

**Reprint
as at 30 April 2014**



**Archives, Culture, and Heritage
Reform Act 2000**

Public Act 2000 No 32
Date of assent 14 September 2000
Commencement see section 2

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Note

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 Ministry for Culture and Heritage, and Archives New Zealand.

Part 2**Transfer of obligations and functions, and other
related matters**

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1 Title

This Act is the Archives, Culture, and Heritage Reform Act 2000.

2 Commencement

This Act comes into force on 1 October 2000.

3 Purpose

The purpose of this Act is—

- (a) to provide for the transfer of staff and resources from the Department of Internal Affairs to a new department of State responsible for the National Archives; and
- (b) to facilitate the transfer of—
 - (i) certain functions under the Archives Act 1957; and
 - (ii) administration of that Act; and
- (c) to facilitate the transfer of—
 - (i) functions currently performed by the Minister of Internal Affairs under the Protected Objects Act 1975, the Massey Burial-ground Act 1925, the National War Memorial Act 1992, and the Patriotic and Canteen Funds Act 1947; and
 - (ii) functions currently performed by the Minister of Conservation under the Historic Places Act 1993; and
 - (iii) administration of those enactments; and

- (d) to provide for matters ancillary to the transfer of certain functions from the Department of Internal Affairs to the Ministry for Culture and Heritage; and
- (e) to amend related enactments and to provide for related matters.

Section 3(c)(i): amended, on 1 November 2006, by section 35 of the Protected Objects Amendment Act 2006 (2006 No 37).

Part 1

Preliminary provisions and transfer of employees

4 Interpretation

In this Act, unless the context otherwise requires,—

responsible department means the department of State that is, with the authority of the Prime Minister, for the time being responsible for the administration of the Archives Act 1957

responsible ministry means the department of State that is, with the authority of the Prime Minister, for the time being responsible for the administration of the Arts Council of New Zealand Toi Aotearoa Act 2014

transferred employee means a person employed in the Department of Internal Affairs immediately before the commencement of this Act who is transferred to the responsible department under section 5.

Section 4 **responsible ministry**: amended, on 30 April 2014, by section 27 of the Arts Council of New Zealand Toi Aotearoa Act 2014 (2014 No 1).

5 Transfer of employees

- (1) Every person who is employed in the Department of Internal Affairs immediately before the date of commencement of this Act must be treated as having transferred to the responsible department on that date of commencement if—
 - (a) the person is carrying out duties that on or after that date are to be carried out, in whole or in part, by the responsible department; and
 - (b) the person's transfer to the responsible department is agreed between the chief executive of the Department

of Internal Affairs and the chief executive of the responsible department.

- (2) The transfer of any employee by this section is subject to any relevant transfer provisions of the employment contract applying to that employee.

Compare: 1998 No 106 s 3; 1999 No 76 s 3; 2000 No 14 s 32

6 Protection of terms and conditions for transferred employee

- (1) The employment of a transferred employee must be on terms and conditions no less favourable than those applying to the employee immediately before the date of the person's transfer to the responsible department.

- (2) Subsection (1)—

- (a) continues to apply to the terms and conditions of employment of a transferred employee until those terms and conditions are varied by agreement between the transferred employee and the responsible department; but
- (b) does not apply to a transferred employee who, after the transfer, receives any subsequent appointment within the responsible department.

Compare: 1998 No 106 s 4; 1999 No 76 s 4; 2000 No 14 s 33

7 Employment to be continuous

For the purposes of any provisions of a transferred employee's employment contract relating to continuity of service, that employee's transfer from the Department of Internal Affairs to the responsible department is insufficient by itself to break his or her employment.

Compare: 1998 No 96 s 4; 1999 No 76 s 5; 1999 No 82 s 5

8 No compensation for technical redundancy

A transferred employee is not entitled to receive any compensation for redundancy or any severance payment solely on the ground that—

- (a) the position held by that employee in the Department of Internal Affairs has ceased to exist; or