Version
as at 28 October 2021

Maori Affairs Restructuring Act 1989

Public Act	1989 No 68
Date of assent	25 September 1989
Commencement	see section 1(2)

Contents

		Page
	Title	4
1	Short Title and commencement	5
2	Interpretation	5
3	Act to bind the Crown	6
	Part 1 **Iwi Transition Agency**	
4	Department of Maori Affairs restructured *[Repealed]*	6
5	Title of chief executive *[Repealed]*	6
6	Primary objective of Iwi Transition Agency *[Repealed]*	6
7	Functions of Iwi Transition Agency *[Repealed]*	6
8	Iwi Transition Agency to take over from Department *[Repealed]*	6
9	Administration of court transferred to Department of Justice *[Repealed]*	6
10	Enactments amended consequential upon restructuring of Department *[Repealed]*	6
11	Board of Maori Affairs abolished *[Repealed]*	7
12	General manager to take over from Board *[Repealed]*	7

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by Te Puni Kōkiri.

13 Enactments amended and repealed consequential upon abolition of Board of Maori Affairs 7
13A Registration of documents following change of owner 7

Part 2
Maori land development

14 Main purpose of this Part 8
15 Chief executive to implement policy of Government 8
16 Contracts by chief executive deemed to be made on behalf of Crown 8
17 Rights of owners while land remains subject to this Part 8
18 Rights and obligations of chief executive under Fencing Act 1978 9
19 Chief executive may declare land to be subject to this Part 9
20 Crown land may be made subject to this Part 11
21 Land subject to this Part may be excluded from Part 11
22 Notices may be registered against title 11
23 Record of valuations to be kept 11
23A Special valuations made for the purposes of this Part on or after 1 July 1998 12

Utilisation of land subject to this Part

24 General provisions as to utilisation of land 13
25 Chief executive may undertake works for improvement and development of land 13
26 Chief executive may maintain land as base farm 14
27 Chief executive may purchase and sell equipment, livestock, etc 14
28 Chief executive may acquire shares in companies 15

Use of land by nominated occupiers

29 Nominated occupiers 15
30 Occupier may be required to execute instruments for registration under Chattels Transfer Act 1924 16

Leases of land subject to this Part

31 Chief executive may grant leases 16
32 Preference to be given to Maori 17
33 Leases may be registered against land without production of title 17
34 Term of leases in respect of Maori land or land owned by Maori 17
35 Term of leases of Crown land 17
36 Provisions as to review of rent during currency of lease and on renewal 18
37 Special valuation for purposes of fixing new rent 18
38 Notice of valuations and right of objection 20
39 Chief executive may reduce or remit rent 21
40 Compensation for improvements 21
41 Compensation to be ascertained by valuation 22

42	Rent to be paid to Māori Trustee	22
43	Sinking fund to provide compensation for lessees of Maori land	22
44	Compensation for improvements to lessees of Crown land	24
45	Payment of value of improvements to lessee with perpetual right of renewal	25
46	Record of improvements	25
47	Surrender of leases	26
48	Costs	27
49	Restriction on lessee's powers of disposition	27
50	Application of rents received	27
51	Apportionment of rent where land under separate titles	28
52	Application of rents received in respect of Crown land	28
	Security for money expended or advanced by chief executive	
53	Money expended by chief executive to be charged on land	28
54	Court may impose charges for betterment	29
55	Variation and registration of charges	29
56	Enforcement of charges	30
	Advances to lessees	
57	Advances to lessees	30
58	Security to be given by lessee in respect of expenditure of chief executive or of advances	31
59	Advances to owners of freehold land	32
	Advances to purchasers	
60	Advances to purchasers of freehold interests	33
61	Advances to purchasers of leasehold interests	33
	Special powers of chief executive	
62	Chief executive may acquire land or rights over land	33
63	Acquisition of land by chief executive for owners of scheme	34
64	Land may be vested in owners	34
65	Chief executive may grant or acquire easements	35
66	Water supplies	35
67	Chief executive may engage advisers for Maori farmers	38
68	Right to cut timber, etc	38
69	Power to pay rates, taxes, and other money	39
70	Sharemilking contracts, etc	39
71	Use of land for industries other than farming	40
72	Use of land for afforestation purposes	40
73	Surveys	41
74	Power to pay revenue from land to owners	41
	Miscellaneous provisions	
75	Payment in respect of benefit to Crown land that is not subject to this Part	42

