

[AS REPORTED FROM THE PLANNING AND DEVELOPMENT
COMMITTEE]

House of Representatives, 8 December 1992.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 2 March 1993.

Words struck out are shown with double black rule at beginning and after last line; words inserted are shown with double rule before first line and after last line.

Hon. W. Rob Storey

RESERVES AND OTHER LANDS DISPOSAL

ANALYSIS

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A BILL INTITULED

An Act to provide for various matters relating to Crown land, reserves, and other land held for public or special purposes

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

1. Short Title—This Act may be cited as the Reserves and Other Lands Disposal Act 1991.

No. 117—3

2. Ruakura Animal Research Station land—Whereas the Crown land described in **subsection (3)** of this section was, by Orders in Council made pursuant to section 10 (1) of the Reserves and Other Lands Disposal Act 1952 (the *Gazette*, 1961 at pages 207 and 675, and 1963 at page 1496), set apart for the purposes of the Ruakura Animal Research Station: And whereas it is desired that the land described in **paragraph (a)** of **subsection (3)** of this section be set apart for a university and college of education: And whereas it is desired to empower the Minister of Agriculture to grant leases or licences over the land described in **paragraphs (b), (c), and (d)** of **subsection (3)** of this section for the purposes of agricultural research and any other research compatible with the purposes for which the Station has been established: And whereas it is desired to enable the land described in **paragraphs (e) and (f)** of **subsection (3)** of this section to be declared to be road under section 114 of the Public Works Act 1981: And whereas the proposals are not permitted by the said section 10 (1): Be it therefore enacted as follows:

(1) Notwithstanding anything in section 10 of the Reserves and Other Lands Disposal Act 1952 or any other enactment,—

(a) The land described in **paragraph (a)** of **subsection (3)** of this section may be set apart under section 52 of the Public Works Act 1981 for a university and college of education, and when so set apart shall cease to be subject to section 10 of the Reserves and Other Lands Disposal Act 1952; and

(b) The Minister of Agriculture may grant leases or licences in respect of any land described in **paragraph (b)** or **paragraph (c)** or **paragraph (d)** of **subsection (3)** of this section, for the purposes of agricultural research and other research that is compatible with the purposes for which the Ruakura Animal Research Station has been established; and

New

(c) The land described in **paragraphs (e) and (f)** of **subsection (3)** of this section, or any part of that land, may be declared to be road under section 114 of the Public Works Act 1981.

(2) Any lease or licence granted under **subsection (1) (b)** of this section may be made subject to such terms and conditions as the Minister considers appropriate in each case.

(3) This section relates to the following land:

- (a) Allotment 413, Parish of Kirikiriroa, situated in the South Auckland Land District, comprising 3996 square metres, more or less, as shown in N.Z.M.S. 261, S.14, Sheet 5.3 (S.O. Plan 40234):
- 5 (b) Allotments 407, 408, 412, and 415, Parish of Kirikiriroa, situated in the South Auckland Land District, comprising 423.5035 hectares, more or less, as shown on N.Z.M.S. 261, S.14, Sheets 5.3, 5.4, 6.3, and 6.4 (S.O. Plans 38164 and 40234):
- 10 (c) Allotments 316 and 318, Parish of Kirikiriroa, and Lots 2, 3, and 4, D.P. 9210, situated in the South Auckland Land District, comprising 8.4678 hectares, more or less, as shown in N.Z.M.S. 261, S.14, Sheets 5.3 and 6.3 (S.O. Plan 38800):
- 15 (d) Allotment 291A and Part Allotment 291, Parish of Kirikiriroa, situated in the South Auckland Land District, comprising 21.6026 hectares, more or less, as shown on N.Z.M.S. 261, S.14, Sheets 6.3 and 6.4 (S.O. Plan 143 (1)):

20

New

- (e) Part Allotment 407, Parish of Kirikiriroa, situated in the South Auckland Land District, comprising 280 square metres, more or less, as shown marked "A" on S.O. Plan 58681:
- 25 (f) Part Allotment 415, Parish of Kirikiriroa, situated in the South Auckland Land District, comprising 815 square metres, more or less, as shown marked "B" on S.O. Plan 58681.

