Public Records Amendment Act (No 2) 2010

Public Act	2010 No 133
Date of assent	20 December 2010
Commencement	see section 2

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Schedule 6
Consequential amendments

The Parliament of New Zealand enacts as follows:

1 Title
This Act is the Public Records Amendment Act (No 2) 2010.

2 Commencement
This Act comes into force on 1 February 2011.

3 Principal Act amended
This Act amends the Public Records Act 2005.

Amendments to principal Act

4 Interpretation
(1) Section 4 is amended by repealing the definition of **Archives New Zealand** and substituting the following definition:

"**Archives New Zealand** means the repository referred to in section 9".

(2) Section 4 is amended by repealing the definition of **Minister** and substituting the following definition:

"**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".

(3) Section 4 is amended by inserting the following definitions in their appropriate alphabetical order:

"**chief executive** means the chief executive of the department

"**department** 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 Continuation of Archives New Zealand

Section 9(2) is repealed.

6 Chief Archivist

Section 10 is amended by repealing subsections (2) and (3) and substituting the following subsection:

"(2) The Chief Archivist is the person for the time being appointed to that office by the chief executive under the State Sector Act 1988."

7 New section 12 substituted

Section 12 is repealed and the following section substituted:

"**12 Chief Archivist to act independently**

In relation to the performance of his or her functions and duties and to the exercise of his or her powers under sections 11(1)(b) and (d), 20(1), and 30, the Chief Archivist—

"(a) must act independently in exercising his or her professional judgement; and

"(b) is not subject to direction from either the Minister or the chief executive."

8 Delegations by Chief Archivist

Section 13(1) is amended by omitting "of Archives New Zealand" and substituting "in the department".

9 Function of Archives Council

Section 15(1)(a)(v) is amended by omitting "Archives New Zealand" and substituting "the recordkeeping practices of the Chief Archivist".

10 Administrative matters

Section 16(2) is amended by omitting "Archives New Zealand" and substituting "The department".

11 Registers

Section 19(2) is amended by omitting "at Archives New Zealand".

12 Authority to dispose of public records

(1) Section 20(3) is amended by omitting "Archives New Zealand" and substituting "the Chief Archivist in relation to his or her functions, duties, and powers under this Act".

(2) Section 20(4) is amended by omitting "of Archives New Zealand" and substituting "referred to in subsection (3)".

13 Deferred transfer of public records

Section 22(5)(b) is amended by omitting "Archives New Zealand" and substituting "the department".

14 Discharge of public records

Section 25(1)(f) is amended by omitting "of Archives New Zealand" and substituting "in the department".

15 Audit of Archives New Zealand

(1) The heading to section 34 is amended by omitting "**Archives New Zealand**" and substituting "**recordkeeping practices of Chief Archivist**".

(2) Section 34(1) is amended by omitting "Archives New Zealand" and substituting "the recordkeeping practices of the Chief Archivist".

16 Basis for determining access status

Section 44(6) is amended by omitting "Archives New Zealand" and substituting "The department".

17 Protection of names

Section 60(2) is amended by omitting "Archives New Zealand" and substituting "the department".

Transfer of employees of Archives New Zealand and related matters

18 Transfer of Archives New Zealand employees to department

(1) Sections 30E, 30F, and 30G of the State Sector Act 1988 apply to every person who was, immediately before the commencement of this Act, an employee in Archives New Zealand.

(2) For the purposes of subsection (1), sections 30E, 30F, and 30G of the State Sector Act 1988 apply as if they had been declared to apply by Order in Council under section 30C of that Act.

19 Consequential amendments

The enactments specified in the Schedule are amended in the manner indicated in that schedule.

Schedule

s 19

Consequential amendments

Independent Police Conduct Authority Act 1988 (1988 No 2)

Section 32(4): omit "by Archives New Zealand (Te Rua Mahara o te Kāwanatanga) or by or in" and substitute "in the department responsible for the administration of the Public Records Act 2005 or to a person employed by or in".

Ombudsmen Act 1975 (1975 No 9)

Item relating to Archives New Zealand in Part 1 of Schedule 1: omit.

Item relating to Archives New Zealand (Te Rua Mahara o te Kāwanatanga) in Part 1 of Schedule 1: omit.

State Sector Act 1988 (1988 No 20)

Item relating to Archives New Zealand (Te Rua Mahara o te Kāwanatanga) in Schedule 1: omit.

Statistics Act 1975 (1975 No 1)

Section 21(2A): omit "of Archives New Zealand" and substitute "in the department responsible for the administration of the Public Records Act 2005".

Section 21(2A): omit "section 37(2), must" and substitute "section 37(2) must".

Tax Administration Act 1994 (1994 No 166)

Section 87(5)(e): omit "by Archives New Zealand (Te Rua Mahara o te Kāwanatanga) or by or in" and substitute "in the department responsible for the administration of the Public Records Act 2005 or a person employed by or in".

Legislative history

9 December 2010	Divided from State Sector Management Bill (Bill 193–2) by committee of the whole House, third reading
20 December 2010	Royal assent

This Act is administered by the Department of Internal Affairs.

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