

Reprint  
as at 1 October 2019



## Housing Corporation Act 1974

Public Act	1974 No 19
Date of assent	29 June 1974
Commencement	see section 1(2)

Housing Corporation Act 1974: repealed, on 1 October 2019, by section 30 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This Act is administered by the Ministry of Housing and Urban Development.**

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**Title** [*Repealed*]

Title: repealed, on 1 July 2001, by section 25(1)(a) of the Housing Corporation Amendment Act 2001 (2001 No 37).

**1 Short Title and commencement**

- (1) This Act may be cited as the Housing Corporation Act 1974.
- (2) This Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

Section 1(2): this Act brought into force, on 14 October 1974, by the Housing Corporation Act Commencement Order 1974 (SR 1974/245).

**1A Purpose**

The purpose of this Act is to—

- (a) establish a corporation to administer the Crown's housing operations; and
- (b) define its objectives, functions, powers, and duties.

Section 1A: inserted, on 1 July 2001, by section 3 of the Housing Corporation Amendment Act 2001 (2001 No 37).

**2 Interpretation**

In this Act, unless the context otherwise requires,—

**annual financial statements** means annual financial statements under section 154 of the Crown Entities Act 2004

**approved securities** means—

- (a) the bonds, stock, debentures, funds, or other securities of the Government of New Zealand; or

- (b) any other securities that are for the time being approved by the Minister for the purposes of this Act

**Corporation** means Housing New Zealand Corporation established (as the Housing Corporation of New Zealand) by section 3(1)

**Crown entity subsidiary** has the same meaning as in the second column of section 7(1)(c) of the Crown Entities Act 2004

**existing company**—

- (a) means HNZ or Community Housing Limited (a company that on the commencement of the Housing Corporation Amendment Act 2001 was duly incorporated under the Companies Act 1993); and
- (b) includes any subsidiary (within the meaning of the Companies Act 1993) of an existing company

**HNZ** means the company within the meaning of section 2(1) of the Housing Restructuring and Tenancy Matters Act 1992

**land** includes interests in land, and houses and buildings

**Minister**, except when immediately followed by the words “of Finance” or “of Housing”, means the Minister of Finance and the Minister of Housing, acting jointly

**Minister of Housing** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the Corporation

**property** includes real or personal property, and any estate or interest in any real or personal property, and any debt, and any security and any thing in action, and any licence or authority, and any other right or interest

**security** means a mortgage, submortgage, charge (whether legal or equitable), bond, stock, debenture, bill of exchange, promissory note, guarantee, indemnity, defeasance, hypothecation, instrument by way of security, lien, pledge, or other security for the payment of money or for the discharge of any other obligation or liability and in any case whether upon demand or otherwise, whether present or future and whether actual or contingent, and includes an acknowledgment of debt (whether or not otherwise secured) and an agreement or undertaking to give or execute whether upon demand or otherwise any of the foregoing

**solicitor** means a person who is duly enrolled as a barrister and solicitor under or by virtue of the Lawyers and Conveyancers Act 2006 and who holds a current practising certificate as a barrister and solicitor under that Act

**statement of intent** means a statement of intent under section 139 of the Crown Entities Act 2004

**statement of performance expectations** means a statement of performance expectations under section 149C of the Crown Entities Act 2004

**subsidiary**, in relation to the Corporation, means a body that would under the Companies Act 1993 be a subsidiary of the Corporation if the Corporation were a company within the meaning of that Act

**vesting day**,—

- (a) in relation to an existing company or an asset or liability of an existing company, means the day on which the order under section 53 relating to that company comes into force; and
- (b) in relation to an asset or liability of the Crown, means the day on which an order under section 53 relating to that asset or liability comes into force.

Compare: 1965 No 47 s 2

Section 2 **annual financial statements**: inserted, on 1 July 2014, by section 72 of the Crown Entities Amendment Act 2013 (2013 No 51).

Section 2 **appointed member**: repealed, on 8 August 1991, by section 2(1) of the Housing Corporation Amendment Act 1991 (1991 No 91).

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

Section 2 **Corporation**: replaced, on 1 July 2001, by section 4 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 2 **Crown entity subsidiary**: inserted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 2 **Crown entity subsidiary**: amended, on 18 July 2013, by section 42 of the Crown Entities Amendment Act 2013 (2013 No 51).

Section 2 **Director-General**: repealed, on 1 May 1993, by section 2(1) of the Housing Corporation Amendment Act 1992 (1992 No 78).

Section 2 **existing company**: inserted, on 1 July 2001, by section 4 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 2 **HNZ**: inserted, on 1 July 2001, by section 4 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 2 **HNZ**: amended, on 1 July 2006, by section 5(2)(b) of the Housing Restructuring and Tenancy Matters (Information Matching) Amendment Act 2006 (2006 No 34).

Section 2 **land**: replaced, on 1 July 2001, by section 4 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 2 **Minister**: replaced, on 1 July 2001, by section 4 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 2 **Minister of Housing**: inserted, on 1 July 2001, by section 4 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 2 **property**: amended, on 8 August 1991, by section 2(2) of the Housing Corporation Amendment Act 1991 (1991 No 91).

Section 2 **security**: inserted, on 8 August 1991, by section 2(3) of the Housing Corporation Amendment Act 1991 (1991 No 91).

Section 2 **solicitor**: replaced, on 1 August 2008, by section 348 of the Lawyers and Conveyancers Act 2006 (2006 No 1).

Section 2 **State Services Commissioner**: repealed, on 8 September 2018, by section 59 of the Statutes Amendment Act 2018 (2018 No 27).

Section 2 **statement of intent**: inserted, on 1 July 2001, by section 4 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 2 **statement of intent**: amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 2 **statement of performance expectations**: inserted, on 1 July 2014, by section 72 of the Crown Entities Amendment Act 2013 (2013 No 51).

Section 2 **subsidiary**: inserted, on 1 July 2001, by section 4 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 2 **vesting day**: inserted, on 1 July 2001, by section 4 of the Housing Corporation Amendment Act 2001 (2001 No 37).

## 2A Act binds the Crown

This Act binds the Crown.

Section 2A: inserted, on 25 February 2016, by section 4 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

# Part 1 Housing New Zealand Corporation

Part 1 heading: amended, on 1 July 2001, by section 5(3) of the Housing Corporation Amendment Act 2001 (2001 No 37).

## 3 Establishment of Corporation

- (1) There is hereby established Housing New Zealand Corporation.
- (2) The Corporation is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.
- (2A) *[Repealed]*
- (3) The Crown Entities Act 2004 applies to the Corporation except to the extent that this Act expressly provides otherwise.
- (5) *[Repealed]*

Compare: 1965 No 47 ss 3(1), (2), 4(1), (7)

Section 3(1): amended, on 1 July 2001, by section 5(1) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 3(2): replaced, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 3(2A): repealed, on 1 July 2001, by section 5(2) of the Housing Corporation Amendment Act 2001 (2001 No 37).

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

Section 3(5): repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

## 3AA Membership of Corporation

- (1) The Corporation must have at least 2, but no more than 8, members appointed under section 28(1)(a) of the Crown Entities Act 2004.



- (2) A person who is employed by a department of State responsible for advising the Minister on the Corporation's performance is disqualified from being a member.
- (3) Subsection (2) does not limit section 30 of the Crown Entities Act 2004.
- (4) Members of the Corporation are the board for the purposes of the Crown Entities Act 2004.

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

### **3A Corporation to have Tenancy Bond Division**

*[Repealed]*

Section 3A: repealed, on 18 August 1992, by section 3 of the Housing Corporation Amendment Act 1992 (1992 No 78).

### **3B Objectives of Corporation**

The Corporation's objectives are—

- (a) to give effect to the Crown's social objectives by providing housing, and services related to housing, in a businesslike manner, and to that end to be an organisation that—
  - (i) exhibits a sense of social responsibility by having regard to the interests of the community in which it operates; and
  - (ii) exhibits a sense of environmental responsibility by having regard to the environmental implications of its operations; and
  - (iii) operates with good financial oversight and stewardship, and efficiently and effectively manages its assets and liabilities and the Crown's investment.
- (b) but *see* section 50J for Part 5A objectives.
- (c) *[Repealed]*

Section 3B: inserted, on 1 July 2001, by section 6 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 3B(a)(iii): amended, on 28 May 2015, by section 4(1) of the Housing Corporation (Social Housing Reform) Amendment Act 2015 (2015 No 52).

Section 3B(b): inserted, on 25 February 2016, by section 5 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

Section 3B(c): repealed, on 6 August 2010, by section 6(2)(b) of the Affordable Housing: Enabling Territorial Authorities Act Repeal Act 2010 (2010 No 101).

### **3C Communication of the Crown's social objectives**

- (1) To enable the Corporation to achieve the objective stated in section 3B(a) and to prepare or review its statements of intent, the Minister must, at least 3 months before the commencement of each financial year of the Corporation, give it written notice of the Crown's social objectives for the provision of housing and services related to housing by the Corporation.

- (2) Each of the Corporation's statements of performance expectations must state—
- (a) the objectives most recently notified by the Minister; and
  - (b) the steps that the group comprising the Corporation and any Crown entity subsidiaries proposes to take in the financial year concerned and the next 2 financial years to achieve those objectives.
- (3) Nothing in subsections (1) and (2) limits or affects sections 141 and 149E of the Crown Entities Act 2004 or section 20.

Section 3C: inserted, on 1 July 2001, by section 6 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 3C(1): amended, on 18 July 2013, by section 42 of the Crown Entities Amendment Act 2013 (2013 No 51).

Section 3C(2): amended, on 1 July 2014, by section 72 of the Crown Entities Amendment Act 2013 (2013 No 51).

Section 3C(2)(b): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 3C(3): amended, on 1 July 2014, by section 72 of the Crown Entities Amendment Act 2013 (2013 No 51).

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

### **3D Other provisions relating to Corporation**

Schedule 1A applies to the Corporation.

Section 3D: inserted, on 1 July 2001, by section 6 of the Housing Corporation Amendment Act 2001 (2001 No 37).