3. Pukeroa Domain—Whereas section 18 (2) of the
 30 Reserves and Other Lands Disposal Act 1957 authorised the Minister of Lands to lease the land to which this section relates to such person or persons or to such incorporated body as the Minister considered to be representative of the Ngati Whakaue Tribe for such term and on such conditions and for such
 35 purposes as the Minister thought fit: And whereas, pursuant to that provision, by a deed made on the 19th day of March 1973, the Minister of Lands leased the land to the Proprietors of Ngati Whakaue Tribal Lands (hereafter in this section called the lessee) for a term of 33 years from the 26th day of January
 40 1972 for offices for the lessee: And whereas the land is no longer required for that purpose: And whereas the proviso to

section 18 (2) of the Reserves and Other Lands Disposal Act 1957 provides that if the land is no longer required or used for the purpose for which it was leased, the Minister of Lands may determine the lease and thereupon the land shall revert to the Crown for use as a public domain freed from all rights, title, and interest therein on the part of the lessee: And whereas the lessee desires to use the land for the purposes of Kaumatua housing: And whereas the Minister having responsibility for the land as a reserve under the Reserves Act 1977 is now the Minister of Conservation: And whereas it is desired to empower that Minister to grant a new lease for the purpose intended by the lessee: Be it therefore enacted as follows:

(1) Notwithstanding any other enactment, the Minister of Conservation may lease the land to which this section relates to the lessee for such term and on such conditions and for such purposes as the Minister thinks fit.

(2) On the commencement of a lease under subsection (1) of this section, the lease granted to the lessee under section 18 (2) of the Reserves and Other Lands Disposal Act 1957 shall be deemed to have been determined.

(3) Notwithstanding paragraph (b) of the existing lease, nothing in that paragraph shall be read as requiring the lessee to remove any buildings.

(4) Section 18 of the Reserves and Other Lands Disposal Act 1957 is hereby amended by repealing subsection (2) and so much of subsection (4) as relates to the land secondly described in that subsection.

(5) This section relates to all that piece of land comprising 2529 square metres, more or less, being Section 15, Block LVIII, Town of Rotorua, situated in Block I, Tarawera Survey District, and being all the land comprised and described in certificate of title No. 20D/123 (South Auckland Registry).

4. Urewera National Park—Whereas the land to which this section relates is included in the Urewera National Park: And whereas the land has been developed to effect improvements to State Highway No. 38 and is now part of that highway: And whereas it is desired to exclude the land from Urewera National Park: And whereas section 11 (1) of the National Parks Act 1980 prohibits the exclusion of land from a national park, except by Act of Parliament: Be it therefore enacted as follows:

(1) The land to which this section relates is hereby excluded from the Urewera National Park.

(2) This section relates to all that piece of land in the South Auckland Land District comprising 136 square metres, more or

less, and being Part Section 5, Block XI, Ahikereru Survey District, as shown marked "C" on S.O. Plan 56824.

5. Land reserved for harbour purposes in Kaikoura—

5 Whereas, pursuant to section 15 of the Reserves and Crown
Lands Disposal and Enabling Act 1896, the land to which this
section relates was vested in the Kaikoura County Council for
an estate in fee simple upon trust as a reserve for harbour
purposes: And whereas in 1972 by an Order in Council dated
10 the 14th day of February 1972 (the *Gazette*, 1972 at page 303)
the land was vested in the Marlborough Harbour Board: And
whereas by a notice dated the 24th day of July 1980 (the
Gazette, 1980 at page 2347) the Assistant Commissioner of
Crown Lands, acting pursuant to the Reserves Act 1977,
15 purported to cancel the vesting of the land in the Board: And
whereas the purported effect of the notice dated the 24th day
of July 1980 was to revest the land in the Crown subject to the
former trust: And whereas the land was exchanged for other
land and a certificate of title was issued in respect of the land
20 with effect on and from the 1st day of July 1985: And whereas
there is doubt as to the validity of the cancellation of the
vesting of the land in the Board and the subsequent exchange
of that land: And whereas it is desired to revoke the reservation
for harbour purposes and validate the cancellation and
subsequent exchange and certificate of title issued in respect of
25 the land: Be it therefore enacted as follows:

(1) The reservation imposed in respect of the land to which
this section relates by virtue of section 15 of the Reserves and
Crown Lands Disposal and Enabling Act 1896 is hereby
revoked.

