

Version
as at 28 October 2021



Television New Zealand Act 2003

Public Act 2003 No 1
Date of assent 27 February 2003
Commencement see section 2

Contents

	Page
1 Title	4
Part 1	
Preliminary provisions	
2 Commencement	4
3 Purpose of Act	4
4 Interpretation	4
5 Meaning of maintaining commercial performance	6
6 Act binds the Crown	6
Part 2	
Structure and shareholdings of TVNZ and transmission business	
7 TVNZ ceases to be State enterprise <i>[Repealed]</i>	6
8 Separation of transmission business <i>[Repealed]</i>	6
9 Implementation of separation proposal by Order in Council <i>[Repealed]</i>	6
10 Transitional provisions <i>[Repealed]</i>	6
11 Responsibilities of shareholding Ministers <i>[Repealed]</i>	6

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry for Culture and Heritage.

12	Functions of TVNZ	7
13	TVNZ board <i>[Repealed]</i>	7
14	Duties of TVNZ board <i>[Repealed]</i>	7
15	Ministers to hold all shares in TVNZ <i>[Repealed]</i>	7
16	Authorising Crown shareholding in TVNZ <i>[Repealed]</i>	7
17	Further provisions relating to Ministers' shareholding in TVNZ <i>[Repealed]</i>	7
18	Change in name of TVNZ	7
19	Shares or interests of TVNZ in bodies corporate or interests in associations <i>[Repealed]</i>	8
Part 3		
Reporting		
20	Application of Crown Entities Act 2004	8
21	Auditor-General is auditor of TVNZ <i>[Repealed]</i>	8
22	Information required in annual report for TVNZ <i>[Repealed]</i>	8
23	Additional information requirements for statement of intent <i>[Repealed]</i>	9
24	Half-year financial statements	9
25	Protection from disclosure of sensitive information <i>[Repealed]</i>	9
26	Responsible Minister <i>[Repealed]</i>	9
Part 4		
Ministers and editorial independence		
27	Powers of shareholding Ministers	9
28	Shareholding Ministers must not give certain directions	10
29	Directions and compliance costs	11
Part 4A		
TVNZ archived works		
Subpart 1—Preliminary provisions		
29A	Interpretation	11
29B	Purpose of this Part	12
Subpart 2—Screening of archived works		
<i>TVNZ's right to screen archived works</i>		
29C	Archived works may be screened	12
29D	Rights of persons with interest in archived work to cease	13
Subpart 3—Scheme		
<i>Overview of subpart</i>		
29E	Overview of scheme under this subpart	14
<i>Notices of screening of archived works</i>		
29F	Notices advising that archived work to be screened	14

	<i>Funds that must be established for purposes of scheme</i>	
29G	TVNZ Archived Works Fund	15
29H	Contingency account	16
	<i>Participation in scheme</i>	
29I	Registration to participate in scheme	16
29J	Confirmation of registration	16
29K	TVNZ to assess entitlement and make payment from Fund	17
	Subpart 4—Review	
29L	Review process to be established	17
	<i>Review procedures</i>	
29M	Application for review	18
29N	Determination of application for review	19
29O	Effect of review decision	19
	<i>Circumstance in which other relief may be sought</i>	
29P	Applications from persons unable to register to participate in scheme	20
	Subpart 5—Miscellaneous	
29Q	Regulations	20
29R	Residual funds	21
29S	Review of Part	21
	Part 5	
	Miscellaneous	
30	Consequential amendments to enactments	22
31	Consequential repeal	22
32	Superannuation or retiring allowances <i>[Repealed]</i>	22
33	Existing Government Superannuation Fund members	22
34	Transfer of land from TVNZ to THL	22
35	Shareholder continuity	23
36	Savings of certain transactions	23
	Schedule 1	24
	Consequential amendments	
	Schedule 2	25
	Land to be transferred from TVNZ to THL	
	Schedule 3	27
	Payments from TVNZ Archived Works Fund	

1 Title

This Act is the Television New Zealand Act 2003.

Part 1

Preliminary provisions

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Purpose of Act

The purpose of this Act is to—

- (a) provide for the functions of TVNZ, the Crown entity responsible for conducting a television and digital media business; and
- (b) ensure that TVNZ carries out its functions and maintains its commercial performance; and
- (ba) establish a process that will enable TVNZ to screen, in specified circumstances, programmes made before 27 May 1989 and held in the TVNZ Archive; and
- (c) provide for the governance of the Crown entity, including reporting requirements and the role of shareholding Ministers in addition to the provisions contained in the Crown Entities Act 2004.

Section 3(a): substituted, on 23 July 2011, by section 4 of the Television New Zealand Amendment Act 2011 (2011 No 52).

Section 3(b): substituted, on 23 July 2011, by section 4 of the Television New Zealand Amendment Act 2011 (2011 No 52).

Section 3(ba): inserted, on 23 July 2011, by section 4 of the Television New Zealand Amendment Act 2011 (2011 No 52).

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

4 Interpretation

In this Act, unless the context otherwise requires,—

content means the audio and visual material screened on any delivery platform by TVNZ in carrying out its functions, and includes both text and still pictures

delivery platform means any technical method for screening content

digital media means any digital technology by which content is produced and screened

GAAP means generally accepted accounting practice (as defined in section 136 of the Crown Entities Act 2004)

programme—

- (a) means sounds or visual images, or a combination of sounds and visual images, intended to—
 - (i) inform, enlighten, or entertain:
 - (ii) promote the interests of any person:
 - (iii) promote any product or service; but
- (b) does not include visual images, whether or not combined with sounds, that consist predominantly of alphanumeric text

screen means to make content available on any delivery platform

services means any means by which content is compiled and screened

shareholding Ministers has the same meaning as in section 10 of the Crown Entities Act 2004.

State enterprise means an organisation that is named in Schedule 1 of the State-Owned Enterprises Act 1986; and includes a subsidiary of such an organisation

subsidiary means a company within the meaning of section 5 of the Companies Act 1993

THL means the company Kordia Group Limited (formerly known as Transmission Holdings Limited)

TVNZ means the company known as Television New Zealand Limited.

Section 4 **content**: inserted, on 23 July 2011, by section 5(1) of the Television New Zealand Amendment Act 2011 (2011 No 52).

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

Section 4 **delivery platform**: inserted, on 23 July 2011, by section 5(1) of the Television New Zealand Amendment Act 2011 (2011 No 52).

Section 4 **digital media**: inserted, on 23 July 2011, by section 5(1) of the Television New Zealand Amendment Act 2011 (2011 No 52).

Section 4 **equal employment opportunities programme**: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

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

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

Section 4 **programme**: inserted, on 23 July 2011, by section 5(1) of the Television New Zealand Amendment Act 2011 (2011 No 52).

Section 4 **screen**: inserted, on 23 July 2011, by section 5(1) of the Television New Zealand Amendment Act 2011 (2011 No 52).

Section 4 **services**: inserted, on 23 July 2011, by section 5(1) of the Television New Zealand Amendment Act 2011 (2011 No 52).

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