

## MAORI AFFAIRS RESTRUCTURING BILL

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### EXPLANATORY NOTE

THIS Bill provides for the second stage of the restructuring of the Department of Maori Affairs.

The first stage was the establishment of the Ministry of Maori Affairs, and its recognition as a Department of the Public Service under the State Sector Act 1988. That Ministry will be responsible for policy issues.

This Bill relates to the operational programmes of the Department of Maori Affairs, and of the Board of Maori Affairs. The eventual aim is for these to be handed over to iwi, to be conducted by iwi authorities. Provision for iwi authorities will be made in the next stage of this process of restructuring.

This Bill—

- (a) Restructures the Department of Maori Affairs to form the Iwi Transition Agency; and
- (b) Transfers the responsibilities of the Board of Maori Affairs to the General Manager of the Iwi Transition Agency; and
- (c) Transfers the administration of the Maori Land Courts to the Department of Justice.

The primary objective of the department in its new role as the Iwi Transition Agency is to help iwi to develop and strengthen iwi authorities to provide services for their members, and for other Maori within the rohe of the iwi.

It is expected that this can be achieved over a period of 5 years, and so the Bill will expire at the end of this period. However, that date will be kept under review, and Parliament will be invited to amend it if it subsequently appears that that target date is no longer realistic or acceptable.

*Part I* of the Bill implements these structural changes.

*Part II* of the Bill re-enacts without substantive amendment Part XXIV and sections 460, 460A, 464A, and 464B of the Maori Affairs Act 1953. The effect is to transfer to the General Manager of the Iwi Transition Agency all the functions, duties, and powers of the Board of Maori Affairs under the present provisions.

*Clause 91* makes provision for the expiry of the Bill on 30 September 1994.

The remaining provisions are of a consequential nature only.

It is proposed to recommend to the Maori Affairs Select Committee that Parts I, II, and XVI of the Maori Affairs Bill presently before the Committee be not proceeded with, as they deal with matters now to be dealt with in this Bill.

## MAORI AFFAIRS RESTRUCTURING

### ANALYSIS

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| <p>Title</p> <ol style="list-style-type: none"><li>1. Short Title and commencement</li><li>2. Interpretation</li><li>3. Act to bind the Crown</li></ol> <p style="text-align: center;">PART I</p> <p style="text-align: center;">IWI TRANSITION AGENCY</p> <ol style="list-style-type: none"><li>4. Department of Maori Affairs restructured</li><li>5. Title of chief executive</li><li>6. Primary objective of Iwi Transition Agency</li><li>7. Functions of Iwi Transition Agency</li><li>8. Iwi Transition Agency to take over from Department</li><li>9. Administration of Court transferred to Department of Justice</li><li>10. Enactments amended consequential upon restructuring of Department</li><li>11. Board of Maori Affairs abolished</li><li>12. General Manager to take over from Board</li><li>13. Enactments amended and repealed consequential upon abolition of Board of Maori Affairs</li></ol> <p style="text-align: center;">PART II</p> <p style="text-align: center;">MAORI LAND DEVELOPMENT</p> <ol style="list-style-type: none"><li>14. Main purpose of this Part</li><li>15. General Manager to implement policy of Government</li><li>16. Contracts by General Manager deemed to be made on behalf of Crown</li><li>17. Rights of owners while land remains subject to this Part</li><li>18. Rights and obligations of General Manager under Fencing Act 1978</li><li>19. General Manager may declare land to be subject to this Part</li><li>20. Crown land may be made subject to this Part</li><li>21. Land subject to this Part may be excluded from Part</li><li>22. Notices may be registered against title</li><li>23. Record of valuations to be kept</li></ol> | <p style="text-align: center;"><i>Utilisation of Land Subject to This Part</i></p> <ol style="list-style-type: none"><li>24. General provisions as to utilisation of land</li><li>25. General Manager may undertake works for improvement and development of land</li><li>26. General Manager may maintain land as base farm</li><li>27. General Manager may purchase and sell equipment, livestock, etc.</li><li>28. General Manager may acquire shares in companies</li></ol> <p style="text-align: center;"><i>Use of Land by Nominated Occupiers</i></p> <ol style="list-style-type: none"><li>29. Nominated occupiers</li><li>30. Occupier may be required to execute instruments for registration under Chattels Transfer Act 1924</li></ol> <p style="text-align: center;"><i>Leases of Land Subject to this Part</i></p> <ol style="list-style-type: none"><li>31. General Manager may grant leases</li><li>32. Preference to be given to Maori</li><li>33. Leases may be registered against land without production of title</li><li>34. Term of leases in respect of Maori land or land owned by Maori</li><li>35. Term of leases of Crown land</li><li>36. Provisions as to review of rent during currency of lease and on renewal</li><li>37. Special valuation for purposes of fixing new rent</li><li>38. Notice of valuations and right of objection</li><li>39. General Manager may reduce or remit rent</li><li>40. Compensation for improvements</li><li>41. Compensation to be ascertained by valuation</li><li>42. Rent to be paid to Maori Trustee</li><li>43. Sinking fund to provide compensation for lessees of Maori land</li><li>44. Compensation for improvements to lessees of Crown land</li><li>45. Payment of value of improvements to lessee with perpetual right of renewal</li><li>46. Record of improvements</li></ol> |
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47. Surrender of leases
48. Costs
49. Restriction on lessee's powers of disposition
50. Application of rents received
51. Apportionment of rent where land under separate titles
52. Application of rents received in respect of Crown land

*Security for Money Expended or Advanced by General Manager*

53. Money expended by General Manager to be charged on land
54. Court may impose charges for betterment
55. Variation and registration of charges
56. Enforcement of charges

*Advances to Lessees*

57. Advances to lessees
58. Security to be given by lessee in respect of expenditure of General Manager or of advances
59. Advances to owners of freehold land

*Advances to Purchasers*

60. Advances to purchasers of freehold interests
61. Advances to purchasers of leasehold interests

*Special Powers of General Manager*

62. General Manager may acquire land or rights over land
63. Acquisition of land by General Manager for owners of scheme
64. Land may be vested in owners
65. General Manager may grant or acquire easements
66. Water supplies
67. General Manager may engage advisers for Maori farmers
68. Right to cut timber, etc.

69. Power to pay rates, taxes, and other money
70. Sharemilking contracts, etc.
71. Use of land for industries other than farming
72. Use of land for afforestation purposes
73. Surveys
74. Power to pay revenue from land to owners

*Miscellaneous Provisions*

75. Payment in respect of benefit to Crown land that is not subject to this Part
76. Development of land under Land Act 1948
77. Validity of contracts made by General Manager
78. Accounting provisions
79. Accounts to be kept by General Manager
80. Interest payments in respect of Maori land development
81. Relief from interest payment
82. Special provisions as to Crown lands and to lands purchased by General Manager
83. General Manager may accept money for incentive shares, etc.
84. Interference and obstruction prohibited
85. Advances to Maori occupiers of land that is not subject to this Part
86. Advances and other assistance to Maori
87. Authorising establishment and maintenance of Kokiri Centres
88. General Manager may establish and maintain hostels

PART III

MISCELLANEOUS PROVISIONS

89. Regulations
90. Transition provision
91. Expiry Schedules

A BILL INTITULED

**An Act to provide for the restructuring of the Department of Maori Affairs to form the Iwi Transition Agency, to abolish the Board of Maori Affairs and transfer its programmes to the General Manager of the Iwi Transition Agency, and to transfer the administration of the Maori Land Courts to the Department of Justice** 5

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Maori Affairs Restructuring Act 1989. 10

(2) This Act shall come into force on the 1st day of October 1989.

**2. Interpretation**—(1) In this Part of this Act, unless the context otherwise requires,—

5 “Board’s programmes” means all ongoing programmes being operated immediately before the operative date by the Board of Maori Affairs under the authority of any enactment:

“Court” means the Maori Land Court:

10 “Department’s programmes” means all ongoing programmes being operated immediately before the operative date by the Department of Maori Affairs under the authority of any enactment:

15 “General land owned by Maori” means any General land of which the owners or a majority of the owners are Maori:

“General Manager” means the chief executive of the Iwi Transition Agency appointed under the State Sector Act 1988:

20 “Improvements effected by a lessee”, or any expression of similar effect, has the same meaning as in Part XX of the Maori Affairs Act 1953:

“Iwi Transition Agency” means the Iwi Transition Agency established by section 4 of this Act:

25 “Minister” means the Minister of Maori Affairs:

“Operative date” means the 1st day of October 1989:

“Ownership”, in relation to any land or any interest in land, includes the equitable ownership of that land or interest.

30 (2) For the purposes of this Part of this Act, any land and any interest in land that is owned as joint tenants or tenants in common by 2 persons who are married to one another and of whom one is Maori shall be deemed to be owned by a Maori.

**3. Act to bind the Crown**—This Act binds the Crown.

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## PART I

### IWI TRANSITION AGENCY

**4. Department of Maori Affairs restructured**—(1) The Department of Maori Affairs is hereby restructured to form the Iwi Transition Agency.

40 (2) Part II (comprising sections 3, 4, 4A, and 4B) of the Maori Affairs Act 1953 (as inserted by section 4 (1) of the Maori Affairs Amendment Act 1974) is hereby repealed.

(3) Part II (comprising sections 3, 4, and 5) of the Maori Affairs Amendment Act 1974, and the First Schedule to that Act, are hereby consequentially repealed.

**5. Title of chief executive**—The chief executive of the Iwi Transition Agency shall be known as the General Manager. 5

**6. Primary objective of Iwi Transition Agency**—The primary objective of the Iwi Transition Agency shall be to help iwi to develop and strengthen iwi authorities to provide services for their members, and for other Maori within the rohe of the iwi. 10

**7. Functions of Iwi Transition Agency**—(1) The principal functions of the Iwi Transition Agency shall be as follows:

(a) The functions conferred on the Iwi Transition Agency by Part II of this Act:

(b) To carry out the Department's programmes efficiently until they are transferred to iwi authorities: 15

(c) To promote the development of iwi authorities, and to transfer the Department's programmes to iwi authorities, taking care to ensure that the iwi authorities are fully operational and capable of carrying out the programmes in the best interests of the people they are to serve. 20

(2) In addition, the Iwi Transition Agency shall carry out any directions given to it by the Minister for the benefit of any Maori or any group of Maori. 25

**8. Iwi Transition Agency to take over from Department**—(1) On and after the operative date the Iwi Transition Agency shall be responsible for the continuance of the Department's programmes.

(2) All rights, powers, duties, liabilities, directions, and contracts (other than contracts of employment) exercisable by, vested in, or binding on the Department of Maori Affairs immediately before the operative date shall, on and from that date, become exercisable by, vested in, or binding on the Iwi Transition Agency. 30 35

(3) All documents made or things done by the Department of Maori Affairs before the operative date in the exercise of any functions, powers, or duties previously conferred or imposed on it shall, to the extent that they are subsisting or in force on that date, continue to have effect for all purposes in all respects as if they had been made or done by the Iwi Transition Agency. 40

**9. Administration of Court transferred to Department of Justice**—(1) The Maori Affairs Act 1953 is hereby amended by repealing section 22, and substituting the following section:

5 “22. The Department of Justice shall be responsible for all matters relating to the administration of the Maori Land Court, including the appointment of all such Registrars, Deputy Registrars, and other officers of the Court (being officers of the Department of Justice) as may from time to time be required.”

10 (2) Section 70A of the Maori Affairs Act 1953 (as inserted by section 3 (1) of the Maori Purposes Act 1980) is hereby amended by inserting in subsection (1), after paragraph (c), the following paragraph:

“(ca) The Secretary for Justice or a person nominated by the Secretary for Justice:”.

15 (3) Section 70A of the Maori Affairs Act 1953 (as so inserted) is hereby further amended by omitting from subsection (2) the words “and the Secretary for Maori Affairs”, and substituting the words “, the Secretary for Maori Affairs, and the Secretary for Justice”.

20 (4) The Maori Affairs Act 1953 is hereby further amended by inserting in Part VI, after section 70A (as so inserted), the following section:

25 “70B. **Certain Parts to be administered in Department of Justice**—This Part, and Parts IV and V, of this Act shall be administered in the Department of Justice.”