76 Development of land under Land Act 1948 42
77 Validity of contracts made by chief executive 43
78 Accounting provisions 43
79 Accounts to be kept by chief executive 43
80 Interest payments in respect of Maori land development 44
81 Relief from interest payment 44
82 Special provisions as to Crown lands and to lands purchased by chief executive 44
83 Chief executive may accept money for incentive shares, etc 45
84 Interference and obstruction prohibited 45

Part 3
Other powers of chief executive

85 Advances to Maori occupiers of land that is not subject to Part 2 46
86 Advances and other assistance to Maori *[Repealed]* 48
86A Provisional registration of mortgages to Crown or State Loan Department 48
87 Authorising establishment and maintenance of Kokiri Centres *[Repealed]* 50
88 Chief executive may establish and maintain hostels 50

Part 4
Miscellaneous provisions

89 Regulations 51
90 Transitional provision 51
91 Expiry *[Repealed]* 51

Schedule 1 52
Amendments consequential upon restructuring of Department
[Repealed]

Schedule 2 52
Amendments consequential upon abolition of Board of Maori Affairs
[Repealed]

Schedule 3 53
Repeals consequential upon abolition of Board of Maori Affairs

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

1 Short Title and commencement

(1) This Act may be cited as the Maori Affairs Restructuring Act 1989.

(2) This Act shall come into force on 1 October 1989.

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

chief executive means the chief executive of the Ministry

court means, as the case may require, the Maori Land Court or the Maori Appellate Court or both

General land owned by Maori means any General land of which the owners or a majority of the owners are Maori

improvements effected by a lessee, or any expression of similar effect, has the same meaning as in Part 11 of Te Ture Whenua Maori Act 1993

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

Minister means the Minister of Maori Affairs

Ministry 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

operative date means 1 October 1989

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

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

Section 2(1) **Board's programmes**: repealed, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 2(1) **chief executive**: inserted, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 2(1) **Department's programmes**: repealed, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 2(1) **General Manager**: repealed, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 2(1) **improvements effected by a lessee**: amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Section 2(1) **Iwi Transition Agency**: repealed, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 2(1) **Ministry**: inserted, on 1 January 1992, by section 9(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 2(1) **Ministry**: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 2(2): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

3 Act to bind the Crown

This Act binds the Crown.

Part 1
Iwi Transition Agency

4 Department of Maori Affairs restructured

[Repealed]

Section 4: repealed, on 1 January 1992, by section 10(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

5 Title of chief executive

[Repealed]

Section 5: repealed, on 1 January 1992, by section 10(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

6 Primary objective of Iwi Transition Agency

[Repealed]

Section 6: repealed, on 1 January 1992, by section 10(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

7 Functions of Iwi Transition Agency

[Repealed]

Section 7: repealed, on 1 January 1992, by section 10(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

8 Iwi Transition Agency to take over from Department

[Repealed]

Section 8: repealed, on 1 January 1992, by section 10(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

9 Administration of court transferred to Department of Justice

[Repealed]

Section 9: repealed, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

10 Enactments amended consequential upon restructuring of Department

[Repealed]

Section 10: repealed, on 1 January 1992, by section 10(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

11 Board of Maori Affairs abolished

[Repealed]

Section 11: repealed, on 1 January 1992, by section 10(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

12 General manager to take over from Board

[Repealed]

Section 12: repealed, on 1 January 1992, by section 10(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

13 Enactments amended and repealed consequential upon abolition of Board of Maori Affairs

(1) *[Repealed]*

(2) The enactments specified in Schedule 3 are hereby repealed.

Section 13(1): repealed, on 1 January 1992, by section 10(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

13A Registration of documents following change of owner

(1) No Registrar of Deeds or District Land Registrar or any other person charged with the keeping of any books or registers shall be obliged solely by reason of the provisions of section 8 or section 12 to change the name of the Department of Maori Affairs to that of the Iwi Transition Agency or (as the case may require) the name of the Board of Maori Affairs to that of the General Manager of the Iwi Transition Agency in any books, registers, or other documents in his or her charge; and the presentation to any such Registrar or other person of any instrument—

(a) executed or purporting to be executed by the Iwi Transition Agency or by the General Manager of the Iwi Transition Agency; and

(b) relating to any property held immediately before 1 October 1989 by the Department of Maori Affairs or (as the case may require) by the Board of Maori Affairs; and

(c) containing a recital that the property has become vested in the Iwi Transition Agency or (as the case may require) in the General Manager of the Iwi Transition Agency,—

shall, in the absence of proof to the contrary, be sufficient evidence that the property is vested in the Agency or General Manager.