### **4 Offices of Corporation**

*[Repealed]*

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

### **5 Director-General of Corporation**

*[Repealed]*

Section 5: repealed, on 1 May 1993, by section 4(1) of the Housing Corporation Amendment Act 1992 (1992 No 78).

### **6 Deputies**

*[Repealed]*

Section 6: repealed, on 19 December 1989, by section 32(1) of the State Sector Amendment Act (No 2) 1989 (1989 No 136).

### **7 Members to hold office during pleasure**

*[Repealed]*

Section 7: repealed, on 1 July 2001, by section 25(1)(b) of the Housing Corporation Amendment Act 2001 (2001 No 37).

**8 Disqualification of members**

*[Repealed]*

Section 8: repealed, on 1 July 2001, by section 25(1)(b) of the Housing Corporation Amendment Act 2001 (2001 No 37).

**9 Vacancies**

*[Repealed]*

Section 9: repealed, on 1 July 2001, by section 25(1)(b) of the Housing Corporation Amendment Act 2001 (2001 No 37).

**10 Meetings of Corporation**

*[Repealed]*

Section 10: repealed, on 1 July 2001, by section 25(1)(b) of the Housing Corporation Amendment Act 2001 (2001 No 37).

**11 Disclosure of interests**

*[Repealed]*

Section 11: repealed, on 1 July 2001, by section 25(1)(b) of the Housing Corporation Amendment Act 2001 (2001 No 37).

**12 Remuneration of members**

*[Repealed]*

Section 12: repealed, on 1 July 2001, by section 25(1)(b) of the Housing Corporation Amendment Act 2001 (2001 No 37).

**13 Employees**

*[Repealed]*

Section 13: repealed, on 1 July 2001, by section 25(1)(b) of the Housing Corporation Amendment Act 2001 (2001 No 37).

**14 Contracts of Corporation**

*[Repealed]*

Section 14: repealed, on 1 July 2001, by section 25(1)(b) of the Housing Corporation Amendment Act 2001 (2001 No 37).

**15 Execution of documents on behalf of Corporation**

*[Repealed]*

Section 15: repealed, on 1 July 2001, by section 25(1)(b) of the Housing Corporation Amendment Act 2001 (2001 No 37).

**16 Committees**

*[Repealed]*

Section 16: repealed, on 1 July 2001, by section 25(1)(b) of the Housing Corporation Amendment Act 2001 (2001 No 37).

**17 Delegation of functions or powers of Corporation**

*[Repealed]*

Section 17: repealed, on 1 July 2001, by section 25(1)(b) of the Housing Corporation Amendment Act 2001 (2001 No 37).

## **Part 2**

### **Functions and powers of Corporation**

**18 Functions of Corporation**

- (1) The Corporation's principal function is to achieve its objectives.
- (2) The Corporation's functions include—
  - (a) providing rental housing, principally for those who need it most;
  - (b) providing appropriate accommodation, including housing, for community organisations (in particular for community organisations that provide residential support services for people with special needs);
  - (c) lending for housing purposes, and providing other help relating to housing;
  - (d) giving people (in particular people on low or modest incomes who wish to own their own homes) help and advice on matters relating to housing or services related to housing;
  - (e) undertaking housing and other development and renewal, whether on its own account or on behalf of other persons;
  - (f) acquiring and developing land for housing or other development and renewal, whether by—
    - (i) providing housing amenities, facilities, services, or works; or
    - (ii) providing commercial or industrial amenities, facilities, services, or works; or
    - (iii) providing related amenities, facilities, services, or works; or
    - (iv) doing any other thing;
  - (g) selling, leasing, disposing of, managing, or otherwise dealing with land, whether in the course of housing or other development and renewal or otherwise;
  - (h) providing housing or services related to housing as agent for departments of State or Crown entities;
  - (i) taking action, in relation to or in connection with the provision of housing or services related to housing, provided for in—
    - (i) the Corporation's current statement of intent; or
    - (ii) a notice or agreement under section 20; or
    - (iii) a plan under section 20A;

- (j) conducting research into, and monitoring trends in, housing and services related to housing (but not for the purpose of advising the Minister of Housing on those matters):
  - (k) *[Repealed]*
  - (l) any other functions conferred on it by this Act or any other enactment.
- (3) In performing any of its functions, the Corporation may consult any person or organisation whose views or knowledge it believes will enhance its performance of the function.
- (4) Subsection (2) does not limit subsection (1).
- Section 18: replaced, on 1 July 2001, by section 7 of the Housing Corporation Amendment Act 2001 (2001 No 37).
- Section 18(2)(j): amended, on 28 May 2015, by section 5(1) of the Housing Corporation (Social Housing Reform) Amendment Act 2015 (2015 No 52).
- Section 18(2)(k): repealed, on 28 May 2015, by section 5(2) of the Housing Corporation (Social Housing Reform) Amendment Act 2015 (2015 No 52).

## 19 Powers of Corporation

- (1) *[Repealed]*
- (1A) The Corporation may take any action in the performance of its functions or achievement of its objectives jointly, or in conjunction, with—
- (a) a local authority; or
  - (b) any other person or organisation that provides housing without having profit or gain as its principal motive; or
  - (c) any other person or organisation.
- (1B) Subsection (1A) does not limit section 17 of the Crown Entities Act 2004.
- (2) *[Repealed]*
- (3) Nothing in this section or in section 18 shall authorise or empower the Corporation to do anything in respect of any property owned by any other person, without the owner's consent.
- (4) Without limiting section 17 of the Crown Entities Act 2004, the Corporation may also from time to time—
- (a) act as an agent for the Crown, or for any Government department, or for any other person or body, and in return for such services charge any fees or other remuneration that may be agreed on between the Corporation and the principal; and
  - (b) *[Repealed]*
  - (c) acting through a solicitor, or through a person acting under the supervision of a solicitor, draw or prepare for or on behalf of any other person—
    - (i) any conveyance within the meaning of the Property Law Act 2007 of any real or personal property; or

- (ii) any deed within the meaning of the Property Law Act 2007 relating to any real or personal property; or
  - (iii) any tenancy agreement or lease, or any agreement evidencing any tenancy or lease—  
and may provide any legal advice or legal services attendant upon any such work, and in return for such work, advice, or services may charge any fees or other remuneration that may be agreed on between the Corporation and the person for or on behalf of whom it is acting.
- (5) The Corporation, in acting for any principal, may with the agreement and on behalf of the principal make any investment in the name of the Corporation.

(6) *[Repealed]*

Compare: 1965 No 47 ss 16, 22

Section 19(1): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 19(1A): inserted, on 1 July 2001, by section 8(1) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 19(1B): inserted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 19(2): repealed, on 1 July 2001, by section 8(1) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 19(4): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 19(4)(b): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 19(4)(c): inserted, on 29 April 1987, by section 3 of the Housing Corporation Amendment Act 1987 (1987 No 68).

Section 19(4)(c)(i): amended, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

Section 19(4)(c)(ii): amended, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

Section 19(6): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## **19A Corporation may sell or dispose of all or part of its property**

*[Repealed]*

Section 19A: repealed, on 1 July 2001, by section 9 of the Housing Corporation Amendment Act 2001 (2001 No 37).

## **19B Validity of transactions**

*[Repealed]*

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

## 19C Ministerial reviews

*[Repealed]*

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

## 20 Corporation to give effect to government policy

- (1) The Minister may require the Corporation to give effect to the policy of the Government, by—
  - (a) giving the Corporation a direction under section 103 of the Crown Entities Act 2004; or
  - (b) giving the Corporation a direction requiring it to enter into a written agreement with the Minister to give effect to a policy stated in the agreement.
- (2) *[Repealed]*
- (3) *[Repealed]*
- (4) *[Repealed]*

Section 20: replaced, on 1 July 2001, by section 10 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 20(1)(a): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 20(1)(b): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 20(2): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 20(3): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 20(4): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## 20A Other provisions relating to directions

- (1) Sections 114 and 115 of the Crown Entities Act 2004 apply to a direction under section 20.
- (2) When complying with section 115(2) of the Crown Entities Act 2004 in respect of a direction under section 20(1)(b), the Minister must also publish in the *Gazette* and present to the House of Representatives a copy of the agreement entered into with the Corporation in accordance with the direction.
- (3) The Corporation must prepare, and give to the Minister for approval a draft plan stating how it proposes to give effect to the policy of the Government if,—
  - (a) pursuant to a direction under section 20, it enters into an agreement with the Minister that does not state how the policy of the Government is to be given effect to; or
  - (b) the Minister directs the Corporation to give effect to a government policy under section 103 of the Crown Entities Act 2004.

- (4) Within 12 sitting days after approving a draft plan given under subsection (3), the Minister must present a copy of the approved plan to the House of Representatives.

Section 20A: inserted, on 1 July 2001, by section 10 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 20A heading: amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 20A(1): replaced, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 20A(2): replaced, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 20A(3)(a): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 20A(3)(b): replaced, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## **20B Compensation of Corporation for providing certain services**

- (1) If under section 20 the Minister requires the Corporation to provide housing or services related to housing (or both) to any persons in return for the payment by the Crown of all or part of the price to the Corporation of doing so (as stated in the notice or agreement concerned),—
- (a) the Crown must pay to the Corporation all or part of that price (as the case requires); and
  - (b) if the policy is for the Corporation to provide housing and related services to persons who are to be required to pay income-related rents rather than market rents for the housing, the notice or agreement concerned must state that the housing and related services are to be provided in return for the payment by the Crown to the Corporation of either—
    - (i) the difference between the amounts of market rents for the housing and the income-related rents charged; or
    - (ii) an alternative price, set out in that notice or agreement, that has been agreed to by the Corporation.
- (2) If, because its statement of intent requires it to do so, the Corporation provides services that it cannot provide on normal business terms, the Crown may wholly or partly recompense it for doing so.
- (3) In subsection (1)(b), **income-related rents** and **market rents** have the meanings given to those terms by section 2(1) of the Housing Restructuring and Tenancy Matters Act 1992.
- (4) After the vesting day in relation to HNZ, every agreement between the Crown and HNZ entered into by virtue of a requirement under section 7 of the Housing Restructuring and Tenancy Matters Act 1992 (or under that section as applied by section 85 of that Act) has effect as if it were an agreement entered into under a direction under section 20(1)(b).



