

Reprint
as at 1 July 2021



State-Owned Enterprises Act 1986

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Commencement see section 1

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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 Treasury.

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An Act to promote improved performance in respect of Government trading activities and, to this end, to—

- (a) **specify principles governing the operation of State enterprises; and**
- (b) **authorise the formation of companies to carry on certain Government activities and control the ownership thereof; and**
- (c) **establish requirements about the accountability of State enterprises, and the responsibility of Ministers**

1 Short Title and commencement

- (1) This Act may be cited as the State-Owned Enterprises Act 1986.
- (2) Sections 32(1) and 33, and Schedules 3, 5, and 6, shall come into force on 1 April 1987.
- (3) Subject to subsection (2), this Act shall come into force on the day after the date on which it receives the Governor-General's assent.

2 Interpretation

In this Act, unless the context otherwise requires,—

board means—

- (a) in relation to a State enterprise that is a company, the board of directors of the State enterprise:

- (b) in relation to a State enterprise that is not a company, the persons occupying the positions in or in relation to the State enterprise that are comparable with those of the board of directors of a company

company has the same meaning as in section 2(1) of the Companies Act 1993

Crown means Her Majesty the Queen in right of New Zealand

equity bond means a State enterprise equity bond issued pursuant to section 12

financial statements, in relation to a State enterprise, means—

- (a) group financial statements within the meaning of section 7 of the Financial Reporting Act 2013 for the group comprising the State enterprise and its subsidiaries; or
- (b) if the State enterprise does not have any subsidiaries, financial statements within the meaning of section 6 of the Financial Reporting Act 2013 for the State enterprise

generally accepted accounting practice has the same meaning as in section 8 of the Financial Reporting Act 2013

Minister means a Minister of the Crown

organisation includes a company, a body corporate, a partnership, and a joint venture

responsible Minister, in relation to a State enterprise, means the Minister for the time being responsible for that State enterprise

rules means,—

- (a) in relation to a State enterprise that is a company, the constitution of the State enterprise:
- (b) in relation to a State enterprise that is not a company, the documents relating to the State enterprise that are comparable to the constitution of a company

share means—

- (a) in relation to a company that has issued shares, a share of any class (but, except in sections 14 and 22, does not include an equity bond):
- (b) in relation to an organisation (other than a company) that has a capital, an interest in or right to the whole or any part of that capital, other than an interest or right as a creditor:
- (c) in relation to a company or other organisation that does not have a capital,—
- (i) an interest in or right to any part of the assets of the company or organisation, other than an interest or right as a creditor; or
- (ii) where there are no assets, a direct or contingent obligation to contribute money to or bear losses of the company or organisation;—

and **shareholder** has a corresponding meaning

shareholding Ministers means the Minister of Finance and the responsible Minister

State enterprise means an organisation that is named in Schedule 1

statement of corporate intent, in relation to a State enterprise, means the current statement of corporate intent for the State enterprise prepared pursuant to section 14

subsidiary has the same meaning as in section 5 of the Companies Act 1993.

Section 2 **company**: replaced, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Section 2 **equity bond**: inserted (with effect on 1 April 1987), on 1 July 1987, by section 2(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 2 **financial statements**: inserted, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 2 **generally accepted accounting practice**: inserted, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 2 **rules**: replaced, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Section 2 **share** paragraph (a): amended, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 2 **share** paragraph (a): amended (with effect on 1 April 1987), on 1 July 1987, by section 2(2) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 2 **subsidiary**: replaced, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

3 Act to bind the Crown

This Act shall bind the Crown.

Part 1 Principles

4 Principal objective to be successful business

- (1) The principal objective of every State enterprise shall be to operate as a successful business and, to this end, to be—
 - (a) as profitable and efficient as comparable businesses that are not owned by the Crown; and
 - (b) a good employer; and
 - (c) an organisation that exhibits a sense of social responsibility by having regard to the interests of the community in which it operates and by endeavouring to accommodate or encourage these when able to do so.
- (2) For the purposes of this section, a **good employer** is an employer who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring—

- (a) good and safe working conditions; and
- (b) an equal opportunities employment programme; and
- (c) the impartial selection of suitably qualified persons for appointment; and
- (d) opportunities for the enhancement of the abilities of individual employees.

5 Directors and their role

- (1) The directors of a State enterprise shall be persons who, in the opinion of those appointing them, will assist the State enterprise to achieve its principal objective.
- (2) All decisions relating to the operation of a State enterprise shall be made by or pursuant to the authority of the board of the State enterprise in accordance with its statement of corporate intent.
- (3) The board of a State enterprise shall be accountable to the shareholding Ministers in the manner set out in Part 3 and in the rules of the State enterprise.

6 Responsibility of Ministers

The shareholding Ministers of a State enterprise shall be responsible to the House of Representatives for the performance of the functions given to them by this Act or the rules of the State enterprise.

7 Non-commercial activities

Where the Crown wishes a State enterprise to provide goods or services to any persons, the Crown and the State enterprise shall enter into an agreement under which the State enterprise will provide the goods or services in return for the payment by the Crown of the whole or part of the price thereof.

8 Application of Employment Relations Act 2000

- (1) Except as otherwise provided in this Act, the Employment Relations Act 2000 applies in relation to every State enterprise.
- (2) Before entering into any collective agreement under the Employment Relations Act 2000, every State enterprise to which this subsection applies must consult with the Public Service Commissioner over the conditions of employment to be included in the collective agreement.
- (3) The Governor-General may, by Order in Council, apply subsection (2) to any State enterprise named in Schedule 2.
- (4) On the commencement of that order, that subsection applies accordingly.

Section 8: substituted, on 2 October 2000, by section 240 of the Employment Relations Act 2000 (2000 No 24).

Section 8(2): substituted, on 25 January 2005, by section 3 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

Section 8(2): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 8(3): added, on 25 January 2005, by section 3 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

Section 8(4): added, on 25 January 2005, by section 3 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

9 Treaty of Waitangi

Nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi.

Part 2

Formation and ownership of new State enterprises

10 Ministers may hold shares and equity bonds in new State enterprises

- (1) The Minister of Finance and the responsible Minister may from time to time, on behalf of the Crown, subscribe for or otherwise acquire shares or equity bonds, or both, in the companies named, or to be formed with the names specified, in Schedule 2.
- (2) The number of shares, and the number of equity bonds, held by a shareholding Minister in a company named in Schedule 2 shall be the same as the number of shares or equity bonds, as the case may be, in that company held by the other shareholding Minister thereof.
- (3) Any money required to be paid by a shareholding Minister on subscribing for or otherwise acquiring shares or equity bonds pursuant to subsection (1) shall be paid out of money appropriated by Parliament for the purpose.

Section 10: substituted (with effect on 1 April 1987), on 1 July 1987, by section 3 of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

10A Power to add to Schedules 1 and 2 by Order in Council

- (1) The Governor-General may, from time to time, by Order in Council, add the name of a company or other body corporate or the name of a company to be formed to Schedules 1 and 2.
- (2) Every Order in Council made under subsection (1) shall, and is hereby empowered to,—
 - (a) amend Part 2 of Schedule 1 of the Ombudsmen Act 1975 by including the name of the company or body corporate in that schedule:
 - (b) amend Schedule 1 of the Official Information Act 1982 by including the name of the company or body corporate in that schedule:
 - (c) amend Schedule 36 of the Income Tax Act 2007 by including the name of the company or body corporate in that schedule.
- (3) Any Order in Council made under this section may be expressed to come into force on a date specified in the order and different dates may be specified for the coming into force of different provisions.

- (4) Nothing in section 32 of the Ombudsmen Act 1975 or section 49 of the Official Information Act 1982 limits or affects this section.

Section 10A: inserted, on 10 April 1992, by section 2 of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

Section 10A(2)(c): substituted, on 1 April 1995 (applying with respect to the tax on income derived in 1995–96 and subsequent income years), by section YB 1 of the Income Tax Act 1994 (1994 No 164).

Section 10A(2)(c): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

11 Ministers to hold all shares in new State enterprises

- (1) No Minister who is a shareholder in a company named in Schedule 2 shall—
- (a) sell or otherwise dispose of any shares in the company held in the Minister's name; or
 - (b) permit shares in the company to be allotted or issued to any person other than a shareholding Minister.
- (2) Nothing in subsection (1) shall apply to redeemable preference shares that—
- (a) are not convertible into shares of any other class; and
 - (b) do not confer any rights to vote at any general meeting of the company.

Section 11(1)(b): amended, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

12 State enterprise equity bonds

- (1) Notwithstanding any other enactment or rule of law, a company named in Schedule 2 may issue State enterprise equity bonds to any person or persons in accordance with subsection (2), if authorised to do so at any time or times by resolution of the House of Representatives.
- (2) The terms of issue of State enterprise equity bonds shall be as follows:
- (a) the bonds shall not confer any rights to vote at meetings of shareholders;
 - (b) the bonds shall be transferable in the manner provided by the rules;
 - (c) for the purposes of the Companies Act 1993 and the Financial Markets Conduct Act 2013 the bonds shall be deemed to be ordinary shares, and the holder of any bonds shall be deemed to be a shareholder;
 - (d) for the purposes of the Income Tax Act 2007—
 - (i) the bonds shall be deemed to be ordinary shares and the holder of any bonds shall be deemed to be a shareholder;
 - (ii) every sum distributed by a company named in Schedule 2 in any manner and under any name to a holder of bonds shall be deemed to be a **dividend** for the purposes of subpart CD of the Income Tax Act 2007:

- (iii) no deduction shall be allowed to such a company for any such distribution:
- (e) such other terms as are specified in the authorising resolution or as are determined by the shareholding Ministers for the company issuing the bonds.

Section 12(1): amended (with effect on 1 April 1987), on 1 July 1987, by section 4(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 12(2)(a): amended, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 12(2)(c): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 12(2)(c): amended, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Section 12(2)(d): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 12(2)(d)(ii): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 12(2)(e): amended (with effect on 1 April 1987), on 1 July 1987, by section 4(2) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

13 Powers of shareholding Ministers in respect of new State enterprises

- (1) Notwithstanding any other provision of this Act or the rules of any company,—
 - (a) the shareholding Ministers may from time to time, by written notice to the board, direct the board of a company named in Schedule 2 to include in, or omit from, a statement of corporate intent for that company any provision or provisions of a kind referred to in paragraphs (a) to (h) of section 14(2); and
 - (b) the shareholding Ministers may, by written notice to the board, determine the amount of dividend payable by any company named in Schedule 2 in respect of any financial year or years,—and any board to whom such a notice is given shall comply with the notice.
- (2) Before giving any notice under this section, the shareholding Ministers shall—
 - (a) have regard to Part 1; and
 - (b) consult the board concerned as to the matters to be referred to in the notice.
- (3) Within 12 sitting days after a notice is given to a board pursuant to this section, the responsible Minister for the company concerned shall lay a copy of the notice before the House of Representatives.

Part 3

Accountability

14 Statement of corporate intent

- (1) The board of every State enterprise shall deliver to the shareholding Ministers a draft statement of corporate intent not later than 1 month before the commencement of each financial year of the State enterprise.
- (2) Each statement of corporate intent shall specify for the group comprising the State enterprise and its subsidiaries (if any), in respect of that financial year and each of the immediately following 2 financial years, the following information:
 - (a) the objectives of the group:
 - (b) the nature and scope of the activities to be undertaken:
 - (c) the ratio of consolidated shareholders' funds to total assets, and definitions of those terms:
 - (d) the accounting policies:
 - (e) the performance targets and other measures by which the performance of the group may be judged in relation to its objectives:
 - (f) a statement of the principles adopted in determining the annual dividend together with an estimate of the amount or proportion of annual tax paid earnings (from both capital and revenue sources) that is intended to be distributed to the Crown:
 - (g) the kind of information to be provided to the shareholding Ministers by the State enterprise during the course of those financial years, including the information to be included in each half-yearly report:
 - (h) the procedures to be followed before any member of the group subscribes for, purchases, or otherwise acquires shares in any company or other organisation:
 - (i) any activities for which the board seeks compensation from the Crown (whether or not the Crown has agreed to provide such compensation):
 - (j) such other matters as are agreed by the shareholding Ministers and the board.
- (3) Each statement of corporate intent shall also include the board's estimate of the current commercial value of the Crown's investment in the group and a statement of the manner in which that value was assessed.
- (4) The board shall consider any comments on the draft statement of corporate intent that are made to it not later than 14 days before the commencement of the financial year by the shareholding Ministers, and shall deliver the completed statement of corporate intent to the shareholding Ministers on or before the commencement of the financial year or such later date as the shareholding Ministers may determine.

- (5) A statement of corporate intent for a State enterprise may be modified at any time by written notice from the board to the shareholding Ministers, so long as the board has first given written notice to the shareholding Ministers of the proposed modification and considered any comments made thereon by the shareholding Ministers within 1 month of the date on which that notice was given.

Section 14: substituted, on 10 April 1992, by section 3(1) of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

14A Shareholding Ministers may grant extension of time for delivery of statement of corporate intent: COVID-19

[Repealed]

Section 14A: repealed, on 1 October 2020, by section 14A(4).

15 Annual report, financial statements, and dividend

- (1) Within 3 months after the end of each financial year of a State enterprise, the board of the State enterprise shall deliver to the shareholding Ministers—
- (a) a report of the operations of the State enterprise and those of its subsidiaries during that financial year; and
 - (b) audited financial statements for that financial year prepared in accordance with generally accepted accounting practice; and
 - (c) the auditor's report on those financial statements.
- (2) Every report under subsection (1)(a) shall—
- (a) contain such information as is necessary to enable an informed assessment of the operations of the State enterprise and its subsidiaries, including a comparison of the performance of the State enterprise and subsidiaries with the relevant statement of corporate intent; and
 - (b) state the dividend payable to the Crown by the State enterprise for the financial year to which the report relates.

Section 15 heading: amended, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 15(1)(b): replaced, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

15A Extension of time limit for 2019/20 financial year reports and audits: COVID-19

[Repealed]

Section 15A: repealed, on the close of 30 June 2021, by section 15A(2).