30 (2) The cancellation of the vesting of the land in the Board,
the exchange of the land, and the issuing of certificate of title
No. 4B/280 in respect of the land are hereby validated and
declared always to have been lawful.

35 (3) The land to which this section relates is all that piece of
land comprising 8.153 hectares, more or less, being Section 47,
Block XI, Mount Fyffe Survey District, and being all the land
comprised and described in certificate of title No. 4B/280,
Marlborough Registry.

6. Marlborough Sounds foreshore—Whereas section 7 of
40 the Reserves and Other Lands Disposal Act 1982 empowers the
Minister of Lands to declare certain areas of land adjacent to
the foreshore of the Marlborough Sounds to be held as reserves
under the Reserves Act 1977: And whereas the said section 7

empowers that Minister to grant licences in respect of any part or parts of any reserve declared under that section: And whereas the responsible Minister under the Reserves Act 1977 is the Minister of Conservation: And whereas it is desirable that the Minister of Conservation be empowered to exercise those powers: And whereas it is desirable to provide for the classification of reserves declared under the said section 7: And whereas it is desirable to repeal subsections (8) and (9) of the said section 7, as those provisions relate to land subject to the Land Act 1948 and are not relevant to land in the conservation estate: And whereas, since the 1st day of April 1987, certain licences have been issued under the said section 7 without lawful authority and it is desirable to validate them and the fees, rentals, and other money collected under them: Be it therefore enacted as follows:

(1) Section 7 of the Reserves and Other Lands Disposal Act 1982 is hereby amended by omitting from subsections (1), (2), (3), and (7) the word “Lands”, and substituting in each case the word “Conservation”.

(2) Section 7 (1) of the Reserves and Other Lands Disposal Act 1982 is hereby further amended by omitting the words “or, where any such land adjoins an existing reserve, as a reserve for the same purpose as that for which the adjoining land is reserved”.

(3) Section 7 of the Reserves and Other Lands Disposal Act 1982 is hereby further amended by inserting, after subsection (6), the following subsection:

“(6A) Where a declaration is made under subsection (1) of this section on or after the commencement of this subsection, the land to which the declaration applies shall be deemed to be classified under the Reserves Act 1977 as a local purpose reserve for the purpose specified by the Minister in the declaration.”

(4) Section 7 (7) of the Reserves and Other Lands Disposal Act 1982 is hereby amended by inserting, after the words “Reserves Act 1977” where they first occur, the words “or the Conservation Act 1987”.

(5) Section 7 of the Reserves and Other Lands Disposal Act 1982 is hereby further amended by repealing subsections (8) and (9).

New

(6) Notwithstanding anything in section 7 of the Reserves and Other Lands Disposal Act 1982,—

5 (a) Every licence that purported to be issued under that section during the period commencing on the 1st day of April 1987 and ending with the commencement of this Act, being a licence issued by or on behalf of the Minister of Lands or the Minister of Conservation or the Director-General of Conservation, is hereby
10 declared to be and always to have been lawful:

(b) Every amendment, variation, cancellation, or renewal of a licence that purported to be issued under that section by or on behalf of either of those Ministers or that Director-General, being an amendment, variation,
15 cancellation, or renewal effected during the period specified in **paragraph (a)** of this subsection and being a licence issued at any time before the commencement of this Act, is hereby declared to be and always to have been lawful:

20 (c) All fees, rentals, and other amounts collected during the period specified in **paragraph (a)** of this subsection, and collected in respect of any licence referred to in that paragraph, are hereby declared to be and always to have been lawfully payable and lawfully collected.

25 (7) The holder of a licence referred to in **subsection (6) (a)** of this section shall not be liable to pay any fee, rental, or other amount—

(a) Charged in respect of that licence and the period specified in the said **subsection (6) (a)**; but

30 (b) Not paid before the commencement of this Act.

