

**Reprint
as at 19 December 1991**



**Ministry of Maori Development
Act 1991**

Public Act 1991 No 145
Date of assent 18 December 1991
Commencement see section 1(2)

Contents

	Page
Title	2
1 Short Title and commencement	2
2 Interpretation	2
3 Act to bind the Crown	2
4 Name of Ministry of Maori Development	2
5 Particular responsibilities of Ministry of Maori Development	2
6 Vesting in Ministry of Maori Development of rights, etc, of Iwi Transition Agency and Ministry of Maori Affairs	3
7 Existing employees	3
8 Abolition of Iwi Transition Agency and Ministry of Maori Affairs	4
9 Consequential amendments	5
10 Repeals, revocation, and savings	5

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by Te Puni Kōkiri.

Schedule
Consequential amendments

6

**An Act to make provision in relation to the establishment of the
Ministry of Maori Development and to abolish the Iwi Transition
Agency and the Ministry of Maori Affairs**

1 Short Title and commencement

- (1) This Act may be cited as the Ministry of Maori Development Act 1991.
- (2) This Act shall come into force on 1 January 1992.

2 Interpretation

In this Act, unless the context otherwise requires,—

Maori means a person of the Maori race of New Zealand; and includes a descendant of any such person

Ministry of Maori Development means the Ministry of Maori Development that, by virtue of the State Sector Order 1991, becomes, on 1 January 1992, a department of the Public Service.

3 Act to bind the Crown

This Act shall bind the Crown.

4 Name of Ministry of Maori Development

The name of the Ministry of Maori Development is, in the Maori language, Te Puni Kokiri.

5 Particular responsibilities of Ministry of Maori Development

- (1) The responsibilities of the Ministry of Maori Development include—
 - (a) promoting increases in the levels of achievement attained by Maori with respect to—
 - (i) education:
 - (ii) training and employment:
 - (iii) health:

- (iv) economic resource development:
 - (b) monitoring, and liaising with, each department and agency that provides or has a responsibility to provide services to or for Maori for the purpose of ensuring the adequacy of those services.
- (2) The responsibilities of the Ministry of Maori Development under subsection (1) are in addition to the other responsibilities conferred on that Ministry from time to time.
- (3) Nothing in this section limits the provisions of the Treaty of Waitangi Act 1975 or of any other Act.

6 Vesting in Ministry of Maori Development of rights, etc, of Iwi Transition Agency and Ministry of Maori Affairs

- (1) All rights (including, but not exclusively, any rights of ownership or possession), powers, duties, liabilities, directions, and contracts (other than contracts of employment) exercisable by, vested in, or binding on the Crown in right of the Iwi Transition Agency or the Ministry of Maori Affairs immediately before 1 January 1992 shall, on and from that date, become exercisable by, vested in, or binding on the Crown in right of the Ministry of Maori Development.
- (2) All documents made or things done by or on behalf of the Crown, the Iwi Transition Agency, or the Ministry of Maori Affairs before 1 January 1992 in the exercise of any functions, powers, or duties previously conferred or imposed on the Crown in right of the Iwi Transition Agency or the Ministry of Maori Affairs shall, to the extent that they are subsisting and in force on that date, continue to have effect for all purposes in all respects as if they had been made or done by the Crown in right of the Ministry of Maori Development.

7 Existing employees

- (1) Notwithstanding any other provision of this Act or any provision of the State Sector Act 1988,—
 - (a) on 1 January 1992 every person who, immediately before that date, is employed in the Iwi Transition Agency or the Ministry of Maori Affairs (other than a person whose employment in that Agency or Ministry would have ceased, even if this Act had not been passed, with