16 Half-yearly reports

- (1) Within 2 months after the end of the first half of each financial year of a State enterprise, the board of the State enterprise shall deliver to the shareholding Ministers a report of its operations during that half-year.

- (2) Each report required by this section shall include the information required by the statement of corporate intent to be included therein.

16A Information to be published by boards

- (1) The board of a State enterprise must publish the following documents on an Internet site maintained by or on behalf of the State enterprise:
 - (a) the completed statement of corporate intent of the State enterprise:
 - (b) the annual report and audited financial statements of the State enterprise:
 - (c) the auditor's report on those financial statements:
 - (d) the half-yearly report:
 - (e) the rules of the State enterprise:
 - (f) any change to those rules:
 - (g) any notice making a modification to the statement of corporate intent of the State enterprise, and a document that consolidates all modifications into the statement of corporate intent.
- (2) Each document referred to in subsection (1)(a) to (d) must be published as soon as practicable after the board delivers that document to the shareholding Ministers.
- (3) The rules of the State enterprise and any change to those rules must be published as soon as practicable after the date of those rules or that change or the date on which the State enterprise became a State enterprise, whichever is the later.
- (4) The documents referred to in subsection (1)(g) must be published as soon as practicable after the board delivers to the shareholding Ministers the notice making the modification.

Section 16A: inserted, on 8 September 2018, by section 90 of the Statutes Amendment Act 2018 (2018 No 27).

17 Information to be laid before House of Representatives

- (1) The responsible Minister for a State enterprise shall lay before the House of Representatives the rules of the State enterprise, and any change to those rules, within 12 sitting days after the date of those rules or that change or the date on which the State enterprise became such, whichever is the later.
- (2) Within 12 sitting days of receiving all the following documents in respect of a financial year of a State enterprise, the responsible Minister for the State enterprise shall lay the documents before the House of Representatives:
 - (a) the statement of corporate intent of the State enterprise for that year and the succeeding 2 years; and
 - (b) the annual report and audited financial statements of the State enterprise for the preceding financial year; and
 - (c) the auditor's report on those financial statements.

(2A) *[Repealed]*

- (3) Where a statement of corporate intent for a State enterprise has been modified pursuant to section 14(5), the responsible Minister shall lay before the House of Representatives a copy of the notice making the modification within 12 sitting days after the date on which the Minister receives the notice.
- (4) Within 12 sitting days after a half-yearly report is given to a responsible Minister pursuant to section 16, the responsible Minister shall lay a copy of the report before the House of Representatives.

Section 17(2A): repealed, on 8 September 2018, by section 91 of the Statutes Amendment Act 2018 (2018 No 27).

Section 17(3): amended, on 10 April 1992, by section 3(2) of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

18 Other information

- (1) Subject to subsection (3), the board of a State enterprise shall supply to the shareholding Ministers or to such other person or class or classes of persons as either of those Ministers specifies such information relating to the affairs of the State enterprise, or any of its subsidiaries, as either of those Ministers requests after consultation with the board (whether or not the information is of a kind referred to in the statement of corporate intent).
- (2) A shareholding Minister may request information to be supplied whether or not the supply of the information is required for the purposes of, or is contemplated by, this Act.
- (3) The board of a State enterprise shall not be obliged by subsection (1) to supply to any Minister any information relating to an individual employee or customer of the State enterprise, or of any subsidiary of it, or any other person, if the information supplied would enable the identification of the person concerned.
- (4) Notwithstanding the Financial Markets Conduct Act 2013 or any other Act or rule of law, the board of a State enterprise may direct an officer or employee of the State enterprise to comply with a request under subsection (1) and the officer or employee shall comply with the request on being directed to do so.
- (5) No member of a board of a State enterprise and no officer or employee of a State enterprise who acts in accordance with a request or direction under this section is liable to any person under the Financial Markets Conduct Act 2013 or any other Act or rule of law by reason of acting in accordance with that request or direction.

Section 18: substituted, on 28 March 1990, by section 2(1) of the State-Owned Enterprises Amendment Act 1990 (1990 No 23).

Section 18(4): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 18(5): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

19 Auditor-General to be auditor of State enterprises and subsidiaries

- (1) Despite sections 207P to 207V of the Companies Act 1993, every State enterprise and every subsidiary of every State enterprise is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.
- (2) Without limiting subsection (1), the board of a State enterprise may, after consultation with the Auditor-General and if its responsible Minister so approves, appoint a person or firm that is qualified for appointment as an auditor of a company to be an additional auditor of the State enterprise or any subsidiary of a State enterprise.

Section 19: substituted, on 1 July 2001, by section 53 of the Public Audit Act 2001 (2001 No 10).

Section 19(1): amended, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

20 Protection from disclosure of sensitive information

Nothing in this Act shall be construed as requiring the inclusion in any statement of corporate intent, annual report, financial statements, or half-yearly report referred to in sections 14 to 16 of any information that could be properly withheld if a request for that information were made under the Official Information Act 1982.

Part 4**Miscellaneous provisions****21 Saving of certain transactions**

A failure by a State enterprise to comply with any provision contained in Part 1 or in any statement of corporate intent shall not affect the validity or enforceability of any deed, agreement, right, or obligation entered into, obtained, or incurred by a State enterprise or any subsidiary of a State enterprise.

22 Provisions relating to Ministers' shareholding

- (1) Shares in a State enterprise held in the name of a person described as the Minister of Finance or the responsible Minister shall be held by the person for the time being holding the office of Minister of Finance or responsible Minister, as the case may be.
- (2) Notwithstanding any other enactment or rule of law, it shall not be necessary to complete or register a transfer of shares of the kind referred to in subsection (1) consequent upon a change in the person holding the office of Minister of Finance or responsible Minister, as the case may be.
- (3) Each shareholding Minister may exercise all the rights and powers attaching to the shares in a State enterprise held by that Minister.

- (4) A shareholding Minister may at any time or times, by written notice to the secretary of a State enterprise, authorise (on such terms and conditions as are specified in the notice) such person as the Minister thinks fit to act as the Minister's representative at any or all of the meetings of shareholders of the State enterprise or of any class of such shareholders, and any person so authorised shall be entitled to exercise the same powers on behalf of the Minister as the Minister could exercise if present in person at the meeting or meetings.

23 Transfer of Crown assets and liabilities to State enterprises

- (1) Notwithstanding any Act, rule of law, or agreement, the shareholding Ministers for a State enterprise named in Schedule 2 may, on behalf of the Crown, do any 1 or more of the following:
- (a) transfer to the State enterprise assets and liabilities of the Crown (being assets and liabilities relating to the activities to be carried on by the State enterprise):
 - (b) authorise the State enterprise to act on behalf of the Crown in providing goods or services, or in managing assets or liabilities of the Crown:
 - (ba) vest in the State enterprise any rights conferred by designations under operative district schemes applying to land transferred to the State enterprise:
 - (c) grant to the State enterprise 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 shareholding Ministers may agree with the State enterprise.
- (2) The responsible 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 thereof.
- (3) Assets that are fixed to, or are under or over, any land may be transferred to a State enterprise pursuant to this Act whether or not any interest in the land is also transferred. Where any such asset is so transferred, the asset and the land shall be regarded as separate assets each capable of separate ownership.
- (4) Any asset or liability of the Crown may be transferred to a State enterprise pursuant to this Act whether or not any Act or agreement relating to the asset or liability permits such transfer or requires any consent to such a transfer.
- (5) Where a transfer of the kind described in subsection (4) 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, or the State enterprise under any Act or agreement:
 - (b) where the transfer is registrable, the person responsible for keeping the register shall register the transfer forthwith after written notice of the

transfer is received by him or her from any person authorised for this purpose by the responsible Minister:

- (c) 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 State enterprise in place of the Crown:
 - (d) 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 State enterprise in respect of any liability to that third party:
 - (e) any satisfaction or performance by the State enterprise in respect of the asset or liability shall be deemed to be also satisfaction or performance by the Crown:
 - (f) any satisfaction or performance in respect of the asset or liability by any third party to the benefit of the State enterprise shall be deemed to be also to the benefit of the Crown.
- (6) No provision in any agreement limiting the Crown's right to sell any assets to third parties, or for determining the consideration for the sale of any assets to third parties, or obliging the Crown to account to any person for the whole or part of the proceeds of sale by the Crown of any assets to third parties, or obliging the Crown to pay a greater price than otherwise by reason of or as a consequence of the sale of any assets to third parties, shall have any application or effect in respect of any agreement or transfer entered into or effected pursuant to or under this Act or pursuant to such an agreement or transfer.
- (6A) In any case where—
- (a) the Crown transfers or agrees to transfer to a State enterprise assets which the Crown acquires or is entitled to acquire from another person for the purpose of carrying on any activity; and
 - (b) the assets are acquired by the Crown, or the Crown's rights to acquire the assets arise, under an agreement with that person that contains a provision specifying or limiting the Crown's rights to recover compensation or damages; and
 - (c) the State enterprise carries on that activity or part of that activity whether or not it also carries on any other activity,—
- the provision referred to in paragraph (b) shall, notwithstanding the transfer of the assets to the State enterprise, continue in force in favour of the Crown as if the State enterprise was part of the Crown, the Crown continued to carry on the activity, and any loss suffered by the State enterprise was a loss suffered by the Crown and not, by reason only of having been suffered by the State enterprise, an indirect or a consequential loss or a loss suffered by a third party.
- (6B) In any case where—

- (a) the Crown transfers or agrees to transfer to a State enterprise assets which the Crown acquires or is entitled to acquire from another person for the purpose of carrying on any activity; and
- (b) the assets are acquired by the Crown, or the Crown's rights to acquire the assets arise, under an agreement with that person that contains a provision relieving the Crown from performing any obligation imposed upon it, or relieving the Crown from any claim or cause of action based on the failure by the Crown to perform any such obligation, as a result of any particular event; and
- (c) the State enterprise carries on that activity or part of that activity whether or not it also carries on any other activity,—

the provision referred to in paragraph (b) shall, notwithstanding the transfer of the assets to the State enterprise, continue in force in favour of the Crown as if the State enterprise was part of the Crown, the Crown continued to carry on the activity, and as if the occurrence of any such event referred to in the provision in relation to the State enterprise was the occurrence of the event in relation to the Crown.

(7) Where—

- (a) rights or obligations to provide goods or services to third parties are transferred to a State enterprise pursuant to this Act; and
- (b) those goods or services have previously been provided by the Crown on terms and conditions wholly or partly prescribed by any Act; and
- (c) the Governor-General has by Order in Council declared that this subsection shall apply in respect of those goods or services—

the goods or services shall, to the extent that those terms and conditions are not already contained in contracts between the Crown and third parties, from the date of transfer be deemed to be provided pursuant to contracts between the State enterprise and the third parties (whether or not the Act is repealed). Each such contract shall be deemed to include such of the terms and conditions contained in that Act (with all necessary modifications), and such of the following provisions as are specified in the Order in Council:

- (d) a condition permitting termination at any time by the third party on giving 14 days' notice to the State enterprise; and
- (e) a condition permitting variation or termination at any time by the State enterprise on giving to the third party 1 month's notice in such manner (including newspaper advertising) as the State enterprise thinks fit.

(8) Where any land that is subject to any lease, licence, permit, or right, created on terms and conditions wholly or partly set out in any Act has been or is to be transferred to a State enterprise pursuant to this Act, the Governor-General may, by Order in Council, declare that such of the provisions of that Act as are

specified in the order shall continue to apply in relation to the land and such licence, lease, permit or right.

- (8A) Where an Order in Council is made under subsection (8), the provisions of the Act referred to in the order shall, with all necessary modifications, continue to apply in relation to the land and the terms or conditions of the lease, licence, permit or right subject to any agreement to—
- (a) amend or revoke any such term or condition; or
 - (b) revoke any such term or condition and substitute another term or condition for it—

made between the owner for the time being of the land and the holder for the time being of the lease, licence, permit or right.

(9) *[Repealed]*

(9A) *[Repealed]*

(9B) *[Repealed]*

- (10) Notwithstanding any other provision of this Act, where prior to the date on which this Act comes into force any Maori land was leased to the Crown under a lease administered by the Minister of Forests, the shareholding Ministers shall not, except with the consent of the lessor or where the lease so permits, transfer that leasehold interest to a State enterprise, but the shareholding Ministers may enter into an agreement with a State enterprise pursuant to subsection (1)(b) to manage, on behalf of the Crown, its rights under that lease.

Section 23(1)(ba): inserted (with effect on 1 April 1987), on 1 July 1987, by section 6(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 23(5)(d): substituted, on 28 March 1990, by section 3 of the State-Owned Enterprises Amendment Act 1990 (1990 No 23).

Section 23(6A): inserted, on 4 July 1990, by section 2(1) of the State-Owned Enterprises Amendment Act (No 3) 1990 (1990 No 83).

Section 23(6B): inserted, on 4 July 1990, by section 2(1) of the State-Owned Enterprises Amendment Act (No 3) 1990 (1990 No 83).

