

**Reprint
as at 1 December 2014**



**Museum of New Zealand Te Papa
Tongarewa Act 1992**

Public Act 1992 No 19
Date of assent 8 April 1992
Commencement see section 1(2)

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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 for Culture and Heritage.

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An Act—

- (a) to establish the Museum of New Zealand Te Papa Tongarewa; and
- (b) to constitute the Museum of New Zealand Te Papa Tongarewa Board, and to define the Board's functions and powers; and
- (c) to dissolve the Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial; and
- (d) to repeal the National Art Gallery, Museum, and War Memorial Act 1972

1 Short Title and commencement

- (1) This Act may be cited as the Museum of New Zealand Te Papa Tongarewa Act 1992.
- (2) This Act shall come into force on 1 July 1992.

2 Interpretation

In this Act, unless the context otherwise requires,—

Board means the Museum of New Zealand Te Papa Tongarewa Board constituted by section 6

Minister means the Minister who is, under the authority of a warrant or with the authority of the Prime Minister, for the time being responsible for the administration of this Act

Museum means the Museum of New Zealand Te Papa Tongarewa established by section 5

year means the period of 12 months ending with 30 June.

Compare: 1972 No 11 s 2; 1989 No 44 s 86(1)

Section 2 **Minister**: inserted, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

Section 2 **Minister**: amended, 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.

4 Purpose of Act

The purpose of this Act is to establish a National Museum that, under the name Museum of New Zealand Te Papa Tongarewa, shall provide a forum in which the nation may present, explore, and preserve both the heritage of its cultures and knowledge of the natural environment in order better—

- (a) to understand and treasure the past; and
- (b) to enrich the present; and
- (c) to meet the challenges of the future.

Part 1

Museum of New Zealand Te Papa Tongarewa

5 Museum of New Zealand Te Papa Tongarewa

- (1) There is hereby established a museum to be called the Museum of New Zealand Te Papa Tongarewa.
- (2) The Museum shall incorporate the National Art Gallery and the National Museum existing immediately before the commencement of this Act.

6 Museum of New Zealand Te Papa Tongarewa Board

- (1) There is hereby constituted a board to be called the Museum of New Zealand Te Papa Tongarewa Board.
- (2) The Board 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 Board except to the extent that this Act expressly provides otherwise.

- (4) Members of the Board are the board for the purposes of the Crown Entities Act 2004.

Compare: 1972 No 11 s 4(1)

Section 6(2): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 6(3): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 6(4): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

7 Functions

- (1) The principal functions of the Board are—
- (a) to control and maintain the Museum:
 - (b) to collect works of art and items relating to history and the natural environment:
 - (c) to act as an accessible national depository for collections of art and items relating to history and the natural environment:
 - (d) to develop, conserve, and house securely the collections of art and items relating to history and the natural environment in the Board's care:
 - (e) to exhibit, or make available for exhibition by other public art galleries, museums, and allied organisations, such material from its collections as the Board from time to time determines:
 - (f) to conduct research into any matter relating to its collections or associated areas of interest and to assist others in such research:
 - (g) to provide an education service in connection with its collections:
 - (h) to disseminate information relating to its collections, and to any other matters relating to the Museum and its functions:
 - (i) to co-operate with and assist other New Zealand museums in establishing a national service, and in providing appropriate support to other institutions and organisations holding objects or collections of national importance:
 - (j) to co-operate with other institutions and organisations having objectives similar to those of the Board:

- (k) to endeavour to make the best use of the Board's collections in the national interest:
 - (l) to design, construct, and commission any building or structure required by the Museum.
- (2) The Minister may not give a direction to the Board in relation to cultural matters.

Compare: 1972 No 11 s 11(1)

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

8 Performance of functions

In performing its functions the Board shall—

- (a) have regard to the ethnic and cultural diversity of the people of New Zealand, and the contributions they have made and continue to make to New Zealand's cultural life and the fabric of New Zealand society:
- (b) endeavour to ensure both that the Museum expresses and recognises the mana and significance of Maori, European, and other major traditions and cultural heritages, and that the Museum provides the means for every such culture to contribute effectively to the Museum as a statement of New Zealand's identity:
- (c) endeavour to ensure that the Museum is a source of pride for all New Zealanders.

9 Money

- (1) The Board may receive on behalf of the Museum any money paid to the Museum by the Crown or by any other person, and may allocate the money to the activities of the Museum in any manner that the Board thinks fit.
- (2) This section does not limit sections 16 and 17 of the Crown Entities Act 2004.

Section 9: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

10 Membership

- (1) The Board consists of not fewer than 6, nor more than 8, members.