(2) Except as provided in subsection (1), nothing in this Act shall derogate from the provisions of the Land Transfer Act 2017.

Section 13A: inserted, on 20 June 1991, by section 2 of the Maori Affairs Restructuring Amendment Act 1991 (1991 No 42).

Section 13A(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Part 2
Maori land development

14 Main purpose of this Part

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

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

15 Chief executive to implement policy of Government

In the exercise of the functions and powers conferred by this Part, the chief executive shall give effect to the policy of the Government in relation to those functions and powers, as communicated to the chief executive from time to time by the Minister.

Section 15 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 15: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

16 Contracts by chief executive deemed to be made on behalf of Crown

Every contract made by the chief executive in the exercise of the functions and powers conferred by this Part and Part 3 shall be deemed to be made on behalf of the Crown.

Section 16 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 16: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 16: amended, on 20 June 1991, by section 3 of the Maori Affairs Restructuring Amendment Act 1991 (1991 No 42).

17 Rights of owners while land remains subject to this Part

(1) The fact that any land is for the time being subject to this Part shall not affect the legal ownership of that land, but the rights of the owners shall be subject to the special provisions of this Part and to the right of the chief executive to exclusive occupation of the land, subject to any rights conferred by the chief executive on lessees, nominated occupiers, or other persons.

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

(3) The disposition by operation of law or otherwise of the interest of any owner in any land that is subject to this Part shall, whether so expressed or not in any

instrument of disposition, be and be deemed to be a disposition of that owner's corresponding interest in any other property held by the chief executive in trust for that owner in respect of that land, and the owners shall not be competent to dispose of their interests in any such property otherwise than as provided in this section.

Section 17(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 17(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 17(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

18 Rights and obligations of chief executive under Fencing Act 1978

While any land that is for the time being subject to this Part is not in the occupation of a lessee, the chief executive shall be deemed to be the occupier of the land for the purposes of the Fencing Act 1978.

Section 18 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 18: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

19 Chief executive may declare land to be subject to this Part

(1) All lands that immediately before the commencement of this Act were subject to Part 24 of the Maori Affairs Act 1953 are hereby declared to be subject to this Part.

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

(a) any Maori freehold land that, in the opinion of the chief executive, is suitable for development or occupation under this Part; and

(b) any General land owned by Maori, or any General land owned for the benefit of Maori, that, in the opinion of the chief executive, is suitable for development or occupation under this Part; and

(c) any Crown land to which section 331 of the Maori Affairs Act 1953 relates; and

(d) any land acquired by the chief executive pursuant to section 62 or section 63.

(3) Before declaring to be subject to this Part any land to which paragraph (a) or paragraph (b) of subsection (2) applies, the chief executive shall take adequate steps to ascertain the wishes of the owners concerned, and shall not declare any such land to be subject to this Part unless all objections have been fully considered and, notwithstanding such objections, the chief executive is of the opinion that the land should be made subject to this Part.

(4) No land shall be declared by the chief executive to be subject to this Part while any lease is subsisting in respect of the land.

(5) Except as provided in subsection (6), no alienation of any land that is for the time being subject to this Part or of any interest in it and no partition order in respect of it shall be made without the consent of the chief executive.

(6) The consent of the chief executive shall not be required in respect of an exchange order made under Part 14 of Te Ture Whenua Maori Act 1993, or a vesting order under section 164 of that Act, or the acquisition by the Māori Trustee of any land or interest in land under any of the provisions of this Act.

(7) Any notice under this section may from time to time be amended or replaced by the chief executive by notice in the *Gazette* in any case where, by reason of the amalgamation or consolidation of titles, or the partition or subdivision of the land, or for any other reason an amendment or replacement is considered necessary.

(8) Where any notice under subsection (7) relates solely to land not previously declared to be subject to this Part, the provisions of subsection (3) or of subsection (4) shall not apply with respect to any land affected by the notice.