Section 23(8): substituted, on 10 April 1992, by section 4 of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

Section 23(8A): inserted, on 10 April 1992, by section 4 of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

Section 23(9): repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 23(9A): repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 23(9B): repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

24 Provisions relating to transfer of land

- (1) Notwithstanding any other provision of this Act, Crown land within the meaning of the Land Act 1948 and any lands of the Crown other than lands regis-

tered under the Land Transfer Act 2017 that are to be transferred to a State enterprise pursuant to this Act shall—

- (a) be identified by an adequate legal description, or on plans lodged in the office of the Chief Surveyor for the land district in which the land is situated (being plans certified as correct for the purposes of this section by that Chief Surveyor); and
 - (b) vest in the State enterprise—
 - (i) pursuant to and on a date specified in an Order in Council made for the purposes of this section; or
 - (ii) pursuant to and on a date specified in a notice in the *Gazette* given for the purposes of this section by the shareholding Ministers or by a person authorised in writing by those Ministers.
- (1A) Every notice given under subsection (1)(b)(ii) may be given on such terms and conditions as the shareholding Ministers or a person authorised in writing by those Ministers, as the case may be, thinks fit, and shall have effect according to its tenor.
- (2) Notwithstanding any other provision of this Act, no land which is subject to—
- (a) a lease or licence pursuant to section 66 or section 66AA of the Land Act 1948; or
 - (b) reservation from sale or disposition under Part 4A of the Conservation Act 1987—
- shall be transferred to a State enterprise pursuant to section 23(1)(a).
- (3) All land that is subject to the Land Act 1948 or the Forests Act 1949 and that is transferred to a State enterprise pursuant to this Act shall cease to be subject to the Land Act 1948 or the Forests Act 1949, as the case may be, from the date of that transfer, unless otherwise expressly provided by this Act or any other Act.
- (4) Nothing in sections 40 to 42 of the Public Works Act 1981 shall apply to the transfer of land to a State enterprise pursuant to this Act, but sections 40 and 41 of that Act shall after that transfer apply to that land as if the State enterprise were the Crown and the land had not been transferred pursuant to this Act.
- (5) Nothing in this Act or in any transfer of land to a State enterprise pursuant to this Act shall derogate from the provisions of section 10 or section 11 of the Crown Minerals Act 1991.

Section 24(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 24(1)(b): substituted, on 10 April 1992, by section 5(1) of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

Section 24(1A): inserted, on 10 April 1992, by section 5(2) of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

Section 24(2): amended (with effect on 1 April 1987), on 1 July 1987, by section 7(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 24(2)(b): amended, on 10 April 1990, by section 37 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 24(5): substituted, on 1 October 1991, by section 121 of the Crown Minerals Act 1991 (1991 No 70).

25 Title to land

- (1) The Registrar-General of Land shall, on written application by any person authorised by a Minister and on payment of the prescribed fee,—
 - (a) register a State enterprise as the proprietor, in substitution for the Crown, of the estate or the interest of the Crown in any land that is registered under the Land Transfer Act 2017 and that is transferred to the State enterprise pursuant to this Act; and
 - (b) make such entries in the register and on any outstanding documents of title and generally do all such things as may be necessary to give effect to this section.
- (1A) The powers conferred by subsection (1) may be exercised in respect of an estate or interest that is incorporated in the register by virtue of a lease or licence that has expired or has been determined.
- (2) The Registrar-General of Land must, on written application by any person authorised by a Minister and on payment of the prescribed fee, create a record of title for land vested in a State enterprise pursuant to section 24(1) of this Act.
- (3) As soon as registration is accomplished in accordance with subsection (1) or a record of title is issued in accordance with subsection (2), the State enterprise shall, except where the interest acquired is either an easement in gross or an estate as lessee or mortgagee, be deemed to be seised of an estate in fee simple in possession in respect of that land.
- (4) Applications in accordance with subsections (1) and (2) shall specify the name of the State enterprise and the date of the agreement, together with a description of the land sufficient to identify it and, in the case of applications under subsection (2), a certificate by the Chief Surveyor for the district concerned as to the correctness of such description.

Section 25(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 25(1)(a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 25(1)(a): amended, on 31 July 1989, by section 2(1) of the State-Owned Enterprises Amendment Act (No 2) 1989 (1989 No 57).

Section 25(1A): inserted, on 31 July 1989, by section 2(2) of the State-Owned Enterprises Amendment Act (No 2) 1989 (1989 No 57).

Section 25(2): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 25(3): substituted, on 31 July 1989, by section 2(3) of the State-Owned Enterprises Amendment Act (No 2) 1989 (1989 No 57).

Section 25(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

26 Land certification

- (1) Before the Registrar-General of Land issues a record of title in respect of any land vested in a State enterprise pursuant to section 24(1) of this Act, the Registrar-General of Land shall either receive under the hand of or request from the Director-General within the meaning of section 2 of the Survey Act 1986 or any Chief Surveyor a certificate in the form set out in Schedule 2 of the Land Act 1948 as to the legal description of the land, any trusts, reservations, or restrictions affecting the land, and any other matters that the Registrar-General of Land considers appropriate.
- (2) Where any land that has been vested in a State enterprise pursuant to section 24(1) of this Act and for which no record of title has been issued in the name of that enterprise, is to be transferred to any other person, the Registrar-General of Land shall, before issuing a record of title, either receive under the hand of or request from the Director-General within the meaning of section 2 of the Survey Act 1986 or any Chief Surveyor a certificate in the form set out in Schedule 2 of the Land Act 1948 as to the legal description of the land, any trusts, reservations, or restrictions affecting the land and any other matters that the Registrar-General of Land considers appropriate.
- (3) A certificate in accordance with subsection (1) or subsection (2) shall be filed by the Registrar-General of Land and shall be conclusive evidence to the Registrar-General of Land of the matters required to be stated therein.

Section 26(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 26(1): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 26(1): amended, on 31 July 1989, by section 3(1) of the State-Owned Enterprises Amendment Act (No 2) 1989 (1989 No 57).

Section 26(1): amended (with effect on 1 April 1987), on 1 July 1987, by section 8 of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 26(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 26(2): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 26(2): amended, on 31 July 1989, by section 3(2) of the State-Owned Enterprises Amendment Act (No 2) 1989 (1989 No 57).

Section 26(2): amended (with effect on 1 April 1987), on 1 July 1987, by section 8 of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 26(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

26A Certification of easements

- (1) Where land is vested in a State enterprise pursuant to section 24(1) of this Act subject to the reservation of or together with any easement, not being an ease-

ment previously registered under the Land Transfer Act 2017, the Director-General within the meaning of section 2 of the Survey Act 1986 or any Chief Surveyor shall include in the certificate given under subsection (1) or subsection (2) of section 26 of this Act, as the case may be, a sufficient description of the easement and particulars as to the rights and powers, terms, covenants, conditions, or restrictions attaching thereto.

- (2) The Registrar-General of Land shall enter a memorial of the easement upon the relevant record of title by reference to the certificate in which it is described as if that certificate were the instrument creating the easement.
- (3) Where a memorial of an easement is entered upon the relevant record of title under subsection (2), the easement shall be treated for all purposes including all subsequent dealings as if it had been created under the Land Transfer Act 2017.

Section 26A: inserted, on 10 April 1992, by section 6 of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

Section 26A(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 26A(1): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 26A(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 26A(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

27 Maori land claims

The submission in respect of any land or interest in land of a claim under section 6 of the Treaty of Waitangi Act 1975 does not prevent the transfer of that land or of any interest in that land or of that interest in land—

- (a) by the Crown to a State enterprise; or
- (b) by a State enterprise to any other person.

Section 27: substituted (with effect on 9 December 1987), on 30 June 1988, by section 10(1) of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

27A Registrar-General of Land to register necessary memorial

- (1) Where any land or interest in land is transferred to a State enterprise under section 23 or vested in a State enterprise by a notice in the *Gazette* under section 24 or by an Order in Council made under section 28, the Registrar-General of Land shall, without fee, note on the record of title the words “Subject to section 27B of the State-Owned Enterprises Act 1986 (which provides for the resumption of land on the recommendation of the Waitangi Tribunal and which does not provide for third parties, such as the owner of the land, to be heard in relation to the making of any such recommendation)”.

- (2) Subsection (1) shall not apply in relation to any piece of land or interest in land that is excluded from section 27B by subsection (2) or subsection (3) of that section.

Section 27A: inserted (with effect on 9 December 1987), on 30 June 1988, by section 10(1) of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

Section 27A heading: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 27A(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 27A(1): amended, on 10 April 1992, by section 7 of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

27B Resumption of land on recommendation of Waitangi Tribunal

- (1) Where the Waitangi Tribunal has, under section 8A(2)(a) of the Treaty of Waitangi Act 1975, recommended the return to Maori ownership of any land or interest in land transferred to a State enterprise under section 23 of this Act or vested in a State enterprise by a notice in the *Gazette* under section 24 of this Act or by an Order in Council made under section 28 of this Act, that land or interest in land shall, if the recommendation has been confirmed with or without modifications under section 8B of that Act, be resumed by the Crown in accordance with section 27C of this Act and returned to Maori ownership.
- (2) This section shall not apply in relation to any piece of land that, at the date of its transfer to a State enterprise under section 23 or the date of its vesting in a State enterprise by a notice in the *Gazette* under section 24 or by an Order in Council made under section 28, was subject to—
- (a) a deferred payment licence issued under the Land Act 1948; or
 - (b) a lease under which the lessee had the right of acquiring the fee simple.
- (3) This section shall not apply in relation to any piece of land or interest in land in respect of which a certificate issued under section 8E(1) of the Treaty of Waitangi Act 1975 has been registered.

Section 27B: inserted (with effect on 9 December 1987), on 30 June 1988, by section 10(1) of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

Section 27B(1): amended, on 10 April 1992, by section 8(1) of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

Section 27B(2): amended, on 10 April 1992, by section 8(2) of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

27C Resumption of land to be effected under Public Works Act 1981

- (1) Where section 27B requires any land or interest in land to be resumed by the Crown, the Minister of Lands shall acquire that land or interest in land under Part 2 of the Public Works Act 1981 as if it were land or an interest in land required for both government work and a public work and Parts 2, 4, 5, 6, and 7 of that Act and Schedules 1, 3, 4, and 5 of that Act shall, subject to the modi-

fications set out in Schedule 2A of this Act and to all other necessary modifications, apply accordingly.

- (2) The existence on the record of title to any land or interest in land acquired pursuant to subsection (1) of a memorial under section 27A of this Act shall not be taken into account in any assessment of compensation made under the Public Works Act 1981 in relation to the acquisition of that land or interest in land.
- (3) The power conferred by this section does not include the power to acquire or take and to hold under section 28 of the Public Works Act 1981 any interest in land described in section 8A(6) of the Treaty of Waitangi Act 1975.

Section 27C: inserted (with effect on 9 December 1987), on 30 June 1988, by section 10(1) of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

Section 27C(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

27D Resumption of wahi tapu

- (1) Where the Governor-General is satisfied that any land or interest in land held by a State enterprise, being land or an interest in land transferred to that State enterprise under section 23 or vested in that State enterprise by a notice in the *Gazette* under section 24 or by an Order in Council made under section 28, is wahi tapu, being land of special spiritual, cultural, or historical tribal significance, the Governor-General may, by Order in Council published in the *Gazette*, declare—
 - (a) that that land or interest in land shall be resumed by the Crown on a date specified in the Order in Council; and
 - (b) that, on the date of its resumption pursuant to the Order in Council, that land or interest in land shall be no longer liable to resumption under section 27B.
- (2) Where any land or interest in land is to be resumed pursuant to subsection (1)(a),—
 - (a) the State enterprise shall transfer the land or interest in land to the Crown on the date specified in the Order in Council; and
 - (b) the Crown shall pay to the State enterprise in respect of the land or interest in land the compensation that would have been payable to the State enterprise if, on the date specified in the Order in Council made under subsection (1), the land or interest in land had, pursuant to section 27C of this Act, been acquired by the Minister of Lands under Part 2 of the Public Works Act 1981.
- (3) Every memorandum of transfer executed pursuant to an Order in Council made under subsection (1)—
 - (a) shall recite that it is so executed; and
 - (b) shall give both the date of the Order in Council and the date of its publication in the *Gazette*.

- (4) Upon its resumption pursuant to subsection (1)(a), the land or interest in land shall be dealt with in accordance with an agreement made between the Crown and the relevant tribe or, if they fail to agree, in accordance with any recommendation of the Waitangi Tribunal pursuant to an application made under section 6 of the Treaty of Waitangi Act 1975.
- (5) A resumption of land or of an interest in land pursuant to subsection (1)(a) is not a subdivision within the meaning of the Resource Management Act 1991.
- Section 27D: inserted (with effect on 9 December 1987), on 30 June 1988, by section 10(1) of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).
- Section 27D(1): amended, on 10 April 1992, by section 9 of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).
- Section 27D(5): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

28 Orders in Council relating to transfer of assets and liabilities

- (1) For the purpose of facilitating the transfer of assets and liabilities to a State enterprise pursuant to this Act, the Governor-General may from time to time, by Order in Council, do any 1 or more of the following:
- (a) vest in or impose on a State enterprise any asset or liability (other than land to which section 24(1) applies), or any class of any such asset or liability, that the State enterprise has agreed to have transferred to it;
 - (b) vest land in a State enterprise for the purposes of section 24(1);
 - (c) declare that a reference to the Crown or a Minister, officer, employee, department, or instrument of the Crown in any or all regulations, orders, notices, or documents shall be deemed to be or to include a reference to a State enterprise specified in the order;
 - (d) declare that a State enterprise shall assume or continue to have the rights and obligations of the Crown or a Minister, officer, employee, department, or instrument of the Crown in respect of applications for rights, objections, or proceedings before any court, authority, or other person, being rights and obligations that the State enterprise has agreed to assume;
 - (e) *[Repealed]*
 - (f) declare, in respect of any assets or liabilities transferred to a State enterprise pursuant to this Act, that the State enterprise shall be deemed to have specified rights or obligations in respect of those assets or liabilities, being rights or obligations that are required in respect of those assets or liabilities as a result of the change of ownership or responsibility from the Crown to the State enterprise;
 - (g) declare that any Order in Council made under this section shall be deemed to be notice to all persons, and that specific notice need not be given to any authority or other person:

- (h) direct any authority or other person to register or record any such vesting or declaration.
- (2) Every Order in Council made under this section may be made on such terms and conditions as the Governor-General thinks fit, and shall have effect according to its tenor.