7. Westland National Park—Whereas the land to which this section relates is included in the Westland National Park: And whereas part of the land, being the land described in **paragraph (a)** of **subsection (2)** of this section, has been developed
35 for roading purposes at the approaches to Kiwi Jacks (Hendes) Creek Bridge: And whereas part of the land, being the land described in **paragraph (b)** of that subsection, has been developed for roading purposes at the approaches to the McDonalds Creek Bridge: And whereas the remainder of the land, being
40 the land described in **paragraphs (c), (d), and (e)** of that subsection, is presently used for farming: And whereas it is desired to exclude

the land from the park: And whereas section 11 (1) of the National Parks Act 1980 prohibits the exclusion of land from a national park, except by Act of Parliament: Be it therefore enacted as follows:

- (1) The land to which this section relates is hereby excluded 5
from the Westland National Park.
- (2) This section relates to all those pieces of land in the Westland Land District—
- (a) Comprising 8565 square metres, more or less, being Parts Reserve 1018, situated in Block X, Waiho Survey District, and being parts of the land comprised and described in the *Gazette*, 1960 at page 416 (as shown marked “A”, “B”, and “C” on S.O. Plan 10930); and 10
- (b) Comprising 1.5719 hectares, more or less, being Parts Reserve 1198, situated in Block IV, Waiho Survey District, and being parts of the land comprised and described in the *Gazette*, 1960 at page 416 (as shown marked “B”, “C”, “E”, “G”, and “I” on S.O. Plan 10938); and 15
- (c) Comprising 5.7897 hectares, more or less, being Rural Section 6711 (formerly Part Reserve 1198), situated in Block IV, Waiho Survey District, and being part of the land comprised and described in the *Gazette*, 1960 at page 416 (S.O. Plan 11111); and 20
- (d) Comprising 6.2361 hectares, more or less, being Rural Section 6650 (formerly Part Reserve 1018), situated in Block X, Waiho Survey District, and being part of the land comprised and described in the *Gazette*, 1960 at page 416 (S.O. Plan 10975); and 25
- (e) Comprising 4.6606 hectares, more or less, being Rural Section 6712 (formerly Part Reserve 1224), situated in Block XVI, Okarito Survey District, and being part of the land comprised and described in the *Gazette*, 1960 at page 416 (S.O. Plan 11108). 30

8. Fiordland National Park—Whereas the land to which 35
this section relates is included in the Fiordland National Park: And whereas part of the land, being the land described in paragraphs (a) and (b) of subsection (2) of this section, is situated adjacent to Fraser’s Beach on the foreshore of Lake Manapouri and it is desired that the said part be amalgamated with other 40
areas to form a recreation reserve: And whereas the other part of the land, being the land described in paragraphs (c) and (d) of that subsection, is a ranger station situated at Clifden and is no longer required for the purposes of the park: And whereas

section 11 (1) of the National Parks Act 1980 prohibits the exclusion of land from a national park, except by Act of Parliament: Be it therefore enacted as follows:

5 (1) The land to which this section relates is hereby excluded from the Fiordland National Park.

(2) This section relates to all those pieces of land in the Southland Land District—

10 (a) Comprising 3.4145 hectares, more or less, being Section 25, Block IX, Town of Manapouri, being part of the land comprised and described in the Schedule to the Fiordland National Park Order 1978 (S.O. Plan 5290); and

15 (b) Comprising 2.6052 hectares, more or less, being Section 2, Block X, Town of Manapouri, and being part of the land comprised and described in the said Schedule (S.O. Plan 4912); and

20 (c) Comprising 5236 square metres, more or less, being Section 28, Block I, Lillburn Survey District, and being part of the land comprised and described in the said Schedule (S.O. Plan 7259); and

(d) Comprising 2504 square metres, more or less, being Section 31, Block I, Lillburn Survey District, and being part of the land comprised and described in the said Schedule (S.O. Plan 7505).