(5) Nothing in this section limits or affects the generality of section 20.

Section 20B: inserted, on 1 July 2001, by section 10 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 20B(1)(b): replaced, on 28 May 2015, by section 15(2) of the Housing Restructuring and Tenancy Matters (Social Housing Reform) Amendment Act 2015 (2015 No 50).

Section 20B(3): amended, on 14 April 2014, by section 25 of the Social Housing Reform (Housing Restructuring and Tenancy Matters Amendment) Act 2013 (2013 No 97).

Section 20B(3): amended, on 1 July 2006, by section 5(2)(b) of the Housing Restructuring and Tenancy Matters (Information Matching) Amendment Act 2006 (2006 No 34).

Section 20B(4): amended, on 14 April 2014, by section 25 of the Social Housing Reform (Housing Restructuring and Tenancy Matters Amendment) Act 2013 (2013 No 97).

Section 20B(4): amended, on 1 July 2006, by section 5(2)(b) of the Housing Restructuring and Tenancy Matters (Information Matching) Amendment Act 2006 (2006 No 34).

Section 20B(4): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**20C Application of sections 20 to 20B to subsidiaries**

Sections 20 to 20B apply to Crown entity subsidiaries of the Corporation as if every reference to the Corporation were a reference to a Crown entity subsidiary of the Corporation.

Section 20C: inserted, on 1 July 2001, by section 10 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 20C: amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**21 Loans to local authorities for housing purposes**

- (1) The Corporation may from time to time make loans to local authorities for housing purposes.
- (2) Any loan made to a local authority by the Corporation under this section may be made either out of money received by the Corporation under subsection (1) of section 32 of the Housing Act 1955, or out of the other funds of the Corporation, as the Corporation may in any case determine.
- (3) In this section, **local authority** means a territorial authority within the meaning of the Local Government Act 2002.

Compare: 1965 No 47 s 18

Section 21(3): replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

**22 Loans for industry and other purposes**

*[Repealed]*

Section 22: repealed, on 18 August 1992, by section 9(1) of the Housing Corporation Amendment Act 1992 (1992 No 78).

**23 Guarantees and indemnities**

*[Repealed]*

Section 23: repealed, on 18 August 1992, by section 10(1) of the Housing Corporation Amendment Act 1992 (1992 No 78).

**23A Guarantees and indemnities under Residential Tenancies Act 1986**

*[Repealed]*

Section 23A: repealed, on 18 August 1992, by section 11(1) of the Housing Corporation Amendment Act 1992 (1992 No 78).

**24 Loans, guarantees, and indemnities at request of Minister of Finance**

- (1) The Minister of Finance may from time to time in writing request the Corporation under this section to make any loan or expend any money or give any guarantee or indemnity, for any purpose specified in this Act, on such conditions as the Minister of Finance may specify.
- (2) Where the Corporation makes any loan or expends any money or gives any guarantee or indemnity pursuant to a request by the Minister of Finance under subsection (1), and in accordance with the conditions specified by the Minister of Finance under that subsection, the Corporation shall be deemed to be guaranteed by the Minister of Finance in respect of any loss that may be incurred by the Corporation arising out of the loan, expenditure, guarantee, or indemnity; and any money payable to the Corporation by the Minister of Finance pursuant to any such guarantee in favour of the Corporation shall be paid to the Corporation from a Crown Bank Account without further appropriation than this section.

Section 24(2): amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

### **Part 3**

#### **Securities for loans**

**25 Securities**

*[Repealed]*

Section 25: repealed, on 1 July 2001, by section 12 of the Housing Corporation Amendment Act 2001 (2001 No 37).

**26 Mortgages of leasehold interests**

- (1) Where a registered leasehold interest in land is subject to any mortgage under which the Corporation is the mortgagee, the mortgage shall be deemed to extend to and include the mortgagor's interest in any registered lease that may be granted to him in renewal of the mortgaged lease, or otherwise in lieu of the mortgaged lease.
- (2) In this section—

**Corporation** includes a transferee or assignee from the Corporation

**mortgage** includes a charge

**registered** means registered under the Land Transfer Act 2017.

Compare: 1965 No 47 s 24

Section 26(2) **Corporation**: inserted, on 8 August 1991, by section 9 of the Housing Corporation Amendment Act 1991 (1991 No 91).

Section 26(2) **registered**: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

## 27 Special provisions as to mortgages of leasehold interests in Crown land or certain classes of Maori land

(1) This section applies to any mortgage under which the Corporation is the mortgagee for the time being and which is a mortgage of the mortgagor's interest in—

- (a) any lease of any Crown land or of any other land vested in Her Majesty; or
- (b) any lease of land that is subject to the Maori Vested Lands Administration Act 1954 or to the Maori Reserved Land Act 1955; or
- (c) any lease to which section 57 of the Maori Vested Lands Administration Act 1954 applies.

(2) In this section—

**Corporation** includes a transferee or assignee from the Corporation

**lease** includes an agreement to lease and a licence to occupy

**leasing authority**, in relation to any lease referred to in paragraph (a) of subsection (1), means the Land Settlement Board; and, in relation to any lease referred to in paragraph (b) or paragraph (c) of that subsection, means the Māori Trustee.

- (3) Except with the consent of the Corporation, and on such terms as it thinks fit, it shall not be lawful for any leasing authority to forfeit or cancel the mortgagor's interest in any lease for breach of the conditions, or to accept any surrender thereof, or to cancel the mortgagor's right to compensation for or valuation of improvements, without giving to the Corporation at least 3 months' previous notice in writing of its intention so to do.
- (4) Notwithstanding such forfeiture, cancellation, or surrender, the mortgage to the Corporation shall, by virtue of this section, be deemed to be a first charge on the improvements then existing on the land for all money payable in respect thereof by any incoming tenant or occupier of the land (to the extent to which the mortgagor would have had interest therein if his title to the land had been lawfully determined otherwise than by forfeiture, cancellation, or surrender), and such money shall be paid to the Corporation accordingly:

provided that the Corporation may accept from such incoming tenant or occupier a mortgage of his estate and interest in the land in lieu of cash, and any restrictions imposed by any Act on the right of the tenant to mortgage or assign his interest shall not apply in the case of a mortgage granted under this subsection.

- (5) If, in the event of such forfeiture, cancellation, or surrender, the Corporation and the leasing authority are unable to agree as to the value of the mortgagor's interest in the improvements, such value shall be determined by arbitration.
- (6) In the event of the Corporation, as mortgagee in possession, granting a lease or other tenancy of the land, or of any part of the land (which it is hereby empowered to do without the consent of the leasing authority), then, for the purpose of preventing forfeiture or cancellation of the mortgagor's title for breach of conditions, but for no other purpose, fulfilment of conditions by the person in actual possession under such lease or other tenancy shall be considered as fulfilment by the mortgagor:

provided that, in the case of any land administered by the Land Settlement Board, the grant of a lease by the Corporation shall be subject to the approval of the Minister of Lands and in the case of any land administered by the Māori Trustee the grant of a lease by the Corporation shall be subject to the approval of the Minister of Maori Affairs.

- (7) Where the Corporation as mortgagee in possession of any land grants a lease or other tenancy of the land in accordance with subsection (6), the rent received by the Corporation shall be apportioned between the Corporation and the leasing authority in proportion to the values of the capital interests in the land of the Corporation and the leasing authority (as representing the Crown or other owner of the land) or in such other proportions as may be mutually agreed to between the Corporation and the leasing authority. Any rent or other revenue that may be received by the leasing authority in respect of a temporary lease or licence granted after the cancellation, forfeiture, or surrender of the mortgagor's title shall be similarly apportioned between the leasing authority and the Corporation.
- (8) If the Corporation sells the security in exercise of its powers of sale, any restrictions imposed by any Act on the right of lessee or licensee to mortgage or assign his interest in the land shall not apply with respect to the sale to the purchaser, nor shall any such restrictions apply with respect to the mortgage by the purchaser of his estate or interest in the land to the Corporation to secure the whole or any part of the purchase money.
- (9) Any sale by the Corporation in the exercise of its powers of sale may be by public auction or private contract, as the Corporation in its discretion thinks fit, and in the case of sale by private contract advertising shall not be necessary:  
provided that in the case of any land administered by the Land Settlement Board the sale shall be subject to the approval of the Minister of Lands.

- (10) Notwithstanding anything to the contrary in any other Act, the power of sale shall be deemed to arise and accrue and may, without the consent of the leasing authority, be exercised by the Corporation at any time after the expiration of the period limited in that behalf by the mortgage.

Compare: 1965 No 47 s 25

Section 27(2) **Corporation**: inserted, on 8 August 1991, by section 10 of the Housing Corporation Amendment Act 1991 (1991 No 91).

Section 27(2) **Corporation**: amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 27(6) proviso: amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

## 28 Repayment of loans

*[Repealed]*

Section 28: repealed, on 1 July 2001, by section 25(1)(b) of the Housing Corporation Amendment Act 2001 (2001 No 37).

## 29 Borrowers to contribute to Corporation's funds

- (1) Every person who receives from the Corporation a loan of money (except a loan made pursuant to section 24) may be required by the Corporation to pay to the credit of the Corporation's funds a sum to be fixed from time to time by the Corporation, not exceeding in any case 2% of the amount of the loan.
- (2) Any sum payable pursuant to subsection (1) to the Corporation's funds may be paid in cash at the time of the making of the loan or, at the option of the borrower, may be added to the amount of the loan, and in the latter case it may be secured by any security instrument in respect of the loan as if it formed part of the loan.

Compare: 1965 No 47 s 27; 1972 No 104 s 3

Section 29 heading: amended, on 1 July 2001, by section 11(2) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 29(1): amended, on 1 July 2001, by section 11(1) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 29(2): amended, on 1 July 2001, by section 11(1) of the Housing Corporation Amendment Act 2001 (2001 No 37).

# Part 4 Financial provisions

## 30 Borrowing powers of Corporation and subsidiaries

*[Repealed]*

Section 30: repealed, on 1 July 2014, by section 72 of the Crown Entities Amendment Act 2013 (2013 No 51).

