 2010** comes into force as if the amendments made by **that Part** to this section had not been made.” 15

47 Capital of Corporation

- (1) Section 36(3) is amended by omitting “Governor-General on the advice of the Minister of Finance, may by Order in Council increase the capital of the Corporation to such an amount as may be prescribed in that order” and substituting “Minister of Finance may, by notice in the *Gazette*, increase the capital of the Corporation to the amount specified in the notice”. 20
- (2) Section 36(4) is amended by omitting “Governor-General on the advice of the Minister of Finance may, by Order in Council, decrease the capital of the Corporation to such amount as may be prescribed in that order” and substituting “Minister of Finance may, by notice in the *Gazette*, decrease the capital of the Corporation to the amount specified in the notice”. 25 30

48 Sections 40 and 41 repealed

Sections 40 and 41 are repealed.

• • • • •

**New Zealand Railways Corporation
Amendment Bill**

Legislative history

29 July 2010

Divided from Infrastructure Bill (Bill 63–2) by
committee of the whole House as Bill 63–3C
