

# NEW ZEALAND GOVERNMENT PROPERTY CORPORATION BILL

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## EXPLANATORY NOTE

THIS Bill is to establish a corporation with power to hold and deal with New Zealand Government property both in and outside New Zealand.

The necessity for a holding corporation has been shown by various difficulties which have arisen in deciding on the name in which to take title to Government property, particularly overseas property. It is not always appropriate to use the name of Her Majesty in right of New Zealand, particularly in cases where other interests in the property may be vested in Her Majesty in right of the United Kingdom or any other Commonwealth country. Property cannot properly be taken in the name of the New Zealand Government, because the Government is not a legal body corporate. Property has accordingly in some cases been taken in the name of persons holding official positions, such as that of High Commissioner, and this involves the inconvenience of a transfer whenever the office changes hands. There are also cases in which it is not appropriate that the name of Her Majesty should be used as the owner of property required to be held by the Government, particularly such property as patents and licences which are granted by Her Majesty.

Clause 3 of the Bill establishes a body corporate to be called the New Zealand Government Property Corporation, and to consist of all Ministers who are members of the Executive Council.

Clause 4 enables the Corporation to acquire any property required for public purposes, and to take title to any property already held by or on behalf of the Crown or the Government, and to exercise all the rights and powers of an owner in respect of any property vested in the Corporation.

Clause 5 provides authority for the transfer of any Government property to the Corporation, and for the vesting in the Corporation instead of the Crown of any property that can be vested in the Crown.

Clause 6 enables the Corporation to deal as owner with any Government property overseas, although it is not held in the name of the Corporation. Documents executed by the Corporation under this clause will have the same effect as if executed on behalf of Her Majesty and any legal owner in whose name the title to the property may be held.

Clause 7 declares the Corporation to be an instrument of the Executive Government of New Zealand and a Government Department within the meaning of the Crown Proceedings Act 1950. The Corporation is given all the rights, privileges, exemptions, and immunities of the Crown.

Clause 8 enables different interests in the same property to be held by the Corporation or otherwise on behalf of the Crown without becoming merged, and also enables the Corporation to be granted, and to acquire and hold, licences and authorities (including patents and trade marks) granted or registered by the Crown.

Clause 9 prescribes the manner in which contracts may be made by or on behalf of the Corporation.

Clause 10 provides for the execution of documents under the common seal of the Corporation, and for the signature of other documents on behalf of the Corporation by any Minister.

Clause 11 enables the Corporation to appoint attorneys to execute documents on its behalf outside New Zealand.

Clause 12 provides that documents purporting to be executed by or on behalf of the Corporation shall be deemed to be duly executed in the absence of proof to the contrary.

Clause 13 provides that before money can be expended for the purposes of the Bill it must be appropriated by Parliament.



*Hon. Mr. Webb*

NEW ZEALAND GOVERNMENT PROPERTY  
CORPORATION

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ANALYSIS

Title.	6. Corporation may exercise powers of legal owner of Government property outside New Zealand.
1. Short Title.	7. Corporation to be a Government Department.
2. Interpretation.	8. Merger.
3. New Zealand Government Property Corporation.	9. Contracts of Corporation.
4. Powers of Corporation.	10. Execution of documents.
5. Power to vest New Zealand Government property in Corporation.	11. Execution of documents by attorney.
	12. Evidence of documents.
	13. Moneys to be appropriated by Parliament.

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A BILL INTITULED

AN ACT to establish a corporation to hold New Zealand Government property within and outside New Zealand. Title.

5 BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the New Zealand Government Property Corporation Act 1953.

Short Title.

2 *New Zealand Government Property Corporation*

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Interpretation.

2. In this Act, unless the context otherwise requires,—

“ Corporation ” means the New Zealand Government Property Corporation established by this Act: 5

“ Licence or authority ” means any licence, permit, right, privilege, or authority which can be granted by Her Majesty or by any Government, or by any Court, or by any public or local authority, or by any other person, whether in New Zealand or elsewhere; and includes any patent, copyright, trade mark, or registered design: 10

“ Minister ” means a Minister of the Crown who is a member of the Executive Council of New Zealand: 15

“ Property ” includes real and personal property, and any estate or interest in any real or personal property, and any debt, and any thing in action, and any licence or authority, and any other right or interest. 20

New Zealand  
Government  
Property  
Corporation.

3. (1) There is hereby established a corporation, to be called the New Zealand Government Property Corporation.

(2) The Corporation shall consist of all Ministers of the Crown who are for the time being members of the Executive Council of New Zealand. 25

(3) The Corporation shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property, and of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer. 30

Powers of  
Corporation.