## 30AA Loans deemed to have been lawfully raised

So far as concerns any lender or holder,—

- (a) all money borrowed by the Corporation or a Crown entity subsidiary must for all purposes be treated as having been borrowed in accordance with subpart 3 of Part 4 of the Crown Entities Act 2004; and
- (b) all securities and charges issued, granted, or varied by the Corporation or a Crown entity subsidiary must for all purposes be treated as having been issued, granted, or varied in accordance with subpart 3 of Part 4 of the Crown Entities Act 2004; and
- (c) the following must for all purposes be treated as having been undertaken in accordance with subpart 3 of Part 4 of the Crown Entities Act 2004:
  - (i) all actions taken by the Corporation or a Crown entity subsidiary in the course of any borrowing or proposed borrowing;
  - (ii) all actions taken by the Corporation or a Crown entity subsidiary in the course of the issue, granting, or variation or proposed issue, granting, or variation of any securities or charge; and
- (d) the lender or holder does not have to inquire whether, or to what extent, authority has been given under that Act.

Section 30AA: inserted, on 1 July 2001, by section 13 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 30AA(a): amended, on 1 July 2014, by section 72 of the Crown Entities Amendment Act 2013 (2013 No 51).

Section 30AA(a): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 30AA(b): amended, on 1 July 2014, by section 72 of the Crown Entities Amendment Act 2013 (2013 No 51).

Section 30AA(b): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 30AA(c): amended, on 1 July 2014, by section 72 of the Crown Entities Amendment Act 2013 (2013 No 51).

Section 30AA(c): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 30AA(c)(i): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 30AA(c)(ii): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 30AA(d): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

### **30A Power to enter into swaps or other financial arrangements**

*[Repealed]*

Section 30A: repealed, on 1 July 2001, by section 25(1)(b) of the Housing Corporation Amendment Act 2001 (2001 No 37).

### **31 Securities issued by Corporation to be guaranteed by Crown**

- (1) All bonds, stock, and other securities issued by the Corporation before the commencement of the Housing Corporation Amendment Act 2001 (including

all bonds, stock, and other securities taken over by the Corporation under section 49 of this Act) are hereby declared to be guaranteed in accordance with the following provisions of this section.

- (2) If any default is made by the Corporation in the payment of any principal or interest payable by it in respect of any bonds, stock, or other securities referred to in subsection (1), such principal or interest, as the case may be, shall forthwith be paid by the Minister of Finance out of a Crown Bank Account without further appropriation than this section.
- (3) All money paid by the Minister of Finance under the authority of this section on account of any bonds, stock, or other securities shall constitute a debt due by the Corporation to the Crown, and shall be recoverable accordingly.

Compare: 1965 No 47 s 29

Section 31(1): amended, on 1 July 2001, by section 14 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 31(2): amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

### **32 Investments in securities issued by Corporation**

*[Repealed]*

Section 32: repealed, on 1 October 1988, by section 16(1) of the Trustee Amendment Act 1988 (1988 No 119).

### **33 Corporation may borrow money on hypothecation of securities**

*[Repealed]*

Section 33: repealed, on 1 July 2001, by section 15 of the Housing Corporation Amendment Act 2001 (2001 No 37).

### **34 Registration of stock**

*[Repealed]*

Section 34: repealed, on 1 July 2001, by section 15 of the Housing Corporation Amendment Act 2001 (2001 No 37).

### **35 Advances from Crown Bank Account**

*[Repealed]*

Section 35: repealed, on 1 July 2001, by section 15 of the Housing Corporation Amendment Act 2001 (2001 No 37).

### **36 General Reserve Fund**

*[Repealed]*

Section 36: repealed, on 1 July 2001, by section 15 of the Housing Corporation Amendment Act 2001 (2001 No 37).

**37 Corporation to maintain approved securities on account of General Reserve Fund**

*[Repealed]*

Section 37: repealed, on 1 July 2001, by section 15 of the Housing Corporation Amendment Act 2001 (2001 No 37).

**38 Financial year**

*[Repealed]*

Section 38: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**39 Unauthorised expenditure**

*[Repealed]*

Section 39: repealed, on 1 July 2001, by section 15 of the Housing Corporation Amendment Act 2001 (2001 No 37).

**40 Distribution of profits**

- (1) The Corporation must pay its surplus for each financial year into a Crown bank account, unless the Minister authorises the Corporation to keep all or any part of it.
- (2) In subsection (1), **surplus** means surplus capital, and any operating net surplus, after any provision the Minister thinks proper has been made for any matters that, in the Minister's opinion (reached in the light of the Corporation's statement of performance expectations and annual financial statements) are necessary for the efficient and effective conduct of the Corporation's operations.

Section 40: replaced, on 1 July 2001, by section 16 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 40(1): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

Section 40(2): amended, on 1 July 2014, by section 72 of the Crown Entities Amendment Act 2013 (2013 No 51).

**41 Audit of accounts**

*[Repealed]*

Section 41: repealed, on 21 December 1992, by section 42 of the Public Finance Amendment Act 1992 (1992 No 142).

**41A Crown entity**

*[Repealed]*

Section 41A: repealed, on 1 July 2001, by section 25(1)(b) of the Housing Corporation Amendment Act 2001 (2001 No 37).



## 42 Annual report

*[Repealed]*

Section 42: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

## Part 5 General provisions

### 43 Protection of name of Corporation

- (1) No company or other body corporate may be incorporated or registered under any enactment in New Zealand under—
  - (a) the name Housing Corporation of New Zealand; or
  - (b) the name Housing New Zealand Corporation; or
  - (c) any other name that in the opinion of the Registrar of Companies so resembles either of those names as to be calculated to deceive.
- (2) No person other than the Corporation may (alone or with any other person or persons) trade or carry on business under, or in any other way use as the name or description of an unincorporated body or organisation,—
  - (a) the name Housing Corporation of New Zealand; or
  - (b) the name Housing New Zealand Corporation; or
  - (c) any other name so resembling either of those names as to be calculated to deceive.
- (2A) Subsections (1) and (2) do not prevent HNZ from continuing to use the name Housing New Zealand.
- (3) Any person who contravenes subsection (2) commits an offence and shall be liable on conviction to a fine not exceeding \$100 and to a further fine not exceeding \$10 for each day on which the offence has continued.

Compare: 1965 No 47 s 40

Section 43(1): replaced, on 1 July 2001, by section 18(1) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 43(2): replaced, on 1 July 2001, by section 18(1) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 43(2A): inserted, on 1 July 2001, by section 18(2) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 43(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### 43A Conveyancing

- (1) Where, pursuant to paragraph (c) of section 19(4), the Corporation draws or prepares any conveyance, deed, agreement, or lease of a kind mentioned in that paragraph for or on behalf of any other person (hereafter in this section called the **client**), the solicitor referred to in that paragraph shall, in the drawing or

preparing of that document and in the provision of any legal advice or legal service attendant upon that work, be deemed for all purposes to be employed by the client, and shall not be subject to direction by the Corporation or by any employee of the Corporation.

- (2) Nothing in subsection (1) shall affect the right of the solicitor to act for the Corporation or any other person as well as the client.
- (3) *[Repealed]*
- (4) If, as a result of anything done or omitted to be done by the Corporation in the exercise of any of its powers under section 19(4)(c), the client suffers any loss, the client shall have the same right (if any) to recover in damages as the client would have had if the Corporation were a solicitor acting on behalf of the client.
- (5) Nothing in sections 21, 22, or 24 of the Lawyers and Conveyancers Act 2006 shall apply to anything done by the Corporation in the exercise of any of its powers under section 19(4)(c).
- (6) Notwithstanding anything in section 9 of the Lawyers and Conveyancers Act 2006, no solicitor shall be guilty of misconduct in the solicitor's professional capacity merely because that solicitor is acting in pursuance of the exercise by the Corporation of any of its powers under section 19(4)(c).
- (7) No solicitor employed, engaged, or instructed by the Corporation shall be personally liable for any act done or default made in good faith by the solicitor while acting for the Corporation in the exercise or purported exercise by the Corporation of any of its powers under section 19(4)(c).

Section 43A: inserted, on 29 April 1987, by section 4 of the Housing Corporation Amendment Act 1987 (1987 No 68).

Section 43A(1): amended, on 1 May 1993, by section 14 of the Housing Corporation Amendment Act 1992 (1992 No 78).

Section 43A(3): repealed, on 1 July 2001, by section 25(1)(b) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 43A(5): amended, on 1 August 2008, by section 348 of the Lawyers and Conveyancers Act 2006 (2006 No 1).

Section 43A(6): amended, on 1 August 2008, by section 348 of the Lawyers and Conveyancers Act 2006 (2006 No 1).

#### **44 Prohibition of procurement fees**

*[Repealed]*

Section 44: repealed, on 1 July 2001, by section 19 of the Housing Corporation Amendment Act 2001 (2001 No 37).

#### **45 Corporation's liability for taxes and rates**

The Corporation shall be liable for taxes and rates to the same extent as if it were a company incorporated under the Companies Act 1993.

Compare: 1965 No 47 s 43

Section 45: amended, on 1 July 2001, by section 20 of the Housing Corporation Amendment Act 2001 (2001 No 37).

**46 Members not Crown servants**

*[Repealed]*

Section 46: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**47 Personal liability of members**

*[Repealed]*

Section 47: repealed, on 1 July 2001, by section 25(1)(b) of the Housing Corporation Amendment Act 2001 (2001 No 37).

**48 Regulations**

The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) prescribing forms of mortgage or other securities given in favour of the Corporation;
- (b) providing for such matters as are contemplated by or are necessary for giving full effect to the provisions of this Act and for its due administration.