- the close of 31 December 1991) shall become a person employed in the Ministry of Maori Development; and
- (b) the terms and conditions of employment of every person who, by virtue of paragraph (a), becomes a person employed in the Ministry of Maori Development shall, until varied or until a new contract of employment is entered into, be based on the employment contract that applied to that person immediately before 1 January 1992 in respect of that person's employment in the Iwi Transition Agency or the Ministry of Maori Affairs.
- (2) For the purposes of every enactment, law, award, determination, contract, and agreement at any time relating to the employment of a person who, by virtue of paragraph (a) of subsection (1), becomes a person employed in the Ministry of Maori Development,—
- (a) the contract of employment that applied immediately before 1 January 1992 in respect of that person's employment in the Iwi Transition Agency or the Ministry of Maori Affairs shall be deemed not to have been broken by that person having so become a person employed in the Ministry of Maori Development; and
- (b) any period recognised by the chief executive of the Iwi Transition Agency or the chief executive of the Ministry of Maori Affairs as continuous service in the Iwi Transition Agency or the Ministry of Maori Affairs shall be deemed to have been a period of continuous service in the Ministry of Maori Development.
- (3) No person who becomes, by virtue of subsection (1)(a), a person employed in the Ministry of Maori Development shall be entitled to any payment or other benefit by reason only of that person having ceased to be a person employed in the Iwi Transition Agency or the Ministry of Maori Affairs.

8 Abolition of Iwi Transition Agency and Ministry of Maori Affairs

The Iwi Transition Agency and the Ministry of Maori Affairs are hereby abolished.

9 Consequential amendments

- (1) The enactments specified in the Schedule are hereby amended in the manner indicated in that schedule.
- (2) Every reference in Parts 2 and 3 of the Maori Affairs Restructuring Act 1989 to the General Manager of the Iwi Transition Agency shall be read as if it were a reference to the chief executive of the Ministry of Maori Development.
- (3) Unless in any case the context otherwise requires, and subject to the provisions of this Act, in any other enactment or in any regulations or in any instrument—
 - (a) every reference to the Iwi Transition Agency or the Ministry of Maori Affairs shall be read as a reference to the Ministry of Maori Development;
 - (b) every reference to the General Manager of the Iwi Transition Agency or to the chief executive of the Ministry of Maori Affairs shall be read as a reference to the chief executive of the Ministry of Maori Development.

10 Repeals, revocation, and savings

- (1) *Amendment(s) incorporated in the Act(s).*
 - (2) *Amendment(s) incorporated in the Act(s).*
 - (3) The repeal of any enactment by subsection (1) shall not affect any amendments made by any such enactment to any other enactment.
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Schedule

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Consequential amendments**Maori Affairs Act 1953 (1953 No 94) (RS Vol 8, p 13)***Amendment(s) incorporated in the Act(s).***Maori Affairs Amendment Act 1967 (1967 No 124) (RS Vol 8, p 265)***Amendment(s) incorporated in the Act(s).***Maori Affairs Amendment Act 1974 (1974 No 73) (RS Vol 8, p 332)***Amendment(s) incorporated in the Act(s).***Maori Affairs Restructuring Act 1989 (1989 No 68)***Amendment(s) incorporated in the Act(s).***Maori Community Development Act 1962 (1962 No 133) (RS Vol 8, p 361)***Amendment(s) incorporated in the Act(s).***Maori Education Foundation Act 1961 (1961 No 46) (RS Vol 8, p 393)***Amendment(s) incorporated in the Act(s).***Maori Housing Act 1935 (1935 No 34) (RS Vol 8, p 413)***Amendment(s) incorporated in the Act(s).***Maori Housing Amendment Act 1938 (1938 No 17) (RS Vol 8, p 421)***Amendment(s) incorporated in the Act(s).***Maori Purposes Fund Act 1934–35 (1934–35 No 45) (RS Vol 8, p 595)***Amendment(s) incorporated in the Act(s).***Maori Trust Boards Act 1955 (1955 No 37) (RS Vol 8, p 683)***Amendment(s) incorporated in the Act(s).*

Maori Trustee Act 1953 (1953 No 95) (RS Vol 3, p 393)

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

New Zealand Maori Arts and Crafts Institute Act 1963 (1963 No 51) (RS Vol 8, p 835)

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

Ombudsmen Act 1975 (1975 No 9) (RS Vol 21, p 657)

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

Pacific Islands Polynesian Education Foundation Act 1972 (1972 No 138) (RS Vol 8, p 847)

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

State Sector Act 1988 (1988 No 20)

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

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes**1 *General***

This is a reprint of the Ministry of Maori Development Act 1991. The reprint incorporates all the amendments to the Act as at 19 December 1991, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