Section 19 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 19(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 19(2)(a): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 19(2)(b): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 19(2)(d): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 19(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 19(4): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 19(5): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 19(6): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 19(6): amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Section 19(6): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 19(7): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

20 Crown land may be made subject to this Part

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

(2) Where pursuant to this section any Crown land has been declared to be subject to this Part, the Registrar-General of Land shall, at the request of the chief executive, issue in the name of the Sovereign a certificate of title for an estate in fee simple in the land.

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

Section 20(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 20(2): editorial change made by the PCO, on 31 October 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 20(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 20(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 20(3): editorial change made by the PCO, on 31 October 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

21 Land subject to this Part may be excluded from Part

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

Section 21: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

22 Notices may be registered against title

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

Section 22: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 22: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

23 Record of valuations to be kept

(1) When any land is declared to be subject to this Part, the chief executive shall cause to be made a record of the state and condition of the land as at the date of the notice.

(2) The chief executive of the Ministry of Maori Development is to arrange for a special valuation to be made by a registered valuer, with such particulars as to the capital value and as to the nature and value of any improvements on the land as the chief executive may require.

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

Section 23(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 23(2): substituted, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

Section 23(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

23A Special valuations made for the purposes of this Part on or after 1 July 1998

(1) This section applies on and after 1 July 1998 to any case where—

(a) this Part or any lease of land subject to this Part requires or provides for any special valuation to be made; and

(b) the Valuer-General has not made the valuation concerned before 1 July 1998;—

and this Part, and any lease of land subject to this Part, are to be read accordingly with any necessary modifications and as if the references to the Valuer-General were references to a registered valuer.

(2) In the case of any special valuation to which this section applies, the valuation is to be made not by the Valuer-General but by a registered valuer chosen in accordance with the following provisions:

(a) the lessor, whether of the lessor's own motion or at the request of the lessee, must—

(i) nominate a registered valuer to conduct the valuation; and

(ii) notify the lessee in writing of the name of the registered valuer:

(b) if the lessee does not object to the registered valuer within 14 days after being notified of the nomination, that valuer may conduct the valuation:

(c) if the lessee does object within 14 days after the notification, and no agreement as to who should conduct the valuation can be reached, the valuation is to be conducted by a registered valuer nominated by the President of the New Zealand Institute of Valuers.

Section 23A: inserted, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

Utilisation of land subject to this Part

24 General provisions as to utilisation of land

(1) Any land that for the time being is subject to this Part may be used or disposed of by the chief executive as follows:

(a) any such land may be occupied by the chief executive and may be used by the chief executive for any purpose authorised by this Part:

(b) any such land may be occupied by persons nominated by the chief executive as the nominated occupiers of the land:

(c) any such land may be leased by the chief executive in accordance with the provisions of this Part:

(d) any such land that is owned by 1 or more owners, whether jointly or in common, may, with the approval of the chief executive, be occupied by the owner or owners under the control and supervision of the chief executive.

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

Section 24(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 24(1)(a): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 24(1)(b): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 24(1)(c): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 24(1)(d): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 24(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

25 Chief executive may undertake works for improvement and development of land

On any land that is for the time being subject to this Part, the chief executive may cause to be carried out or may undertake such works for the improvement or development of the land as the chief executive thinks fit, including (but not to the exclusion of any works of a kind not specifically mentioned) the survey, drainage, reclamation, roading, bridging, fencing, clearing, grassing, planting, top dressing, and manuring of the land, the construction, maintenance, repair, and insurance of buildings and other erections, and the provision of water supply or other services.

Section 25 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 25: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

26 Chief executive may maintain land as base farm

Any land that is subject to this Part may be used by the chief executive as a base farm for the purpose of breeding, raising, holding, or depasturing stock that is intended for use on any other land that is subject to this Part, or for experimental or educational purposes, or for the training of Maori in farm management and farm work, or for any other purposes that the chief executive, in the exercise of the powers conferred by this Part, thinks fit.