Compare: 1965 No 47 s 44

**49 Corporation to succeed State Advances Corporation**

- (1) The Corporation shall be the successor to the State Advances Corporation of New Zealand established under the State Advances Corporation Act 1965.
- (2) On the commencement of this Act,—
  - (a) every director of the State Advances Corporation shall retire from office; and
  - (b) all real and personal property that immediately before the commencement of this Act was vested in the State Advances Corporation shall, without conveyance, transfer, or assignment, vest in the Corporation for the estate and interest of the State Advances Corporation of New Zealand, subject to all liabilities, charges, obligations, and trusts affecting the property; and
  - (c) all the contracts, debts, and liabilities of the State Advances Corporation immediately before the commencement of this Act (including every guarantee and indemnity continuing to have effect, immediately before the commencement of this Act, under subsection (3) of section 2 of the State Advances Corporation Amendment Act 1970) shall become the contracts, debts, and liabilities of the Corporation.

- (3) The Registrar-General of Land must, on written application by the Corporation, register it as the owner of any estate or interest that is registered under the Land Transfer Act 2017 and is vested in the Corporation by this section.
- (4) In the financial year ending with 31 March 1975, the Corporation and the State Advances Corporation of New Zealand shall be deemed to be the same body corporate for the purposes of sections 41 and 42, so that one set of accounts and one general report may be prepared, delivered to the Minister, and laid before Parliament by the Corporation, for that financial year.

Section 49(1): amended, on 1 July 2001, by section 24(2) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 49(2)(b): amended, on 1 July 2001, by section 24(2) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 49(2)(c): amended, on 1 July 2001, by section 24(2) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 49(3): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 49(4): amended, on 1 July 2001, by section 24(2) of the Housing Corporation Amendment Act 2001 (2001 No 37).

#### **49A References to Housing Corporation of New Zealand**

Every reference to the Corporation under its former name of the Housing Corporation of New Zealand in any enactment, agreement, contract, deed, or other document enacted, entered into, or created before 1 July 2001 must be read as a reference to the Corporation under its present name.

Section 49A: inserted, on 1 July 2001, by section 21 of the Housing Corporation Amendment Act 2001 (2001 No 37).

#### **50 Amendments to other enactments, repeals, and savings**

- (1) The enactments specified in Schedule 1 are hereby amended in the manner indicated in that schedule.
- (2) The enactments specified in Schedule 2 are hereby repealed.
- (3) Subject to the other provisions of this Act, and unless in any case the context otherwise requires, every reference in any enactment, regulation, rule, order, agreement, deed, instrument, application, notice, licence, or other document whatsoever, in force at the commencement of this Act,—
  - (a) to the State Advances Corporation of New Zealand shall hereafter be read as a reference to the Corporation established by this Act:
  - (b) to the Managing Director or General Manager of the State Advances Corporation of New Zealand shall hereafter be read as a reference to the person for the time being holding office as the chief executive (however designated) of the Corporation.
- (4) Notwithstanding the repeal of the State Advances Corporation Act 1965 by this section, all securities vested in the Corporation by section 49 that immediately before the commencement of this Act were approved securities of the State

Advances Corporation of New Zealand within the meaning of the State Advances Corporation Act 1965 shall be deemed to be approved securities within the meaning of section 2 of this Act.

Section 50(3)(a): amended, on 1 July 2001, by section 24(2) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 50(3)(b): amended, on 1 July 2001, by section 24(2) of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 50(3)(b): amended, on 1 May 1993, by section 15 of the Housing Corporation Amendment Act 1992 (1992 No 78).

Section 50(4): amended, on 1 July 2001, by section 24(2) of the Housing Corporation Amendment Act 2001 (2001 No 37).

## Part 5A

### Social housing reform

Part 5A: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

#### *Purpose, overview, and interpretation*

Heading: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

#### **50A Purpose of this Part**

The purpose of this Part is to enable social housing transactions to be entered into and implemented.

Section 50A: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

#### **50B Overview of this Part**

- (1) This Part—
  - (a) gives powers to the Minister to enter into social housing transactions for and on behalf of the Corporation or subsidiary; and
  - (b) provides for both the Minister and the Corporation to have a role in implementing social housing transactions; and
  - (c) provides for other matters, such as delegation of the Minister's powers, and provisions relating to liabilities.
- (2) Subsection (1) is only a guide to the general scheme and effect of this Part.

Section 50B: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

#### **50C Interpretation**

In this Part, unless the context otherwise requires,—

**assets** has the same meaning as in section 51

**contract** includes a deed

**Corporation or subsidiary** means any 1 or more of the following, as relevant:

- (a) the Corporation:
- (b) any 1 or more Crown entity subsidiary of the Corporation

**member** means a member of a relevant board

**Ministry** means the department of State that, with the authority of the Prime Minister, is responsible for the administration of this Part

**person** includes the Crown

**relevant board** means the board of the Corporation or subsidiary, as relevant

**settled**, in respect of a social housing transaction, means that all conditions (if any) relating to the transfer of assets or interests in assets have been satisfied, and all assets or interests in assets have been transferred, under all relevant transfer contracts

**social housing reform objectives** has the meaning set out in section 50D

**social housing transaction** means a transaction that is contemplated by a contract, or 2 or more related contracts, entered into under section 50E or 50F

**transaction process** means the process beginning with the steps taken to identify the relevant market for a social housing transaction or potential social housing transaction and ending with the entry into the social housing transaction (or earlier termination of the process)

**transfer contract** has the meaning set out in section 50E

**transferee** means a person who is a party (other than the Corporation or subsidiary) to a social housing transaction, or a nominee of that person

**transitional services contract** has the meaning set out in section 50F.

Section 50C: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

### *Entry into and implementation of social housing transactions*

Heading: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

## **50D Meaning and relevance of social housing reform objectives**

- (1) The social housing reform objectives are any 1 or more of the following:
  - (a) people who need housing support can access it and receive social services that meet their needs:
  - (b) social housing is of the right size and configuration, and in the right areas, for households that need it:
  - (c) social housing tenants are helped to independence, as appropriate:
  - (d) there is more diverse ownership or provision of social housing:
  - (e) there is more innovation and more responsiveness to social housing tenants and communities:

- (f) the supply of affordable housing is increased, especially in Auckland.
- (2) The social housing reform objectives are relevant to decisions by the Minister to enter into transfer contracts (*see* section 50E) but may also be relevant to other decisions by the Minister under or in relation to this Part.

Section 50D: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

**50E Minister may enter into transfer contracts as Corporation or subsidiary**

- (1) The Minister may enter into a contract, for and on behalf of the Corporation or subsidiary, that provides for either or both of the following (a **transfer contract**), if the Minister considers that the entry into the contract is for the purpose of any 1 or more of the social housing reform objectives:
- (a) the transfer of ownership of assets of the Corporation or subsidiary:
- (b) the grant of an interest in assets of the Corporation or subsidiary.
- (2) A transfer contract may be on any terms and conditions (including as to consideration) that the Minister may agree with the transferee.

Section 50E: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

**50F Minister may enter into transitional services contracts as Corporation or subsidiary**

- (1) The Minister may enter into a contract, for and on behalf of the Corporation or subsidiary, that relates to any assets that are the subject of a transfer contract and that provides for either or both of the following (a **transitional services contract**):
- (a) the provision of housing related services by the Corporation or subsidiary, to the transferee, on a transitional basis:
- (b) the provision of access to information and information technology systems and processes of the Corporation or subsidiary, to the transferee, on a transitional basis.
- (2) A transitional services contract may be on any terms and conditions (including as to consideration) that the Minister may agree with the transferee.
- (3) *See* also section 50M (which relates to prior notification).

Section 50F: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

**50G Minister may do other things as Corporation or subsidiary relating to and to implement social housing transactions**

The Minister may, for and on behalf of the Corporation or subsidiary, do anything—

- (a) that the Minister considers necessary or desirable in relation to the negotiation of, or entry or potential entry into, a transfer contract or a transitional services contract:
- (b) to effect a transfer of assets or a grant of an interest in assets under a transfer contract:
- (c) that the Minister otherwise considers necessary or desirable for the implementation of a social housing transaction.

Section 50G: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

### **50H Provisions applying to things Minister may do**

- (1) In acting under section 50E, 50F, or 50G, the Minister may do anything that the Corporation or subsidiary has the capacity, power, right, privilege, function, or discretion to do (including form an opinion).
- (2) However, the Minister is not constrained by, and sections 50E to 50G apply despite,—
  - (a) the objectives, functions, or powers of the Corporation or subsidiary:
  - (b) the statement of intent or statement of performance expectations for the Corporation or subsidiary:
  - (c) the constitution of any subsidiary:
  - (d) the role, authority, powers, or duties of any relevant board:
  - (e) anything to the contrary contained or implied in this Act, the Crown Entities Act 2004, or the Companies Act 1993:
  - (f) any rule of law to the contrary relating to capacity or validity of acts.
- (3) An act of the Minister in accordance with this Part binds the Corporation or subsidiary (regardless of the capacity of the entity or entities concerned).

Compare: 1993 No 105 ss 16–17, 181(2); 2004 No 115 ss 16–19, 129(2)

Section 50H: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

### **50I Application of Public Works Act 1981**

- (1) Nothing in sections 40 to 42 of the Public Works Act 1981 applies to land to be (or that may be) transferred, or to interests in land to be (or that may be) granted, under a transfer contract.
- (2) Subsection (1) applies despite the powers exercised (and exercisable) by the Minister under this Part.
- (3) Nothing in subsection (1) limits section 27(4A) of the Housing Restructuring and Tenancy Matters Act 1992.

Section 50I: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).



*Facilitation and implementation of social housing transactions*

Heading: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

**50J Objectives of Corporation for this Part**

- (1) The Corporation's principal objectives for this Part are to facilitate the transaction processes and to facilitate and implement social housing transactions.
- (2) The Corporation's principal objectives for this Part prevail over the Corporation's other objectives.

Section 50J: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

**50K Functions of Corporation for this Part**

- (1) Despite section 18(1), the Corporation's principal function for this Part is to achieve the Corporation's principal objectives for this Part.
- (2) The Corporation's functions for this Part include—
  - (a) performing social housing transactions:
  - (b) taking action in relation to or in connection with social housing transactions (including action under or in relation to transfer contracts or transitional services contracts, and including action provided for in the Corporation's current statement of intent or statement of performance expectations):
  - (c) taking action in relation to or in connection with potential social housing transactions (including action provided for in the Corporation's current statement of intent or statement of performance expectations):
  - (d) any other functions conferred on it by this Part.
- (3) Subsection (2) does not limit subsection (1).

