

New Zealand Productivity Commission Act Repeal Bill

Government Bill

Explanatory note

General policy statement

The main purpose of this Bill is to repeal the New Zealand Productivity Commission Act 2010 and to disestablish the New Zealand Productivity Commission (the **Commission**), in order to use the resources freed up to improve the quality of regulation through the establishment of a new regulation agency.

The Commission is an independent Crown entity within the meaning of section 10(1) of the Crown Entities Act 2004. On the commencement of this legislation, the Commission's residual responsibilities, liabilities, and assets will be transferred to the Treasury.

Departmental disclosure statement

The Treasury is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2024&no=9>

Regulatory impact statement

The policy decisions relating to the contents of this Bill are not subject to the regulatory impact statement requirements. This reflects the decision by Cabinet to suspend the requirement for regulatory impact statements for decisions relating to 100-Day Plan proposals (taken within the 100 days) that solely involve the repeal of legislation.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides for the Bill to come into force on 29 February 2024.

Part 1 Preliminary provisions

Clause 3 sets out the purposes of the Bill.

Clause 4 defines terms used in the Bill.

Clause 5 and *Schedule 1* provide for transitional, savings, and related provisions.

Clause 6 states that the Bill binds the Crown.

Clause 7 provides for the repeal of the Bill on the close of 30 June 2025.

Part 2 Disestablishment of New Zealand Productivity Commission

Clause 8 repeals the New Zealand Productivity Commission Act 2010.

Clause 9 disestablishes the New Zealand Productivity Commission (the **Commission**).

Clause 10 relates to the main consequences of the disestablishment of the Commission, which are the vesting and transfer of residual assets, liabilities, agreements, leases, licence arrangements, money payable, and information of the Commission to the Ministry for the time being responsible for the administration of the Bill (the **Ministry**). It is intended that the Treasury will be responsible for the administration of the Bill.

Clause 11 provides that *clause 10* and *Schedule 1* do not apply to individual employment agreements or appointments and that all employment and appointment positions with the Commission are terminated.

Clause 12 gives effect to *Schedule 2*, which makes consequential amendments to other Acts.

Clause 1 of Schedule 1 provides that any outstanding proceedings or matters involving the Commission are to be determined or completed by the Ministry. It also sets out the effect of the Bill with respect to agreements, leases, arrangements, enactments, and any rule of law.

Clause 2 of Schedule 1 sets out the effect of property held by the Commission being vested in the Ministry on registers of land or other registers.

Clause 3 of Schedule 1 sets out how references to the Commission in any thing are to be treated.

Schedule 2 sets out consequential amendments to other Acts. The amendments remove the Commission from the list of independent Crown entities in Part 3 of

Schedule 1 of the Crown Entities Act 2004 and from the list of organisations in Part 2 of Schedule 1 of the Ombudsmen Act 1975.

Hon David Seymour

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the New Zealand Productivity Commission Act Repeal Act **2024**.

2 Commencement

This Act comes into force on **29 February 2024**.

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**Part 1
Preliminary provisions**

3 Purposes

The purposes of this Act are to—

- (a) repeal the New Zealand Productivity Commission Act 2010; and 10
- (b) disestablish the New Zealand Productivity Commission; and
- (c) provide for the consequences of that disestablishment; and
- (d) make consequential amendments to other Acts.

4 Interpretation

In this Act, unless the context otherwise requires,— 15

appointment position means membership of the New Zealand Productivity Commission

assets includes real or personal property of any description whether tangible or intangible (for example, intellectual property), money, rights, or interests

Commission means the New Zealand Productivity Commission established by section 6 of the New Zealand Productivity Commission Act 2010 20

employee has the same meaning as in section 10(1) of the Crown Entities Act 2004

liabilities includes debts, charges, duties, and other obligations, whether present, future, actual, contingent, payable, or to be observed or performed in New Zealand or elsewhere 25

Ministry means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act.

5 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms. 30

6 Act binds the Crown

This Act binds the Crown.

7 Repeal of this Act

This Act is repealed on the close of 30 June 2025.