**10. Enactments amended consequential upon restructuring of Department**—The enactments specified in the first column of the First Schedule to this Act are hereby amended in the manner indicated in the second column of that  
30 Schedule.

**11. Board of Maori Affairs abolished**—(1) The Board of Maori Affairs constituted by section 5 of the Maori Affairs Act 1953 is hereby abolished.

35 (2) Part III (comprising sections 5 to 14) of the Maori Affairs Act 1953 is hereby repealed.

(3) Part IV (comprising sections 7 to 11) of the Maori Affairs Amendment Act 1974, and the Second Schedule to that Act, are hereby consequentially repealed.

40 (4) The following enactments are hereby consequentially repealed:

(a) Section 4 of the Maori Purposes Act 1982 and the Schedule to that Act:

(b) The Maori Affairs Amendment Act 1985.

**12. General Manager to take over from Board**—(1) On the operative date, the General Manager shall take over responsibility for the Board's programmes.

(2) All rights, powers, duties, liabilities, directions, and contracts exercisable by, vested in, or binding on the Board of Maori Affairs immediately before the operative date shall, on and from that date, become exercisable by, vested in, or binding on the General Manager.

(3) All documents made or things done by the Board of Maori Affairs before the 1st day of July 1989 (including all documents or things deemed by section 8 (3) of the Maori Affairs Amendment Act 1974 to have been made or done by that Board) shall, to the extent that they are subsisting or in force on that date, continue to have effect for all purposes in all respects as if they had been made or done by the General Manager.

**13. Enactments amended and repealed consequential upon abolition of Board of Maori Affairs**—(1) The enactments specified in the first column of the **Second** Schedule to this Act are hereby amended in the manner indicated in the second column of that Schedule.

(2) The enactments specified in the **Third** Schedule to this Act are hereby repealed.

## PART II

### MAORI LAND DEVELOPMENT

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**14. Main purpose of this Part**—(1) The main purpose of this Part of this Act is to promote the occupation of Maori freehold land by Maori and the use of such land by Maori for farming purposes.

(2) Nothing in this section shall limit the operation of any of the provisions of this Part of this Act that relate to Crown land or General land, or that provide for the occupation of any land by persons other than Maori, or that provide for the carrying on, on any land, of any industry or undertaking other than farming.

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**15. General Manager to implement policy of Government**—In the exercise of the functions and powers conferred by this Part of this Act, the General Manager shall give effect to the policy of the Government in relation to those functions and powers, as communicated to the General Manager from time to time by the Minister.

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**16. Contracts by General Manager deemed to be made on behalf of Crown**—Every contract made by the General Manager in the exercise of the functions and powers conferred by this Part of this Act shall be deemed to be made on behalf of  
5 the Crown.

**17. Rights of owners while land remains subject to this Part**—(1) The fact that any land is for the time being subject to this Part of this Act shall not affect the legal ownership of that land, but the rights of the owners shall be subject to the special  
10 provisions of this Part and to the right of the General Manager to exclusive occupation of the land, subject to any rights conferred by the General Manager on lessees, nominated occupiers, or other persons.

(2) All property other than land or interests in land for the  
15 time being held by the General Manager in respect of any particular area shall be held by the General Manager in trust for the several owners of that area in proportion to their several interests in the land.

(3) The disposition by operation of law or otherwise of the  
20 interest of any owner in any land that is subject to this Part of this Act shall, whether so expressed or not in any instrument of disposition, be and be deemed to be a disposition of that owner's corresponding interest in any other property held by the General Manager in trust for that owner in respect of that  
25 land, and the owners shall not be competent to dispose of their interests in any such property otherwise than as provided in this section.

**18. Rights and obligations of General Manager under Fencing Act 1978**—While any land that is for the time being  
30 subject to this Part of this Act is not in the occupation of a lessee, the General Manager shall be deemed to be the occupier of the land for the purposes of the Fencing Act 1978.

**19. General Manager may declare land to be subject to this Part**—(1) All lands that immediately before the  
35 commencement of this Act were subject to Part XXIV of the Maori Affairs Act 1953 are hereby declared to be subject to this Part of this Act.

(2) Subject to the provisions of this section, the General  
40 Manager may from time to time by notice in the *Gazette* declare to be subject to this Part of this Act—



- (a) Any Maori freehold land that, in the opinion of the General Manager, is suitable for development or occupation under this Part of this Act; and
  - (b) Any General land owned by Maori, or any General land owned for the benefit of Maori, that, in the opinion of the General Manager, is suitable for development or occupation under this Part of this Act; and
  - (c) Any Crown land to which section 331 of the Maori Affairs Act 1953 relates; and
  - (d) Any land acquired by the General Manager pursuant to section 62 or section 63 of this Act.
- (3) Before declaring to be subject to this Part of this Act any land to which paragraph (a) or paragraph (b) of subsection (2) of this section applies, the General Manager shall take adequate steps to ascertain the wishes of the owners concerned, and shall not declare any such land to be subject to this Part unless all objections have been fully considered and, notwithstanding such objections, the General Manager is of the opinion that the land should be made subject to this Part.
- (4) No land shall be declared by the General Manager to be subject to this Part of this Act while any lease is subsisting in respect of the land.
- (5) Except as provided in subsection (6) of this section, no alienation of any land that is for the time being subject to this Part of this Act or of any interest in it and no partition order in respect of it shall be made without the consent of the General Manager.
- (6) The consent of the General Manager shall not be required in respect of an exchange order made under Part XVII of the Maori Affairs Act 1953, or a vesting order under section 213 of that Act, or the acquisition by the Maori Trustee of any land or interest in land under any of the provisions of this Act.
- (7) Any notice under this section may from time to time be amended or replaced by the General Manager by notice in the *Gazette* in any case where, by reason of the amalgamation or consolidation of titles, or the partition or subdivision of the land, or for any other reason an amendment or replacement is considered necessary.
- (8) Where any notice under subsection (7) of this section relates solely to land not previously declared to be subject to this Part of this Act, the provisions of subsection (3) or of subsection (4) of this section shall not apply with respect to any land affected by the notice.

**20. Crown land may be made subject to this Part—**

(1) With the consent of the Minister of Lands, granted upon such terms and conditions as that Minister thinks fit, the General Manager may declare any Crown land within the  
5 meaning of the Land Act 1948 to be subject to this Part of this Act.

(2) In respect of any Crown lands that are declared to be subject to this Part of this Act there may be transferred from or to the Consolidated Account to or from any other appropriate  
10 account such amounts as the Minister of Finance may from time to time determine.

(3) Where pursuant to this section any Crown land has been declared to be subject to this Part of this Act, the District Land Registrar shall, at the request of the General Manager, issue in  
15 the name of Her Majesty a certificate of title for an estate in fee simple in the land.

(4) Notwithstanding any Act or rule of law to the contrary, the fee simple estate in the land shall not be merged in any other interest possessed by Her Majesty, but shall enure as a  
20 separate estate available for the purposes of this Part of this Act.

**21. Land subject to this Part may be excluded from Part—**

The General Manager may at any time by notice in the *Gazette* declare that any land that is for the time being subject  
25 to this Part of this Act shall cease to be subject to it, and every such notice shall have effect according to its tenor.

**22. Notices may be registered against title—**

Any notice declaring any land to be subject to this Part of this Act, or declaring that any land has ceased to be subject to this Part,  
30 shall be registered by the District Land Registrar, without payment of any fee, against the title to the land affected by the notice, on receipt by the District Land Registrar of a copy of the *Gazette* in which the notice is published, or of a certified copy of the notice under the hand of the General Manager.

**23. Record of valuations to be kept—**(1) When any land is declared to be subject to this Part of this Act, the General Manager shall cause to be made a record of the state and condition of the land as at the date of the notice.  
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(2) The Valuer-General shall, on the application of the  
40 General Manager, make a special valuation of the land under the Valuation of Land Act 1951, with such particulars as to the capital value and as to the nature and value of any

improvements on the land as the General Manager may require.

(3) All records and valuations made pursuant to this section shall be filed by the General Manager as records in respect of the land to which they relate.

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*Utilisation of Land Subject to This Part*

**24. General provisions as to utilisation of land**—(1) Any land that for the time being is subject to this Part of this Act may be used or disposed of by the General Manager as follows:

- (a) Any such land may be occupied by the General Manager and may be used by the General Manager for any purpose authorised by this Part of this Act: 10
- (b) Any such land may be occupied by persons nominated by the General Manager as the nominated occupiers of the land: 15
- (c) Any such land may be leased by the General Manager in accordance with the provisions of this Part of this Act: 15
- (d) Any such land that is owned by one or more owners, whether jointly or in common, may, with the approval of the General Manager, be occupied by the owner or owners under the control and supervision of the General Manager. 20

(2) Any Crown land that has been declared to be subject to the provisions of this Part of this Act or to the corresponding provisions of any former Act may be used or disposed of by the General Manager in accordance with the foregoing provisions of this section or may, subject to any conditions imposed by the Minister of Lands pursuant to **section 20** of this Act, be at any time sold by the General Manager on such terms and conditions as the General Manager thinks fit. 30

**25. General Manager may undertake works for improvement and development of land**—On any land that is for the time being subject to this Part of this Act, the General Manager may cause to be carried out or may undertake such works for the improvement or development of the land as the General Manager thinks fit, including (but not to the exclusion of any works of a kind not specifically mentioned) the survey, drainage, reclamation, roading, bridging, fencing, clearing, grassing, planting, topdressing, and manuring of the land, the construction, maintenance, repair, and insurance of buildings and other erections, and the provision of water supply or other services. 35  
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**26. General Manager may maintain land as base farm**—Any land that is subject to this Part of this Act may be used by the General Manager as a base farm for the purpose of breeding, raising, holding, or depasturing stock that is intended  
5 for use on any other land that is subject to this Part of this Act, or for experimental or educational purposes, or for the training of Maori in farm management and farm work, or for any other purposes that the General Manager, in the exercise of the powers conferred by this Part of this Act, thinks fit.

**27. General Manager may purchase and sell equipment, livestock, etc.**—(1) The General Manager may from time to time purchase or otherwise acquire all such tools, plant, machinery, or other equipment or livestock as may, in the opinion of the General Manager, be required in the  
15 development of any land that is subject to this Part of this Act, or for the purposes of any base farm or other farm conducted by the General Manager or in the occupation of a nominated occupier under the supervision and direction of the General Manager, and may also provide and equip camps or other  
20 accommodation for the use of workmen engaged or employed by it.

(2) Any property acquired by the General Manager under this section and the produce of any livestock so acquired may be sold or otherwise disposed of by the General Manager as  
25 and when and on such terms as the General Manager thinks fit.

(3) Nothing in this section shall limit the authority of the General Manager to buy or sell any goods or to do anything that, in the opinion of the General Manager, is necessary or expedient for the proper development, management, or  
30 utilisation of any land that is subject to this Part of this Act.

**28. General Manager may acquire shares in companies**—(1) The General Manager may from time to time, with the approval of the Minister of Finance, subscribe for or otherwise acquire shares in any company incorporated in  
35 New Zealand that carries on or proposes to carry on business of a kind related to the General Manager's operations under this Part of this Act:

Provided that the approval of the Minister of Finance shall not be necessary where the value of the shares does not exceed  
40 \$10,000.

(2) The General Manager may exercise in respect of any shares acquired under subsection (1) of this section all rights and powers as the holder of the shares, and may at any time sell or

otherwise dispose of the shares as the General Manager thinks fit.

*Use of Land by Nominated Occupiers*

**29. Nominated occupiers**—(1) The General Manager may from time to time by licence appoint one or more suitable persons to be the nominated occupier or the joint nominated occupiers of any area of land that is for the time being subject to this Part of this Act. The nominated occupier shall, subject to the terms of his or her licence, have the exclusive right to the possession and use of the land of which he or she is the nominated occupier.

(2) A nominated occupier may be the owner or one of the owners of the land or may be any other person appointed by the General Manager in that behalf.

(3) A nominated occupier shall not, as such, be entitled to any estate or interest in the land of which he or she is the nominated occupier.

(4) The nominated occupier of any land shall occupy and use the land under the control and supervision of the General Manager, and shall not dispose of any produce or of any stock, machinery, implements, or other chattels of which the nominated occupier is in possession in respect of the land without the authority of the General Manager.