Section 50K: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

*Miscellaneous*

Heading: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

**50L Publication of social housing transaction**

- (1) The Minister must, as soon as practicable after a social housing transaction is settled,—
  - (a) publish a notice in the *Gazette* describing the general nature of the social housing transaction; and
  - (b) present a copy of that notice to the House of Representatives.
- (2) The Ministry must,—

- (a) as soon as practicable after the Minister's notice is published in the *Gazette*, publish that notice on an Internet site maintained by or on behalf of the Ministry; and
- (b) ensure that the notice remains on the site and accessible to members of the public at all reasonable times.

Section 50L: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

**50M Minister must notify Corporation or subsidiary of intention to enter into transitional services contract**

- (1) The Minister must give written notice to the Corporation or subsidiary, as relevant, of the Minister's intention to enter into a transitional services contract, at least 5 working days before entering into the contract.
- (2) The notice must be accompanied by a copy of the proposed contract.

Section 50M: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

**50N Minister must notify Corporation or subsidiary of social housing transaction**

- (1) The Minister must give written notice to the Corporation or subsidiary, as relevant, as soon as practicable after entering into a social housing transaction that is, or has become, unconditional.
- (2) The notice must be accompanied by—
  - (a) the 1 or more contracts that give effect to the social housing transaction; and
  - (b) a copy of any related documents (for example, any notices given); and
  - (c) a description of the general nature of anything else done (or anticipated to be done) under section 50G.

Section 50N: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

**50O Corporation or subsidiary must supply information**

- (1) The Corporation or subsidiary must supply to the Minister any information requested in writing by the Minister to facilitate a transaction process, or to facilitate the implementation by the Minister of a social housing transaction.
- (2) Subsection (1) does not apply to the extent that the supply of the information would breach the information privacy principles set out in the Privacy Act 1993.
- (3) The Corporation or subsidiary must supply the information as soon as practicable after receiving the Minister's written request.

- (4) Section 178 of the Companies Act 1993 does not entitle a Crown entity subsidiary of the Corporation to refuse to provide information requested under this section.

Section 50O: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

**50P Method of contracting**

- (1) The Minister may enter into a contract or other enforceable obligation in accordance with this Part, for and on behalf of the Corporation or subsidiary, by signing under the name of the entity or entities concerned.
- (2) A contract or other enforceable obligation entered into by the Minister for and on behalf of the Corporation under subsection (1) is deemed to be entered into in accordance with section 127(2) of the Crown Entities Act 2004.
- (3) A contract or other enforceable obligation entered into by the Minister for and on behalf of a Crown entity subsidiary of the Corporation under subsection (1) is deemed to be entered into in accordance with section 180(1)(a) of the Companies Act 1993.

Compare: 1993 No 105 s 180; 2004 No 115 s 127

Section 50P: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

**50Q Delegation**

- (1) The Minister may delegate all or any of the Minister's functions and powers under this Part to the chief executive of the Ministry.
- (2) Section 28(2) to (7) and section 29 of the State Sector Act 1988 apply to every delegation under subsection (1) of this section as if that delegation were a delegation under section 28 of that Act and the Minister were the appropriate Minister.
- (3) Section 41(2) and (5) of the State Sector Act 1988 does not apply to a delegation to the chief executive of the Ministry of the Minister's functions and powers under this Part.
- (4) Every person purporting to act under this Part pursuant to any delegation under section 41 of the State Sector Act 1988—
- (a) must produce evidence of his or her authority to do so if signing a document in the nature of a deed or if reasonably requested to do so; and
  - (b) must otherwise, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.
- (5) This section applies despite any enactment or rule of law to the contrary.

Section 50Q: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

*Legal effect*

Heading: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

**50R Legal effect of things done by Minister**

- (1) The Corporation or subsidiary is responsible and liable for anything done, or not done, under section 50E, 50F, or 50G as if the Corporation or subsidiary had acted, or not acted, under those sections with the same powers as the Minister.
- (2) Neither the Crown nor the Minister is responsible or liable to any person by reason of acting, or having not acted, under section 50E, 50F, or 50G.
- (3) In subsections (1) and (2), **not acted** includes failed to do something before acting.
- (4) Anything done, or purported to be done, under section 50E, 50F, or 50G is deemed to be done by the Corporation or subsidiary for the purpose of performing, or assisting the Corporation to perform, the Corporation's functions.
- (5) This section applies despite any enactment or rule of law to the contrary.
- (6) Nothing in this section affects the right of a person to apply, in accordance with the law, for judicial review.

Section 50R: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

**50S Protection from liability for board, members, individuals, etc**

- (1) No relevant board or member, nor any office holder or employee of the Corporation or subsidiary, is liable to any person for—
  - (a) a decision of the Minister under this Part; or
  - (b) the exercise by the Minister of a power under section 50E, 50F, or 50G.
- (2) The effect of this Part must be taken into account in determining the nature of the duties of each relevant board and member in respect of acts or omissions under this Part (for example, under section 51 or 56 of the Crown Entities Act 2004 and under section 137 of the Companies Act 1993).
- (3) The benefit of the immunity in section 121 of the Crown Entities Act 2004 extends to each director, office holder, and employee of a Crown entity subsidiary of the Corporation as if they were in the same position as a member, office holder, or employee of the Corporation in respect of the performance or intended performance of the functions of the Corporation under this Part, with any necessary modifications.
- (4) Section 138A(2) of the Companies Act 1993 must be read as extending to powers or duties exercised or performed in relation to this Part in a manner that the director reasonably believed would best achieve the Corporation's principal function for this Part, even though, in other respects, it may not have been in the best interests of the Corporation or subsidiary.

- (5) A requirement to keep accounting records (for example, as in section 168(1) of the Crown Entities Act 2004) applies for this Part to the extent that a relevant board has actual or constructive knowledge of the matters.
- (6) This section applies despite any enactment or rule of law to the contrary.

Section 50S: inserted, on 25 February 2016, by section 6 of the Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4).

## Part 6

### Restructuring of housing entities

Part 6: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

#### 51 Interpretation

In this Part, unless the context otherwise requires,—

**assets** means property of every kind, whether tangible or intangible, real or personal, corporeal or incorporeal; and includes, without limitation,—

- (a) choses in action and money;
- (b) goodwill;
- (c) rights, interests, and claims of every kind in or to property, whether arising from, accruing under, created or evidenced by, or the subject of, an instrument or otherwise, and whether liquidated or unliquidated, actual, contingent, or prospective

**liabilities** means liabilities, debts, charges, duties, and obligations of every description (whether present or future, actual or contingent, and whether payable or to be observed or performed in New Zealand or elsewhere)

**rights** means all rights, powers, privileges, and immunities, whether actual, contingent, or prospective.

Section 51: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

#### *Housing New Zealand Limited to become subsidiary of Corporation*

Heading: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

#### 52 Vesting in Corporation of the Crown's shares in Housing New Zealand Limited

- (1) On the commencement of the Housing Corporation Amendment Act 2001, the shares in the capital of the company held immediately before that commencement by the responsible Minister and the Minister of Finance vest in the Corporation.

- (2) In subsection (1), **company** and **responsible Minister** have the meanings given to those terms by section 2(1) of the Housing Restructuring and Tenancy Matters Act 1992.

Section 52: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 52(2): amended, on 1 July 2006, by section 5(2)(b) of the Housing Restructuring and Tenancy Matters (Information Matching) Amendment Act 2006 (2006 No 34).

*Transfer to Corporation of assets, functions, liabilities, and obligations of existing companies*

Heading: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

### 53 Vesting orders

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister,—
- (a) vest in the Corporation—
    - (i) all the assets and liabilities of an existing company; and
    - (ii) any assets of the Crown used principally for the purpose of the Corporation or that existing company; and
    - (iii) any liability of the Crown arising from the operations of the Corporation or that existing company; and
  - (b) confer or impose rights or obligations on the Corporation in relation to any asset or liability vested; and
  - (c) direct any person or authority to register, record, or take notice of any thing done by the order, the consequential effect of section 54, or both.
- (2) The Minister—
- (a) must not recommend the making of an order vesting all the assets and liabilities of an existing company in the Corporation without first considering—
    - (i) the company's obligations to its creditors; and
    - (ii) the likely effect of the vesting on those obligations; and
  - (b) must not recommend the making of an order vesting any liability of the Crown in the Corporation unless satisfied that it was incurred in the process of or for the purposes of the performance of the functions of the Corporation or the existing company concerned; and
  - (c) must not recommend the making of an order conferring or imposing a right or obligation on the Corporation in relation to any asset or liability unless satisfied that it is necessary or desirable to do so because of the vesting of the asset or liability in the Corporation.

Section 53: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

#### **54 Additional effects of orders**

On and after the vesting day,—

- (a) every reference to the existing company concerned in any contract, lease, notice, order, proceedings, regulations, or other document has effect as a reference to the Corporation; and
- (b) to the extent that the order concerned vests an asset or liability of the Crown in the Corporation, every reference to the Crown (whether as Her Majesty, the Crown, or a Minister of the Crown) in any contract, lease, notice, order, proceedings, regulations, or other document relating to the asset or liability (being a reference to the Crown by virtue of its status as owning the asset or being liable for the liability) has effect as a reference to the Corporation; and
- (c) the Corporation has all the rights, obligations, privileges, and immunities of the existing company concerned (and of any officer or employee of that company acting as an officer or employee of that company), and all the rights, obligations, privileges, and immunities of the Crown as aforesaid (other than rights, obligations, privileges, and immunities that the Crown has only by virtue of being the Crown), in relation to all appeals, applications, objections, and other proceedings before any authority, court, tribunal, or person acting judicially, relating to any asset or liability vested by the order concerned.

