



Callaghan Innovation Act 2012

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Date of assent 11 December 2012
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Callaghan Innovation Act 2012.

2 Commencement

This Act comes into force on 1 February 2013.

Part 1
Preliminary provisions

3 Purpose

The purpose of this Act is to—

- (a) establish Callaghan Innovation and provide for its main objective, functions, and operating principles; and
- (b) provide for transitional and other matters.

4 Interpretation

In this Act, unless the context otherwise requires,—

board means the board of Callaghan Innovation

Callaghan Innovation means the entity established by section 7

IRL means Industrial Research Limited

MBIE means the Ministry of Business, Innovation, and Employment

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

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

NZTE means New Zealand Trade and Enterprise established under section 7 of the New Zealand Trade and Enterprise Act 2003

RS&T funding has the same meaning as in section 4 of the Research, Science, and Technology Act 2010

RS&T provider means—

- (a) Callaghan Innovation;
- (b) a Crown Research Institute within the meaning of the Crown Research Institutes Act 1992;
- (c) any other research organisation or person (whether in New Zealand or overseas) undertaking any activity, or providing any service, that enables businesses to undertake, or benefit from, science and technology-based innovation and related activities

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

technology platform means a facility that pools skills, resources, or equipment in a manner that is intended to enhance the scientific, technological, or other related capability or performance of the facility's users.

5 Status of examples

- (1) An example used in this Act is only illustrative of the provisions to which it relates. It does not limit those provisions.

- (2) If an example and a provision to which it relates are inconsistent, the provision prevails.

6 Act binds the Crown

This Act binds the Crown.

Part 2

Callaghan Innovation

**Subpart 1—Establishment of Callaghan
Innovation**

Callaghan Innovation established

7 Callaghan Innovation established

This section establishes Callaghan Innovation.

8 Callaghan Innovation is Crown entity

- (1) Callaghan Innovation is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.
- (2) The Crown Entities Act 2004 applies to Callaghan Innovation except to the extent that this Act expressly provides otherwise.

9 Callaghan Innovation's board

The Minister must appoint at least 5, but not more than 9, persons as members of the board.

10 Special advisers

- (1) The Minister may appoint the chief executive of the Ministry as a special adviser to the board.
- (2) The function of the special adviser is to assist the board to align its strategies and activities with government policy.
- (3) The special adviser may attend any meeting of the board (or any committee of the board) but may not vote.
- (4) The board (or any committee of the board) must give the special adviser sufficient notice of its meetings and copies of all documents and materials to be considered at each meeting.

11 Stakeholder advisory group

- (1) The Minister may establish a stakeholder advisory group (an **advisory group**) to provide advice to the board on matters relating to the performance of its functions.
- (2) The board must consider any advice it receives from the advisory group.
- (3) The members of the advisory group must be appointed by the Minister, on terms and conditions that the Minister determines, by written notice to each member.
- (4) When appointing members of the advisory group, the Minister must—
 - (a) consult with the board and have regard to its views; and
 - (b) ensure, as far as practicable, that—
 - (i) the advisory group's membership is broadly representative of the manufacturing sector, services sector, and RS&T providers; and
 - (ii) the members collectively have sufficient experience and knowledge of the manufacturing sector, of the services sector, and as RS&T providers to give appropriate advice to the board.
- (5) The Minister may, after consulting the board and having regard to its views, give terms of reference on the topics or subject areas on which the advisory group may advise the board.
- (6) The advisory group must comply with any terms of reference given by the Minister.
- (7) The advisory group may determine its own procedure.

12 Board must not delegate certain powers

- (1) The board must not delegate the power of Callaghan Innovation or the board to—
 - (a) borrow or lend money;
 - (b) acquire or dispose of real property;
 - (c) acquire or dispose of securities;
 - (d) set up a subsidiary;
 - (e) appoint a chief executive of Callaghan Innovation.
- (2) In other respects, section 73 of the Crown Entities Act 2004 applies to the board.