Part 2**Disestablishment of New Zealand Productivity Commission**

- 8 Repeal of New Zealand Productivity Commission Act 2010** 5
- The New Zealand Productivity Commission Act 2010 (2010 No 136) is repealed.
- 9 New Zealand Productivity Commission disestablished**
- The Commission is disestablished.
- 10 Residual assets, liabilities, agreements, leases, and licence arrangements, information, money payable, etc** 10
- (1) All residual assets, liabilities, agreements, leases, and licence arrangements of the Commission in existence immediately before the commencement of this Act are vested in the Crown as assets or liabilities of the Ministry.
- (2) All information held by the Commission immediately before the commencement of this Act is transferred to the Ministry. 15
- (3) All money payable to or by the Commission immediately before the commencement of this Act becomes payable to or by the Ministry.
- (4) Unless the context otherwise requires, anything done, omitted to be done, or to be done by, or in relation to, the Commission is to be treated as having been done, having been omitted to be done, or having to be done by, or in relation to, the Ministry. 20
- (5) However, despite **subsections (1) and (4)** and **clause 1(1) of Schedule 1**, the Ministry is not under any obligation to complete any reports or other work being undertaken by the Commission in carrying out the functions of the Commission at the time of its dissolution. 25
- 11 Employment and appointments**
- (1) **Section 10** and **Schedule 1** do not apply to individual employment agreements or appointments.
- (2) All employment and appointment positions with the Commission are terminated. 30
- (3) To avoid doubt, any liability or responsibility of the Commission in relation to an employment or appointment matter becomes, on the dissolution of the Commission, the liability or responsibility of the Ministry.

12 Consequential amendments

The Acts set out in **Schedule 2** are consequentially amended as set out in that schedule.

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to this Act as enacted

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1 Proceedings and effect of Act

- (1) All proceedings or any other matters involving the Commission that are yet to be determined or completed at the commencement of this clause are to be determined or completed by the Ministry as if the Ministry were the Commission. 10
- (2) Nothing done or authorised by this Act—
- (a) places the Commission, the Ministry, or any other person in breach of contract or confidence, or makes any of them liable for a civil wrong; or
 - (b) entitles a person to terminate or cancel an agreement, lease, or arrangement, or to accelerate the performance of an obligation, or to impose a penalty or an increased charge; or 15
 - (c) places the Commission, the Ministry, or any other person in breach of an enactment, a rule of law, or a provision of an agreement, lease, or arrangement that prohibits, restricts, or regulates the assignment or transfer of property or the disclosure of information; or 20
 - (d) invalidates or discharges an agreement, lease, or arrangement.
- (3) **Subclause (1)** is subject to **section 10(5)**.

2 Registers

- (1) The Registrar-General of Land or any other person charged with keeping books or registers is not required to change the name of the Commission to the Ministry in those books or registers, or in a document, solely because of the provisions of this Act. 25
- (2) If the Ministry presents an instrument referred to in **subclause (3)** to the Registrar or another person, the presentation of that instrument by the Ministry is, in the absence of proof to the contrary, sufficient evidence that the property is vested in the Ministry. 30
- (3) For the purposes of this clause, the instrument need not be an instrument of transfer but must—
- (a) be executed or purport to be executed by the Ministry; and
 - (b) relate to a property held by the Commission immediately before the commencement of this clause; and 35

- (c) be accompanied by a certificate by the Ministry indicating that the property became vested in the Ministry by virtue of the provisions of this Act.

3 References to Commission

- (1) This clause applies to— 5
 - (a) things that are in force or existing immediately before the commencement of this clause; and
 - (b) references in any thing, including (without limitation) enactments, rules, bylaws, deeds, agreements, leases, licence arrangements, proceedings, instruments, documents, and notices. 10
- (2) Unless the context otherwise requires, a reference to the Commission in any thing specified in **subclause (1)** is to be read as a reference to the Ministry.

Schedule 2

Consequential amendments

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Crown Entities Act 2004 (2004 No 115)

In Schedule 1, Part 3, repeal the item relating to the New Zealand Productivity Commission. 5

Ombudsmen Act 1975 (1975 No 9)

In Schedule 1, Part 2, repeal the item relating to the New Zealand Productivity Commission.