



New Zealand Productivity Commission Act 2010

Public Act 2010 No 136
Date of assent 20 December 2010
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the New Zealand Productivity Commission Act 2010.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.

**Part 1
Preliminary provisions**

- 3 Purpose**
The purpose of this Act is to—
 - establish the Commission as a Crown entity for the purposes of section 7 of the Crown Entities Act 2004; and
 - state the Commission’s functions and powers.
- 4 Interpretation**
In this Act, unless the context otherwise requires,—

Commission means the New Zealand Productivity Commission established by section 6

productivity-related matter means any matter relating to productivity, or improving productivity, in the private sector, the public sector, or the economy as a whole

publicly available, in relation to a document or information, means that the document or information is available at all rea-

sonable times, free of charge, on an Internet site maintained by, or on behalf of, the Commission

referring Ministers has the meaning given to it by section 9(1)(a)

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

5 Act binds the Crown

This Act binds the Crown.

Part 2

Substantive provisions

Establishment of Commission

6 Commission established

The New Zealand Productivity Commission is established.

7 Purpose of Commission

The principal purpose of the Commission is to provide advice to the Government on improving productivity in a way that is directed to supporting the overall well-being of New Zealanders, having regard to a wide range of communities of interest and population groups in New Zealand society.

8 Commission is Crown entity

- (1) The Commission is a Crown entity for the purposes of the Crown Entities Act 2004.
- (2) The Crown Entities Act 2004 applies to the Commission except to the extent that this Act expressly provides otherwise.

Commission's functions

9 Commission's functions

- (1) The functions of the Commission are,—
 - (a) on referral to the Commission by the responsible Minister in conjunction with the relevant portfolio Ministers (collectively, the **referring Ministers**), to hold in-

- quiries and report to the referring Ministers about productivity-related matters; and
- (b) on its own initiative, to—
 - (i) undertake and publish research about productivity-related matters; and
 - (ii) promote public understanding of productivity-related matters.
- (2) Except as expressly provided in this or any other Act, the Commission must act independently in performing its functions and duties and exercising its powers under—
- (a) this Act; and
 - (b) any other Act that expressly provides for the functions, powers, or duties of the Commission (other than the Crown Entities Act 2004).

Commission membership

10 Members of Commission

- (1) The Commission must have no fewer than 3, and not more than 4, members.
- (2) Members of the Commission are a board for the purposes of the Crown Entities Act 2004.

Conduct of Commission's work

11 Terms of reference

- (1) In carrying out its functions under section 9(1)(a), the Commission must act in accordance with the terms of reference set by the referring Ministers for each inquiry.
- (2) The referring Ministers must consult with the Commission about the terms of reference for each inquiry, before making a referral to the Commission under section 9(1)(a).
- (3) The terms of reference may, without limitation, specify—
 - (a) the scope of the inquiry to be undertaken; and
 - (b) requirements concerning consultation; and
 - (c) matters relating to the Commission working jointly with other agencies (including overseas agencies) concerned with improving productivity; and
 - (d) the date by which the Commission must submit its report on the inquiry.

- (4) The Commission must ensure that the terms of reference for each inquiry are publicly available as soon as practicable after the Commission receives them.

12 Commission's procedures

- (1) The Commission may determine its own procedures for the performance of its functions.
- (2) Without limiting subsection (1), the Commission may—
- (a) publish and invite submissions on discussion papers and draft reports; and
 - (b) consult with any persons, bodies, organisations, and agencies it considers necessary to ensure that a wide range of views is available to the Commission to assist it in preparing its reports.
- (3) Subsections (1) and (2) are subject to sections 9(2), 11, 13, and 14.

13 Submission and presentation of reports

- (1) The Commission must submit a copy of its final report on each inquiry referred to it under section 9(1)(a) to the responsible Minister and each other referring Minister.
- (2) The responsible Minister must present a copy of the final report to the House of Representatives as soon as practicable after the Minister receives it.

14 Publication of reports

- (1) The Commission must make every report submitted in accordance with section 13(1) publicly available.
- (2) However, no final report may be made publicly available until it has been presented to the House of Representatives by the responsible Minister.

Miscellaneous provisions and amendments to other Acts

15 Access to statistical information

- (1) Despite anything in the Statistics Act 1975, the Government Statistician may disclose individual schedules (as referred to in section 37C of the Statistics Act 1975) to any member of

the Commission solely for bona fide research or statistical purposes pursuant to the functions of the Commission.

- (2) Section 37C(2) to (4) of the Statistics Act 1975 apply as if disclosure authorised by this section were disclosure to a government department under section 37C of that Act.

16 Amendments to other Acts

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

Schedule

s 16

Amendments to other Acts**Crown Entities Act 2004 (2004 No 115)**

Part 3 of Schedule 1: insert in its appropriate alphabetical order “New Zealand Productivity Commission”.

Ombudsmen Act 1975 (1975 No 9)

Part 2 of Schedule 1: insert in its appropriate alphabetical order “New Zealand Productivity Commission”.

Legislative history

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|------------------|--------------------------------------------------|
| 16 July 2010 | Introduction (Bill 179–1) |
| 22 July 2010 | First reading and referral to Commerce Committee |
| 15 November 2010 | Reported from Commerce Committee (Bill 179–2) |
| 24 November 2010 | Second reading |
| 9 December 2010 | Committee of the whole House, third reading |
| 20 December 2010 | Royal assent |

This Act is administered by the Treasury.