Section 26 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 26: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

27 Chief executive may purchase and sell equipment, livestock, etc

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

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

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

Section 27 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 27(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 27(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 27(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

28 Chief executive may acquire shares in companies

(1) The Minister may from time to time, with the agreement of the Minister of Finance, subscribe for or otherwise acquire shares in any company incorporated in New Zealand that carries on or proposes to carry on business of a kind related to the chief executive's operations under this Part:

provided that the agreement of the Minister of Finance shall not be necessary where the value of the shares does not exceed $10,000.

(2) The Minister may exercise in respect of any shares acquired under subsection (1) all rights and powers as the holder of the shares, and may at any time sell or otherwise dispose of the shares as the Minister thinks fit.

Section 28 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 28(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Use of land by nominated occupiers

29 Nominated occupiers

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

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

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

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

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

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

(7) *[Repealed]*

Section 29(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 29(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 29(4): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 29(5): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 29(7): repealed, on 20 May 1999, by section 7 of the Stamp Duty Abolition Act 1999 (1999 No 61).

30 Occupier may be required to execute instruments for registration under Chattels Transfer Act 1924

(1) The nominated occupier shall, as and when required by the chief executive so to do, execute any instruments for registration under the Chattels Transfer Act 1924.

(2) Every instrument so executed by a nominated occupier pursuant to this section shall be as valid against the occupier and any other person as if the occupier were the sole owner of the stock, machinery, implements, money, or other property to which the instrument relates, and the validity or effect of any such instrument shall not be affected by the fact that the right of the occupier to occupy any land may have been cancelled or revoked, or that the occupier may have died, or that for any other reason the occupier may have ceased to occupy the land.

Section 30(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Leases of land subject to this Part

31 Chief executive may grant leases

(1) The chief executive may from time to time grant leases of any land that is subject to this Part.

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

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

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

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

Section 31 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 31(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 31(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 31(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 31(4): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 31(4): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

32 Preference to be given to Maori

Every lease under this Part shall be granted to a Maori or to 2 or more Maori unless in the case of any particular area the chief executive is of the opinion that there is no Maori who, being ready and willing to become a lessee, is a fit and proper person to be a lessee of that land.

Section 32: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

33 Leases may be registered against land without production of title

Every lease granted under this Part in respect of land that is subject to the Land Transfer Act 2017 may be registered in the same manner as if it had been lawfully granted by the legal owner of the land demised.

Section 33: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

34 Term of leases in respect of Maori land or land owned by Maori

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

(2) Subject to the provisions of this section as to the maximum duration of the lease, any such lease may confer on the lessee a right of renewal for 1 or more terms.

Section 34(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

35 Term of leases of Crown land

(1) Every lease granted under this Part in respect of Crown land shall be for such term as the chief executive thinks fit, not exceeding in any case a term of 33 years.

(2) Any such lease may confer on the lessee a right of renewal for 1 or more terms of the same or a shorter duration, or may confer on the lessee a perpetual right of renewal for the same or a shorter term.

Section 35(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

36 Provisions as to review of rent during currency of lease and on renewal

(1) On the grant of a lease under this Part, the chief executive shall fix the rent to be payable during the term of the lease or until the rent is reviewed in accordance with this section.

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

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

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

Section 36(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 36(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 36(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

37 Special valuation for purposes of fixing new rent

(1) For the purpose of determining the rent to be paid by the lessee on the review of the rent or on the grant of a renewal of the lease, the chief executive is to arrange for a special valuation of the land comprised in the lease to be made by a registered valuer.

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

(a) the name of the lessee:

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

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

(d) the unimproved value of the land:

(e) the capital value of the land.

(3) For the purposes of this section, the terms **capital value** and **value of improvements** have the meanings assigned to them by the Valuation of Land Act 1951, and, subject to subsections (4) and (5) of this section, every valuation made under this section shall be made in the same manner as if it were a valuation under that Act (as in force before its repeal by section 53 of the Rating Valuations Act 1998).

(4) For the purposes of any determination by a registered valuer under this section, the Valuation of Land Act 1951 shall be read as if the following definition of the term improvements had been substituted for the definition of that term set out in section 2 of that Act:

> **improvements** means all work done or material used at any time on the land by the expenditure of capital or labour by any owner or occupier of the land in so far as the effect of the work done or material used is to increase the value of the land, and the benefit thereof is unexhausted at the time of valuation:
>
> provided that the reclamation of land from the sea shall not in any case be deemed to be improvements either of the land reclaimed or of any other land:
>
> provided also that work done or material used on or for the benefit of any land by the expenditure of capital or labour by any owner or occupier of the land in the provision of roads or in the provision of water, drainage, or other amenities in connection with the subdivision of the land for building purposes shall not be deemed to be improvements after the land has been sold or another person has taken actual occupation of the land (whether by virtue of a tenancy for not less than 6 months certain or not).

