

**Reprint
as at 7 August 2020**



New Zealand Antarctic Institute Act 1996

Public Act 1996 No 38
Date of assent 24 June 1996
Commencement see section 1(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 of Foreign Affairs and Trade.

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An Act to establish the New Zealand Antarctic Institute to manage New Zealand's Antarctic activities and to provide for incidental matters

1 Short Title and commencement

- (1) This Act may be cited as the New Zealand Antarctic Institute Act 1996.
- (2) This Act shall come into force on 1 July 1996.

2 Interpretation

In this Act, unless the context otherwise requires,—

Board means the New Zealand Antarctic Institute Board established by section 7

Institute means the New Zealand Antarctic Institute established by section 4

Minister means 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.

Section 2 **year**: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

3 Act to bind the Crown

This Act shall bind the Crown.

Part 1

New Zealand Antarctic Institute

4 New Zealand Antarctic Institute

- (1) There is hereby established a body to be called the New Zealand Antarctic Institute.
- (2) The Institute is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.
- (3) The Crown Entities Act 2004 applies to the Institute except to the extent that this Act expressly provides otherwise.

Section 4(2): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 4(3): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

5 Functions

The principal functions of the Institute are—

- (a) to develop, manage, and execute New Zealand activities in respect of Antarctica and the Southern Ocean, in particular in the Ross Dependency;
- (b) to maintain and enhance the quality of New Zealand Antarctic scientific research;
- (c) to co-operate with other institutions and organisations both within and outside New Zealand having objectives similar to those of the Institute.

6 Performance of functions

In performing its functions, the Institute shall act in a manner that is consistent with—

- (a) the need to conserve the intrinsic values of Antarctica and the Southern Ocean; and
- (b) active and responsible stewardship of the Ross Dependency for the benefit of present and future generations of New Zealanders; and
- (c) New Zealand's international obligations; and
- (d) the provisions of the Antarctica Act 1960 and the Antarctica (Environmental Protection) Act 1994; and
- (e) the risks to personnel being minimised as far as is reasonable.

7 Membership of Board

- (1) The governing body of the Institute shall be called the New Zealand Antarctic Institute Board.
- (2) The Board shall consist of not fewer than 5 nor more than 7 members.

(3) *[Repealed]*

(4) *[Repealed]*

Section 7(2): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 7(3): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 7(4): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

8 Restriction on power of delegation

(1) The Board may not delegate any power to borrow money that the Institute may have under sections 160 and 162 of the Crown Entities Act 2004.

(2) In other respects, section 73 of the Crown Entities Act 2004 applies.

Section 8: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

9 Government directions

[Repealed]

Section 9: repealed, on 1 July 2014, by section 72 of the Crown Entities Amendment Act 2013 (2013 No 51).

10 Further provisions applying to Institute and Board

The provisions set out in Schedule 1 shall apply in respect of the Institute and the Board.

11 Protection of names

(1) No body other than the Institute and the Board shall be incorporated or registered under any other enactment or in any other manner, under the following names:

(a) New Zealand Antarctic Institute:

(b) Ross Dependency Research Committee:

(c) New Zealand Antarctic Programme:

(d) any other name that so resembles any name listed in paragraphs (a) to (c) as to be likely to mislead any person.

(2) No person other than the Institute and the Board shall, either alone or with any other person or persons,—

(a) trade or carry on business under any name listed in paragraphs (a) to (c) of subsection (1); or

(b) trade or carry on business under any other name, knowing that that name so resembles any name listed in paragraphs (a) to (c) of subsection (1), as to be likely to mislead any person.

- (3) Every person who contravenes subsection (2) commits an offence and is liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues.

Section 11(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 2

Miscellaneous provisions

12 Transfer of Crown assets and liabilities relating to New Zealand Antarctic Programme

- (1) Notwithstanding any Act, rule of law, or agreement, the Minister may, on behalf of the Crown,—
- (a) transfer to the Institute assets and liabilities of the Crown:
 - (b) authorise the Institute to act on behalf of the Crown in providing goods or services, or in managing assets or liabilities of the Crown:
 - (c) grant to the Institute 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 Minister may agree with the Institute.
- (2) The 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 of that contract or document.
- (3) Where a transfer of the kind described in subsection (1) 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 under any Act or agreement:
 - (b) 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 Institute in place of the Crown:
 - (c) 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 Institute in respect of any liability to any third party.

Compare: 1993 No 147 ss 16, 18

13 Ross Dependency Research Committee

- (1) On the commencement of this Act the Ross Dependency Research Committee is dissolved.