4. It shall be lawful for the Corporation—

(a) To purchase, be granted, accept, or acquire in any way any property required for any public purpose: 35

(b) To accept or acquire in any way any property vested in or held on behalf of Her Majesty the Queen in right of New Zealand, whether held in the name of Her Majesty, or the Crown, or the Government of New Zealand, or any Minister, or in any other name: 40

- (c) To hold, improve, manage, develop, alter, extend, equip, furnish, repair, and maintain any property vested in the Corporation:
- 5 (d) To enter into any covenants or agreements in respect of any property vested or to be vested in the Corporation:
- (e) To sell, exchange, convey, transfer, assign, lease, dispose of, turn to account, or otherwise deal with any property vested in the Corporation:
- 10 (f) Generally to exercise any functions or rights and undertake and perform any liabilities in respect of or in connection with any property vested or to be vested in the Corporation which could be exercised, undertaken, or
- 15 performed by a person owning the property and not being a body corporate:
- (g) To do all such other things as are incidental or conducive to the exercise of the powers of the Corporation.

20 **5.** Notwithstanding anything to the contrary in any Act, it shall be lawful for any property vested in or held on behalf of Her Majesty in right of New Zealand, whether held in the name of Her Majesty, or the Crown, or the Government of New Zealand, or any Minister, or

25 in any other name, to be transferred, conveyed, or assigned to or otherwise vested in the Corporation, and for any property which can lawfully be vested in or granted to Her Majesty in right of New Zealand, or any person on behalf of Her Majesty in right of New Zealand,

30 to be vested in or granted to the Corporation.

Power to vest New Zealand Government property in Corporation.

35 **6.** (1) Where any property outside New Zealand is held by or on behalf of Her Majesty in right of New Zealand, whether held in the name of Her Majesty, or the Crown, or the Government of New Zealand, or any Minister, or in any other name other than the name of the Corporation, the Corporation may from time to time, on behalf of Her Majesty and the legal owner of the property, exercise any powers, functions, and rights (including any power of disposal) and undertake and

40 perform any liabilities in respect of or in connection with the property which could be exercised, undertaken, or performed by Her Majesty or the legal owner of the property.

Corporation may exercise powers of legal owner of Government property outside New Zealand.

4 *New Zealand Government Property Corporation*

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(2) A document purporting to be executed by or on behalf of the Corporation pursuant to this section in relation to any property shall be deemed to have been duly executed on behalf of, and shall bind, Her Majesty and the legal owner of the property. 5

Corporation  
to be a  
Government  
Department.  
1950, No. 54

7. (1) The Corporation is hereby declared to be an instrument of the Executive Government of New Zealand, and a Government Department within the meaning of the Crown Proceedings Act 1950.

(2) The Corporation shall not be bound by any Act that is not binding on Her Majesty in right of New Zealand, and shall be entitled to all rights, privileges, exemptions, and immunities of Her Majesty in right of New Zealand (including exemptions from taxation and rates). 10

Merger.

8. (1) Where any estate or interest in any property is vested in the Corporation and any other estate or interest in the same property is held by or on behalf of Her Majesty, whether vested in the Corporation or not, there shall be no merger unless the contrary intention is expressed. 15

(2) Any licence or authority granted by or on behalf of Her Majesty may lawfully be granted to or vested in the Corporation, notwithstanding that the Corporation is an instrument of the Executive Government; and where any such licence or authority is granted to or vested in the Corporation it shall not be deemed to be surrendered or relinquished by reason only of the Corporation being an instrument of the Executive Government. 20 25

Contracts of  
Corporation.

9. (1) Any contract which, if made between private persons, must be by deed shall, if made by the Corporation, be in writing under the common seal of the Corporation. 30

(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, if made by the Corporation, be either under the common seal of the Corporation or signed on behalf of the Corporation by a Minister or by any person authorized in that behalf by a Minister. 35

(3) Any contract which, if made between private persons, may be made orally may be similarly made by or on behalf of the Corporation by any person acting under its authority, express or implied. 40

*New Zealand Government Property Corporation 5*

10. (1) Every document to which the common seal of the Corporation is affixed shall be signed by a Minister and shall be countersigned by the Clerk of the Executive Council or by some other person acting for the Clerk.
- 5 (2) Any document which, if executed by a private person, would not require to be executed as a deed may be signed on behalf of the Corporation by a Minister or by any person authorized in that behalf by a Minister.
- 10 11. (1) The Corporation may, by writing under its common seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute documents on its behalf in any place outside New Zealand, including documents executed pursuant to section *six* of this Act.
- 15 (2) A document executed by such an attorney on behalf of the Corporation shall bind the Corporation, and if executed as a deed shall have the same effect as if it were under the common seal of the Corporation.
- 20 12. Every document purporting to be a document executed by or on behalf of the Corporation in a manner provided by section *ten* or section *eleven* of this Act shall be received in evidence and be deemed to be so executed in the absence of proof to the contrary.
- 25 13. All moneys required to be expended to enable effect to be given to the provisions of this Act shall be paid out of moneys to be appropriated by Parliament for the purpose.

Execution of documents.

Execution of documents by attorney.

Evidence of documents.

Moneys to be appropriated by Parliament.