(5) For the purposes of any determination by a registered valuer under this section, the term **unimproved value**, in relation to any land, means the sum that the owner's estate or interest in the land, if unencumbered by any mortgage or other charge, might be expected to realise at the time of valuation if offered for sale on such reasonable terms and conditions as a bona fide seller might be expected to impose, and if no improvements had been made on the land.

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

Section 37(1): substituted, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

Section 37(2): amended, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

Section 37(3): amended, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

Section 37(4): amended, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

Section 37(5): amended, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

Section 37(6): amended, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

38 Notice of valuations and right of objection

(1) As soon as practicable after making the special valuation, the registered valuer shall serve not less than 3 copies of the certificate on the chief executive.

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

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

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

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

(6) On the filing of any such objection by the lessee, the Registrar of the court shall forthwith give to the chief executive and to the registered valuer notice of the filing of the objection and of the terms of the objection, and on the filing of an objection by the chief executive shall give a like notice to the lessee.

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

(8) All objections made in the manner prescribed by this section are to be heard and determined in similar manner to objections made to valuations under the Rating Valuations Act 1998, and sections 34, 35, 36, and 38 of that Act (and any regulations made under that Act relating to reviews and objections), as far as they are applicable and with all necessary modifications, are to apply to the objection as if—

(a) the registered valuer had been appointed by a territorial authority to review the objection; and

(b) the review had been made under section 34 of that Act; and

(c) the references to a territorial authority in sections 34(4), 35, and 36 of that Act were references to the registered valuer.

(9) If on the hearing of any objection any alteration in the valuation is made, the registered valuer shall amend the certificate of valuation accordingly.

Section 38(1): amended, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

Section 38(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 38(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 38(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 38(4): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 38(6): amended, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

Section 38(6): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 38(8): substituted, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

Section 38(9): amended, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

39 Chief executive may reduce or remit rent

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

Section 39 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 39: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

40 Compensation for improvements

(1) Every lease granted under this Part (other than a lease of Crown land with a perpetual right of renewal) shall contain express provisions to the following effect:

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

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

(2) Where provision is made for payment to the lessee of compensation for any improvements, the lease shall specify the percentage that the amount of compensation shall bear to the value of those improvements as at the termination of

the lease, being, in the case of Maori freehold land or of General land owned by Maori, not more than 75% of the value of those improvements.

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

41 Compensation to be ascertained by valuation

(1) For the purpose of ascertaining the amount of compensation to which any lessee is entitled in accordance with this Part and the terms of the lease, the chief executive of the Ministry of Maori Development must (in accordance with section 23A(2)) arrange for a registered valuer to make a valuation of the land comprised in the lease as at the date of the termination of the lease or as at such other date as the lease provides.

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

Section 41(1): substituted, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

42 Rent to be paid to Māori Trustee

(1) Unless the chief executive otherwise determines, all rent payable under any lease granted under this Part shall be paid to the Māori Trustee.

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

Section 42 heading: amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 42(1): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 42(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 42(2): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

43 Sinking fund to provide compensation for lessees of Maori land

(1) For the purpose of making provision for the payment of the compensation to which the lessee of any Maori freehold land or of General land owned by Maori may be entitled, the chief executive may from time to time during the currency of the lease or of any renewal of the lease direct the Māori Trustee to pay out of the rent received by the Māori Trustee such sums as the chief executive thinks fit into the Common Fund of the Māori Trustee's Account, there to accumulate with interest at the rate from time to time determined

by the Governor-General pursuant to the provisions of the Maori Trustee Act 1953.

(1A) Notwithstanding anything in subsection (1), the Māori Trustee may from time to time place the whole or any part of any sum referred to in that subsection in any other account or investment instead of the Common Fund of the Māori Trustee's Account.