- (2) *[Repealed]*
- (3) In making appointments to the Board, the Minister must have regard to the need for members to have knowledge and experience of, and commitment to, the functions of the Board, and the specific activities of the Museum.
- (4) This section does not limit section 29 of the Crown Entities Act 2004.

Compare: 1972 No 11 s 5

Section 10(1): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 10(2): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 10(3): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 10(4): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

11 Co-opted members

[Repealed]

Section 11: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

12 Term of office

[Repealed]

Section 12: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

13 Extraordinary vacancies

[Repealed]

Section 13: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

14 Deputy Chairperson

[Repealed]

Section 14: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

15 Rules*[Repealed]*

Section 15: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

16 Committees*[Repealed]*

Section 16: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

17 Delegation of functions and powers

- (1) The Board must not delegate any power to borrow money that it may have under section 160 or section 162 of the Crown Entities Act 2004.
- (2) In other respects, section 73 of the Crown Entities Act 2004 applies.

Section 17: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

18 Contracts*[Repealed]*

Section 18: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

19 Gifts

- (1) Any person who is not expressly prohibited from doing so by any enactment, or by the terms of any trust or endowment, may give to the Board any real property, money, or other personal property.
- (2) *[Repealed]*
- (3) For the purposes of this section, **person** includes a local authority within the meaning of the Local Government Act 2002, any public body, body corporate, trustee, or unincorporated body of persons.

Compare: 1972 No 11 s 19

Section 19(2): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 19(3): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

20 Exemption from income tax

The Board shall be exempt from the payment of income tax.

Compare: 1972 No 11 s 26

21 Protection of persons acting under authority of Act

[Repealed]

Section 21: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

22 Further provisions applying to Board

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

23 Protection of names

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

- (a) Museum of New Zealand:
- (b) Te Papa Tongarewa:
- (c) National Art Gallery:
- (d) National Museum:
- (e) any other name that so resembles any name listed in paragraphs (a) to (d), as to be likely to mislead any person.

(2) No person other than 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 (d) 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 (d) 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.

Compare: 1972 No 11 s 30A; 1981 No 47 s 27(1)

Section 23(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 2

Dissolution of Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial

24 Dissolution of Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial

- (1) The Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial constituted under section 4 of the National Art Gallery, Museum, and War Memorial Act 1972 is hereby dissolved.
- (2) No member of the Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial shall be entitled to compensation for loss of office resulting from the dissolution of that Board.

25 Assets and liabilities

Subject to sections 6 and 7 of the National War Memorial Act 1992, on the commencement of this Act all assets and liabilities of the Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial shall become assets and liabilities of the Board constituted by section 6 of this Act.

26 Vesting of assets

- (1) Subject to sections 6 and 7 of the National War Memorial Act 1992, on the commencement of this Act all real and personal property vested in the Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial shall vest in the Board constituted by section 6 of this Act, subject to all liabilities, charges, obligations, or trusts affecting that property.
- (2) Subject to section 7 of the National War Memorial Act 1992, on the commencement of this Act all money payable to the Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial shall become payable to the Board constituted by section 6 of this Act.

- (3) Where, on the commencement of this Act, any trust money within the meaning of section 66(1) of the Public Finance Act 1989,—
- (a) is held by the Crown in trust for the Museum of New Zealand project; and
 - (b) is, by virtue of an appointment under section 66(4) of the Public Finance Act 1989, managed by the Department of Internal Affairs,—
- that money, together with any interest accrued in relation to that money, whether before or after the commencement of this Act, shall, subject both to the terms and conditions determined under section 66(4) of the Public Finance Act 1989 and to section 66(5) of the Public Finance Act 1989, become payable to the Board constituted by section 6 of this Act.
- (4) The collection known as the “Oldman Collection” and the collection of 4 murals known as the “Coventry Murals”, both of which collections are vested in the Crown, are hereby vested in the Board constituted by section 6.

27 Vesting in Board of land vested in the Crown

- (1) The estate of leasehold held by the Crown in the land described in Schedule 2, is hereby vested in the Board constituted by section 6.
- (2) The rights held by the Crown at the commencement of this Act under a contract entered into by the Crown with the Wellington Harbour Board and relating to the land to which this subsection applies are hereby vested in the Board constituted by section 6 (the rights of the Wellington Harbour Board under that contract being vested, at the commencement of this Act, in the Wellington City Council).
- (3) The land to which subsection (2) applies is all that piece of land containing 1.8965 hectares, more or less, situated in the City of Wellington, being Lot 2, Deposited Plan 60890, Wellington Registry.