Section 28(1)(e): repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

29 Interpretation relating to transfer of assets and liabilities

- (1) In this section and in sections 23 to 28 and 29A, unless the context otherwise requires,—

agreement includes a deed, a contract, an agreement, an arrangement, and an understanding, whether oral or written, express or implied, and whether or not enforceable at law

assets means any real or personal property of any kind, whether or not subject to rights, and without limiting the generality of the foregoing includes—

- (a) any estate or interest in any land, including all rights of occupation of land or buildings:
- (b) all buildings, vehicles, plant, equipment, and machinery, and any rights therein:
- (c) all livestock, products from livestock, and crops:
- (d) all financial products within the meaning of the Financial Markets Conduct Act 2013:
- (e) all rights of any kind, including rights under Acts, deeds, agreements, or licences, and any kind of consent granted under the Resource Management Act 1991, and all applications for and objections against applications for such rights:
- (f) all patents, trade marks, designs, copyright, and other intellectual property rights whether enforceable by Act or rule of law:
- (g) goodwill, and any business undertaking:
- (h) all natural gas, petroleum, and other hydrocarbons

liabilities includes—

- (a) liabilities and obligations under any Act or agreement; and
- (b) deposits and other debt securities within the meaning of the Financial Markets Conduct Act 2013; and
- (c) contingent liabilities

rights includes powers, privileges, interests, licences, approvals, consents, benefits, and equities of any kind, whether actual, contingent, or prospective

State enterprise includes a subsidiary of a State enterprise

transfer includes—

- (a) assign and convey; and
 - (b) vest by Order in Council or notice in the *Gazette*; and
 - (c) confer estates in fee simple of land held by the Crown, whether in allodium or otherwise; and
 - (d) grant leases, rights, and interests in any real or personal property; and
 - (e) in the case of liabilities, the assumption thereof by a State enterprise.
- (2) In this section and in sections 23 to 28, a reference to **transfer**, **authorise**, or **grant** includes entering into an agreement to transfer, authorise, or grant, as the case may be.
- (3) This section and sections 23 to 28 shall have effect, and assets and liabilities may be transferred pursuant to this Act, notwithstanding any restriction, prohibition, or other provision contained in any Act, rule of law, or agreement that would otherwise apply.
- (4) Nothing in this Act shall limit any powers or rights that the Crown or a Minister has other than pursuant to this Act.

Section 29(1): amended, on 10 April 1992, by section 10(1) of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

Section 29(1) **assets** paragraph (d): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 29(1) **assets** paragraph (e): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 29(1) **liabilities** paragraph (b): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 29(1) **transfer** paragraph (b): amended, on 10 April 1992, by section 10(2) of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

29A Further provision relating to transfer of Crown assets and liabilities

- (1) Nothing in this Act prevents the exercise in relation to a State enterprise named in Schedule 2 of a power conferred by section 23 or section 24 or section 28 even though—
- (a) at the time the power is exercised, the shareholding Ministers for the State enterprise intend or may intend to transfer or dispose of all or any of the shares in that State enterprise held by those Ministers; or
 - (b) a purpose of exercising the power is the obtaining of the benefits of sections 23 to 29 in relation to the transfer of Crown assets or liabilities to that State enterprise.
- (2) Nothing in this Act prevents the exercise in relation to a State enterprise named in Schedule 2 of a power conferred by section 23 or section 24 or section 28 at or about the same time as the shareholding Ministers for the State enterprise transfer or dispose of shares in the State enterprise held by those Ministers.

Section 29A: inserted, on 10 April 1992, by section 11 of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

30 Application of Companies Acts to new State enterprises

- (1) Notwithstanding anything in the Companies Act 1993, the Reserve Bank of New Zealand Act 1989, or any other enactment or rule of law, a company in which all the shares are applied for by Ministers may be registered under the Companies Act 1993 with a name specified in Schedule 2 of this Act (not being a name specified in that schedule before the commencement of the Companies Act 1993); and sections 20, 21, 22, 23(1) and (2), and 24 of that Act shall not apply to any such company.
- (2) *[Repealed]*
- (3) *[Repealed]*

Section 30: substituted, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 30(2): repealed, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

Section 30(3): repealed, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

30A Changes of name

- (1) Subject to subsection (2), the Governor-General may from time to time, by Order in Council made on the recommendation of 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, amend any enactment by omitting from it the name of any State enterprise and substituting some other name.
- (2) The Minister must not recommend the making of an order under subsection (1) in respect of a State enterprise unless satisfied that there has been issued to it under section 23(3)(b) of the Companies Act 1993 a certificate of incorporation recording a change of its name to the name proposed to be substituted by the order.
- (3) A State enterprise does not cease to be—
 - (a) a State enterprise; or
 - (b) a company named in a schedule of this Act; or
 - (c) a company with a name specified in a schedule of this Act,—
 by reason only of changing its name.

Section 30A: inserted, on 9 December 1994, by section 3 of the State-Owned Enterprises Amendment Act 1994 (1994 No 140).

Section 30A(2): replaced, on 5 December 2013, by section 14 of the Companies Amendment Act 2013 (2013 No 111).

31 Review of Ombudsmen Act 1975 and Official Information Act 1982 in relation to State enterprises

[Repealed]

Section 31: repealed, on 24 October 2019, by section 146 of the Statutes Amendment Act 2019 (2019 No 56).

32 Amendments and transitional provisions relating to new State enterprises

- (1) The enactments specified in Schedules 3 and 5 are hereby amended in the manner indicated in those schedules.
- (2) During the period beginning on 1 April 1987 and ending with the close of 31 December 1987,—
 - (a) the enactments specified in Schedule 4 shall have effect as stated in that schedule; and
 - (b) the Town and Country Planning Act 1977 and the Public Works Act 1981 shall have effect as if every State enterprise named in Schedule 2 of this Act were the Crown and every work and every use of land which such a State enterprise constructs, undertakes, establishes, manages, operates, or maintains by virtue of any Act were a public work within the meaning of the Public Works Act 1981:

provided that where any negotiations or action had been commenced before the close of 31 December 1987 in respect of the taking or acquisition of any land that is to be transferred by the Crown to a State enterprise pursuant to section 23, the taking or acquisition may be continued and concluded as if the land were required for a public work.
- (3) Where, by virtue of subsection (2), a State enterprise has any power, right, or authority that it would not otherwise have, the responsible Minister may at any time or times, by notice in the *Gazette*,—
 - (a) direct the State enterprise not to exercise that power, right, or authority; or
 - (b) impose conditions on the exercise of that power, right, or authority,—

either generally or in any particular case or cases.
- (4) A State enterprise must comply with a notice given under subsection (3), and the notice is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.
- (5) *[Repealed]*
- (6) Notwithstanding anything in this or any other Act, or any rule of law, any proceedings commenced (whether before or after the commencement of this Act) in any court or tribunal, in respect of the exercise or intended exercise of any power to which this section applies, may be continued and determined in

respect of land (whether or not the land is transferred to a State enterprise) as if the land were still owned by the Crown.

- (7) Notwithstanding subsections (2) and (5), Part 3 of Schedule 4 shall continue to have effect after 31 December 1988 until the close of 30 June 1990.

Section 32(2) proviso: added (with effect on 1 April 1987), on 1 July 1987, by section 9(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 32(4): replaced, on 5 August 2013, by section 77(3) of the Legislation Act 2012 (2012 No 119).

Section 32(5): repealed, on 1 February 1990, by section 8(b) of the Survey Amendment Act (No 3) 1989 (1989 No 139).

Section 32(6): added (with effect on 1 April 1987), on 1 July 1987, by section 9(2) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 32(7): added, on 10 December 1988, by section 2 of the State-Owned Enterprises Amendment Act (No 5) 1988 (1988 No 169).

Section 32(7): amended (with effect on 30 June 1989), on 26 July 1989, by section 2 of the State-Owned Enterprises Amendment Act 1989 (1989 No 45).

33 Repeals

[Repealed]

Section 33: repealed, on 24 October 2019, by section 147 of the Statutes Amendment Act 2019 (2019 No 56).

Schedule 1 State enterprises

s 2

Airways Corporation of New Zealand Limited
Animal Control Products Limited
AsureQuality Limited
Electricity Corporation of New Zealand Limited
KiwiRail Holdings Limited
Kordia Group Limited
Landcorp Farming Limited
Meteorological Service of New Zealand Limited
New Zealand Post Limited
New Zealand Railways Corporation
Quotable Value Limited
Transpower New Zealand Limited

Schedule 1 AgriQuality Limited: repealed, on 29 November 2007, by clause 3(1) of the State-Owned Enterprises (AsureQuality Limited) Order 2007 (SR 2007/330).

Schedule 1 Agriquality New Zealand Limited: repealed, on 6 May 2004, by clause 3 of the State-Owned Enterprises (AgriQuality Limited) Order 2004 (SR 2004/87).

Schedule 1 Air New Zealand Limited: repealed, on 18 December 1987, by section 12 of the Finance Act 1987 (1987 No 200).

Schedule 1 Animal Control Products Limited: inserted, on 25 January 2005, by section 4 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

Schedule 1 Asure New Zealand Limited: repealed, on 1 October 2007, by clause 3 of the State-Owned Enterprises (Asure New Zealand Limited) Order 2007 (SR 2007/273).

Schedule 1 AsureQuality Limited: inserted, on 29 November 2007, by clause 3(2) of the State-Owned Enterprises (AsureQuality Limited) Order 2007 (SR 2007/330).

Schedule 1 At Work Insurance Limited: repealed, on 1 April 2000, by section 14(1) of the Accident Insurance (Transitional Provisions) Act 2000 (2000 No 5).

Schedule 1 Coal Corporation of New Zealand Limited: repealed, on 24 October 1997, by clause 2 of the State-Owned Enterprises (Solid Energy New Zealand Limited) Order 1997 (SR 1997/277).

Schedule 1 Contact Energy Limited: repealed, on 24 March 1999, by section 3(1) of the State-Owned Enterprises (Contact Energy Limited) Amendment Act 1998 (1998 No 99).

Schedule 1 Crown Forestry Management Limited: repealed, on 28 May 2001, by section 20(1) of the Finance Act (No 2) 1988 (1988 No 128).

Schedule 1 Forestry Corporation of New Zealand Limited: repealed, on 21 August 1996, by section 4(1) of the Finance Act 1991 (1991 No 93).

Schedule 1 GCS Limited: repealed, on 18 November 1994, by section 5(1) of the Finance Act 1994 (1994 No 73).

Schedule 1 Genesis Energy Limited: repealed, on 7 March 2014, by section 4(1) of the State-Owned Enterprises Amendment Act 2012 (2012 No 44).

- Schedule 1 Government Computing Services Limited: repealed, on 8 August 1991, by section 8 of the Finance Act 1991 (1991 No 93).
- Schedule 1 Government Property Services Limited: repealed, on 15 May 1998, by section 13(1) of the Finance Act (No 2) 1988 (1988 No 128).
- Schedule 1 Government Supply Brokerage Corporation (N.Z.) Limited: repealed, on 17 March 1992, by section 10(1) of the Finance Act 1991 (1991 No 93).
- Schedule 1 Hydro Energy Limited: repealed, on 16 April 1999, by clause 2 of the State-Owned Enterprises (Meridian Energy Limited) Order 1999 (SR 1999/101).
- Schedule 1 KiwiRail Holdings Limited: inserted, on 31 December 2012, by clause 3 of the State-Owned Enterprises (KiwiRail Holdings Limited) Order 2012 (SR 2012/346).
- Schedule 1 Kordia Group Limited: inserted, on 22 March 2007, by clause 5(2)(b) of the State-Owned Enterprises (Kordia Group Limited) Order 2007 (SR 2007/17).
- Schedule 1 Land Corporation Limited: repealed, on 12 April 2001, by clause 3 of the State-Owned Enterprises (Landcorp Farming Limited) Order 2001 (SR 2001/23).
- Schedule 1 Landcorp Farming Limited: inserted, on 12 April 2001, by clause 3 of the State-Owned Enterprises (Landcorp Farming Limited) Order 2001 (SR 2001/23).
- Schedule 1 Learning Media Limited: repealed, on 8 September 2018, by section 92 of the Statutes Amendment Act 2018 (2018 No 27).
- Schedule 1 MCS Limited: repealed, on 1 July 2010, by section 16(1) of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).
- Schedule 1 Meridian Energy Limited: repealed, on 30 August 2013, by section 4(2) of the State-Owned Enterprises Amendment Act 2012 (2012 No 44).
- Schedule 1 Meteorological Service of New Zealand Limited: inserted, on 30 June 1992, by clause 2 of the State-Owned Enterprises Order 1992 (SR 1992/181).
- Schedule 1 Mighty River Power Limited: repealed, on 8 March 2013, by section 4(3) of the State-Owned Enterprises Amendment Act 2012 (2012 No 44).
- Schedule 1 National Provident Management Company Limited: repealed, on 17 April 1992, by section 17(1) of the Finance Act 1991 (1991 No 93).
- Schedule 1 New Zealand Forestry Corporation Limited: repealed, on 31 May 1996, by clause 2 of the State-Owned Enterprises (Crown Forestry Management Limited) Order 1996 (SR 1996/122).
- Schedule 1 New Zealand Liquid Fuels Investment Limited: repealed, on 29 June 1990, by section 2(1) of the State-Owned Enterprises Amendment Act (No 2) 1990 (1990 No 49).
- Schedule 1 Petroleum Corporation of New Zealand Limited: repealed, on 1 July 1987, by section 10(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).
- Schedule 1 Post Office Bank Limited: repealed, on 28 February 1989, by section 2(1) of the Post Office Bank Amendment Act 1988 (1988 No 173).
- Schedule 1 Quotable Value Limited: inserted, on 25 January 2005, by section 4 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).
- Schedule 1 The Radio Company Limited: repealed, on 5 July 1996, by section 2 of the Radio New Zealand Act (No 2) 1995 (1995 No 53).
- Schedule 1 Radio New Zealand Limited: repealed, on 1 December 1995, by section 20 of the Radio New Zealand Act 1995 (1995 No 52).
- Schedule 1 Shipping Corporation of New Zealand Limited: repealed, on 4 April 1989, by section 4 of the Shipping Corporation of New Zealand Act Repeal Act 1988 (1988 No 154).
- Schedule 1 Solid Energy New Zealand Limited: repealed, on 20 December 2019, by section 4(4) of the State-Owned Enterprises Amendment Act 2012 (2012 No 44).
- Schedule 1 Telecom Corporation of New Zealand Limited: repealed, on 12 September 1990, by section 4(1) of the Finance Act 1990 (1990 No 20).