(5) Except with the consent of the General Manager the nominated occupier shall not be entitled to keep or use on or in connection with the land any stock or implements or material belonging to the nominated occupier or to any other person, but any such property belonging to the nominated occupier at the commencement of the licence may be purchased by the General Manager.

(6) Subject to the foregoing provisions of this section, the rights, privileges, obligations, and duties of the nominated occupier shall be as set forth in the terms of the licence.

(7) No stamp duty shall be payable on any licence granted by the General Manager under this section.

**30. Occupier may be required to execute instruments for registration under Chattels Transfer Act 1924**—(1) The nominated occupier shall, as and when required by the General Manager so to do, execute any instruments for registration under the Chattels Transfer Act 1924.

(2) Every instrument so executed by a nominated occupier pursuant to this section shall be as valid against the occupier and any other person as if the occupier were the sole owner of

the stock, machinery, implements, money, or other property to which the instrument relates, and the validity or effect of any such instrument shall not be affected by the fact that the right of the occupier to occupy any land may have been cancelled or  
5 revoked, or that the occupier may have died, or that for any other reason the occupier may have ceased to occupy the land.

*Leases of Land Subject to this Part*

**31. General Manager may grant leases**—(1) The General Manager may from time to time grant leases of any land that is  
10 subject to this Part of this Act.

(2) Subject to the provisions of this Part of this Act and of any regulations made for the purposes of this Part, the General Manager may fix the terms and conditions of any lease granted under this Part of this Act, and may exercise in respect of the  
15 lease all the rights and undertake the obligations and duties of a lessor.

(3) Without limiting the generality of the authority of the General Manager to fix the terms and conditions of any lease, the General Manager may, as a term of the lease, require the  
20 lessee to pay, as and when required so to do, the value, as assessed by the General Manager, of the improvements or of any of the improvements subsisting on the land at the commencement of the lease.

(4) All money so payable by the lessee in respect of  
25 improvements shall, unless the General Manager otherwise directs, be paid to the Maori Trustee and shall, subject to the direction of the General Manager, be dealt with by the Maori Trustee in accordance with sections 43 and 50 of this Act as if that money was rent.

30 (5) No lease or other alienation of Maori freehold land under this Part of this Act shall require to be confirmed by the Court.

**32. Preference to be given to Maori**—Every lease under this Part of this Act shall be granted to a Maori or to 2 or more Maori unless in the case of any particular area the General  
35 Manager is of the opinion that there is no Maori who, being ready and willing to become a lessee, is a fit and proper person to be a lessee of that land.

**33. Leases may be registered against land without production of title**—Every lease granted under this Part of  
40 this Act in respect of land that is subject to the Land Transfer Act 1952 may be registered in the same manner as if it had been lawfully granted by the legal owner of the land demised,

and for the purposes of registration it shall not be necessary to produce the certificate or certificates of title.

**34. Term of leases in respect of Maori land or land owned by Maori**—(1) Every lease granted under this Part of this Act in respect of Maori freehold land or of General land owned by Maori shall be for such term as the General Manager thinks fit, not exceeding in any case a term of 50 years (including any term or terms of renewal to which the lessee may be entitled). 5

(2) Subject to the provisions of this section as to the maximum duration of the lease, any such lease may confer on the lessee a right of renewal for one or more terms. 10

**35. Term of leases of Crown land**—(1) Every lease granted under this Part of this Act in respect of Crown land shall be for such term as the General Manager thinks fit, not exceeding in any case a term of 33 years. 15

(2) Any such lease may confer on the lessee a right of renewal for one or more terms of the same or a shorter duration, or may confer on the lessee a perpetual right of renewal for the same or a shorter term. 20

**36. Provisions as to review of rent during currency of lease and on renewal**—(1) On the grant of a lease under this Part of this Act, the General Manager shall fix the rent to be payable during the term of the lease or until the rent is reviewed in accordance with this section. 25

(2) In any such lease, the General Manager may stipulate that the rent shall be reviewed during the currency of the lease at intervals or at times to be stated in the lease.

(3) In every lease that makes provision for the review of the rent during the currency of the lease, and in every lease that provides a right of renewal, the General Manager shall stipulate the formula by which the rent payable on the review or on the renewal is to be calculated. 30

(4) If on the review of the rent payable under any lease or on the renewal of any lease the rent, ascertained in accordance with subsection (3) of this section, would be less than the rent previously payable, the rent shall not be reduced in accordance with the valuation, but shall continue at the amount previously payable, unless the lease provides that on review or renewal the rent shall or may be reduced if the values are not sufficient to support the original rent. 35 40

**37. Special valuation for purposes of fixing new rent—**

(1) For the purpose of determining the rent to be paid by the lessee on the review of the rent or on the grant of a renewal of the lease, the Valuer-General at the request of the General  
5 Manager shall cause to be made a special valuation of the land comprised in the lease.

(2) On the completion of the special valuation, the Valuer-General shall cause to be prepared a certificate setting forth the following particulars:

10 (a) The name of the lessee:

(b) The area of the land comprised in the lease, and the name by which the land is commonly known or other description of the land sufficient to identify it:

15 (c) A list of the improvements and the value of those improvements, either separately or in classes:

(d) The unimproved value of the land:

(e) The capital value of the land.

(3) For the purposes of this section, the expressions “capital value”, “improvements”, “unimproved value”, and “value of  
20 improvements” shall have the meanings assigned to them respectively by the Valuation of Land Act 1951, and every valuation made under this section shall be made in the same manner as if it were a valuation under that Act.

(4) Every certificate given by the Valuer-General for the  
25 purposes of this section shall have attached to it, or written or printed on it in prominent characters, a notice to the effect that the valuation to which the certificate relates is subject to objection in the manner prescribed by and within the time limited in accordance with section 38 of this Act.

30 **38. Notice of valuations and right of objection—**(1) As soon as practicable after making the special valuation, the Valuer-General shall serve not less than 3 copies of the certificate on the General Manager.

(2) The General Manager shall thereupon file a copy of the  
35 certificate in the appropriate office of the District Court and shall serve a copy on the lessee, together with a notice that objections to the valuation to which the certificate relates may be lodged in the manner and within the time specified in the notice.

40 (3) In the notice given under subsection (2) of this section, the General Manager shall fix the time within which objections to the valuation may be made by the lessee, being not less than 2 months after the date of service on the lessee, and shall specify the office of the District Court in which objections shall be filed.



(4) If the lessee or the General Manager objects to any of the values as appearing in the certificate, the lessee or General Manager may, within the prescribed time, file an objection to the valuation in the appropriate office of the District Court.

(5) Every objection filed shall specify the several items to which the objection relates, and with respect to each item shall specify the grounds of the objection. 5

(6) On the filing of any such objection by the lessee, the Registrar of the Court shall forthwith give to the General Manager and to the Valuer-General notice of the filing of the objection and of the terms of the objection, and on the filing of an objection by the General Manager shall give a like notice to the lessee. 10

(7) For the purposes of the foregoing provisions of this section, the expression "the appropriate office of the District Court" has the same meaning as in section 2 of the Land Valuation Proceedings Act 1948. 15

(8) All objections made in the manner prescribed by this section shall be heard and determined in the same manner as if they were objections made to valuations under the Valuation of Land Act 1951, and all the provisions of that Act relating to objections and the determination and disposal of objections shall extend and apply accordingly. 20

(9) If on the hearing of any objection any alteration in the valuation is made, the Valuer-General shall amend the certificate of valuation accordingly. 25

**39. General Manager may reduce or remit rent—** Notwithstanding anything in the foregoing provisions of this Part of this Act or in any lease granted under this Part or under the corresponding provisions of any former Act, the General Manager may reduce, remit, or extend the time for payment of any rent payable under any such lease for such period and on such terms and conditions as the General Manager thinks fit. 30

**40. Compensation for improvements—**(1) Every lease granted under this Part of this Act (other than a lease of Crown land with a perpetual right of renewal) shall contain express provisions to the following effect: 35

(a) That the lessee shall, on the expiry of the lease by effluxion of time, be entitled to compensation for improvements effected by the lessee (being all such improvements or improvements of a kind or class to be specified in the lease); or 40

(b) That the lessee shall not be entitled to any compensation for improvements effected by the lessee.

5 (2) Where provision is made for payment to the lessee of compensation for any improvements, the lease shall specify the percentage that the amount of compensation shall bear to the value of those improvements as at the termination of the lease, being, in the case of Maori freehold land or of General land owned by Maori, not more than 75 percent of the value of those improvements.

10 (3) Notwithstanding anything in the foregoing provisions of this section, any lease that provides for the payment of compensation for improvements may further provide that the right to compensation may be forfeited, in whole or in part, if the lessee fails to comply with any specified covenants of the  
15 lease.

**41. Compensation to be ascertained by valuation—**

(1) For the purpose of ascertaining the amount of compensation to which any lessee is entitled in accordance with this Part of this Act and the terms of the lease, the Valuer-General, at the  
20 request of or on behalf of any of the parties to the lease, shall cause to be made, as at the date of the termination of the lease, or at such other time as the lease in that behalf provides, a special valuation of the land comprised in the lease.

(2) The provisions of sections 37 and 38 of this Act shall apply,  
25 with the necessary modifications, to special valuations made under this section.

**42. Rent to be paid to Maori Trustee—**(1) Unless the General Manager otherwise determines, all rent payable under any lease granted under this Part of this Act shall be paid to the  
30 Maori Trustee.

(2) Any part payable to the Maori Trustee pursuant to this section shall, as it becomes due and payable in terms of the lease, constitute a debt due by the lessee to the Maori Trustee, recoverable in the same manner as if it were rent due to the  
35 Maori Trustee for land demised by the Maori Trustee.

**43. Sinking fund to provide compensation for lessees of Maori land—**(1) For the purpose of making provision for the payment of the compensation to which the lessee of any Maori freehold land or of General land owned by Maori may be  
40 entitled, the General Manager may from time to time during the currency of the lease or of any renewal of the lease direct the Maori Trustee to pay out of the rent received by the Maori

Trustee such sums as the General Manager thinks fit into the Common Fund of the Maori Trustee's Account, there to accumulate with interest at the rate from time to time determined by the Governor-General pursuant to the provisions of the Maori Trustee Act 1953.

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(2) The compensation payable to any such lessee shall, when it becomes due and payable, be paid by the Maori Trustee out of money invested for the purpose in accordance with this section.

(3) If the money available for the payment of compensation exceeds the amount payable as compensation to the lessee, the Maori Trustee shall, in accordance with the directions of the General Manager, pay the surplus to the persons entitled to it.

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(4) If the money available is insufficient to pay the lessee the full amount of the compensation to which the lessee is entitled, the deficiency shall be paid as an advance out of money appropriated by Parliament or otherwise available for the purposes of this Part of this Act, and the land in respect of which any such advance is made shall be charged with the payment of the amount so advanced, together with interest at a rate to be fixed by the Minister of Finance. Where the land so charged is comprised in 2 or more separate titles, the Court, on the application of the General Manager, shall apportion the charge between the lands comprised in the several titles or may exclude from the charge the area or areas comprised in any of those titles.

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(5) In respect of any charge imposed under this section, the General Manager may execute a memorial of charge against the land affected, and any such memorial of charge may be registered against the title to the land by the District Land Registrar or the Registrar of Deeds, as the case may be, of the land registration district in which the land is situated; and when so registered the memorial of charge shall have the same force and effect as if it were a valid mortgage to Her Majesty of all the land described in it to secure the repayment of the principal money and the payment of interest; and the power of sale and all other powers expressed by the Land Transfer Act 1952 or the Property Law Act 1952, as the case may be, in respect of mortgages, shall be implied in the memorial.

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(6) The principal money secured under any such memorial of charge shall be due upon a date to be specified in it in that behalf. Interest at the rate fixed in accordance with subsection (4) of this section shall be payable on the dates to be specified in the memorial.

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**44. Compensation for improvements to lessees of Crown land—**

(1) The following provisions of this section shall apply with respect to leases of Crown land subject to this Part of this Act by which provision is made for the payment to lessees of compensation for improvements.

(2) If on the expiry of any lease to which this section applies the General Manager decides that the land shall not be again disposed of by way of lease, it shall pay to the lessee the amount of the compensation to which the lessee is entitled.

