

Reprint  
as at 26 February 2010



**Public Finance (Departmental Guarantees and  
Indemnities) Regulations 2007**  
(SR 2007/160)

Anand Satyanand, Governor-General

**Order in Council**

At Wellington this 18th day of June 2007

Present:

His Excellency the Governor-General in Council

Pursuant to section 81(1)(bb) of the Public Finance Act 1989, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**The Public Finance (Departmental Guarantees and Indemnities) Regulations 2007 are administered by the Treasury.**

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## Regulations

### 1 Title

These regulations are the Public Finance (Departmental Guarantees and Indemnities) Regulations 2007.

### 2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

### 3 Interpretation

In these regulations, **Act** means the Public Finance Act 1989.

### 4 Guarantees or indemnities that may be given by departments

The types of guarantees or indemnities that a department may give under section 65ZE(1) of the Act are as follows:

- (a) any guarantee or indemnity in any agreement that relates to the use by the New Zealand Defence Force of any military equipment owned by—
  - (i) any nation; or
  - (ii) any international body:
- (b) any guarantee or indemnity in respect of any claim by a third party for the infringement of any copyright or other intellectual property rights that arises as a result of the Crown using, or providing for the processing or storage of, data or other items under a contract that relates to the provision of information technology services to the Crown:
- (c) any guarantee or indemnity that—
  - (i) relates to any claim by a third party; and
  - (ii) is contained in a contract for the provision of advisory or consulting services to the Crown:
- (d) any guarantee or indemnity that relates to, and is contained in,—
  - (i) any overseas loan agreement that is lawfully entered into by the Crown as borrower or any agreement ancillary to that loan agreement; or
  - (ii) a contract to lease, a lease of, or a licence for real property that is lawfully entered into by the Crown as lessee, tenant, or licensee, or as the assignee of the lessee, tenant, or licensee; or

- (iii) a contract of bailment by way of hire that is lawfully executed by the Crown in the ordinary course of the Crown's operations:
- (e) any guarantee or indemnity contained in the standard terms and conditions for the operation of—
  - (i) a Crown Bank Account that is opened, maintained, and operated at a bank or banks that the Minister may direct under section 65R of the Act; or
  - (ii) a Departmental Bank Account that is opened, maintained, and operated at a bank or banks that the Minister or the Treasury may direct under section 65S of the Act.
- (f) any guarantee or indemnity contained in the standard terms and conditions for the purchase, licence, or use by the Crown of—
  - (i) an Internet site:
  - (ii) software:
  - (iii) information technology tools, products, or services.

Regulation 4(f): added, on 26 February 2010, by regulation 4 of the Public Finance (Departmental Guarantees and Indemnities) Amendment Regulations 2010 (SR 2010/16).

## **5 Departments must give notice of guarantee or indemnity in certain cases**

- (1) A department must, for the purposes of section 65ZE(3) of the Act, give written notice to its responsible Minister and the Secretary if the contingent liability of the Crown under a guarantee or indemnity given by the department exceeds \$10,000,000.
- (2) The notice must—
  - (a) be accompanied by a copy of the guarantee or indemnity; and
  - (b) be given as soon as practicable after the guarantee or indemnity is given.

Rebecca Kitteridge,  
for Clerk of the Executive Council.

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**Notes****1 General**

This is a reprint of the Public Finance (Departmental Guarantees and Indemnities) Regulations 2007. The reprint incorporates all the amendments to the regulations as at 26 February 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

**2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

**4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted

enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)

- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

Public Finance (Departmental Guarantees and Indemnities) Amendment Regulations 2010  
(SR 2010/16)