Schedule 1 Television New Zealand Limited: repealed, on 28 February 2003, by section 30 of the Television New Zealand Act 2003 (2003 No 1).

Schedule 1 Terralink NZ Limited: repealed, on 3 June 2017, by section 4(2) of the Statutes Repeal Act 2017 (2017 No 23).

Schedule 1 Timberlands West Coast Limited: repealed, on 1 May 2011, by section 23(1) of the Finance Act 1991 (1991 No 93).

Schedule 1 Tourist Hotel Corporation of New Zealand: repealed, on 23 March 1990, by section 18 of the Tourist Hotel Corporation of New Zealand Act 1989 (1989 No 130).

Schedule 1 Tourist Hotel Corporation of New Zealand Limited: repealed, on 15 June 1990, by section 19(1) of the Tourist Hotel Corporation of New Zealand Act 1989 (1989 No 130).

Schedule 1 Trans Power New Zealand Limited: repealed, on 21 November 1997, by clause 2 of the State-Owned Enterprises (Transpower New Zealand Limited) Order 1997 (SR 1997/299).

Schedule 1 Transmission Holdings Limited: repealed, on 22 March 2007, by clause 5(2)(a) of the State-Owned Enterprises (Kordia Group Limited) Order 2007 (SR 2007/17).

Schedule 1 Transpower New Zealand Limited: inserted, on 21 November 1997, by clause 2 of the State-Owned Enterprises (Transpower New Zealand Limited) Order 1997 (SR 1997/299).

Schedule 1 Vehicle Testing New Zealand Limited: repealed, on 6 September 1999, by section 4(1) of the State-Owned Enterprises (Meteorological Service of New Zealand Limited and Vehicle Testing New Zealand Limited) Amendment Act 1999 (1999 No 65).

Schedule 1 Waikato SOE Limited: repealed, on 16 April 1999, by clause 2 of the State-Owned Enterprises (Mighty River Power Limited) Order 1999 (SR 1999/102).

Schedule 1 Works and Development Services Corporation (NZ) Limited: repealed, on 27 August 1996, by section 3(1) of the State-Owned Enterprises Amendment Act 1996 (1996 No 82).

Schedule 2

New State enterprises

s 10

Airways Corporation of New Zealand Limited

Animal Control Products Limited

AsureQuality Limited

Electricity Corporation of New Zealand Limited

KiwiRail Holdings Limited

Kordia Group Limited

Landcorp Farming Limited

Meteorological Service of New Zealand Limited

New Zealand Post Limited

Quotable Value Limited

Transpower New Zealand Limited

Schedule 2 AgriQuality Limited: repealed, on 29 November 2007, by clause 3(1) of the State-Owned Enterprises (AsureQuality Limited) Order 2007 (SR 2007/330).

Schedule 2 Agriquality New Zealand Limited: repealed, on 6 May 2004, by clause 3 of the State-Owned Enterprises (AgriQuality Limited) Order 2004 (SR 2004/87).

Schedule 2 Animal Control Products Limited: inserted, on 25 January 2005, by section 4 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

Schedule 2 Asure New Zealand Limited: repealed, on 1 October 2007, by clause 3 of the State-Owned Enterprises (Asure New Zealand Limited) Order 2007 (SR 2007/273).

Schedule 2 AsureQuality Limited: inserted, on 29 November 2007, by clause 3(2) of the State-Owned Enterprises (AsureQuality Limited) Order 2007 (SR 2007/330).

Schedule 2 At Work Insurance Limited: repealed, on 1 April 2000, by section 14(1) of the Accident Insurance (Transitional Provisions) Act 2000 (2000 No 5).

Schedule 2 Coal Corporation of New Zealand Limited: repealed, on 24 October 1997, by clause 2 of the State-Owned Enterprises (Solid Energy New Zealand Limited) Order 1997 (SR 1997/277).

Schedule 2 Contact Energy Limited: repealed, on 24 March 1999, by section 3(3) of the State-Owned Enterprises (Contact Energy Limited) Amendment Act 1998 (1998 No 99).

Schedule 2 Crown Forestry Management Limited: repealed, on 28 May 2001, by section 20(1) of the Finance Act (No 2) 1988 (1988 No 128).

Schedule 2 Forestry Corporation of New Zealand Limited: repealed, on 21 August 1996, by section 4(3) of the Finance Act 1991 (1991 No 93).

Schedule 2 GCS Limited: repealed, on 18 November 1994, by section 5(3) of the Finance Act 1994 (1994 No 73).

Schedule 2 Genesis Energy Limited: repealed, on 7 March 2014, by section 5(1) of the State-Owned Enterprises Amendment Act 2012 (2012 No 44).

Schedule 2 Government Computing Services Limited: repealed, on 8 August 1991, by section 8 of the Finance Act 1991 (1991 No 93).

Schedule 2 Government Property Services Limited: repealed, on 15 May 1998, by sections 13(1) of the Finance Act (No 2) 1988 (1988 No 128).

Schedule 2 Government Supply Brokerage Corporation (N.Z.) Limited: repealed, on 22 January 1992, by section 10(3) of the Finance Act 1991 (1991 No 93).

Schedule 2 Hydro Energy Limited: repealed, on 16 April 1999, by clause 2 of the State-Owned Enterprises (Meridian Energy Limited) Order 1999 (SR 1999/101).

Schedule 2 KiwiRail Holdings Limited: inserted, on 31 December 2012, by clause 3 of the State-Owned Enterprises (KiwiRail Holdings Limited) Order 2012 (SR 2012/346).

Schedule 2 Kordia Group Limited: inserted, on 22 March 2007, by clause 5(3)(b) of the State-Owned Enterprises (Kordia Group Limited) Order 2007 (SR 2007/17).

Schedule 2 Land Corporation Limited: repealed, on 12 April 2001, by clause 3 of the State-Owned Enterprises (Landcorp Farming Limited) Order 2001 (SR 2001/23).

Schedule 2 Landcorp Farming Limited: inserted, on 12 April 2001, by clause 3 of the State-Owned Enterprises (Landcorp Farming Limited) Order 2001 (SR 2001/23).

Schedule 2 Learning Media Limited: repealed, on 8 September 2018, by section 93 of the Statutes Amendment Act 2018 (2018 No 27).

Schedule 2 MCS Limited: repealed, on 1 July 2010, by section 16(3) of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

Schedule 2 Meridian Energy Limited: repealed, on 30 August 2013, by section 5(2) of the State-Owned Enterprises Amendment Act 2012 (2012 No 44).

Schedule 2 Meteorological Service of New Zealand Limited: inserted, on 30 June 1992, by clause 2 of the State-Owned Enterprises Order 1992 (SR 1992/181).

Schedule 2 Mighty River Power Limited: repealed, on 8 March 2013, by section 5(3) of the State-Owned Enterprises Amendment Act 2012 (2012 No 44).

Schedule 2 National Provident Management Company Limited: repealed, on 10 December 1991, by section 17(3) of the Finance Act 1991 (1991 No 93).

Schedule 2 New Zealand Forestry Corporation Limited: repealed, on 31 May 1996, by clause 2 of the State-Owned Enterprises (Crown Forestry Management Limited) Order 1996 (SR 1996/122).

Schedule 2 New Zealand Liquid Fuels Investment Limited: repealed, on 29 June 1990, by section 2(1) of the State-Owned Enterprises Amendment Act (No 2) 1990 (1990 No 49).

Schedule 2 New Zealand Symphony Orchestra Limited: repealed, on 21 December 1992, by section 42 of the Public Finance Amendment Act 1992 (1992 No 142).

Schedule 2 Post Office Bank Limited: repealed, on 28 February 1989, by section 2(1) of the Post Office Bank Amendment Act 1988 (1988 No 173).

Schedule 2 Quotable Value Limited: inserted, on 25 January 2005, by section 4 of the State-Owned Enterprises Amendment Act 2004 (2004 No 116).

Schedule 2 The Radio Company Limited: repealed, on 5 July 1996, by section 2 of the Radio New Zealand Act (No 2) 1995 (1995 No 53).

Schedule 2 Radio New Zealand Limited: repealed, on 1 December 1995, by section 20 of the Radio New Zealand Act 1995 (1995 No 52).

Schedule 2 Solid Energy New Zealand Limited: repealed, on 20 December 2019, by section 5(4) of the State-Owned Enterprises Amendment Act 2012 (2012 No 44).

Schedule 2 Telecom Corporation of New Zealand Limited: repealed, on 14 June 1990, by section 4(3) of the Finance Act 1990 (1990 No 20).

Schedule 2 Television New Zealand Limited: repealed, on 28 February 2003, by section 30 of the Television New Zealand Act 2003 (2003 No 1).

Schedule 2 Terralink NZ Limited: repealed, on 3 June 2017, by section 4(2) of the Statutes Repeal Act 2017 (2017 No 23).

Schedule 2 Timberlands West Coast Limited: repealed, on 1 May 2011, by section 23(3) of the Finance Act 1991 (1991 No 93).

Schedule 2 Trans Power New Zealand Limited: repealed, on 21 November 1997, by clause 2 of the State-Owned Enterprises (Transpower New Zealand Limited) Order 1997 (SR 1997/299).

Schedule 2 Transmission Holdings Limited: repealed, on 22 March 2007, by clause 5(3)(a) of the State-Owned Enterprises (Kordia Group Limited) Order 2007 (SR 2007/17).

Schedule 2 Transpower New Zealand Limited: inserted, on 21 November 1997, by clause 2 of the State-Owned Enterprises (Transpower New Zealand Limited) Order 1997 (SR 1997/299).

Schedule 2 Vehicle Testing New Zealand Limited: repealed, on 6 September 1999, by section 4(3) of the State-Owned Enterprises (Meteorological Service of New Zealand Limited and Vehicle Testing New Zealand Limited) Amendment Act 1999 (1999 No 65).

Schedule 2 Waikato SOE Limited: repealed, on 16 April 1999, by clause 2 of the State-Owned Enterprises (Mighty River Power Limited) Order 1999 (SR 1999/102).

Schedule 2 Works and Development Services Corporation (NZ) Limited: repealed, on 27 August 1996, by section 3(4) of the State-Owned Enterprises Amendment Act 1996 (1996 No 82).

Schedule 2A
Modifications of provisions of Public Works Act 1981 applicable to
acquisition of land pursuant to recommendation of Waitangi
Tribunal

s 27C

Schedule 2A: inserted (with effect on 9 December 1987), on 30 June 1988, by section 11 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

- 1 For the purposes of section 27C, the following provisions of Part 2 of the Public Works Act 1981 and of Schedule 3 of that Act shall not apply, namely:
 - (a) section 23(1)(b)(iv):
 - (b) section 23(3):
 - (c) sections 24 and 25:
 - (d) form B in Schedule 3.

- 2 For the purposes of section 27C, section 23(1)(b) of the Public Works Act 1981 shall have effect as if, for subparagraphs (ii) and (iii), there were substituted the following subparagraph:
 - (ii) a statement that the land is to be resumed under section 27C of the State-Owned Enterprises Act 1986 pursuant to a recommendation of the Waitangi Tribunal; and

- 3 For the purposes of section 27C, section 26 of the Public Works Act 1981 shall have effect as if, for subsection (1), there were substituted the following subsection:
 - (1) After the expiration of the period of 20 working days specified in the notice served under section 23(1)(c), the land intended to be taken shall be taken in the following manner:
 - (a) subject to the provisions of section 32—
 - (i) a survey plan shall be prepared, in duplicate, showing accurately the position and extent of the land proposed to be taken; and
 - (ii) such plan shall be signed by the Chief Surveyor as evidence of its accuracy; and
 - (iii) a duplicate print of the title plan shall be prepared; and
 - (b) the Minister shall recommend the Governor-General to issue a Proclamation taking the land.

- 4 For the purposes of section 27C, Schedule 1 of the Public Works Act 1981 shall have effect as if, for the form set out in that schedule, there were substituted the following form:

“Note of intention to take land in [*insert name of city or district*] for the purpose of giving effect to a recommendation of the Waitangi Tribunal

To [*full name*] of [*address*]

- 1 Take notice that the Minister of Lands proposes to take under the Public Works Act 1981 your interest in the land described in the Schedule of this notice.
- 2 The land is to be resumed under section 27C of the State-Owned Enterprises Act 1986 pursuant to a recommendation of the Waitangi Tribunal. That Tribunal recommended on [*date*] that the land be returned to Maori ownership.
- 3 A copy of the recommendation of the Waitangi Tribunal is attached.
- 4 A plan of the land intended to be taken is attached.
[*May be deleted if all the land is in a surveyed lot.*]

Obligation to acquire land

- 5 Under section 27C of the State-Owned Enterprises Act 1986, the Minister of Lands is obliged to acquire your interest in the land.
- 6 Your interest in the land will not be acquired until at least 20 working days after the service of this notice on you.

Your right to compensation

- 7 This notice relates to the taking of your interest in the land and not to your right to compensation. Under the Public Works Act 1981 you are entitled to full compensation for your interest in the land. If this compensation cannot be agreed between you and the Minister of Lands, it can be determined in separate proceedings before the Land Valuation Tribunal.

Warning

This notice concerns your rights over the land referred to. If you are in any doubt about its effect, you should obtain legal advice immediately.

Do not delay.

[*Insert name*] Land District

[*Give general description of the land required to be taken, including the postal address or some other readily identifiable description of the place where the land is situated.*]

[*Add legal description of land*]

Dated at: [*place, date*]

[*Signature*]

for Minister of Lands”

- 6 For the purposes of section 27C, form A of Schedule 3 of the Public Works Act 1981 shall have effect as if—
- (a) for the words “*or [name of local authority] for the purpose of [insert name of public work mentioned in Proclamation or declaration]*”, there were substituted the words “so that it can be returned to Maori ownership pursuant to a recommendation of the Waitangi Tribunal”:
 - (b) for the words “said work”, there were substituted the words “taking of the land mentioned in table A below”:
 - (c) for the words “said land and the construction of the said public work”, there were substituted the words “land mentioned in table A below”.