(3) Where the General Manager decides that the land shall again be leased, it shall, in accordance with the provisions of section 31 (3) of this Act, offer the lease on terms requiring the lessee to pay the value of the improvements, as assessed by the Valuer-General in accordance with the provisions of section 41 of this Act.

(4) Where the General Manager is unable to dispose of the land in accordance with the provisions of subsection (3) of this section, and the outgoing lessee is not willing to agree to the terms offered by any prospective lessee, the General Manager shall, if the lease so provides, proceed to offer a lease of the land by public tender in accordance with this Part of this Act.

(5) If the expired lease does not stipulate for disposal by public tender of the land comprised in the lease, the General Manager may dispose of it by public tender or otherwise in accordance with this Part.

(6) All money received by the General Manager from a lessee in respect of improvements, not exceeding in any case the value of those improvements as assessed by the special valuation made by the Valuer-General, shall be paid by the General Manager to the outgoing lessee or other person entitled to it in satisfaction of the lessee's claim for compensation.

(7) No person shall have any right of action against Her Majesty or any other person in respect of any delay on the part of the General Manager in disposing of the land comprised in an expired lease, or for failure or delay in collecting from an incoming tenant the value of any improvements, or for its failure to dispose of the land comprised in a lease to the best advantage of an outgoing lessee.

**45. Payment of value of improvements to lessee with perpetual right of renewal—**(1) The provisions of section 44 of this Act shall, as far as applicable and with any necessary modifications, apply in any case where a lessee of Crown land,

having a perpetual right of renewal under this Part, elects not to accept a renewal of the lease.

(2) Subject to the provisions of **section 44** of this Act a lessee with a perpetual right of renewal shall on the expiry of any term of the lease be deemed to be entitled, if the lessee does not accept a renewal of the lease, to compensation for the improvements effected by the lessee of an amount equal to the value of those improvements as ascertained by a special valuation to be made for the purpose by the Valuer-General.

**46. Record of improvements**—(1) On the grant of any lease under this Part of this Act, whether or not it confers on the lessee a right to compensation for improvements effected by the lessee, the General Manager shall cause to be made, in such manner as the General Manager thinks fit, a record of the state and condition of the land and of any improvements existing on it.

(2) On the grant of a lease that confers on the lessee a right to compensation for improvements or on the grant of any lease with a perpetual right of renewal, the value of the improvements shall be ascertained by the Valuer-General by a special valuation made at the request of the General Manager.

(3) If any lease is granted within 3 years after the date of a special valuation made pursuant to **section 37** of this Act, the General Manager may adopt that valuation and its record of the then state and condition of the land for the purposes of this section.

(4) The cost of making any such record and valuation shall be deemed to be an expense properly deductible from any rent received by the Maori Trustee from the lease of the land in respect of which the record and valuations are made, and the Maori Trustee may deduct the amount of the cost from the rent in instalments or otherwise as the Maori Trustee thinks fit.

(5) Where any lessee makes or proposes to make any improvements on the land comprised in the lease, the lessee shall be entitled; on application to the General Manager, to have a record made of particulars of the nature and value of those improvements and of the state and condition of the land before the making of the improvements; but every such record shall be made at the cost in all things of the lessee.

(6) Every record made under this section shall be retained by the Department, and shall at all times be receivable as sufficient evidence of the facts so recorded in all matters and proceedings relating to the value of the improvements effected by the lessee.

**47. Surrender of leases**—The General Manager may at any time accept a surrender of any lease granted under this Part of this Act, either unconditionally or subject to such conditions as the General Manager thinks fit.

5     **48. Costs**—The cost of the preparation, execution, stamping, and registration of any lease granted under this Part of this Act and the cost of any special valuation made in terms of a lease shall be borne and paid by the lessee, but any such costs may, at the discretion of the General Manager, be  
10 charged to the lessee's account and be deemed to be an advance to the lessee under the provisions of this Part of this Act.

**49. Restriction on lessee's powers of disposition**—

15 (1) Except with the prior consent of the General Manager, no lease or sublease of land leased under this Part of this Act shall be capable of being assigned; nor, except with the prior consent of the General Manager, shall any sublease of any land so demised be capable of being granted.

20 (2) In giving any such consent, the General Manager may impose such terms and conditions as the General Manager thinks fit.

(3) The consent of the General Manager shall not be given to any assignment or sublease in favour of a person other than a Maori unless, in the opinion of the General Manager, there is  
25 no Maori who is ready and willing to accept a lease or sublease of the land and is a fit and proper person to become the tenant of the land.

(4) For the purpose of subsection (3) of this section, the word "Maori" includes a Maori incorporation as defined by section  
30 25 of the Maori Affairs Amendment Act 1967 and any other corporate body whose members, shareholders, or beneficiaries are principally Maori.

(5) Nothing in this section shall apply to any disposition by will in favour of the widow, widower, or child of the lessee or in  
35 favour of a Maori, or to any disposition by operation of law.

**50. Application of rents received**—The net rent received under any lease granted under this Part of this Act in respect of Maori freehold land or of General land owned by Maori shall, after the making of any proper deductions, be applied by the  
40 Maori Trustee, acting by direction of the General Manager, as follows:

- (a) In payment of all rates, taxes, and other assessments and outgoings payable by the owners in respect of the land:
- (b) In the discharge, to such extent as the General Manager from time to time thinks fit, of any mortgage, charge, encumbrance, or liability to which the land is subject: 5
- (c) In payment of any commission payable to the Maori Trustee:
- (d) In payment of the residue to the Maori owners or other persons having any estate or interest in the land in accordance with their respective interests. 10

**51. Apportionment of rent where land under separate titles**—Where any Maori freehold land or General land owned by Maori is held under separate titles, the rent received in respect of the land shall be apportioned to the separate areas in such proportions as may be fixed by the lease in that behalf, and where the proportions are not fixed by the lease shall be apportioned in such manner as the General Manager considers equitable. 15

**52. Application of rents received in respect of Crown land**—The rent received in respect of any Crown land that is subject to this Part of this Act shall be paid by the Maori Trustee into such fund or account within the Public Account as the Minister of Finance may from time to time determine. 20

*Security for Money Expended or Advanced by General Manager* 25

**53. Money expended by General Manager to be charged on land**—(1) All money expended by the General Manager in respect of any area of Maori freehold land or of General land owned by Maori that is subject to this Part of this Act shall be a charge on that land. 30

(2) If any land that is subject to a charge imposed in accordance with this section is comprised in 2 or more separate titles, the charge shall be apportioned to the lands comprised in the several titles in such amounts as the General Manager may determine. 35

(3) On the application of the General Manager, and on production of a certificate given on behalf of the General Manager that any land specified in the certificate is subject to a charge imposed by this section, the Court shall make a charging order evidencing the amount of the charge and the land that is subject to the order. 40

**54. Court may impose charges for betterment—**

(1) Where the General Manager is of the opinion that, by reason of the application in respect of any land that is subject to this Part of this Act of any money expended or advanced by the General Manager, any other land (whether or not it is subject to this Part of this Act) is being or has been increased in value, the General Manager may apply to the Court to ascertain what part (if any) of the money so expended or advanced should equitably be charged on that other land or on any interest in it in respect of the betterment of it; and, subject to subsection (2) of this section, the Court, in its discretion, may make an order charging that other land or any part of it or any interest in it with such amount, in respect of the money expended or advanced by the General Manager, as may be fixed by the Court, not exceeding in any case the amount, as fixed by the Court, of the increase of value.

(2) No such charge shall be made against any land or interest in land owned by a person who is not Maori unless that person has consented to contribute to the cost of any work in respect of which the General Manager has incurred any expenditure or made any advances.

(3) On the making of a charging order under this section, the amount of the charge shall become due and payable and shall be recoverable as a debt due to the Crown by the owner of the land or interest that is subject to the charge.

**55. Variation and registration of charges—**(1) Subject to any regulations made for the purposes of this Part of this Act, the Court may at any time, on the application of the General Manager but not otherwise, vary or revoke any order made under **section 53** or **section 54** of this Act.

(2) Any charge imposed in respect of any land by or pursuant to either of those sections may be registered under the Land Transfer Act 1952 or the Deeds Registration Act 1908, as the case may require.

(3) A certificate given on behalf of the General Manager that the amount secured by any such charge has been paid or otherwise satisfied in whole or in part shall be accepted as sufficient evidence of the satisfaction or discharge, and may be registered in the same manner as the charge.

**56. Enforcement of charges—**(1) Any such charge in respect of which a charging order has been made may, on application by the General Manager, be enforced by the Court either—



- (a) By the appointment of a receiver in respect of the land or interest in land; or
- (b) By the making of an order vesting in Her Majesty either the whole or such part of the land or interest in land as will, in the opinion of the Court, be sufficient to satisfy the charge. 5

(2) Upon the making of an order under paragraph (b) of subsection (1) of this section, the land or interest in land affected by the order shall be deemed to be vested in Her Majesty, subject to any estate or interest having priority to the charge, and the charge shall be deemed to be extinguished. 10

(3) Any land that is so vested in Her Majesty may be proclaimed Crown land in the same manner as if it were land acquired by the Crown pursuant to Part XXI of the Maori Affairs Act 1953 and may be administered and dealt with accordingly. 15

(4) In every such case a sum equivalent to the value of the land as determined by the Valuer-General shall be transferred from the Consolidated Account to such other appropriate account as the Minister of Finance shall determine. 20

*Advances to Lessees*

**57. Advances to lessees**—(1) The General Manager may from time to time advance money to the lessee of any land that is subject to this Part of this Act for all or any of the following purposes: 25

- (a) For the purchase of livestock, seeds, manures, fencing materials, tools, implements, machinery, and other equipment or any other materials or things that in the opinion of the General Manager may be required by the lessee for the purpose of effectively carrying on the lessee's farming operations or developing or improving the land: 30
- (b) For the discharge of any liabilities of the lessee incurred in respect of the land and for the payment of any money for the time being payable in respect of the land, whether as rates, taxes, rent, money secured by any mortgage or charge, insurance premiums, or otherwise: 35
- (c) For the farming, developing, improvement, maintenance, and current working expenses of the land: 40
- (d) For the purchase by the lessee of the improvements or of any of the improvements subsisting on the land at the commencement of the lease:

(e) For any other purpose that the General Manager may approve.

(2) Any money advanced under this section may in the discretion of the General Manager be paid to the lessee or be applied by the General Manager on behalf of the lessee for any of the purposes described in subsection (1) of this section.

(3) The power to make advances under this section shall be deemed to include power to make readvances on current account for all or any of the purposes described in subsection (1) of this section.

(4) The fact that the account with the General Manager of any lessee may from time to time be in credit shall not be deemed to affect any charge, mortgage, assignment, order, or other security imposed by or given under this Part of this Act.

**58. Security to be given by lessee in respect of expenditure of General Manager or of advances—**

(1) In addition to the security by way of charge imposed by or pursuant to the foregoing provisions of this Part of this Act, the General Manager may require the lessee of any land that is subject to this Part to give, in respect of any money advanced to the lessee or in respect of any money expended by the General Manager (whether before or after the grant of the lease), such mortgages, assignments, orders, or other securities as the General Manager thinks fit over the lessee's interest in the land or over the stock, chattels, machinery, and implements from time to time on the land, or over the produce of the land or stock, or the money derived from farming operations or otherwise in respect of the land, or over any other real or personal property of the lessee.

(2) Subject to any regulations made for the purposes of this Part of this Act, any mortgage, assignment, order, or other security given under this section may be taken in the name of Her Majesty or in the name of the General Manager, and shall be in such form and shall contain such terms and provisions as the General Manager thinks fit.

(3) Subject to any regulations made for the purposes of this Part of this Act, any mortgage, assignment, order, or other security under this section may, whether or not the money secured thereby has been repaid, be at any time wholly or partly discharged or cancelled by direction of the General Manager, but not otherwise.

(4) The remedies of the General Manager against a lessee, by virtue of any security given under this section, shall be exhausted before the General Manager proceeds to enforce

any charge on the land imposed by the foregoing provisions of this Part in respect of the liabilities of the lessee.

**59. Advances to owners of freehold land**—Without prejudice to any provision of this Part of this Act, the General Manager may from time to time make advances to and take security from any owner or owners, whether joint owners or owners in common, of any freehold estate or interest in any land that is subject to this Part in the same manner and to the same extent as it may make advances to and take security from any lessee under this Part; and the provisions of **sections 57 and 58** of this Act shall, as far as applicable and with the necessary modifications, extend and apply to any such advances and the securities taken for those advances.