25 *Struck Out*

30 **9. Mount Aspiring National Park**—Whereas the land to which this section relates is included in the Mount Aspiring National Park: And whereas it is desired to exclude part of the land from the park to facilitate its disposal as a stewardship area under section 26 of the Conservation Act 1987: And whereas it is desired to exclude the remainder of the land from the Park and to provide for it to be dealt with under section 113 of the Land Act 1948 (which enables land to be incorporated in a lease or licence): And whereas much of the land is presently
35 grazed and is not widely used for recreation purposes: And whereas section 11 (1) of the National Parks Act 1980 prohibits the exclusion of land from a national park, except by Act of Parliament: Be it therefore enacted as follows:

40 (1) The land to which this section relates is hereby excluded from the Mount Aspiring National Park.

Struck Out

(2) The land described in paragraphs (b) and (c) of subsection (3) of this section is hereby declared to be Crown land subject to the Land Act 1948.

(3) This section relates to all those pieces of land in the Queenstown Lakes District, Otago Land District,—

- (a) Comprising 11.7200 hectares, more or less, being Parts Blocks I and XII and Part Reserve A, Block XII, Dart Survey District, and being part of the land comprised and described in the *Gazette*, 1964 at page 2305 and in the *Gazette*, 1971 at page 1675 (shown marked “A” on S.O. Plan 23192); and
- (b) Comprising 39.374 hectares, more or less, being Part Run 455, Block I, Dart Survey District, and being part of the land comprised and described in the *Gazette*, 1964 at page 2305 (as shown marked “C” on S.O. Plan 18940); and
- (c) Comprising 34.8 hectares, more or less, being Part Block I, Dart Survey District, and being part of the land comprised and described in the *Gazette*, 1971 at page 1675 (as shown marked “D” on S.O. Plan 18940).

New

9. Mount Aspiring National Park—Whereas the land to which this section relates is included in the Mount Aspiring National Park: And whereas it is desired to exclude the land from the Park to provide for it to be dealt with under the Land Act 1948: And whereas the land is presently grazed and is not widely used for recreation purposes: And whereas section 11 (1) of the National Parks Act 1980 prohibits the exclusion of land from a national park, except by Act of Parliament: Be it therefore enacted as follows:

(1) The land to which this section relates is hereby excluded from the Mount Aspiring National Park.

(2) The land to which this section relates is hereby declared to be Crown land subject to the Land Act 1948.

(3) This section relates to all that piece of land in the Queenstown Lakes District, Otago Land District, comprising

New

5 11.7200 hectares, more or less, being Parts Blocks I and XII and Part Reserve A, Block XII, Dart Survey District, and being part of the land comprised and described in the *Gazette*, 1964 at page 2305 and in the *Gazette*, 1971 at page 1675 (shown marked "A" on S.O. Plan 23192).

10 **10. Otago University endowment lands**—Whereas this section relates to 5 pieces of land vested in the University of Otago as endowments: And whereas it is desired to vest the first and second pieces of land in the Crown subject to the Land Act 1948, to facilitate the setting apart of the land as reserves: And whereas it is desired to authorise the University to grant a right of way in favour of the Crown over the third piece of land: And whereas it is desired that the fourth piece of land be included with other land in a deferred payment licence under the Land Act 1948: And whereas it is desired to authorise the University to sell the fifth piece of land to an adjoining farmer who presently occupies that land: Be it therefore enacted as follows:

20 (1) The pieces of land described in **paragraph (a) and (b) of subsection (7)** of this section are hereby vested in the Crown and declared to be Crown land subject to the Land Act 1948.

25 (2) The University of Otago may grant a right of way in favour of the Crown over the land described in **paragraph (c) of subsection (7)** of this section.

30 (3) The land described in **paragraph (d) of subsection (7)** of this section shall be deemed to have been sold pursuant to section 16 of the Reserves and Other Lands Disposal Act 1977 (as amended by section 9 of the Reserves and Other Lands Disposal Act 1981) to the licensee under deferred payment licence No. DPF 1638 registered as No. 11D/816 (Otago Registry); and the Commissioner of Crown Lands may prepare and sign a certificate under section 113 of the Land Act 1948 incorporating that land in that deferred payment licence.

35 (4) The land described in **paragraph (e) of subsection (7)** of this section is hereby—

(a) Freed and discharged from the provisions of the University of Otago Endowment Ordinance 1870; and

(b) Vested in the University of Otago for an estate in fee simple as an endowment for the benefit of the University.