28 New Zealand Academy of Fine Arts

- (1) The Board and the New Zealand Academy of Fine Arts (in this section called the Academy) shall give effect—

- (a) to the agreement set out in the deed made between the Board of Trustees of the National Art Gallery and the Dominion Museum and the Academy on 27 February 1933, a copy of which is recorded in the Department of Internal Affairs at Wellington as IA1933/216/2, with respect to the provision of accommodation; and
 - (b) to any other agreement made between the Academy and either the Board of Trustees of the National Art Gallery and the Dominion Museum or the Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial in substitution for, or in variation of, the agreement specified in paragraph (a).
- (2) The Board and the Academy may, at any time, agree to vary or cancel the agreement specified in subsection (1)(a) or any agreement referred to in subsection (1)(b).

Compare: 1972 No 11 s 16

29 Final accounts of Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial

- (1) As soon as reasonably practicable after the commencement of this section, the Board constituted by section 6 shall cause to be prepared final accounts of the Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial as at the close of 30 June 1992.
- (2) A copy of the final accounts, together with a copy of the report of the Audit Office on those accounts, shall be sent by the Board constituted by section 6 to the Minister of Cultural Affairs and the Minister of Internal Affairs.
- (3) A copy of the final accounts, together with a copy of the report of the Audit Office on those accounts, shall be laid before the House of Representatives by the Minister as soon as practicable after their receipt by that Minister.

Section 29(3): amended, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

30 Transitional provision in relation to employees

- (1) This section applies to all persons employed, immediately before the commencement of this Act,—

- (a) by the Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial; or
 - (b) by the Secretary for Internal Affairs to carry out duties at the National Art Gallery or the National Museum; or
 - (c) by the Secretary for Internal Affairs in the Department of Internal Affairs' Museum of New Zealand Project Office.
- (2) Notwithstanding any other provision of this Act or any provision of the State Sector Act 1988,—
- (a) on the commencement of this Act, every person to whom this section applies shall become a person employed by the Board; and
 - (b) the terms and conditions of employment of every person who, by virtue of paragraph (a), becomes a person employed by the Board shall, until varied or until a new contract of employment is entered into, be based on the employment contract that applied to that person immediately before the commencement of this Act in respect of that person's employment—
 - (i) by the Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial; or
 - (ii) by the Secretary for Internal Affairs.
- (3) For the purposes of every enactment, law, award, determination, contract, and agreement at any time relating to the employment of a person who, by virtue of paragraph (a) of subsection (2), becomes a person employed by the Board,—
- (a) the contract of employment that applied immediately before the commencement of this Act in respect of that person's employment—
 - (i) by the Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial; or
 - (ii) by the Secretary for Internal Affairs,—shall be deemed not to have been broken by that person having so become a person employed by the Board; and
 - (b) any period recognised—

- (i) by the Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial; or
 - (ii) by the Secretary for Internal Affairs,—
as continuous service with that Board of Trustees or with the Department of Internal Affairs shall be deemed to have been a period of continuous service with the Board.
- (4) No person who becomes, by virtue of paragraph (a) of subsection (2), a person employed by the Board shall be entitled to any payment or other benefit by reason only of that person having ceased to be a person employed—
 - (a) by the Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial; or
 - (b) by the Secretary for Internal Affairs.

Part 3

Consequential amendments and repeals

31 Amendment to Estate and Gift Duties Act 1968

Amendment(s) incorporated in the Act(s).

32 Amendments to Stamp and Cheque Duties Act 1971

[Repealed]

Section 32: repealed, on 20 May 1999, by section 7 of the Stamp Duty Abolition Act 1999 (1999 No 61).

33 Amendments to Flags, Emblems, and Names Protection Act 1981

Amendment(s) incorporated in the Act(s).

34 References to National Art Gallery, Dominion Museum, or National Museum deemed references to Museum of New Zealand Te Papa Tongarewa

Every reference to the National Art Gallery, the Dominion Museum, or the National Museum in any enactment passed before the commencement of this Act, or in any document executed before that date, shall, unless the context otherwise requires,

be deemed to be a reference to the Museum established by section 5.

35 References to Board of Trustees deemed references to Museum of New Zealand Te Papa Tongarewa Board

Subject to section 18 of the National War Memorial Act 1992, every reference to the Board of Trustees of the National Art Gallery and the Dominion Museum, or to the Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial in any enactment passed before the commencement of this Act, or in any document executed before that date, shall, unless the context otherwise requires, be deemed to be a reference to the Board constituted by section 6 of this Act.

36 Consequential amendments to other enactments

The enactments specified in Schedule 3 are hereby amended in the manner indicated in that schedule.

37 Repeals

The enactments specified in Schedule 4 are hereby repealed.