*Advances to Purchasers*

**60. Advances to purchasers of freehold interests**— Without prejudice to any provision of this Part of this Act, the General Manager may from time to time make advances to and take security from any person or persons for the purpose of assisting that person or those persons to purchase any freehold estate or interest in any land in the same manner and to the same extent as it may make advances to and take security from any lessee under this Part; and the provisions of **sections 57 and 58** of this Act shall, as far as applicable and with the necessary modifications, extend and apply to any such advances and the securities taken for those advances.

**61. Advances to purchasers of leasehold interests**— Without prejudice to any provision of this Part of this Act, the General Manager may from time to time make advances to and take security from any person or persons for the purpose of assisting that person or those persons to purchase any leasehold estate or interest in any land that is subject to this Part in the same manner and to the same extent as it may make advances to and take security from any lessee under this Part; and the provisions of **sections 57 and 58** of this Act shall, as far as applicable and with the necessary modifications, extend and apply to any such advances and the securities taken for those advances.

*Special Powers of General Manager*

**62. General Manager may acquire land or rights over land**—(1) For any of the purposes of this Part of this Act, the General Manager may purchase or otherwise acquire on behalf

of the Crown any land or interest in land or the right to cut and remove trees or timber or to take any other substance from any land.

5 (2) The General Manager may sell, lease, or otherwise dispose of any land, interest, or right acquired under this section, and may from time to time sell or otherwise dispose of any trees, timber, or other substance cut, removed, or taken pursuant to any right so acquired.

10 (3) Where any land or interest in land has been acquired by the General Manager pursuant to this section, the estate or interest in the land so acquired shall not merge or be deemed to have merged in any other interest possessed by Her Majesty in that land, notwithstanding anything to the contrary in any other Act or in any rule of law, but shall enure as a separate  
15 estate or interest.

(4) On the production of a certificate given by or on behalf of the General Manager that any land or interest in land has been acquired by the General Manager pursuant to this section, the District Land Registrar shall endorse on the certificate of title or  
20 other relevant instrument of title a memorial that the land has been acquired pursuant to this Part of this Act, and may, on production of a further certificate, cancel the memorial as to the whole or any part of that land or interest.

**63. Acquisition of land by General Manager for owners of scheme**—(1) The General Manager, in the name of the  
25 Crown, may purchase or otherwise acquire, for the purposes of this Part of this Act any land or interest in land on behalf of the owners of any Maori land or General land owned by Maori that is subject to this Part of this Act.

30 (2) Any money expended by the General Manager under this section shall, for the purposes of **section 53** of this Act, be deemed to have been expended in respect of the land on behalf of the owners of which the further land is acquired.

**64. Land may be vested in owners**—(1) On application by  
35 the General Manager, the Court may make a vesting order vesting any land or interest in land acquired pursuant to **section 63** of this Act, in the persons on whose behalf it was acquired, subject to any lease, licence, mortgage, charge, or other encumbrance affecting it.

40 (2) Instead of making a vesting order under this section, the Court, if it thinks it convenient to do so, may amend any existing instrument of title so as to include the land to be vested. Any land included pursuant to this subsection in an

existing instrument of title shall have the same status, as General land or Maori freehold land, as the land originally comprised in the instrument.

(3) The District Land Registrar is hereby authorised to make all such alterations and amendments in the register and to issue such new certificates of title as may be necessary to give effect to any order made by the Court under this section. 5

(4) To facilitate the disposal of any land or interest in land acquired by the General Manager under **section 62** of this Act, the Court shall have and, on the application of the General Manager, may exercise the jurisdiction given by the foregoing subsections of this section as if the land or interest had been acquired under **section 63** of this Act on behalf of the persons in whom the land or interest is to be vested. 10

**65. General Manager may grant or acquire easements**—(1) The General Manager may at any time grant over any land that is subject to this Part of this Act, or may acquire for the benefit of any such land, any rights of way, water rights, or other easements, in all respects as if it were the owner of the land. 15 20

(2) Where any land over which an easement is granted pursuant to this section is held under lease granted by the General Manager the lessee shall be entitled to compensation or to a reduction of rent in respect of any reduction in the value of the lease by reason of the grant of the easement. 25

**66. Water supplies**—(1) The General Manager may construct such waterworks as the General Manager thinks necessary for the supply of water to any land subject to this Part of this Act, or may purchase any existing waterworks, and may supply water from the waterworks for any farming, industrial, commercial, or domestic purposes to any land that is being developed, farmed, used, or occupied under this Part and to any other land that, by reason of its proximity to the waterworks, may conveniently be supplied with water. 30

(2) For the purposes of this section, the term “waterworks” shall include reservoirs, wells, bores, dams, tanks, water mains, pipes, buildings, machinery, works, and appliances of every kind for collecting, holding, conveying, or regulating the supply of water, and shall also include land or interests in land acquired for catchment areas or for any other purpose connected with the construction or maintenance of waterworks and all water impounded, diverted, or conveyed during the construction or operation of waterworks. 35 40

(3) For the purposes of this section, the term “occupier”, in relation to land subject to this Part of this Act, means the person whose occupation of the land has been approved by the General Manager and, in relation to any other land, means the  
5 owner or lessee or other lawful occupier of the land.

(4) The General Manager by his or her officers, workmen, and others by the General Manager’s direction, may enter on any land for the purpose of examining or repairing any waterworks under the control of the General Manager. In  
10 exercising the powers under this subsection, the General Manager and any person acting under the direction of the General Manager shall do as little damage as possible and, whenever practicable, shall give notice to the occupier of the land before any such entry. Any loss or damage suffered by the  
15 owner or occupier of any land by reason of any such damage shall be compensated by the payment of such amount as may be agreed upon between the General Manager and the owner or occupier or, in default of agreement, as may be determined by arbitration under the Arbitration Act 1908.

(5) The General Manager may from time to time by notice in the *Gazette* declare any area to be a water area for the purposes of this section (being land on which waterworks are erected or are intended to be erected for the supply of water to that land), and the area so declared may from time to time be added to or  
20 reduced by an amending notice. The provisions of **section 22** of this Act shall apply to any notice under this subsection.

(6) The occupier of any land in a water area shall pay in respect of the cost of waterworks and the water supplied or available to the occupier such amounts by way of levy as the  
30 General Manager from time to time determines. Any levy so made shall be recoverable as a debt in any Court of competent jurisdiction, but without prejudice to any other remedy that may be available against the occupier.

(7) The levies shall be of such amounts as appear to the  
35 General Manager to make adequate provision for meeting repayment of the capital outlay, or so much of the capital outlay as the General Manager thinks fit, together with interest, running expenses, and the cost of maintenance of the waterworks. In fixing the amount of any levies, the General  
40 Manager may have regard to the stock-carrying capacity of the land, the amount of water actually supplied or available, and any other relevant factor that will enable the General Manager to fix equitable or reasonable amounts.

(8) Any waterworks constructed or purchased by the General  
45 Manager under this section may be disposed of by the General

Manager on the payment of such amount and subject to such conditions as the General Manager in each case determines.

(9) Any local authority or Department of State to which any waterworks are disposed of under **subsection (8)** of this section or any subsequent disposal shall have the same power to enter on land to examine or repair waterworks as the General Manager has under **subsection (4)** of this section and the same power to make and recover levies as the General Manager has under **subsections (6) and (7)** of this section, and all the provisions of those subsections shall, with the necessary modifications, apply accordingly to any waterworks so disposed of. The General Manager may, subject to such terms and conditions as the General Manager thinks fit, from time to time advance or readvance money to any local authority to which it has disposed of any waterworks.

(10) Notwithstanding anything to the contrary in any Act or rule of law, any waterworks constructed or purchased by the General Manager under this section shall remain the property of the General Manager or, as the case may be, of the local authority or Department of State for the time being entitled to the waterworks under any disposal of the waterworks under this section or under any subsequent disposal, and may be at any time removed by the General Manager or other owner without liability for payment of compensation to the owner of the land on which the waterworks are erected or to any other person, notwithstanding that the waterworks may have been so attached to the land as to form part of the land.

(11) The General Manager may from time to time appoint a committee of management in respect of any water area and may delegate to any such committee any powers or functions conferred on the General Manager by this section subject to such terms and conditions as the General Manager thinks fit. Any such committee shall consist of such number of persons occupying land in the water area as the General Manager thinks fit and not more than 2 other persons.

(12) Any such committee of management may be at any time discharged or reconstituted by the General Manager.

**67. General Manager may engage advisers for Maori farmers—**(1) The General Manager may from time to time employ or engage any person as an adviser to give advice and instruction to Maori who are engaged in the development, improvement, or farming of any land that is subject to this Part of this Act. Any such adviser may be required by the General Manager to make recommendations for the more efficient and

economic development, improvement, farming, or settlement of any such land.

(2) There may be paid to advisers employed or engaged under this section (not being officers of the Public Service) such  
5 remuneration and such travelling and other allowances and expenses as the General Manager may approve.

**68. Right to cut timber, etc.**—(1) For the purposes of this Part of this Act, the General Manager may from time to time cut and remove trees or timber or take any other substance  
10 from any land that is subject to this Part of this Act.

(2) The General Manager may, in any such case, allow to the owners of the land such royalty or other consideration as may be agreed upon by the General Manager and the owners, or, in default of agreement, as may be fixed by the General Manager.  
15 Where the royalty or other consideration is fixed by the General Manager it shall be fixed at a rate not less than the standard rate (if any) in the same locality, and if no such rate is ascertainable it shall be fixed at a rate that the General Manager considers fair and equitable in the circumstances. The  
20 amount of the royalty or other consideration so allowed may, at the option of the General Manager, be paid to the owners or be applied in or towards the satisfaction of any money owing by them to the Crown, whether or not any such money is charged under this Part of this Act on any land or interest in  
25 land.

(3) Any timber or other substances obtained by the General Manager pursuant to this section may be used for the purposes of any land that is subject to this Part of this Act, and any such timber or other substances that are not so required may be sold  
30 or otherwise disposed of by the General Manager as the General Manager thinks fit.

**69. Power to pay rates, taxes, and other money**—(1) The General Manager may from time to time pay in whole or in part any money for the time being payable in respect of any  
35 land that is subject to this Part of this Act, whether as rates, taxes, rent, money secured by any mortgage or charge, insurance premiums, or otherwise howsoever, and whether or not the Crown is liable for the payment of that money.

(2) The fact that any land is declared to be subject to this Part  
40 of this Act or that any money is paid or any powers are exercised in respect of any such land by the General Manager shall not be deemed to impose any liability on or to affect the



liability (if any) of the Crown or any other person for any rates or other money payable in respect of the land.

(3) All money paid by the General Manager under this section shall constitute a charge on the land or interest in respect of which it is so paid. 5

(4) On the application of the General Manager, and on production of a certificate given on behalf of the General Manager that any land or interest in land specified in the certificate is subject to a charge imposed by this section, the Court shall make a charging order evidencing the amount of the charge and the land or interest that is subject to the charge. 10

(5) On the making of any such order, the amount of the charge, with interest, shall be due and payable as a debt due to the Crown by the owner of the land or interest that is subject to the charge. 15

**70. Sharemilking contracts, etc.**—(1) The General Manager may from time to time make such contracts as the General Manager thinks fit with respect to the carrying out of milking, cropping, farming, or other operations on any land that is subject to this Part of this Act, for such remuneration, whether by way of a share of the proceeds or otherwise, as the General Manager thinks fit. 20

(2) Any contract made under this section may be at any time determined by the General Manager if the person with whom it is made commits any breach of the provisions of the contract, and in such other circumstances as may be provided in the contract. 25

**71. Use of land for industries other than farming**—Where in the opinion of the General Manager it would be advisable to use any land that is subject to this Part of this Act for any industry other than farming, whether the industry affects anything on the surface of the land or below the surface, the General Manager may from time to time make such contracts as the General Manager thinks fit with any person for the purpose of promoting, establishing, or carrying on that industry. 30 35

**72. Use of land for afforestation purposes**—(1) Where in the opinion of the General Manager it would be advisable to use any land that is subject to this Part of this Act for the purposes of afforestation, the General Manager may— 40

(a) Undertake and carry out on the land such operations as the General Manager thinks necessary for the

establishment, culture, and maintenance of forests and the harvesting, use, transport, sale or other disposal of forest produce from the land; or

5 (b) Appoint the Minister of Forestry or the New Zealand Forestry Corporation Limited as agent for the General Manager for the purposes of forest management in accordance with the provisions of section 64 of the Forests Act 1949:

10 (c) Enter into any contract or agreement with, or grant a lease or licence to, any person or body corporate for the purpose of carrying out any forestry operations on the land.