Schedule 2A: amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Schedule 3

Enactments amended

s 32(1)

Accident Compensation Act 1982 (1982 No 181)*Amendment(s) incorporated in the Act(s).***Administration Act 1969 (1969 No 52)***Amendment(s) incorporated in the Act(s).***Broadcasting Act 1976 (1976 No 132) (RS Vol 13, p 1)***Amendment(s) incorporated in the Act(s).***Carriage of Goods Act 1979 (1979 No 43)***Amendment(s) incorporated in the Act(s).***Civil Aviation Act 1964 (1964 No 68) (RS Vol 16, p 41)***Amendment(s) incorporated in the Act(s).***Civil Defence Act 1983 (1983 No 46)***Amendment(s) incorporated in the Act(s).***Criminal Justice Act 1985 (1985 No 120)***Amendment(s) incorporated in the Act(s).***District Courts Act 1947 (1947 No 6) (RS Vol 5, p 1)***Amendment(s) incorporated in the Act(s).***Electoral Act 1956 (1956 No 107) (RS Vol 14, p 57)***Amendment(s) incorporated in the Act(s).***Forest and Rural Fires Act 1977 (1977 No 52)***Amendment(s) incorporated in the Act(s).***Forests Act 1949 (1949 No 19) (RS Vol 18, p 133)***Amendment(s) incorporated in the Act(s).***Land Act 1948 (1948 No 64) (Reprinted 1972, Vol 2, p 1557)***Amendment(s) incorporated in the Act(s).***Maori Purposes Act 1959 (1959 No 90) (RS Vol 8, p 547)***Amendment(s) incorporated in the Act(s).*

Misuse of Drugs Amendment Act 1978 (1978 No 65)

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

New Zealand Railways Corporation Act 1981 (1981 No 119)

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

Oaths and Declarations Act 1957 (1957 No 88) (RS Vol 4, p 1)

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

Official Information Act 1982 (1982 No 156)

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

Ombudsmen Act 1975 (1975 No 9)

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

Public Finance Act 1977 (1977 No 65)

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

Real Estate Agents Act 1976 (1976 No 9)

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

Road User Charges Act 1977 (1977 No 124)

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

Securities Act 1978 (1978 No 103) (RS Vol 15, p 533)

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

Shipping Corporation of New Zealand Act 1973 (1973 No 28)

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

State Services Act 1962 (1962 No 132) (RS Vol 14, p 601)

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

Tourist Hotel Corporation Act 1974 (1974 No 59)

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

Transport Act 1962 (1962 No 135) (RS Vol 16, p 659)

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

Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6)

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

Schedule 4

Transitional provisions

s 32(2)

(Having effect in respect of the period beginning on 1 April 1987 and ending with the close of 31 December 1987)

Part 1

Civil Aviation Act 1964

1

The Civil Aviation Act 1964 shall have effect as if, after section 32, there were inserted the following section:

32A Application of Act to Airways Corporation of New Zealand Limited

Every reference in sections 11 and 27 to the Minister shall be deemed to include a reference to the Airways Corporation of New Zealand Limited.

Part 2

Electricity Act 1968

2

[Repealed]

Schedule 4 clause 2: repealed, on 1 April 1993, by section 173(2) of the Electricity Act 1992 (1992 No 122).

3

[Repealed]

Schedule 4 clause 3: repealed, on 1 April 1993, by section 173(2) of the Electricity Act 1992 (1992 No 122).

4

[Repealed]

Schedule 4 clause 4: repealed, on 1 April 1993, by section 173(2) of the Electricity Act 1992 (1992 No 122).

5

[Repealed]

Schedule 4 clause 5: repealed, on 1 April 1993, by section 173(2) of the Electricity Act 1992 (1992 No 122).

6

[Repealed]

Schedule 4 clause 6: repealed, on 1 April 1993, by section 173(2) of the Electricity Act 1992 (1992 No 122).

7

[Repealed]

Schedule 4 clause 7: repealed, on 8 August 1990, by section 4(2) of the Electricity Amendment Act 1990 (1990 No 95).

8

[Repealed]

Schedule 4 clause 8: repealed, on 1 April 1993, by section 173(2) of the Electricity Act 1992 (1992 No 122).

9

[Repealed]

Schedule 4 clause 9: repealed, on 1 April 1993, by section 173(2) of the Electricity Act 1992 (1992 No 122).

Other enactments

10

The Manapouri-Te Anau Development Act 1963 shall have effect as if—

- (a) for the word “Minister” wherever it occurs in section 4, there were substituted in each case the words “Electricity Corporation of New Zealand Limited”;
- (b) after the words “Guardians of Lakes Manapouri and Te Anau” in section 4A(1), there were inserted the words “and the Electricity Corporation of New Zealand Limited”;
- (c) for the words “the Minister” in section 5, there were substituted the words “the Electricity Corporation of New Zealand Limited”.

11

The following enactments shall have effect as if, for every reference therein to a Minister of the Crown, there were substituted a reference to the Electricity Corporation of New Zealand Limited:

- (a) section 9 of the Southland Electric Power Supply Act 1936;
- (b) the Clutha Development (Clyde Dam) Empowering Act 1982;
- (c) subsections (1) to (4) of section 11 of the Geothermal Energy Act 1953.

12

[Repealed]

Schedule 4 clause 12: repealed, on 1 April 1993, by section 173(2) of the Electricity Act 1992 (1992 No 122).

13

[Repealed]

Schedule 4 clause 13: repealed, on 1 April 1993, by section 173(2) of the Electricity Act 1992 (1992 No 122).

14

[Repealed]

Schedule 4 clause 14: repealed, on 1 April 1993, by section 173(2) of the Electricity Act 1992 (1992 No 122).

Part 3

Land Act 1948

15

[Repealed]

Schedule 4 clause 15: repealed, on 1 February 1990, by section 8(b) of the Survey Amendment Act (No 3) 1989 (1989 No 139).

16

[Repealed]

Schedule 4 clause 16: repealed, on 1 February 1990, by section 8(b) of the Survey Amendment Act (No 3) 1989 (1989 No 139).

17

The Land Act 1948 shall have effect in respect of any land transferred to the Land Corporation Limited pursuant to the State-Owned Enterprises Act 1986 where at the date of transfer there is a lease, licence, permit, or tenancy in respect of that land to which any or all of the following provisions of the Land Act 1948 (or any corresponding provisions of any former Land Act, as the case may be) apply, and those provisions shall continue to apply to that lease, licence, permit, or tenancy (and any renewal thereof pursuant to a right expressly conferred thereby or by any Act) as if the land were still Crown land subject to this Act and every reference in those provisions to a Commissioner of Crown Lands, the Land Settlement Board, the board, or the department included a reference to the Land Corporation Limited:

- (a) sections 18, 50, 50A to 50F, 56, 60, 60A, 60B, and 65:
- (b) subsections (1), (2), and (4) of section 67:
- (c) sections 68, 68A, 69, and 81 to 85:

- (d) sections 86, 87, 87A, 88 to 91, 91A, and 92 to 105:
- (e) sections 111 to 115, and 121:
- (f) sections 122 to 124, 124A, 125, 126, 127, 131, 132, 132A, and 133 to 151:
- (g) sections 153 to 158, 160, 164A, 164B, 170, 170A, 170B, 171, 174, and 183.

Part 4

Post Office Act 1959

18

The Post Office Act 1959 shall have effect as if this Act had effected the repeal of sections 9, 16, 71(2), 76(2), 80, 107, 114, 115, 117, and the proviso to section 27 of that Act.

19

The definition of the term officer in section 3 of the Post Office Act 1959 shall have effect as if, after the words “Post Office” wherever they occur, there were inserted in each case the words “New Zealand Post Limited, Telecom Corporation of New Zealand Limited, and Post Office Bank Limited, as the case may be”.

20

The Post Office Act 1959 shall have effect as if, after section 7, there were inserted the following section:

7A Conflict of interest

Where the person for the time being holding the office of Director-General also holds another office, and where any power, function, or duty exercisable by the Director-General may conflict with the responsibilities of that other office, the Director-General shall not exercise any power, function, or duty under this Act in respect of which the Director-General has notified the Postmaster-General of the Director-General’s inability to act.

21

Section 8 of the Post Office Act 1959 shall have effect as if subsection (1) had been repealed, and the following subsection substituted:

- (1) The Deputy Director-General shall perform all powers, functions, and duties in respect of which the Director-General has pursuant to section 7A notified the Postmaster-General of the Director-General’s inability to act, and shall, under the control of the Director-General, have the control and general administration of the Post Office.

22

Section 11(2) of the Post Office Act 1959 shall have effect as if, after the words “under his control”, there were inserted the words “or who is an officer or employee of the Public Service”, and, for the purposes of Parts 10 and 11 of the Post Office Act 1959 and any regulations made thereunder, any reference to an officer of the department or to an officer of the Post Office shall be deemed to include an officer or employee of the Public Service.

23

Sections 12 to 15, 20, 40, 42, 46, 70, 74(1), 74(3), 75, 76, and 77(2) of the Post Office Act 1959 shall have effect as if every reference therein to the Post Office, Postmaster-General, or Director-General were a reference to New Zealand Post Limited.

24

Section 12(1) of the Post Office Act 1959 shall have effect as if the definition of postal authority were repealed, and the following definition substituted:

postal authority, in respect of New Zealand, means New Zealand Post Limited and, in respect of any other country, means the person or organisation having responsibilities most closely approximate to those of New Zealand Post Limited.

25

Sections 22, 28, 29, and 30 of the Post Office Act 1959 shall have effect as if every reference therein to a postmaster were a reference to an employee of New Zealand Post Limited.

26

Sections 19, 35, and 45 of the Post Office Act 1959 shall have effect as if there were inserted, after the words “or the Postmaster-General” wherever they appear, the words “or New Zealand Post Limited”.

27

Section 40 of the Post Office Act 1959 shall have effect as if, for the words “every postal article”, there were substituted the words “all mail”.

28

Section 41(1) of the Post Office Act 1959 shall have effect as if, for the words “postal article”, there were substituted the word “mail”.

29

Section 74(3) of the Post Office Act 1959 shall have effect—

- (a) as if for the words “Post Office”, there were substituted the words “New Zealand Post Limited”; and

(b) as if the words “out of the Post Office Account” were omitted.

30

Sections 79, 81, 82, 85, 86(a), 94, 106, 108, 110, 111, 142 to 151, 152(1) to (4), 153(1), 154, 157, 160(1), 239A, and 247 of the Post Office Act 1959 shall have effect as if every reference therein to the Post Office, Postmaster-General, or Director-General were a reference to Telecom Corporation of New Zealand Limited.

31

Section 106(3) of the Post Office Act 1959 shall have effect as if, before the words “use by”, there were inserted the words “sale to or”.

32

[Repealed]

Schedule 4 clause 32: repealed (with effect on 1 April 1987), on 1 July 1987, by section 7(2) of the Post Office Bank Act 1987 (1987 No 114).

33

[Repealed]

Schedule 4 clause 33: repealed (with effect on 1 April 1987), on 1 July 1987, by section 7(2) of the Post Office Bank Act 1987 (1987 No 114).

34

Sections 85 and 111 of the Post Office Act 1959 shall have effect as if, after the words “or the Postmaster-General”, there were inserted the words “or Telecom Corporation of New Zealand Limited”.

35

[Repealed]

Schedule 4 clause 35: repealed (with effect on 1 April 1987), on 1 July 1987, by section 7(2) of the Post Office Bank Act 1987 (1987 No 114).

36

Section 147 of the Post Office Act 1959 shall have effect as if there were added the words “as if Telecom Corporation of New Zealand Limited were the Crown”.

37

Sections 152(5) and 153(2) of the Post Office Act 1959 shall have effect as if the words “by the Postmaster-General” were omitted in each case.

38

Sections 156 and 158 of the Post Office Act 1959 shall have effect as if every reference therein to the Post Office or Postmaster-General included a reference to Telecom Corporation of New Zealand Limited.

39

Section 159 of the Post Office Act 1959 shall have effect as if—

(a) there were added to subsection (3) the following paragraph:

“(c) is of a kind specified by the Governor-General by Order in Council.”:

(b) there were added the following subsection:

(8) Nothing in this section shall apply to Telecom Corporation of New Zealand Limited.

40

The Post Office Act 1959 shall have effect as if, after section 163, there were inserted the following section:

163A Part 11 to bind the Crown

This Part shall bind the Crown.

41

Section 182 of the Post Office Act 1959 shall have effect—

(a) as if, after the words “Post Office” in subsections (1) and (3), there were inserted in each case the words “or New Zealand Post Limited, Telecom Corporation of New Zealand Limited, or Post Office Bank Limited”:

(b) as if, for the words “shall from time to time, without further appropriation than this section, pay out of the Post Office Account” in subsection (2), there were substituted the words “, New Zealand Post Limited, Telecom Corporation of New Zealand Limited, and Post Office Bank Limited shall pay”:

(c) as if the words “in accordance with regulations under this Act” in subsection (3)(b) were omitted.

42

Section 245A of the Post Office Act 1959 (as inserted by section 11 of the Post Office Amendment Act 1978) shall have effect as if—

(a) after the words “nor the Postmaster-General”, there were inserted the words “nor Telecom Corporation of New Zealand Limited”; and

(b) after the words “Post Office” in both places where they occur, there were inserted in each case the words “or Telecom Corporation of New Zealand Limited”.

Other enactments

[Repealed]

Heading: repealed, on 1 April 1993, pursuant to section 173(2) of the Electricity Act 1992 (1992 No 122).

43

[Repealed]

Schedule 4 clause 43: repealed, on 1 April 1993, by section 173(2) of the Electricity Act 1992 (1992 No 122).