(5) The University of Otago may sell the land described in paragraph (e) of subsection (7) of this section or any part thereof, and the proceeds of any sale shall be applied in accordance with the provisions of section 202 of the Education Act 1989. 5

(6) The land to which this section relates is hereby released from the endowment for which it was vested in the University of Otago by the University of Otago Endowment Ordinance 1870 (Province of Otago). 10

(7) This section relates to all that land,—

- (a) Comprising 56.9970 hectares, more or less, being Section 1, Block VIII, Benmore Survey District, and being part of the land comprised and described in certificate of title, Volume 223, folio 10 (Otago Registry); and 15
- (b) Comprising 64.020 hectares, more or less, being Section 1, Block XI, Benmore Survey District, and being part of the land comprised and described in certificate of title, Volume 223, folio 10 (Otago Registry); and 20
- (c) Comprising 970 square metres, more or less, being Part Run 552, Benmore Survey District, and being part of the land comprised and described in certificate of title, Volume 223, folio 10 (Otago Registry) (as shown marked "A" on S.O. Plan 21084); and 25
- (d) Comprising 2.8862 hectares, more or less, being Section 1, S.O. Plan 11949, situated in Block XVI, Benmore Survey District, and being part of the land comprised and described in certificate of title No. A1/1022 (Otago Registry); and 30
- (e) Comprising 8.7007 hectares, more or less, being Section 24, Block VI, Nenthorn Survey District, being Part Deeds Index L 656 (Otago Registry), and being part of the land comprised and described in the University of Otago Endowment Ordinance 1870 (S.O. Plan 1253). 35

11. Abel Tasman National Park—Whereas the land to which this section relates is included in the Abel Tasman National Park: And whereas it is desired to exclude the land from the Park to facilitate its exchange for other land: And whereas the land does not have national values that justify its inclusion in the Park: And whereas the land to be taken in exchange is covered by native forest: And whereas section 40

11 (1) of the National Parks Act 1980 prohibits the exclusion of land from a national park, except by Act of Parliament: Be it therefore enacted as follows:

5 (1) The land to which this section relates is hereby excluded from the Abel Tasman National Park.

(2) This section relates to all that land comprising 1944 square metres, more or less, being Sections 1, 2, and 3 on S.O. Plan 14060, situated in Block IV, Kaiteriteri Survey District, and being all the land comprised and described in certificate of title
10 No. 8C/648, Nelson Registry.

12. Pukaki Lagoon—Whereas the land to which this section relates is vested in the Manukau City Council: And whereas the Waitangi Tribunal, in its Manukau Harbour Report of the 19th day of July 1985, recommended that the land
15 should be acquired by the Crown and gazetted as a Maori Reservation for the Ngati Te Akitai and Waiohua: And whereas the Manukau City Council desires to transfer the land without consideration to the local Maori community but lacks the legislative authority necessary to enable it to do so: And
20 whereas the land is subject to the Harbour Boards Dry Lands Endowment Revesting Act 1991 and cannot be disposed of without the consent of the Minister of Conservation given under section 5 of that Act: Be it therefore enacted as follows:

(1) Notwithstanding anything in the Local Government Act
25 1974 or the Harbour Boards Dry Land Endowment Revesting Act 1991, the Manukau City Council may transfer the land to which this section relates to the Pukaki Maori Marae Committee (being a committee constituted pursuant to section 9 of the Maori Community Development Act 1962) without
30 consideration but subject to any existing encumbrances, restrictions, and interests affecting the land.

(2) Nothing in section 5 of the Harbour Boards Dry Land Endowment Revesting Act 1991 shall apply to the land to which this section relates.

35 (3) The Harbour Boards Dry Land Endowment Revesting Act 1991 is hereby consequentially amended—

(a) By repealing subsections (1) (b) and (4) of section 4:

(b) By repealing Part B of the Schedule.