Schedule 1

s 22

Provisions applying in respect of Board**1 Meetings**

The Board must meet at least once in each financial year.

Schedule 1 clause 1: substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

2 Fees and allowances of members of Board and committees

[Repealed]

Schedule 1 clause 2: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

3 Employees

[Repealed]

Schedule 1 clause 3: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

4 Personnel policy

[Repealed]

Schedule 1 clause 4: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

5 Equal employment opportunities

[Repealed]

Schedule 1 clause 5: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

6 Choice of procedure

[Repealed]

Schedule 1 clause 6: repealed, on 1 December 2004, by section 72 of the Employment Relations Amendment Act (No 2) 2004 (2004 No 86).

7 Superannuation or retiring allowances

- (1) For the purpose of providing a superannuation fund or retiring allowances for any of its members, the Board may from time to time pay sums by way of subsidy or contribution into any retirement scheme (within the meaning of section 6(1) of the Financial Markets Conduct Act 2013).

- (2) Notwithstanding anything in this Act, a person who, immediately before becoming an employee of the Board, is a contributor to the Government Superannuation Fund under Part 2 or Part 2A of the Government Superannuation Fund Act 1956 shall, for the purposes of that Act, be deemed to be employed in the Government service so long as that person continues to be an employee of the Board; and that Act shall apply to that person in all respects as if that person's service as an employee of the Board is Government service.
- (3) Nothing in subclause (2) entitles any person to become a contributor to the Government Superannuation Fund after that person has once ceased to be a contributor.
- (4) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with subclause (2), to an employee of the Board who is a contributor to the Government Superannuation Fund, the term **controlling authority**, in relation to that employee, means the Board.

Schedule 1 clause 7(1): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Schedule 1 clause 7(1): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

8 Application of certain Acts to members and employees

[Repealed]

Schedule 1 clause 8: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

9 Crown entity

[Repealed]

Schedule 1 clause 9: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

10 Funds of Board

[Repealed]

Schedule 1 clause 10: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

11 Bank accounts*[Repealed]*

Schedule 1 clause 11: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

12 Investment of money*[Repealed]*

Schedule 1 clause 12: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

13 Borrowing powers*[Repealed]*

Schedule 1 clause 13: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

14 Unauthorised expenditure*[Repealed]*

Schedule 1 clause 14: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Schedule 2

s 27

Land vested in Board

First, all that piece of land containing 1 827 square metres, more or less, situated in the City of Wellington, being Lot 27, Deposited Plan 7167, and being all the land comprised and described in certificate of title No 520/244, Wellington Registry.

Secondly, all that piece of land containing 852 square metres, more or less, situated in the City of Wellington, being Lot 28, Deposited Plan 7167, and being all the land comprised and described in certificate of title No 520/245, Wellington Registry.

Thirdly, all that piece of land containing 2 777 square metres, more or less, situated in the City of Wellington, being Lots 4 to 8, Deposited Plan 3998, and being all the land comprised and described in certificate of title No 910/19, Wellington Registry.

Fourthly, all that piece of land containing 2 282 square metres, more or less, situated in the City of Wellington, being Section 1389, Town of Wellington, and being all the land comprised and described in certificate of title, No 30B/46, Wellington Registry.

Fifthly, the third and fourth floors of the building known as Commerce House and situated on all that piece of land containing 399 square metres, more or less, situated in the City of Wellington, being Lot 2, Deposited Plan 62922, and being part of the land comprised and described in certificate of title, No 33D/223, Wellington Registry.

Schedule 3
Enactments amended
[Repealed]

s 36

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

Schedule 4

s 37

Enactments repealed

**National Art Gallery, Museum, and War Memorial Act 1972
(1972 No 11) (RS Vol 23, p 739)**

**National Art Gallery, Museum, and War Memorial Amendment
Act 1978 (1978 No 114) (RS Vol 23, p 754)**

Public Finance Act 1989 (1989 No 44)
Amendment(s) incorporated in the Act(s).

Trustee Amendment Act 1988 (1988 No 119)
Amendment(s) incorporated in the Act(s).

Reprints notes

1 *General*

This is a reprint of the Museum of New Zealand Te Papa Tongarewa Act 1992 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150

Criminal Procedure Act 2011 (2011 No 81): section 413

Crown Entities Act 2004 (2004 No 115): section 200

Employment Relations Amendment Act (No 2) 2004 (2004 No 86): section 72

Local Government Act 2002 (2002 No 84): section 262

Archives, Culture, and Heritage Reform Act 2000 (2000 No 32): section 12

Stamp Duty Abolition Act 1999 (1999 No 61): section 7