44

[Repealed]

Schedule 4 clause 44: repealed, on 1 April 1993, by section 173(2) of the Electricity Act 1992 (1992 No 122).

Schedule 5
Amendments to Coal Mines Act 1979

[Repealed]

s 32(1)

Schedule 5: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Schedule 6
Enactments repealed
[Repealed]

s 33

Schedule 6: repealed, on 24 October 2019, by section 147 of the Statutes Amendment Act 2019 (2019 No 56).

Treaty of Waitangi (State Enterprises) Act 1988

Public Act	1988 No 105
Date of assent	30 June 1988
Commencement	see section 1(2)

1 Short Title and commencement

- (1) This Act may be cited as the Treaty of Waitangi (State Enterprises) Act 1988.
- (2) This Act shall be deemed to have come into force on 9 December 1987.

Part 2

Amendments to State-Owned Enterprises Act 1986

9 This Part to be read with State-Owned Enterprises Act 1986

This Part and the Schedule shall be read together with and deemed part of the State-Owned Enterprises Act 1986 (in this Part referred to as “the principal Act”).

10 New sections substituted

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) The rights conferred by sections 27 to 27D of the principal Act (as substituted by subsection (1)) are in substitution for the rights conferred by section 27 of the principal Act (as enacted in 1986) and no land or interest in land transferred to a State enterprise pursuant to this Act shall, after the commencement of this Act, be subject to paragraphs (b) and (c) of subsection (1) of the repealed section 27.

Post Office Bank Amendment Act 1988

Public Act	1988 No 173
Date of assent	13 December 1988
Commencement	see section 1

1 Short Title and commencement

- (1) This Act may be cited as the Post Office Bank Amendment Act 1988, and shall be read together with and deemed part of the Post Office Bank Act 1987 (hereinafter referred to as “the principal Act”).
- (2) Subject to subsection (3), sections 2 to 6 shall come into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more Orders in Council may be made under this section bringing different provisions of those sections into force on different dates.
- (3) In the case of any provision of sections 3 to 6, a date may be appointed only where the Governor-General in Council is satisfied, at the time of the making of the Order in Council appointing the date for the coming into force of the provision, that at least 50% of the ordinary shares in the capital of Post Office Bank Limited are no longer held on behalf of Her Majesty the Queen.

Section 1(2): section 2 brought into force, on 28 February 1989, by clause 2 of the Post Office Bank Amendment Act Commencement Order 1989 (SR 1989/35).

2 Amendment to State-Owned Enterprises Act 1986

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Notwithstanding the coming into force of subsection (1), sections 22 and 30 of that Act shall, so long as Ministers of the Crown continue to hold shares in Post Office Bank Limited, continue to apply in relation to Post Office Bank Limited as if it were a State enterprise and a company named in Schedule 2 of that Act.
- (3) Notwithstanding the coming into force of subsection (1) and whether or not all or any of the shares in Post Office Bank Limited are held by Ministers of the Crown on behalf of the Crown, sections 23 to 29 of the State-Owned Enterprises Act 1986 and any Order in Council made at any time pursuant to any of those sections shall continue to apply after the coming into force of subsection (1) as if—
 - (a) Post Office Bank Limited were a State enterprise named in Schedule 2 of that Act; and
 - (b) the Minister of Finance and the Minister for State Owned Enterprises were the shareholding Ministers for Post Office Bank Limited.
- (4) Each Minister of the Crown who holds shares in Post Office Bank Limited on behalf of Her Majesty the Queen may exercise all or any of Her Majesty’s rights and powers as the holder of those shares.

Finance Act 1990

Public Act	1990 No 20
Date of assent	28 March 1990
Commencement	see section 1(2)

1 Short Title and commencement

- (1) This Act may be cited as the Finance Act 1990.
- (2) Except as provided in Part 1 and Part 2, this Act shall come into force on the date on which it receives the Royal assent.

Part 1

Application of State-Owned Enterprises Act 1986 and other Acts to Telecom Corporation of New Zealand Limited

3 Commencement of this Part

This Part shall come into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more Orders in Council may be made bringing different provisions of this Part into force on different dates.

Section 3: section 4(3) and (4) brought into force, on 14 June 1990, by clause 2 of the Finance Act Commencement Order 1990 (SR 1990/138).

Section 3: sections 4(1), (2), and (5), 5, 6, 7, and 8 brought into force, on 12 September 1990, by clause 2 of the Finance Act Commencement Order (No 3) 1990 (SR 1990/194).

4 Amendment to State-Owned Enterprises Act 1986

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Notwithstanding the coming into force of subsection (1), section 22 of the State-Owned Enterprises Act 1986 shall, so long as Ministers of the Crown continue to hold shares in Telecom Corporation of New Zealand Limited (in this section called **the Corporation**), continue to apply in relation to the Corporation as if—
 - (a) the Corporation were a State enterprise; and
 - (b) the Minister of Finance and the Minister for State Owned Enterprises were the shareholding Ministers for the Corporation.
- (3) *Amendment(s) incorporated in the Act(s).*
- (4) Notwithstanding the coming into force of subsection (3) and whether or not all or any of the shares in the Corporation are held by Ministers of the Crown on behalf of the Crown, sections 23 to 30 of the State-Owned Enterprises Act 1986 and any Order in Council made at any time pursuant to any of those sections shall continue to apply after the coming into force of subsection (3) as if—

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- (a) the Corporation were a State enterprise and a company named in Schedule 2 of that Act; and
 - (b) the Minister of Finance and the Minister for State Owned Enterprises were the shareholding Ministers for the Corporation.
- (5) Each Minister of the Crown who holds shares in the Corporation on behalf of Her Majesty the Queen may exercise all or any of Her Majesty's rights and powers as the holder of those shares.

State-Owned Enterprises Amendment Act (No 2) 1990

Public Act	1990 No 49
Date of assent	29 June 1990
Commencement	see section 1

1 Short Title and commencement

- (1) This Act may be cited as the State-Owned Enterprises Amendment Act (No 2) 1990 and shall be read together with and deemed part of the State-Owned Enterprises Act 1986 (hereinafter referred to as “the principal Act”).
- (2) Sections 2 and 3 shall come into force on the date on which this Act receives the Royal assent.
- (3) Section 4 shall come into force on a date to be appointed by the Governor-General by Order in Council.
- (4) A date may be appointed pursuant to subsection (3) only where the Governor-General is satisfied, at the time of making of the Order in Council, that at least 50% of the ordinary shares in the capital of New Zealand Liquid Fuels Investment Limited are no longer held on behalf of Her Majesty the Queen.

Section 1(3): section 4 brought into force, on 20 July 1990, by clause 2 of the State-Owned Enterprises Amendment Act (No 2) Commencement Order 1990 (SR 1990/166).

2 Provision for New Zealand Liquid Fuels Investment Limited to cease to be State enterprise

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Notwithstanding the coming into force of subsection (1), sections 22 and 30 of the principal Act shall, so long as Ministers of the Crown continue to hold shares in New Zealand Liquid Fuels Investment Limited, continue to apply in relation to New Zealand Liquid Fuels Investment Limited as if it were a State enterprise and a company named in Schedule 2 of that Act.
- (3) Notwithstanding the coming into force of subsection (1) and whether or not all or any of the shares in New Zealand Liquid Fuels Investment Limited are held by Ministers of the Crown on behalf of the Crown, sections 23 to 29 of the principal Act and any Order in Council made at any time pursuant to any of those sections shall continue to apply after the coming into force of subsection (1) as if—
 - (a) New Zealand Liquid Fuels Investment Limited were a State enterprise named in Schedule 2 of the principal Act; and
 - (b) the Minister of Finance and the Minister for State Owned Enterprises were the shareholding Ministers for New Zealand Liquid Fuels Investment Limited.

- (4) Each Minister of the Crown who holds shares in New Zealand Liquid Fuels Investment Limited on behalf of Her Majesty the Queen may exercise all or any of Her Majesty's rights and powers as the holder of those shares.
- (5) *Amendment(s) incorporated in the Act(s).*

State-Owned Enterprises Amendment Act (No 3) 1990

Public Act	1990 No 83
Date of assent	1 August 1990
Commencement	1 August 1990

1 Short Title

This Act may be cited as the State-Owned Enterprises Amendment Act (No 3) 1990, and shall be read together with and deemed part of the State-Owned Enterprises Act 1986 (hereinafter referred to as “the principal Act”).

3 Transfer of Crown assets and liabilities to New Zealand Liquid Fuels Investment Limited

- (1) Nothing in the principal Act shall be treated as preventing the shareholding Ministers for New Zealand Liquid Fuels Investment Limited from—
- (a) exercising, in relation to that company, a power conferred by section 23 of that Act even though,—
 - (i) at the time the power is exercised, those Ministers intend or may intend to transfer or dispose of all or any of the shares in that company held by those Ministers; or
 - (ii) those Ministers have or may have as a purpose of exercising the power, the obtaining of the benefits of sections 23 to 29 of that Act in relation to the transfer of Crown assets or liabilities to that company;
 - (b) exercising, in relation to that company, a power conferred by section 23 of that Act at or about the same time as those Ministers transfer or dispose of shares in that company held by those Ministers.
- (2) This section shall be deemed to have come into force on 4 July 1990.

4 Transfer of Crown assets and liabilities to New Zealand Timberlands (Bay of Plenty) Limited

- (1) Nothing in the principal Act shall be treated as preventing the shareholding Ministers for Crown Forestry Management Limited from—
- (a) exercising, in relation to New Zealand Timberlands (Bay of Plenty) Limited, a power conferred by section 23 of that Act even though,—
 - (i) at the time the power is exercised, it is or may be intended to transfer or dispose of all or any of the shares in that company; or
 - (ii) a purpose of exercising the power is or may be the obtaining of the benefits of sections 23 to 29 of that Act in relation to the transfer of Crown assets or liabilities to that company;

-
- (b) exercising, in relation to New Zealand Timberlands (Bay of Plenty) Limited, a power conferred by section 23 of that Act at or about the same time as shares in that company are transferred or disposed of.
- (2) This section shall be deemed to have come into force on 11 April 1990.

Section 4(1): amended, on 31 May 1996, by clause 3 of the State-Owned Enterprises (Crown Forestry Management Limited) Order 1996 (SR 1996/122).

State-Owned Enterprises Amendment Act 1992

Public Act	1992 No 27
Date of assent	10 April 1992
Commencement	see section 1

1 Short Title and commencement

- (1) This Act may be cited as the State-Owned Enterprises Amendment Act 1992, and shall be read together with and deemed part of the State-Owned Enterprises Act 1986 (hereinafter referred to as “the principal Act”).
- (2) Except as provided in subsection (3), this Act shall come into force on the day on which it receives the Royal assent.
- (3) Sections 15 to 18 shall come into force on a day to be appointed by the Governor-General by Order in Council, and 1 or more Orders in Council may be made bringing different provisions into force on different days.
- (4) A day may be appointed pursuant to subsection (3) for bringing section 17 or section 18 into force only if the Governor-General is satisfied, at the time of the making of the Order in Council, that at least 50% of the ordinary shares in the capital of MCS Limited are no longer held by Ministers of the Crown on behalf of the Crown.
- (5) *[Repealed]*

Section 1(3): section 16 brought into force, on 1 July 2010, by clause 2 of the State-Owned Enterprises Amendment Act 1992 (MCS Limited) Commencement Order 2010 (SR 2010/91).

Section 1(3): amended, on 1 April 2005 (effective for 2005–06 tax year and later tax years, except when the context requires otherwise), by section YA 2 of the Income Tax Act 2004 (2004 No 35).

Section 1(5): repealed, on 1 April 2005 (effective for 2005–06 tax year and later tax years, except when the context requires otherwise), by section YA 2 of the Income Tax Act 2004 (2004 No 35).

New State enterprise

16 Provision for MCS Limited to cease to be State enterprise

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Notwithstanding the coming into force of subsection (1), section 22 of the principal Act shall, so long as Ministers of the Crown continue to hold shares in MCS Limited (in this section called **the Corporation**), continue to apply in relation to the Corporation as if—
 - (a) the Corporation were a State enterprise; and
 - (b) the Minister of Finance and the Minister for State Owned Enterprises were the shareholding Ministers for the Corporation.
- (3) *Amendment(s) incorporated in the Act(s).*
- (4) Notwithstanding the coming into force of subsection (3) and whether or not all or any of the shares in the Corporation are held by Ministers of the Crown on

behalf of the Crown, sections 23 to 30 of the principal Act and any Order in Council made at any time pursuant to any of those sections shall continue to apply after the coming into force of subsection (3) as if—

- (a) the Corporation were a State enterprise and a company named in Schedule 2 of that Act; and
 - (b) the Minister of Finance and the Minister for State Owned Enterprises were the shareholding Ministers for the Corporation.
- (5) Each Minister of the Crown who holds shares in the Corporation on behalf of Her Majesty the Queen may exercise all or any of Her Majesty's rights and powers as the holder of those shares.

Finance Act 1994

Public Act	1994 No 73
Date of assent	6 July 1994
Commencement	see section 1

1 Short Title and commencement

- (1) This Act may be cited as the Finance Act 1994.
- (2) Except as provided in subsection (3), this Act shall come into force on the day on which it receives the Royal assent.
- (3) Subject to subsection (4), sections 5 to 7 shall come into force on a day to be appointed by the Governor-General by Order in Council; and 1 or more Orders in Council may be made bringing different sections into force on different days.
- (4) A day may be appointed pursuant to subsection (3) bringing section 6 or section 7 into force only if the Governor-General is satisfied, at the time of the making of the Order in Council, that at least 50% of the shares in GCS Limited are no longer held by Ministers of the Crown on behalf of the Crown.

(5) *[Repealed]*

Section 1(3): section 5 brought into force, on 18 November 1994, by clause 2 of the Finance Act Commencement Order 1994 (SR 1994/253).

Section 1(3): sections 6 and 7 brought into force, on 29 December 1994, by clause 2 of the Finance Act Commencement Order (No 2) 1994 (SR 1994/266).