Section 54: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

#### **55 Records and registers**

- (1) Except as provided in section 53(1)(c), neither the Registrar-General of Land nor any other person charged with the keeping of any records or registers is obliged solely by reason of any provision of this Part to change any name in those records or registers or in any document.
- (2) An order under section 53 is sufficient notice to all persons of its effect (and of any effect of section 54); and no specific notice needs to be given to any person or authority.
- (3) In the absence of evidence to the contrary, it is sufficient proof that any asset or liability is vested in the Corporation if a person presents to a registrar or any other person an instrument, whether or not comprising an instrument of transfer,—
  - (a) executed or purporting to be executed by or on behalf of the Corporation; and
  - (b) relating to any asset or liability held by an existing company or the Crown immediately before the vesting day; and
  - (c) containing a recital that the asset or liability has vested in the Corporation under this Act.

Section 55: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

## **56 Vesting to take effect as amalgamation for certain purposes**

- (1) For the purposes of the Inland Revenue Acts (within the meaning of section 3(1) of the Tax Administration Act 1994),—
  - (a) the vesting of the assets and liabilities of an existing company under section 53 is an amalgamation and a qualifying amalgamation of the company and the Corporation; and
  - (b) the Corporation must be treated as an amalgamated company; and
  - (c) the company must be treated as an amalgamating company; and
  - (d) the company must be treated as having ceased to exist on the vesting day.
- (2) If the assets and liabilities of an existing company vest in the Corporation under section 53,—
  - (a) section FO 12(1)(b) and (d) of the Income Tax Act 2007 must be treated as having been satisfied; and
  - (b) for the purposes of section FE 10 of that Act, the company must be treated as having been solvent immediately before the vesting day.
- (3) *[Repealed]*
- (4) Subsections (1) and (2) apply as if the Corporation were a company within the meaning of the Companies Act 1993.
- (5) Subsections (1) and (2) override section 45.

Section 56: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

Section 56(2)(a): amended, on 1 April 2008 (effective for 2008–09 income year and later income years, except when the context requires otherwise), pursuant to section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 56(3): repealed, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 56(4): amended, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

## **57 Certain matters not affected by vesting**

Nothing effected or authorised by this Part—

- (a) places the Crown, the Corporation (or any member), an existing company, or any other person in breach of, or default under, any contract, or in breach of trust, or in breach of confidence, or otherwise makes any of them guilty of a civil wrong; or
- (b) gives rise to a cause of action against the Crown, the Corporation or any member, an existing company, or any other person; or
- (c) gives rise to a right for any person to—



- (i) terminate or cancel or modify a contract or an agreement; or
- (ii) enforce or accelerate the performance of an obligation; or
- (iii) require the performance of an obligation not otherwise arising for performance; or
- (d) places the Crown, the Corporation (or any member), an existing company, or any other person in breach of any enactment or rule of law or contractual provision prohibiting, restricting, or regulating the assignment or transfer or issue of any asset or liability or the disclosure of any information; or
- (e) releases any surety wholly or in part from all or any obligation; or
- (f) invalidates or discharges any contract or security; or
- (g) affects the Corporation's rights or liabilities under or in respect of any guarantee relating to the liabilities of an existing company given by or to the Corporation.

Section 57: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

## **58 Property or liabilities vested in Corporation**

If any asset or liability of the Crown is vested in the Corporation under this Act,—

- (a) the Crown remains liable to any third party as if the asset or liability had not been vested, but must be indemnified by the Corporation in respect of any liability to the third party:
- (b) any satisfaction or performance by the Corporation in respect of the asset or liability is also deemed to be satisfaction or performance by the Crown:
- (c) any satisfaction or performance in respect of the asset or liability by any third party to the benefit of the Corporation is also deemed to be to the benefit of the Crown.

Section 58: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

## **59 Transfer of contracts and leases**

- (1) Before the vesting day,—
  - (a) an existing company may transfer to the Corporation a specified right or benefit under a contract or lease to which it is a party; and
  - (b) the Corporation may transfer to an existing company a specified right or benefit under a contract or lease to which it is a party, or a right or benefit transferred to it under paragraph (a).
- (2) The transfer does not prevent the transferor from exercising or enjoying the right or benefit transferred.

- (3) The transfer may not be made unless—
- (a) the proposed transferee has agreed to it; and
  - (b) written notice of it has been delivered to the proposed transferee, and to every other party to the contract or lease.
- (4) The transfer is binding on every party to the contract or lease.
- Section 59: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

### **60 Application of Privacy Act 1993**

- (1) For the purposes of the Privacy Act 1993,—
- (a) the use by the Corporation or its employees of any information gathered or held by an existing company is a directly related purpose; and
  - (b) the use by an existing company or its employees of any information gathered or held by the Corporation or another existing company is a directly related purpose.
- (2) Subsection (1) is for the avoidance of doubt.
- Section 60: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

## **Part 7**

### **Transfer of employees to Corporation**

Part 7: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

### **61 Interpretation**

In this Part, unless the context otherwise requires,—

**employment agreement** has the meaning given to it by section 5 of the Employment Relations Act 2000

**old agreement**, in relation to a transferred employee, means the employment agreement applying to him or her immediately before he or she became a transferred employee

**transferred employee** means a person appointed to a position in the employment of the Corporation under section 62.

Section 61: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

### **62 Transfer of employees to Corporation**

The Corporation may appoint to a position in its employment a person who is—

- (a) an employee of an existing company; or

- (b) an employee of a department listed in Schedule 1 of the State Sector Act 1988 whose chief executive is satisfied that the employee's duties are no longer to be carried out by the department but are instead to be carried out by the Corporation.

Section 62: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

### **63 Consultation**

The Corporation must not appoint a person to a position in its employment under section 62 without first consulting the person.

Section 63: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

### **64 Effect of old employment agreement**

Unless it provides otherwise, a transferred employee's old agreement continues to apply to him or her during the period referred to in section 65, on the same terms and conditions (including its period) as if it were an employment agreement—

- (a) entered into with the Corporation, rather than the former employer; and
- (b) binding on him or her, the Corporation, and any other party to it other than the former employer.

Section 64: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

### **65 Period during which old agreement applies**

The period during which a transferred employee's old agreement continues to apply begins on his or her appointment to a position in the employment of the Corporation under section 62, and ends when—

- (a) he or she—
  - (i) ceases to be an employee of the Corporation; or
  - (ii) is appointed to some other position in the employment of the Corporation; or
- (b) any of the conditions of employment applying to him or her under it are varied (otherwise than under section 67).

Section 65: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

### **66 Circumstances in which new employment agreement to apply**

The conditions of employment of a person appointed to a position in the employment of the Corporation under section 62 must be determined in accordance with his or her employment agreement with the Corporation, after—

- (a) he or she is appointed to some other position in the employment of the Corporation; or
- (b) any of the conditions of employment applying to him or her under his or her old agreement are varied (otherwise than under section 67).

Section 66: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

### **67 Changes in duties or location**

- (1) If during the period referred to in section 65 there is a change to a transferred employee's duties or location arising out of his or her appointment to a position in the employment of the Corporation under section 62,—
  - (a) his or her conditions of employment may be varied by agreement to reflect that change; but
  - (b) the varied conditions must be no less favourable than those he or she was entitled to under his or her old agreement.

- (2) Subsection (1) overrides section 64.

Section 67: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

### **68 Transfer not enough to break continuous employment**

For the purposes of any provisions of a transferred employee's old agreement relating to continuity of service, his or her appointment to a position in the employment of the Corporation under section 62 is not enough by itself to break his or her employment.

Section 68: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

### **69 Transfer not enough to entitle employee to redundancy or severance payment**

A transferred employee is not entitled to receive compensation for redundancy, or a severance payment, because—

- (a) the position he or she held in the existing company or department concerned has ceased to exist; or
- (b) he or she has ceased by virtue of his or her appointment to a position in the employment of the Corporation to be an employee of that company or department.

Section 69: inserted, on 1 July 2001, by section 22 of the Housing Corporation Amendment Act 2001 (2001 No 37).

## Schedule 1A

### Further provisions relating to Corporation

s 3D

Schedule 1A: inserted, on 1 July 2001, by section 23 of the Housing Corporation Amendment Act 2001 (2001 No 37).

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18	Exercise of chairperson's functions, duties, and powers during vacancy, etc <i>[Repealed]</i>	50
	<i>Acts not to be called into question</i>	
	<i>[Repealed]</i>	
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	<i>Disclosure of interest</i>	
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## **1 Interpretation**

*[Repealed]*

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

### *Members' appointments*

*[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

## **2 Criteria for appointments**

*[Repealed]*

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

**3 Method of appointment**

*[Repealed]*

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

**4 When appointment takes effect**

*[Repealed]*

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

**5 Position where concurrent office**

*[Repealed]*

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

*Term of office*

*[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

**6 Term of office**

*[Repealed]*

Schedule 1A clause 6: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**7 Restrictions on persons who may be members**

*[Repealed]*

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

**8 Members must consent and certify to appointment and disclose interests**

*[Repealed]*

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

*Duties of members*

*[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

**9 Duties of members**

*[Repealed]*

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



*Liability of members*

*[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

**10 Liability of members and committee members**

*[Repealed]*

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

*Resignation and removal of members*

*[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

**11 Resignation**

*[Repealed]*

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

**12 Removal from office**

*[Repealed]*

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

*Vacancies in Corporation's membership*

*[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

**13 Effect of vacancy in membership**

*[Repealed]*

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

*Remuneration*

*[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

**14 Remuneration of members**

*[Repealed]*

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

*Chairperson and deputy chairperson**[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

**15 Appointment***[Repealed]*

Schedule 1A clause 15: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**16 Term of office***[Repealed]*

Schedule 1A clause 16: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**17 Resignation***[Repealed]*

Schedule 1A clause 17: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**18 Exercise of chairperson's functions, duties, and powers during vacancy, etc***[Repealed]*

Schedule 1A clause 18: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Acts not to be called into question**[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

**19 Acts not to be called into question***[Repealed]*

Schedule 1A clause 19: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Disclosure of interest**[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

**20 Obligation to disclose interest***[Repealed]*

Schedule 1A clause 20: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**21 Meaning of interested**

*[Repealed]*

Schedule 1A clause 21: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**22 Disclosure of interest**

*[Repealed]*

Schedule 1A clause 22: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**23 Consequences of disclosure**

