

Keep Kiwibank Bill

Member's Bill

Explanatory note

General policy statement

Kiwibank is a wholly owned subsidiary of the State-owned enterprise, the New Zealand Post Group. New Zealand Post Limited, including Kiwibank, is wholly owned by the Crown through its shareholding Ministers.

All decisions relating to the operation of a State-owned enterprise are the domain of the board of the State enterprise in accordance with the Companies Act 1993 and the enterprise's statement of corporate intent. The shareholding Ministers have no authority to direct the State-owned enterprise concerning its operations, except in the limited and transparent ways set out in the State-Owned Enterprises Act 1986. This means that the board of New Zealand Post Limited could decide to sell all or part of Kiwibank. This Bill would ensure that any proposal to partly or wholly privatise Kiwibank would require the support of 75% of all members of the House of Representatives or, alternatively, from a majority of voters in a referendum, in order to lawfully proceed.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

Clause 3 is the purpose clause.

Clause 4 is the interpretation clause.

Clause 5 provides that the Act binds the Crown.

Clause 6 restricts the present owner of Kiwibank, New Zealand Post Limited, from selling or disposing of Kiwibank, except where such sale or disposition has been approved either by a 75% majority of all members of the House of Representatives, or by a majority of the valid votes cast in a poll of enrolled voters.

Hon Clayton Cosgrove

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Keep Kiwibank Act **2015**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

3 Purpose

The purpose of this Act is to ensure that Kiwibank continues to be owned by the New Zealand people, unless and until it is absolutely clear that they no longer wish to own Kiwibank. 10

4 Interpretation

In this Act, unless the context otherwise requires,—

New Zealand Post Limited means the State enterprise New Zealand Post Limited as listed in Schedule 1 of the State-Owned Enterprises Act 1986

Kiwibank means the wholly owned subsidiary of New Zealand Post Limited that currently operates as a registered New Zealand bank.

5 Act binds the Crown

This Act binds the Crown.

6 Restriction on sale of Kiwibank

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Despite any other enactment or rule of law, no sale or other disposal of ownership or control of all or any of New Zealand Post Ltd's interest in Kiwibank may proceed unless a proposal to do so, including a proposal contained in a clause in a Bill,—

- (a) is agreed to by a 75% majority of all members of the House of Representatives; or 10
- (b) has been carried by a majority of the valid votes cast at a poll of the electors of the general and Māori electoral districts.