Section 1(3): amended, on 1 April 2005 (effective for 2005–06 tax year and later tax years, except when the context requires otherwise), by section YA 2 of the Income Tax Act 2004 (2004 No 35).

Section 1(5): repealed, on 1 April 2005 (effective for 2005–06 tax year and later tax years, except when the context requires otherwise), by section YA 2 of the Income Tax Act 2004 (2004 No 35).

GCS Limited

5 Amendment to State-Owned Enterprises Act 1986

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Notwithstanding the coming into force of subsection (1), section 22 of the State-Owned Enterprises Act 1986 shall, so long as Ministers of the Crown continue to hold shares in GCS Limited (in this section called **the Corporation**), continue to apply in relation to the Corporation as if—
 - (a) the Corporation were a State enterprise; and
 - (b) the Minister of Finance and the Minister for State Owned Enterprises were the shareholding Ministers for the Corporation.
- (3) *Amendment(s) incorporated in the Act(s).*

- (4) Each Minister of the Crown who holds shares in the Corporation on behalf of Her Majesty the Queen may exercise all or any of Her Majesty's rights and powers as the holder of those shares.
- (5) *Amendment(s) incorporated in the Act(s).*

State-Owned Enterprises Amendment Act 1996

Public Act	1996 No 82
Date of assent	26 July 1996
Commencement	see section 1

1 Short Title and commencement

- (1) This Act may be cited as the State-Owned Enterprises Amendment Act 1996 and shall be read together with and deemed part of the State-Owned Enterprises Act 1986 (hereinafter referred to as “the principal Act”).
- (2) This Act shall come into force on a date to be appointed by the Governor-General by Order in Council, and 1 or more Orders in Council may be made bringing different provisions into force on different dates.
- (3) A date may be appointed pursuant to subsection (2) for bringing sections 4, 5, and 7 into force only if the Governor-General is satisfied, at the time of the making of the Order in Council, that at least 50% of the ordinary shares in Works and Development Services Corporation (NZ) Limited are no longer held by Ministers of the Crown on behalf of the Crown.
- (4) A date may be appointed pursuant to subsection (2) for bringing section 6 into force only if the Governor-General is satisfied, at the time of the making of the Order in Council, that none of the ordinary shares in Works and Development Services Corporation (NZ) Limited is held by Ministers of the Crown on behalf of the Crown.

Section 1(2): section 3 brought into force, on 27 August 1996, by clause 2 of the State-Owned Enterprises Amendment Act Commencement Order 1996 (SR 1996/236).

2 Expiry

This Act shall expire and be deemed to have been repealed on the close of the day that is 2 years after the date on which this Act receives the Royal assent unless an Order in Council is made under section 1(2) bringing the provisions of this Act into force before the close of that day.

3 Provision for Works and Development Services Corporation (NZ) Limited to cease to be State enterprise

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Notwithstanding the coming into force of subsection (1), section 22 of the principal Act shall, so long as Ministers of the Crown continue to hold shares in Works and Development Services Corporation (NZ) Limited (in this section called **the Corporation**), continue to apply as if—
 - (a) the Corporation were a State enterprise; and
 - (b) the Minister of Finance and the Minister for State Owned Enterprises were the shareholding Ministers for the Corporation.

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- (3), (4) *Amendment(s) incorporated in the Act(s).*
- (5) Notwithstanding the coming into force of subsection (4) and whether or not all or any of the shares in the Corporation are held by Ministers of the Crown on behalf of the Crown, sections 23 to 30 of the principal Act and any Order in Council made at any time pursuant to any of those sections shall continue to apply after the coming into force of subsection (4) as if—
- (a) the Corporation were a State enterprise and a company named in Schedule 2 of that Act; and
 - (b) the Minister of Finance and the Minister for State Owned Enterprises were the shareholding Ministers for the Corporation.
- (6) *Amendment(s) incorporated in the Act(s).*
- (7) Each Minister of the Crown who holds shares in the Corporation on behalf of Her Majesty the Queen may exercise all or any of Her Majesty's rights and powers as the holder of those shares.

State-Owned Enterprises (Meteorological Service of New Zealand Limited and Vehicle Testing New Zealand Limited) Amendment Act 1999

Public Act	1999 No 65
Date of assent	24 May 1999
Commencement	see section 1

1 Short Title and commencement

- (1) This Act may be cited as the State-Owned Enterprises (Meteorological Service of New Zealand Limited and Vehicle Testing New Zealand Limited) Amendment Act 1999, and is part of the State-Owned Enterprises Act 1986 (“the principal Act”).
- (2) This Act comes into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more Orders in Council may be made bringing different provisions into force on different dates.
- (3) A date may be appointed under subsection (2) for bringing section 3(7), (8), and (10) into force only if the Governor-General is satisfied, at the time of the making of the Order in Council, that at least 50% of the issued shares in Meteorological Service of New Zealand Limited are no longer held by Ministers of the Crown on behalf of the Crown.
- (4) A date may be appointed under subsection (2) for bringing section 3(9) into force only if the Governor-General is satisfied, at the time of the making of the Order in Council, that none of the shares in Meteorological Service of New Zealand Limited is held by Ministers of the Crown on behalf of the Crown.
- (5) A date may be appointed under subsection (2) for bringing section 4(7) and (9) into force only if the Governor-General is satisfied, at the time of the making of the Order in Council, that at least 50% of the issued shares in Vehicle Testing New Zealand Limited are no longer held by Ministers of the Crown on behalf of the Crown.
- (6) *[Repealed]*

Section 1(2): section 4 (other than subsections (7)–(9)) brought into force, on 6 September 1999, by clause 2 of the State-Owned Enterprises (Meteorological Service of New Zealand Limited and Vehicle Testing New Zealand Limited) Amendment Act Commencement Order 1999 (SR 1999/272).

Section 1(2): section 4(7)–(9) brought into force, on 6 October 1999, by clause 2 of the State-Owned Enterprises (Meteorological Service of New Zealand Limited and Vehicle Testing New Zealand Limited) Amendment Act Commencement Order (No 2) 1999 (SR 1999/329).

Section 1(6): repealed, on 1 April 2005 (effective for 2005–06 tax year and later tax years, except when the context requires otherwise), by section YA 2 of the Income Tax Act 2004 (2004 No 35).

2 Expiry

This Act expires and is deemed to have been repealed on the close of the day that is 2 years after the date on which this Act receives the Royal assent unless an Order in Council is made under section 1(2) bringing all or any of the provisions of this Act into force before the close of that day.

3 Provision for Meteorological Service of New Zealand Limited to cease to be State enterprise

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) However, while Ministers of the Crown are shareholders in Meteorological Service of New Zealand Limited (**the meteorological service company**) on behalf of the Crown, section 22 of the principal Act continues to apply as if—
 - (a) the meteorological service company were a State enterprise; and
 - (b) the Minister of Finance and the Minister responsible for the meteorological service company were the shareholding Ministers for the meteorological service company.
- (3) *Amendment(s) incorporated in the Act(s).*
- (4) However, sections 23 to 30 of the principal Act, and any Order in Council made, or notice in the *Gazette* given, at any time under any of those sections, continue to apply after the coming into force of subsection (3) as if—
 - (a) the meteorological service company were a State enterprise and a company named in Schedule 2 of that Act; and
 - (b) the Minister of Finance and the Minister responsible for the meteorological service company were the shareholding Ministers for the meteorological service company.
- (5) Subsection (4) applies whether or not all or any of the shares in the meteorological service company are held by Ministers of the Crown on behalf of the Crown.
- (6) Each Minister of the Crown who holds shares in the meteorological service company on behalf of Her Majesty the Queen may exercise all or any of Her Majesty's rights and powers as the holder of those shares.
- (7)–(9) *Amendment(s) incorporated in the Act(s).*
- (10) The State-Owned Enterprises Order 1992 (SR 1992/181) is consequentially revoked.

Cadastral Survey Act 2002

Public Act	2002 No 12
Date of assent	16 May 2002
Commencement	see section 2

1 Title

This Act is the Cadastral Survey Act 2002.

Part 1 Preliminary provisions

2 Commencement

This Act comes into force on 1 June 2002.

Part 8 Miscellaneous

69 References in other enactments

- (1) A reference in another enactment to a Chief Surveyor in the context of cadastral surveys or an interest under a tenure system is to be read as a reference to the Surveyor-General.
- (2) A reference in another enactment to a plan that subsection (3) applies to is to be read as including a digital cadastral survey dataset.
- (3) This subsection applies to the following references:
 - (a) a reference to a survey plan:
 - (b) a reference to a plan approved by a Chief Surveyor or the Surveyor-General:
 - (c) a reference to a plan deposited under the Land Transfer Act 2017 or any enactment it replaced:
 - (d) a reference to a plan to be noted, notified, registered, or recorded in the register under the Land Transfer Act 2017 or any enactment it replaced.

Section 69(3)(c): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 69(3)(d): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Reprints notes

1 *General*

This is a reprint of the State-Owned Enterprises Act 1986 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*

Public Service Act 2020 (2020 No 40): section 135
Statutes Amendment Act 2019 (2019 No 56): Part 41
Statutes Amendment Act 2018 (2018 No 27): Part 28
Land Transfer Act 2017 (2017 No 30): section 250
Statutes Repeal Act 2017 (2017 No 23): section 4(2)
Companies Amendment Act 2013 (2013 No 111): section 14
Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102): section 126
Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150
State-Owned Enterprises (Genesis Energy Limited) Order 2013 (SR 2013/435): clause 3
Legislation Act 2012 (2012 No 119): section 77(3)
State-Owned Enterprises (KiwiRail Holdings Limited) Order 2012 (SR 2012/346): clause 3
State-Owned Enterprises Amendment Act 2012 (2012 No 44)
Income Tax Act 2007 (2007 No 97): section ZA 2(1)
State-Owned Enterprises (AsureQuality Limited) Order 2007 (SR 2007/330): clause 3
State-Owned Enterprises (Asure New Zealand Limited) Order 2007 (SR 2007/273): clause 3
State-Owned Enterprises (Kordia Group Limited) Order 2007 (SR 2007/17): clause 5(2), (3)
State-Owned Enterprises Amendment Act 2004 (2004 No 116)
State-Owned Enterprises (AgriQuality Limited) Order 2004 (SR 2004/87): clause 3
Television New Zealand Act 2003 (2003 No 1): section 30
Local Government Act 2002 (2002 No 84): section 262
Public Audit Act 2001 (2001 No 10): section 53
State-Owned Enterprises (Landcorp Farming Limited) Order 2001 (SR 2001/23): clause 3

Employment Relations Act 2000 (2000 No 24): section 240
Accident Insurance (Transitional Provisions) Act 2000 (2000 No 5): section 14(1)
State-Owned Enterprises (Meteorological Service of New Zealand Limited and Vehicle Testing New Zealand Limited) Amendment Act 1999 (1999 No 65)
State-Owned Enterprises (Mighty River Power Limited) Order 1999 (SR 1999/102): clause 2
State-Owned Enterprises (Meridian Energy Limited) Order 1999 (SR 1999/101): clause 2
State-Owned Enterprises (Contact Energy Limited) Amendment Act 1998 (1998 No 99)
State-Owned Enterprises (Transpower New Zealand Limited) Order 1997 (SR 1997/299): clause 2
State-Owned Enterprises (Solid Energy New Zealand Limited) Order 1997 (SR 1997/277): clause 2
State-Owned Enterprises Amendment Act 1996 (1996 No 82)
Survey Amendment Act 1996 (1996 No 55): section 5
State-Owned Enterprises (Crown Forestry Management Limited) Order 1996 (SR 1996/122): clause 2
Radio New Zealand Act (No 2) 1995 (1995 No 53): section 2
Radio New Zealand Act 1995 (1995 No 52): section 20
Income Tax Act 1994 (1994 No 164): section YB 1
State-Owned Enterprises Amendment Act 1994 (1994 No 140)
Finance Act 1994 (1994 No 73): section 5(1), (3)
Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16): section 2
Public Finance Amendment Act 1992 (1992 No 142): section 42
Electricity Act 1992 (1992 No 122): section 173(2)
State-Owned Enterprises Order 1992 (SR 1992/181): clause 2
State-Owned Enterprises Amendment Act 1992 (1992 No 27)
Finance Act 1991 (1991 No 93): sections 4(1), (3), 8, 10(1), (3), 17(1), (3), 23(1), (3)
Crown Minerals Act 1991 (1991 No 70): section 121
Resource Management Act 1991 (1991 No 69): section 362
Electricity Amendment Act 1990 (1990 No 95): section 4(2)
State-Owned Enterprises Amendment Act (No 3) 1990 (1990 No 83)
State-Owned Enterprises Amendment Act (No 2) 1990 (1990 No 49)
Conservation Law Reform Act 1990 (1990 No 31): section 37
State-Owned Enterprises Amendment Act 1990 (1990 No 23)
Finance Act 1990 (1990 No 20): section 4(1), (3)
Survey Amendment Act (No 3) 1989 (1989 No 139): section 8(b)
Tourist Hotel Corporation of New Zealand Act 1989 (1989 No 130): sections 18, 19(1)
State-Owned Enterprises Amendment Act (No 2) 1989 (1989 No 57)
State-Owned Enterprises Amendment Act 1989 (1989 No 45)
Post Office Bank Amendment Act 1988 (1988 No 173): section 2(1)
State-Owned Enterprises Amendment Act (No 5) 1988 (1988 No 169)
Shipping Corporation of New Zealand Act Repeal Act 1988 (1988 No 154): section 4
Finance Act (No 2) 1988 (1988 No 128): sections 13(1), 20(1)
Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105): sections 10(1), 11
Finance Act 1987 (1987 No 200): section 12

State-Owned Enterprises Amendment Act 1987 (1987 No 117)

Post Office Bank Act 1987 (1987 No 114): section 7(2)

State-Owned Enterprises Act 1986 (1986 No 124): sections 14A(4), 15A(2)