(2) Any lease or licence granted by the General Manager pursuant to **paragraph (c) of subsection (1)** of this section shall be on  
15 such terms and conditions as the General Manager thinks fit, and none of the provisions of this Part of this Act as to the terms and conditions of leases shall apply to any such lease or licence granted by the General Manager.

**73. Surveys**—(1) The General Manager may from time to  
20 time authorise such surveys as the General Manager considers necessary or expedient of any land that is subject to this Part of this Act. Nothing in Part XXVI of the Maori Affairs Act 1953 shall apply with respect to surveys under this section.

(2) Surveys under this section shall be carried out, in  
25 accordance with the directions of the General Manager, by registered surveyors (whether or not they are officers of the Public Service).

**74. Power to pay revenue from land to owners**—(1) Any  
30 money received by the General Manager in respect of any Maori freehold land or of General land owned by Maori as the result of farming operations or otherwise in accordance with this Part of this Act may, if the General Manager thinks fit, be paid to any person owning any interest in the land instead of  
35 being applied in reduction of any money charged or secured on the land, notwithstanding that the annual receipts in respect of the land may be less than the annual expenditure in respect of the land.

(2) Where the General Manager is satisfied after inquiry that  
40 it is desired by a majority of the owners in value to whom any money is payable under this section that the money or any part of it should be applied for any purpose approved by the General Manager, the General Manager may apply the money or part of it accordingly.

*Miscellaneous Provisions*

**75. Payment in respect of benefit to Crown land that is not subject to this Part—**(1) Where any Crown land that is not subject to this Part of this Act has been improved or increased in value by reason of any operations or expenditure of money in respect of any land that is subject to this Part of this Act, there may, in accordance with the directions of the Minister of Finance, be transferred from the Consolidated Account to any other appropriate account such amount or amounts as the Minister of Finance may from time to time determine in respect of the benefit accrued to the Crown land. 5 10

(2) Any money so transferred shall be applied as far as it will extend in satisfaction of the money (if any) charged on the land in respect of which the operations were undertaken or the expenditure was made. 15

**76. Development of land under Land Act 1948—**(1) Where it is agreed between the General Manager and the Director-General of Lands that the development and improvement of any land subject to this Part of this Act should be carried out under the control of the Department of Lands, the Director-General, subject to such terms and conditions as may be agreed between the Director-General and the General Manager, may develop and improve the land, and may for that purpose expend out of the Consolidated Account any amount the Minister of Lands thinks fit. 20 25

(2) All money expended under this section in respect of land that is subject to this Part of this Act shall be a charge upon the land in respect of which the expenditure is incurred, and shall bear interest at such rate as the Minister of Finance from time to time determines. 30

(3) The foregoing provisions of this Part of this Act as to charges on land in respect of expenditure incurred by the General Manager shall, with the necessary modifications, apply with respect to money expended under this section.

(4) There shall from time to time, as the Minister of Finance may determine, be paid into the Consolidated Account out of money available for the purposes of this Part of this Act such sums as may be required to reimburse that Account for money expended pursuant to this section, with interest at a rate to be fixed by that Minister. 35 40

**77. Validity of contracts made by General Manager—**All contracts and decisions made by the General Manager in

respect of any land that is subject to this Part of this Act shall be as effective as if the land were vested in Her Majesty.

**78. Accounting provisions**—(1) All money expended or advanced by the General Manager pursuant to or for the purposes of this Part of this Act shall be paid out of money appropriated by Parliament for the purposes of this Part from the Consolidated Account established under the Public Finance Act 1977.

(2) All money received by the General Manager under this Part of this Act shall, unless the Minister of Finance otherwise directs, be paid into the Consolidated Account.

(3) Except as provided in **subsection (2)** of this section, money received by the General Manager under this Part of this Act shall be paid into such fund or account as the Minister of Finance may determine.

**79. Accounts to be kept by General Manager**—(1) The General Manager, by direction or with the approval of the Minister of Finance, shall keep all such departmental or internal accounts as may be necessary for the proper administration of this Part of this Act.

(2) Where any area of land for the time being subject to this Part of this Act is administered by the General Manager, as a single undertaking it shall not be necessary to keep separate accounts in respect of the several parcels of land within that area, though they may be owned by different owners or may consist partly of Crown land, or General land, or Maori land, but in any such case there shall be one account kept in respect of the whole undertaking.

(3) Nothing in **subsection (2)** of this section shall render unnecessary the keeping of personal accounts in respect of the several nominated occupiers or lessees, or such other accounts as the Minister of Finance directs.

(4) Interest on the credit balance of any account may, with the approval of the Minister of Finance, be credited to that account in such manner and at such rate as that Minister may from time to time determine.

(5) Any authority or direction given by the Minister of Finance for the purposes of this section may be given either generally or with respect to any particular account or class of accounts.

**80. Interest payments in respect of Maori land development**—All money expended or advanced by the

General Manager under this Part of this Act shall bear interest at such rate or rates as the Minister of Finance may from time to time determine, and any such interest shall be included in the amount of any charge that may be imposed under **section 53** or **section 54** of this Act. 5

**81. Relief from interest payment**—If, in any case where—

- (a) The General Manager expends money for the development of any land under this Part of this Act; or 10
- (b) Any person owes money to the General Manager in respect of any advance made by the General Manager under **section 71** or **section 72** or **section 73** or **section 74** of this Act,—

the General Manager is satisfied that the affording of relief 15 would be reasonable and equitable, the General Manager may, subject to such terms and conditions as the General Manager thinks fit, postpone or remit the payment of interest payable in respect of such money or, in the case of money repayable by instalments, postpone the payment of any instalment or remit 20 the interest portion of any instalment or both.

**82. Special provisions as to Crown lands and to lands purchased by General Manager**—(1) The following provisions of this section shall apply with respect to all Crown lands that are for the time being subject to this Part of this Act, 25 and to all lands acquired by the General Manager on behalf of the Crown pursuant to **section 60** of this Act.

(2) All lands to which this section applies shall be and continue to be Crown lands while they remain subject to this Part of this Act, unless they have been sold by the General 30 Manager pursuant to any authority conferred on the General Manager by this Part.

(3) No land to which this section applies shall be or be deemed to be held in trust for the owners of any other land, notwithstanding that the accounts in respect of the land may 35 form part of any other account kept for the purposes of this Part.

**83. General Manager may accept money for incentive shares, etc.**—Nothing in this Part of this Act shall prevent the General Manager from receiving, from the Crown or from any 40 State agency or from any local authority or other body or organisation, in respect of any area of land under its control,

any money made available to it in furtherance of any scheme or policy for the assistance or encouragement of farming or pastoral operations or the improvement of the land, whether the money is in the form of a grant, or subsidy, or is to be repaid in any circumstances. The General Manager shall have and may exercise all powers necessary for the acceptance, use, and (where required) the repayment of any such money.

**84. Interference and obstruction prohibited**—(1) Every person commits an offence and is liable upon summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding \$500 who—

(a) Trespasses on any land that is subject to this Part of this Act (whether such land has been leased or not), and neglects or refuses to leave the land after having been warned that he or she is a trespasser and directed to leave the land by any person authorised in that behalf by the General Manager; or

(b) Wilfully obstructs or interferes with any officer, servant, or workman employed or engaged by the General Manager, in the course of his or her duties, or obstructs or interferes with any nominated occupier or lessee, in the exercise of his or her rights as such occupier or lessee or otherwise obstructs or interferes with any work done or being done for the purposes of this Part of this Act.

(2) An owner shall not by virtue of his or her ownership have any right of entry on land that is subject to this Part of this Act, and in any proceedings for an offence against this section in respect of any land, the fact that the defendant has an interest in the land shall not be a defence.

(3) In any such proceedings a certificate under the hand of a Registrar of the Court to the effect that any land is subject to this Part of this Act shall, in the absence of proof to the contrary, be conclusive evidence of that fact.

(4) No proceedings shall be commenced under this section except with the consent of the General Manager.

**85. Advances to Maori occupiers of land that is not subject to this Part**—(1) For the purpose of—

(a) Assisting Maori to farm, improve, or develop lands that are owned or occupied by them but are not subject to this Part of this Act, or to discharge any liabilities charged on or existing in respect of any such lands, or

to purchase any estate or interest in any such lands;  
or

- (b) Assisting other persons to farm, improve, or develop any such lands for the benefit of Maori, or to discharge any liabilities charged on or existing in respect of any such lands held for the benefit of Maori, or to purchase any estate or interest in any such lands for the benefit of Maori,—

the General Manager may from time to time authorise the making of advances out of money to be appropriated by Parliament for the purposes of this section or of this Part of this Act.

(2) Any money advanced under this section may, at the discretion of the General Manager, be paid to the owners or occupiers or be expended by the General Manager on their behalf.

(3) All money advanced under this section shall bear interest at such rate as the Minister of Finance shall from time to time determine, and, except as provided in subsection (4) of this section, shall be secured by way of mortgage over the land or interest in land in respect of which the advance is made.

(4) In addition to or instead of the security required by subsection (3) of this section, the General Manager may require security by way of mortgage to be given over any other land or interest in land, and may also require collateral security to be given over any chattels.

(5) Every instrument of security given for the purposes of this section shall contain such terms and conditions as the General Manager may require or prescribe.

(6) The amount to be advanced or readvanced under this section shall be determined in each case by the General Manager.

(7) Where the General Manager is satisfied that it would be reasonable or equitable to afford relief, the General Manager may, subject to such terms and conditions as the General Manager thinks fit, postpone or remit the payment of interest payable in respect of money owed by any person in respect of advances made to that person under this section or, in the case of money payable by instalments, postpone the payment of any instalment and also remit the interest portion of any instalment.

(8) Notwithstanding the foregoing provisions of this section, the General Manager shall have authority to make advances under this section, on such security (whether or not land) as the General Manager thinks fit, to any Maori for the purpose of

assisting him or her to engage in any dairy, cropping, or other farming enterprise carried on or to be carried on by him or her on land owned and occupied by any other person.

5 (9) For the purposes of this section any land and any interest in land that is owned as joint tenant or tenants in common by 2 persons who are married to one another and of whom one is Maori shall be deemed to be owned by a Maori.

(10) All money received by the General Manager under this section shall, unless the Minister of Finance otherwise directs,  
10 be paid into the Consolidated Account.

**86. Advances and other assistance to Maori**—(1) The General Manager may, out of money appropriated by Parliament for the purposes of this section, make advances and provide other assistance, in the discretion of the General  
15 Manager, to or for the benefit of any Maori for the purposes of assisting him or her to engage in any enterprise whatever.

(2) All money advanced under this section shall bear interest at such rate as the Minister of Finance shall from time to time determine, and shall be upon such terms as to repayment and  
20 upon such security (if any) as may be required by the General Manager.

(3) The provisions of subsections (5) to (7) and subsection (10) of section 85 of this Act shall, except insofar as those provisions may be inconsistent with the provisions of this section, apply in  
25 respect of advances under this section.

**87. Authorising establishment and maintenance of Kokiri Centres**—(1) In this section the term “Kokiri Centre” means any premises in which training and tuition is given in respect of any of the following matters:

- 30 (a) Any trade, profession, or occupation:  
(b) Any skill or art that promotes the general social wellbeing of the community:  
(c) Maori language, Maori customs and traditions, Maori arts and handicrafts, and other aspects of Maori culture  
35 essential to the identity of the Maori race:  
(d) Languages, customs and traditions, and arts and handicrafts of members of other races.