*[Repealed]*

Schedule 1A clause 23: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**24 Matters to be delegated to committee**

*[Repealed]*

Schedule 1A clause 24: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**25 Exceptions**

*[Repealed]*

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

**26 Effect of non-compliance**

*[Repealed]*

Schedule 1A clause 26: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Use of information*

*[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

**27 Restrictions on disclosure or use of information**

*[Repealed]*

Schedule 1A clause 27: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**28 When member may rely on certain information and advice**

*[Repealed]*

Schedule 1A clause 28: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**29 When clause 28 applies**

*[Repealed]*

Schedule 1A clause 29: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Procedure of Corporation: General*

*[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

**30 Procedure generally**

*[Repealed]*

Schedule 1A clause 30: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Procedure of Corporation: Meetings*

*[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

**31 Ordinary meetings**

*[Repealed]*

Schedule 1A clause 31: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**32 Special meetings**

*[Repealed]*

Schedule 1A clause 32: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**33 Methods of holding meetings**

*[Repealed]*

Schedule 1A clause 33: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**34 Quorum**

*[Repealed]*

Schedule 1A clause 34: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**35 Who presides at meetings**

*[Repealed]*

Schedule 1A clause 35: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**36 Voting at meetings**

*[Repealed]*

Schedule 1A clause 36: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**37 Resolutions**

*[Repealed]*

Schedule 1A clause 37: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**38 Method of contracting**

*[Repealed]*

Schedule 1A clause 38: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**39 Attorneys**

*[Repealed]*

Schedule 1A clause 39: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Delegations*

**40 Ability for Corporation to delegate functions and powers**

*[Repealed]*

Schedule 1A clause 40: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**41 Certain powers must not be delegated**

- (1) Despite section 73 of the Crown Entities Act 2004, the Corporation must not delegate the power to grant a power of attorney.
- (2) Despite sections 73(4) and 74(1)(b)(i) of the Crown Entities Act 2004,—
  - (a) the Corporation may delegate its general power of delegation to the chief executive; but
  - (b) the chief executive may not further delegate that power.

Schedule 1A clause 41(1): replaced, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Schedule 1A clause 41(2): replaced, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**42 Effect of delegation**

*[Repealed]*

Schedule 1A clause 42: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**43 Presumption of acting in accordance with delegation**

*[Repealed]*

Schedule 1A clause 43: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**44 Other matters relating to delegation**

*[Repealed]*

Schedule 1A clause 44: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Subsidiaries*

*[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

**45 Subsidiaries**

*[Repealed]*

Schedule 1A clause 45: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Committees*

*[Repealed]*

Heading: repealed, on 25 January 2005, pursuant to section 200 of the Crown Entities Act 2004 (2004 No 115).

**46 Corporation committees**

*[Repealed]*

Schedule 1A clause 46: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

*Employees***47 Appointment of chief executive**

*[Repealed]*

Schedule 1A clause 47: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**48 Appointment of other employees**

*[Repealed]*

Schedule 1A clause 48: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**49 Liability of employees**

*[Repealed]*

Schedule 1A clause 49: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**50 Personnel policy**

*[Repealed]*

Schedule 1A clause 50: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**51 Equal employment opportunities**

*[Repealed]*

Schedule 1A clause 51: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**52 Superannuation or retiring allowances**

*[Repealed]*

Schedule 1A clause 52: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**53 Application of certain Acts to members and employees**

*[Repealed]*

Schedule 1A clause 53: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

**54 Existing Government Superannuation Fund members**

- (1) Despite clause 53, a person who, immediately before becoming an employee of the Corporation, was a contributor to the Government Superannuation Fund under Part 2 or Part 2A of the Government Superannuation Fund Act 1956 is, for the purposes of that Act, deemed to be employed in the Government service so long as that person continues to be an employee of the Corporation; and that Act applies to that person in all respects as if that person's service as an employee of the Corporation were Government service.
- (2) Nothing in subclause (1) entitles a person to become a contributor to the Government Superannuation Fund after that person has once ceased to be a contributor.
- (3) For the purposes of applying the Government Superannuation Fund Act 1956 in accordance with subclause (1), **controlling authority**, in relation to that employee, means the Corporation.

## Schedule 1

### Enactments amended

s 50(1)

**Family Benefits (Home Ownership) Act 1964 (1964 No 32)***Amendment(s) incorporated in the Act(s).***Housing Act 1955 (1955 No 51) (1957 Reprint, Vol 6, p 221)***Amendment(s) incorporated in the Act(s).***Life Insurance Act 1908 (1908 No 105) (1957 Reprint, Vol 8, p 336)***Amendment(s) incorporated in the Act(s).***Maori Affairs Act 1953 (1953 No 94) (Reprinted 1968, Vol 3, p 2199)***Amendment(s) incorporated in the Act(s).***National Housing Commission Act 1972 (1972 No 27)***Amendment(s) incorporated in the Act(s).***Parliamentary Commissioner (Ombudsman) Act 1962 (1962 No 10)***Amendment(s) incorporated in the Act(s).***Public Revenues Act 1953 (1953 No 73) (Reprinted 1965, Vol 3, p 1547)***Amendment(s) incorporated in the Act(s).***Rehabilitation Act 1941 (1941 No 25) (1957 Reprint, Vol 13, p 233)***Amendment(s) incorporated in the Act(s).***Rural Banking and Finance Corporation Act 1974 (1974 No 3)***Amendment(s) incorporated in the Act(s).***Rural Housing Act 1939 (1939 No 32) (1957 Reprint, Vol 13, p 585)***Amendment(s) incorporated in the Act(s).***Rural Housing Amendment Act 1940 (1940 No 10) (1957 Reprint, Vol 13, pp 585, 592)***Amendment(s) incorporated in the Act(s).***Sale of Liquor Act 1962 (1962 No 139) (Reprinted 1969, Vol 4, p 2795)***Amendment(s) incorporated in the Act(s).***Stamp and Cheque Duties Act 1971 (1971 No 51)***Amendment(s) incorporated in the Act(s).*



**State Services Act 1962 (1962 No 132) (Reprinted 1971, Vol 4, p 2533)**

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

**Urban Renewal and Housing Improvement Act 1945 (1945 No 17) (Reprinted 1969, Vol 4, p 3235)**

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

**Schedule 2**  
**Enactments repealed**

s 50(2)

**State Advances Corporation Act 1965 (1965 No 47)**

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

**State Advances Corporation Amendment Act 1970 (1970 No 11)**

**State Advances Corporation Amendment Act 1972 (1972 No 104)**

## Housing Corporation Amendment Act 1992

Public Act	1992 No 78
Date of assent	18 August 1992
Commencement	see section 1

### **1 Short Title and commencement**

- (1) This Act may be cited as the Housing Corporation Amendment Act 1992, and shall be read together with and deemed part of the Housing Corporation Act 1974 (hereinafter referred to as the “principal Act”).
- (2) Except as provided in subsections (3), (4), and (5), this Act shall come into force on the date on which it receives the Royal assent.
- (3) Sections 2(1), 4, 5, 8, 14, 15, and 17 shall come into force on a date to be appointed by the Governor-General by Order in Council and 1 or more Orders in Council may be made bringing different provisions into force on different dates.
- (4) Section 12 shall be deemed to have come into force on 31 March 1989.
- (5) Section 16 shall be deemed to have come into force on 1 July 1992.

### **9 Section empowering Corporation to make loans for industry and other purposes repealed**

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Notwithstanding its repeal by subsection (1), section 22 of the principal Act shall continue to apply in relation to any loan made by the Corporation before the commencement of this section.

### **10 Section empowering Corporation to give guarantees and indemnities repealed**

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Notwithstanding its repeal by subsection (1), section 23 of the principal Act shall continue to apply in relation to any guarantee or indemnity given by the Corporation before the commencement of this section.

### **11 Section relating to guarantees and indemnities under Residential Tenancies Act 1986 repealed**

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Notwithstanding its repeal by subsection (1), section 23A of the principal Act shall continue to apply in relation to any guarantee or indemnity given by the Corporation before the commencement of this section.

## Reprints notes

### 1 *General*

This is a reprint of the Housing Corporation Act 1974 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### 2 *Legal status*

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

### 3 *Editorial and format changes*

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

### 4 *Amendments incorporated in this reprint*

Kāinga Ora–Homes and Communities Act 2019 (2019 No 50): section 30

Statutes Amendment Act 2018 (2018 No 27): section 59

Land Transfer Act 2017 (2017 No 30): section 250

Housing Corporation (Social Housing Reform) Amendment Act 2016 (2016 No 4)

Housing Corporation (Social Housing Reform) Amendment Act 2015 (2015 No 52)

Housing Restructuring and Tenancy Matters (Social Housing Reform) Amendment Act 2015 (2015 No 50): section 15

Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102): section 126

Social Housing Reform (Housing Restructuring and Tenancy Matters Amendment) Act 2013 (2013 No 97): section 25

Crown Entities Amendment Act 2013 (2013 No 51): sections 42, 72

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

Affordable Housing: Enabling Territorial Authorities Act Repeal Act 2010 (2010 No 101): section 6

Māori Trustee Amendment Act 2009 (2009 No 12): section 30(2)(a)

Income Tax Act 2007 (2007 No 97): section ZA 2(1)

Property Law Act 2007 (2007 No 91): section 364(1)

Housing Restructuring and Tenancy Matters (Information Matching) Amendment Act 2006 (2006 No 34): section 5(2)(b)

Lawyers and Conveyancers Act 2006 (2006 No 1): section 348

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

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

Housing Corporation Amendment Act 2001 (2001 No 37)

Public Finance Amendment Act 1992 (1992 No 142): section 42

Housing Corporation Amendment Act 1992 (1992 No 78)  
Housing Corporation Amendment Act 1991 (1991 No 91)  
State Sector Amendment Act (No 2) 1989 (1989 No 136): section 32(1)  
Public Finance Act 1989 (1989 No 44): sections 65R(3), 83(7)  
Trustee Amendment Act 1988 (1988 No 119): section 16(1)  
Housing Corporation Amendment Act 1987 (1987 No 68)  
Housing Corporation Act Commencement Order 1974 (SR 1974/245)