(4) The land to which this section relates is all that land—

40 (a) Comprising 36.3002 hectares, more or less, being Section 1, Block IX, Otahuhu Survey District, and being all the land comprised and described in certificate of title, Volume 408, folio 119 (North Auckland Registry); and

- (b) Comprising 3195 square metres, more or less, being Allotment 219, Parish of Manurewa, and being all the land comprised and described in certificate of title, Volume 417, folio 196 (North Auckland Registry).

13. Te Ngae Mission Farm—Whereas the New Zealand Mission Trust Board is registered as the proprietor of the land described in **paragraphs (a) and (b) of subsection (7)** of this section: And whereas the Waiapu Board of Diocesan Trustees is registered as proprietor of the land described in **paragraph (c)** of that subsection: And whereas those pieces of land are held in trust by virtue of Crown Grant No. 49R dated the 21st day of September 1854: And whereas the Waitangi Tribunal, in its Ngati Rangiteaorere Claim Report of the 18th day of December 1990, recommended that the land to which this section relates be acquired by the Crown and vested in Ngati Rangiteaorere as Maori freehold land freed from existing trusts: And whereas the said Boards desire to transfer those lands to various persons as trustees subject to the same trust: And whereas it is desired to empower the registered proprietor for the time being of any of those pieces of land to transfer the land to Rangiteaorere (male deceased): And whereas it is further desired that such lands be held as Maori freehold land for the general benefit of the descendants of Rangiteaorere: And whereas special legislation is necessary to enable such transfers to be effected and to achieve those purposes: Be it therefore enacted as follows:

(1) The registered proprietor for the time being of any piece of land described in **subsection (7)** of this section may transfer to Rangiteaorere (male deceased) the whole or any part of that land.

(2) Such transfers—

(a) Shall not be liable for conveyance duty:

(b) Shall not be liable for any fee or charge under the Land Transfer Act 1952.

(3) Upon the registration of any such transfer—

(a) The land to which the transfer applies shall be deemed to be Maori freehold land and the District Land Registrar shall record a statement to that effect on the certificate of title in respect of the land; and

(b) The land shall be free of the trusts formerly applying to the land and any restrictions thereunder.

(4) For the purposes of this section, the Maori Land Court is hereby authorised and empowered to appoint trustees and constitute trusts in accordance with section 438 of the Maori

Affairs Act 1953 or any other provisions for trusts in respect of Maori land hereafter enacted, and may appoint any incorporated body representative of the Iwi as Trustee; and those provisions shall apply with any necessary modifications.

- 5 (5) The trustees may from time to time at their discretion execute a declaration of trust declaring that they shall stand possessed of any of the Trust property and any other property settled by negotiation, whether real or personal, upon trust for such purposes referred to in (~~section 24 or section 24A~~) sections 24
 10 to 24F of the Maori Trust Boards Act 1955, or any provisions substituted in their place, as may be specified in the declaration of trust; and the trustees may apply to the Commissioner of Inland Revenue for approval of the Trust so created as a charitable trust within the meaning of the Income Tax Act
 15 1976.

New

- (5A) For the purposes of this section, the trustees shall have and may exercise all or any of the powers of a Maori Trust Board under sections 24 to 24F of the Maori Trust Boards Act
 20 1955; and those sections shall apply with the necessary modifications.

- (6) The provisions of this section shall have effect notwithstanding anything in any other enactment or rule of law.
- 25 (7) This section relates to the following land:
- (a) All that land comprising 123.3267 hectares, more or less, situated in Block XIV, Rotoiti Survey District, and being the balance of the land comprised and described in certificate of title, Volume 778, folio 158,
 30 Limited as to Parcels (South Auckland Registry):
- (b) All that land comprising 407 square metres, more or less, being Section 9, Block XIV, Rotoiti Survey District, and being all the land comprised and described in certificate of title No. 25C/1144 (South Auckland
 35 Registry):
- (c) All that land comprising 24.12685 hectares, more or less, being part Section 3, Block XIV, Rotoiti Survey District, and being the balance of the land comprised and described in certificate of title, Volume 285, folio
 40 145 (South Auckland Registry).

14. Entries in registers—District Land Registrars are hereby authorised and directed to make such entries in their respective registers, and do such other things, as may be necessary to give full effect to the provisions of this Act.