(2) The General Manager, with the approval of the Minister, may from time to time, on behalf of the Crown,—

- 40 (a) Purchase, take on lease, or otherwise acquire any land or premises for the purpose of establishing Kokiri Centres:



- (b) Do all things necessary for the erection, replacement, repair, upkeep, improvement, maintenance, operation, furnishing, and equipment of any building or premises on any land to which **paragraph (a)** of this subsection applies: 5
- (c) Employ such persons and pay such remuneration or wages as the General Manager thinks fit to any person employed at any such Kokiri Centre:
- (d) Enter into such arrangements, whether by way of lease, licence, or otherwise, as it thinks fit with such persons (whether as trustees, managers, elders, or otherwise) as it thinks fit for the conduct of any such Kokiri Centre. 10

(3) Any land or premises acquired under this section may be sold, leased, or otherwise disposed of upon such terms and conditions as the General Manager thinks fit: 15

Provided that no such land or premises shall be sold without the consent of the Minister.

(4) In respect of any lease of, or licence to occupy any land to which **subsection (2)** of this section applies, the General Manager, on behalf of the Crown, may from time to time impose such charges as the General Manager thinks fit, and may prescribe such rules as the General Manager thinks necessary for regulating the management and control of any Kokiri Centre or any activity carried on therein. 20 25

(5) All expenditure incurred by the General Manager under this section shall be paid out of money appropriated by Parliament from the Consolidated Account and all income derived by the General Manager under this section will be paid into the Consolidated Account. 30

**88. General Manager may establish and maintain hostels**—(1) Without limiting the other powers conferred on the General Manager by this Act, the General Manager may from time to time, on behalf of the Crown,—

- (a) Purchase, take on lease, or otherwise acquire any land or premises for the purpose of providing or maintaining hostels for the accommodation of Maori: 35
- (b) Do all things necessary for the erection, replacement, repair, upkeep, improvement, maintenance, operation, furnishing, and equipment of any building or premises on any land to which **paragraph (a)** of this subsection applies: 40

- (c) Employ such persons and pay such remuneration or wages as the General Manager thinks fit to any person employed at any such hostel:
- 5 (d) Enter into such arrangements (whether by way of lease, licence, or otherwise) with such persons (whether as trustees, managers, or otherwise) as the General Manager thinks fit for the management or administration of any such hostel.
- 10 (2) Any land or premises acquired by the General Manager under this section may be sold, leased, or otherwise disposed of by the General Manager upon such terms and conditions as the General Manager thinks fit:
- Provided that no such land or premises shall be sold without the consent of the Minister.
- 15 (3) In respect of any accommodation provided by the General Manager under this section, the General Manager may from time to time impose such charges as the General Manager thinks fit, and prescribe such rules as the General Manager thinks necessary for regulating the management and control of
- 20 any hostel or the conduct of any person in any hostel.
- (4) All expenditure incurred by the General Manager under this section shall be paid out of money appropriated by Parliament from the Consolidated Account, and all income derived by the General Manager under this section shall be
- 25 paid into that Account.

### PART III

#### MISCELLANEOUS PROVISIONS

30 **89. Regulations**—The Governor-General may from time to time, by Order in Council, make regulations for all such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

35 **90. Transition provision**—All lands that were, immediately before the commencement of this Act, subject to Part XXIV of the Maori Affairs Act 1953 are hereby declared to be subject to **Part II** of this Act.

**91. Expiry**—This Act shall expire with the close of the 30th day of September 1994.

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## SCHEDULES

## FIRST SCHEDULE

Section 10

## AMENDMENTS CONSEQUENTIAL UPON RESTRUCTURING OF DEPARTMENT

Enactment	Amendment
1934-35, No. 45—The Maori Purposes Fund Act 1934-35 (R.S. Vol. 8, p. 595)	By repealing paragraph (b) of section 7 (2) (as substituted by section 7 of the Maori Purposes Act 1979), and substituting the following paragraph: “(b) The General Manager of the Iwi Transition Agency:”.
1953, No. 94—The Maori Affairs Act 1953 (R.S. Vol. 8, p. 13)	By omitting from section 2 (1) the definition of the term “Department” (as substituted by section 5 (1) of the Maori Affairs Amendment Act 1974). By inserting in section 2 (1), after the definition of the term “General land” (as amended by section 2 (2) of the Maori Affairs Amendment Act 1974), the following definitions: “‘General Manager’ means the chief executive of the Iwi Transition Agency appointed under the State Sector Act 1988: “‘Iwi Transition Agency’ means the Iwi Transition Agency constituted by section 3 of the Maori Affairs Restructuring Act 1989:”.
1953, No. 95—The Maori Trustee Act 1953 (R.S. Vol. 3, p. 393)	By omitting from section 2 (1) the definition of the term “Secretary” (as substituted by section 5 (1) of the Maori Affairs Amendment Act 1974). By omitting from section 3 (2) the words “Department of Maori Affairs established under the Maori Affairs Act 1953” (as substituted by section 5 (1) of the Maori Affairs Amendment Act 1974), and substituting the words “Iwi Transition Agency”. By omitting from section 4 (as substituted by section 16 (1) of the Maori Purposes Act 1979) the words “Department of Maori Affairs” in both places where they occur, and substituting in each case the words “Iwi Transition Agency”. By omitting from subsection (2), and also from subsection (3) (a), of section 4 (as so substituted) the words “Secretary for Maori Affairs”, and substituting the words “General Manager of the Iwi Transition Agency”.

FIRST SCHEDULE—*continued*

AMENDMENTS CONSEQUENTIAL UPON RESTRUCTURING OF DEPARTMENT—  
*continued*

Enactment	Amendment
1953, No. 95—The Maori Trustee Act 1953 (R.S. Vol. 3, p. 393)— <i>continued</i>	By omitting from subsection (3) of section 4 (as so substituted) the words “Deputy Secretary for Maori Affairs”, and substituting the words “next most senior officer of the Iwi Transition Agency”.
1955, No. 37—The Maori Trust Boards Act 1955 (R.S. Vol. 8, p. 683)	By omitting from subsection (1) of section 49 the words “Secretary for Maori Affairs” (as substituted by section 5 (1) of the Maori Affairs Amendment Act 1974), and substituting the words “General Manager of the Iwi Transition Agency”. By omitting from subsection (3) of section 49 (as added by section 5 of the Maori Trust Boards Amendment Act 1988) the words “Secretary for Maori Affairs”, and substituting the words “General Manager of the Iwi Transition Agency”. By omitting from subsection (3) of section 49 (as so added) the word “Secretary” where it secondly occurs, and substituting the words “General Manager”.
1961, No. 46—The Maori Education Foundation Act 1961 (R.S. Vol. 8, p. 393)	By repealing paragraph (c) of section 8 (2) (as substituted by section 5 (1) of the Maori Affairs Amendment Act 1974), and substituting the following paragraph: “(c) The General Manager of the Iwi Transition Agency.”.
1962, No. 133—The Maori Community Development Act 1962 (R.S. Vol. 8, p. 361)	By inserting in section 2, before the definition of the term “Maori” (as substituted by section 7 of the Maori Purposes Act 1974), the following definition: “‘General Manager’ means the chief executive of the Iwi Transition Agency.”. By omitting from section 2 the definition of the term “Secretary” (as substituted by section 5 (1) of the Maori Affairs Amendment Act 1974). By omitting from section 4 the words “Department of Maori Affairs” (as substituted by section 5 (1) of the Maori Affairs Amendment Act 1974), and

FIRST SCHEDULE—*continued*AMENDMENTS CONSEQUENTIAL UPON RESTRUCTURING OF DEPARTMENT—  
*continued*

Enactment	Amendment
1962, No. 133—The Maori Community Development Act 1962 (R.S. Vol. 8, p. 361)— <i>continued</i>	<p>substituting the words “Iwi Transition Agency”.</p> <p>By omitting from section 5 the word “Secretary”, in both places where it occurs, and substituting in each case the words “General Manager”.</p> <p>By omitting from section 6 (1) the word “Secretary”, and substituting the words “General Manager”.</p> <p>By omitting from subsection (3) of section 7 (as substituted by section 14 (1) of the Maori Purposes Act 1975) the word “Secretary”, and substituting the words “General Manager”.</p> <p>By omitting from section 8 (4) the word “Secretary”, and substituting the words “General Manager”.</p> <p>By omitting from section 11 (4) the word “Secretary”, and substituting the words “General Manager”.</p> <p>By omitting from paragraphs (c) and (e) of section 28 (as amended by section 5 (1) of the Maori Affairs Amendment Act 1974) the words “Secretary for Maori Affairs”, and substituting the words “General Manager”.</p> <p>By omitting from paragraph (f) of section 28 (as affected by section 5 (3) of the Maori Affairs Amendment Act 1974) the words “Secretary for Maori Affairs”, and substituting the words “General Manager”.</p> <p>By omitting from section 29 (1) the word “Secretary”, and substituting the words “General Manager”.</p> <p>By omitting from section 29 (2) the word “Secretary”, and substituting the words “General Manager”.</p> <p>By omitting from section 29 (3) (as affected by section 5 (3) of the Maori Affairs Amendment Act 1974) the words “Secretary for Maori Affairs”, and substituting the words “General Manager”.</p>

FIRST SCHEDULE—*continued*

AMENDMENTS CONSEQUENTIAL UPON RESTRUCTURING OF DEPARTMENT—  
*continued*

Enactment	Amendment
1963, No. 51—The New Zealand Maori Arts and Crafts Institute Act 1963	By repealing paragraph (b) of section 5 (1) (as substituted by section 5 (1) of the Maori Affairs Amendment Act 1974), and substituting the following paragraph: “(b) The General Manager of the Iwi Transition Agency:”.
1967, No. 124—The Maori Affairs Amendment Act 1967 (R.S. Vol. 8, p. 265)	By omitting from section 16 (1) the word “Secretary”, and substituting the words “General Manager”. By omitting from section 16 (1) the word “Department”, and substituting the words “Iwi Transition Agency”.
1972, No. 138—The Pacific Islands Polynesian Education Foundation Act 1972 (R.S. Vol. 8, p. 847)	By omitting from section 61 (1) (as substituted by section 10 (1) of the Maori Purposes Act 1970) the word “Secretary”, and substituting the words “General Manager”; and by omitting the word “Department”, and substituting the words “Iwi Transition Agency”.
1974, No. 73—The Maori Affairs Amendment Act 1974 (R.S. Vol. 8, p. 332)	By repealing paragraph (c) of section 8 (2) (as affected by section 5 (3) of the Maori Affairs Amendment Act 1974), and substituting the following paragraph: “(c) The General Manager of the Iwi Transition Agency:”.
1974, No. 73—The Maori Affairs Amendment Act 1974 (R.S. Vol. 8, p. 332)	By omitting from section 13 (2) (c) the words “Maori Land Board”, and substituting the words “General Manager”. By omitting from section 16 the word “Department” in both places where it occurs, and substituting in each case the words “Iwi Transition Agency”.
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)	By omitting from the First Schedule the words “The Maori and Island Affairs Department”, and substituting the words “The Iwi Transition Agency”.
1979, No. 136—The Maori Purposes Act 1979 (R.S. Vol. 8, p. 590)	By repealing section 16.
1988, No. 20—The State Sector Act 1988	By omitting from the First Schedule the words “Department of Maori Affairs”.

## Section 13

## SECOND SCHEDULE

AMENDMENTS CONSEQUENTIAL UPON ABOLITION OF BOARD OF MAORI  
AFFAIRS

Enactment	Amendment
1935, No. 34—The Maori Housing Act 1935 (R.S. Vol. 8, p. 413)	<p>By omitting from section 2 the definition of the term "Board" (as substituted by section 4 (4) of the Maori Purposes Act 1982).</p> <p>By inserting in section 2, after the definition of the term "dwelling", the following definition:</p> <p style="padding-left: 40px;">"General Manager" means the chief executive of the Iwi Transition Agency."</p> <p>By omitting from section 3 the word "Board", and substituting the words "General Manager".</p> <p>By omitting from section 3 (g) the word "Board", and substituting the words "General Manager".</p> <p>By omitting from subsection (1), subsection (1) (e), and subsection (2) of section 4 the word "Board", and substituting in each case the words "General Manager".</p> <p>By omitting from section 5 the word "Board" in both places where it occurs, and substituting in each case the words "General Manager".</p> <p>By omitting from section 7 the word "Board" in both places where it occurs, and substituting in each case the words "General Manager".</p> <p>By omitting from subsections (1) and (2) of section 9 the word "Board", and substituting in each case the words "General Manager".</p> <p>By omitting from section 10 the word "Board", and substituting the words "General Manager".</p> <p>By omitting from section 11 the word "Board", and substituting the words "General Manager".</p> <p>By omitting from section 12 the word "Board" in both places where it occurs, and substituting in each case the words "General Manager".</p> <p>By omitting from section 12A (as inserted by section 31 of the Maori Purposes Act 1959) the word "Board" wherever it occurs, and substituting in each case the words "General Manager".</p>

SECOND SCHEDULE—*continued*

AMENDMENTS CONSEQUENTIAL UPON ABOLITION OF BOARD OF MAORI AFFAIRS—*continued*

Enactment	Amendment
1935, No. 34—The Maori Housing Act 1935 (R.S. Vol. 8, p. 413)— <i>continued</i>	<p>By omitting from section 13 the word “Board”, and substituting the words “General Manager”.</p> <p>By omitting from paragraph (c) and paragraph (d) (as substituted by section 3 (1) of the Maori Housing Amendment Act 1985) of section 14 the word “Board” wherever it occurs, and substituting in each case the words “General Manager”.</p>
1974, No. 73—The Maori Affairs Amendment Act 1974 (R.S. Vol. 8, p. 332)	<p>By omitting from section 13 (3) the word “Department”, and substituting the words “Iwi Transition Agency”.</p> <p>By omitting from the proviso to section 13 (3) the words “Maori Land Board”, and substituting the words “General Manager”.</p> <p>By omitting from section 14 (1) (a) the word “Department”, and substituting the words “Iwi Transition Agency”.</p>
1938, No. 17—The Maori Housing Amendment Act 1938	<p>By omitting from section 2 (as substituted by section 11 (1) of the Maori Purposes Act 1970) the word “Board” wherever it occurs, and substituting in each case the words “General Manager”.</p> <p>By omitting from section 3 (1) the word “Board” in both places where it occurs, and substituting in each case the words “General Manager”.</p> <p>By omitting from subsections (3) and (4) of section 3 (as added by section 20 of the Maori Purposes Act (No. 2) 1973) the word “Board” wherever it occurs, and substituting in each case the words “General Manager”.</p> <p>By omitting from subsections (1) and (2) of section 4 the word “Board”, and substituting in each case the words “General Manager”.</p> <p>By omitting from subsection (1) of section 4 the word “Board’s”, and substituting the words “General Manager’s”.</p> <p>By omitting from subsections (3) and (4) of section 4 (as added by section 14 (2) of the Maori Purposes Act 1961) the word</p>



SECOND SCHEDULE—*continued*AMENDMENTS CONSEQUENTIAL UPON ABOLITION OF BOARD OF MAORI  
AFFAIRS—*continued*

Enactment	Amendment
1938, No. 17—The Maori Housing Amendment Act 1938— <i>continued</i>	<p>“Board” wherever it occurs, and substituting in each case the words “General Manager”.</p> <p>By omitting from subsections (1) and (2) of section 4A (as inserted by section 32 of the Maori Purposes Act 1959) the word “Board”, and substituting in each case the words “General Manager”.</p> <p>By omitting from section 5 the word “Board”, and substituting the words “General Manager”.</p> <p>By omitting from section 6 the word “Board”, and substituting the words “General Manager”.</p> <p>By omitting from section 7 the word “Board”, and substituting the words “General Manager”.</p> <p>By omitting from subsections (1), (2), (3), and (4) of section 8 the word “Board” wherever it occurs, and substituting in each case the words “General Manager”.</p> <p>By omitting from subsection (3) of section 8 the word “its”, and substituting the words “the General Manager’s”.</p> <p>By omitting from subsection (5) of section 8 (as added by section 14 (3) of the Maori Purposes Act 1961) the word “Board”, and substituting the words “General Manager”.</p> <p>By omitting from subsections (1) and (2) of section 9 the word “Board” wherever it occurs, and substituting in each case the words “General Manager”.</p> <p>By omitting from subsection (1) of section 9 the word “its”, and substituting the words “the General Manager’s”.</p> <p>By omitting from subsection (2) of section 9 the word “it”, and substituting the words “the General Manager”.</p> <p>By omitting from subsection (1) of section 10 the word “Board” in both places where it occurs, and substituting in each case the words “General Manager”.</p> <p>By omitting from subsections (2) and (3) of section 10 (as substituted by section 14 (4)</p>

SECOND SCHEDULE—*continued*

AMENDMENTS CONSEQUENTIAL UPON ABOLITION OF BOARD OF MAORI  
AFFAIRS—*continued*

Enactment	Amendment
1938, No. 17—The Maori Housing Amendment Act 1938— <i>continued</i>	<p>of the Maori Purposes Act 1961) the word “Board” wherever it occurs, and substituting in each case the words “General Manager”.</p> <p>By omitting from subsections (1) and (2) of section 11 the word “Board” wherever it occurs, and substituting in each case the words “General Manager”.</p> <p>By omitting from subsection (2) of section 11 the word “its”, and substituting the words “the General Manager’s”.</p> <p>By omitting from subsection (1) of section 12 the word “Board”, and substituting the words “General Manager”.</p> <p>By omitting from subsection (1A) of section 12 (as inserted by section 6 (1) (b) of the Maori Purposes Act 1945) the word “Board”, and substituting the words “General Manager”.</p> <p>By omitting from subsection (1) of section 12A (as inserted by section 20 of the Maori Purposes Act 1960) the word “Board”, and substituting the words “General Manager”.</p> <p>By omitting from subsection (1) of section 12A (as so inserted) the word “it”, and substituting the words “the General Manager”.</p> <p>By omitting from section 13 the word “Board” in both places where it occurs, and substituting in each case the words “General Manager”.</p> <p>By omitting from subsection (1) of section 14 the word “Board” wherever it occurs, and substituting in each case the words “General Manager”.</p> <p>By repealing subsection (2) of section 14, and substituting the following subsection: “(2) The General Manager may refuse consent under this section to any assignment or sublease, or may grant consent either unconditionally or upon or subject to such conditions as the General Manager thinks fit.”</p> <p>By omitting from subsections (1), (2), and (3) of section 15 the word “Board” wherever it</p>

SECOND SCHEDULE—*continued*AMENDMENTS CONSEQUENTIAL UPON ABOLITION OF BOARD OF MAORI  
AFFAIRS—*continued*

Enactment	Amendment
1938, No. 17—The Maori Housing Amendment Act 1938— <i>continued</i>	<p>occurs, and substituting in each case the words “General Manager”.</p> <p>By omitting from subsections (1) and (2) of section 16 the word “Board”, and substituting in each case the words “General Manager”.</p> <p>By omitting from subsection (1) of section 16 the word “it”, and substituting the words “the General Manager”.</p> <p>By omitting from subsection (2) of section 19 the word “Board”, and substituting the words “General Manager”.</p> <p>By omitting from subsection (1) of section 21 the word “Board”, in both places where it occurs, and substituting in each case the words “General Manager”.</p> <p>By omitting from subsection (1) of section 21 the word “it”, and substituting the words “the General Manager”.</p> <p>By omitting from subsections (2), (3), (5), (7), (10), and (11) of section 21 (as substituted by section 33 (1) (a) of the Maori Purposes Act 1959) the word “Board” wherever it occurs, and substituting in each case the words “General Manager”.</p> <p>By omitting from subsections (2), and (5) of section 23 the word “Board”, and substituting in each case the words “General Manager”.</p> <p>By omitting from section 28 the word “Board”, and substituting the words “General Manager”.</p> <p>By omitting from section 30 (as amended by section 9 (2) (a) of the Maori Affairs Amendment Act 1974) the word “Board” in both places where it occurs, and substituting in each case the words “General Manager”.</p>
1953, No. 95—The Maori Trustee Act 1953 (R.S. Vol. 3, p. 393)	<p>By omitting from section 28 (1) (as affected by section 4 (5) of the Maori Purposes Act 1982) the words “, with the approval of the Board of Maori Affairs,”.</p> <p>By omitting from section 29 (as amended by section 4 (4) of the Maori Purposes Act</p>

SECOND SCHEDULE—*continued*

AMENDMENTS CONSEQUENTIAL UPON ABOLITION OF BOARD OF MAORI AFFAIRS—*continued*

Enactment	Amendment
1953, No. 95—The Maori Trustee Act 1953 (R.S. Vol. 3, p. 393)— <i>continued</i>	<p>1982) the words “Board of Maori Affairs”, and substituting the words “Maori Trustee”.</p> <p>By repealing subsection (2) of section 30.</p> <p>By omitting from section 31 (as amended by section 4 (4) of the Maori Purposes Act 1982) the words “, with the approval of the Board of Maori Affairs,”.</p> <p>By omitting from subsection (1) of section 32 (as amended by section 4 (4) of the Maori Purposes Act 1982) the words “, with the approval of the Board of Maori Affairs,”.</p> <p>By omitting from subsection (2) of section 32 (as amended by section 4 (4) of the Maori Purposes Act 1982) the words “, with the approval of the Board of Maori Affairs,”.</p> <p>By omitting from subsections (1) and (2) of section 36 (as substituted by section 4 (1) of the Maori Trustee Amendment Act 1985) the words “with the approval of the Board of Maori Affairs,”.</p> <p>By omitting from subsections (1) and (2) of section 37 (as amended by section 4 (4) of the Maori Purposes Act 1982) the words “, with the approval of the Board of Maori Affairs,”.</p> <p>By omitting from subsection (4) of section 37 (as substituted by section 4 of the Maori Trustee Amendment Act 1962 and amended by section 4 (4) of the Maori Purposes Act 1982) the words “Board of Maori Affairs approves”, and substituting the words “Maori Trustee thinks fit”.</p> <p>By omitting from subsection (1) of section 38 (as amended by section 4 (4) of the Maori Purposes Act 1982) the words “, with the approval of the Board of Maori Affairs,”.</p> <p>By repealing the proviso to subsection (1) of section 38.</p> <p>By omitting from subsection (1) of section 39 (as amended by section 4 (4) of the Maori Purposes Act 1982) the words “, with the approval of the Board of Maori Affairs,”.</p>

SECOND SCHEDULE—*continued*AMENDMENTS CONSEQUENTIAL UPON ABOLITION OF BOARD OF MAORI  
AFFAIRS—*continued*

Enactment	Amendment
1953, No. 95—The Maori Trustee Act 1953 (R.S. Vol. 3, p. 393)— <i>continued</i>	By omitting from subsections (1) and (4) of section 40 (as amended by section 4 (4) of the Maori Purposes Act 1982) the words “, with the approval of the Board of Maori Affairs,”.

## THIRD SCHEDULE

## Section 13 (2)

## REPEALS CONSEQUENTIAL UPON ABOLITION OF BOARD OF MAORI AFFAIRS

- 1953, No. 94—The Maori Affairs Act 1953: Part XXIV and sections 460, 460A, 461, 464A, and 464B. (R.S. Vol. 8, p. 13).
- 1960, No. 120—The Maori Purposes Act 1960: Sections 10 and 12. (R.S. Vol. 8, p. 255).
- 1962, No. 45—The Maori Affairs Amendment Act 1962: Sections 29 and 30. (R.S. Vol. 8, p. 258).
- 1965, No. 106—The Maori Purposes Act 1966: Section 5. (R.S. Vol. 8, p. 264).
- 1972, No. 135—The Maori Purposes Act 1972: Sections 6 to 8. (R.S. Vol. 8, p. 329).
- 1973, No. 106—The Maori Purposes Act (No. 2) 1973: Section 12. (R.S. Vol. 8, p. 331).
- 1974, No. 73—The Maori Affairs Amendment Act 1974: Section 2 (3). (R.S. Vol. 8, p. 332).
- 1976, No. 148—The Maori Purposes Act 1975: Sections 10 to 13. (R.S. Vol. 8, p. 355).
- 1977, No. 103—The Maori Purposes Act 1977: Section 3. (R.S. Vol. 8, p. 356).
- 1979, No. 136—The Maori Purposes Act 1979: Sections 4 to 9, and 11 and 12. (R.S. Vol. 8, p. 357).
- 1980, No. 67—The Maori Purposes Act 1980: Sections 4 and 5. (R.S. Vol. 8, p. 359).
- 1982, No. 124—The Maori Purposes Act 1982: Sections 10 and 11.