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

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

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

(5) In respect of any charge imposed under this section, the chief executive may execute a memorial of charge against the land affected, and any such memorial of charge may be registered against the title to the land by the Registrar-General of Land or the Registrar of Deeds, as the case may be; and when so registered the memorial of charge shall have the same force and effect as if it were a valid mortgage to the Sovereign of all the land described in it to secure the repayment of the principal money and the payment of interest; and the power of sale and all other powers implied by the Property Law Act 2007 in mortgages over land shall be implied in the memorial.

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

Section 43(1): amended, on 1 July 2009, by section 30(1) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 43(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 43(1A): inserted, on 20 June 1991, by section 5 of the Maori Affairs Restructuring Amendment Act 1991 (1991 No 42).

Section 43(1A): amended, on 1 July 2009, pursuant to section 30(1) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 43(1A): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 43(2): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 43(3): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 43(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 43(4): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 43(5): editorial change made by the PCO, on 31 October 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 43(5): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 43(5): amended, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

Section 43(5): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

44 Compensation for improvements to lessees of Crown land

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

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

(3) Where the chief executive decides that the land shall again be leased, it shall, in accordance with the provisions of section 31(3), offer the lease on terms requiring the lessee to pay the value of the improvements, as assessed by the registered valuer in accordance with the provisions of section 41.

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

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

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

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

Section 44(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 44(3): amended, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

Section 44(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 44(4): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 44(5): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 44(6): amended, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

Section 44(6): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 44(7): editorial change made by the PCO, on 31 October 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 44(7): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

45 Payment of value of improvements to lessee with perpetual right of renewal

(1) The provisions of section 44 shall, as far as applicable and with any necessary modifications, apply in any case where a lessee of Crown land, having a perpetual right of renewal under this Part, elects not to accept a renewal of the lease.

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

Section 45(2): amended, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

46 Record of improvements

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

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

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

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

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

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

Section 46(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 46(2): amended, on 1 July 1998, by section 54(1) of the Rating Valuations Act 1998 (1998 No 69).

Section 46(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 46(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 46(4): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 46(5): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

47 Surrender of leases

The chief executive may at any time accept a surrender of any lease granted under this Part, either unconditionally or subject to such conditions as the chief executive thinks fit.

Section 47: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

48 Costs

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

Section 48: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

49 Restriction on lessee's powers of disposition

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

(2) In giving any such consent, the chief executive may impose such terms and conditions as the chief executive thinks fit.

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

(4) For the purpose of subsection (3), the word **Maori** includes a Maori incorporation as defined by section 4 of Te Ture Whenua Maori Act 1993 and any other corporate body whose members, shareholders, or beneficiaries are principally Maori.

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

Section 49(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 49(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 49(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 49(4): amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Section 49(5): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

50 Application of rents received

The net rent received under any lease granted under this Part in respect of Maori freehold land or of General land owned by Maori shall, after the making of any proper deductions, be applied by the Māori Trustee, acting by direction of the chief executive, as follows:

(a) in payment of all rates, taxes, and other assessments and outgoings payable by the owners in respect of the land:

(b) in the discharge, to such extent as the chief executive from time to time thinks fit, of any mortgage, charge, encumbrance, or liability to which the land is subject:

(c) in payment of any commission payable to the Māori Trustee:

(d) in payment of the residue to the Maori owners or other persons having any estate or interest in the land in accordance with their respective interests.

Section 50: amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 50: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 50(b): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 50(c): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

51 Apportionment of rent where land under separate titles

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

Section 51: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

52 Application of rents received in respect of Crown land

The rent received in respect of any Crown land that is subject to this Part shall be paid by the Māori Trustee into a Departmental Bank Account.

Section 52: amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Security for money expended or advanced by chief executive

Heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

53 Money expended by chief executive to be charged on land

(1) All money expended by the chief executive in respect of any area of Maori freehold land or of General land owned by Maori that is subject to this Part shall be a charge on that land.

(2) If any land that is subject to a charge imposed in accordance with this section is comprised in 2 or more separate titles, the charge shall be apportioned to

the lands comprised in the several titles in such amounts as the chief executive may determine.

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

Section 53 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 53(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 53(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 53(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

54 Court may impose charges for betterment

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

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

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

Section 54(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 54(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

55 Variation and registration of charges

(1) Subject to any regulations made for the purposes of this Part, the court may at any time, on the application of the chief executive but not otherwise, vary or revoke any order made under section 53 or section 54.

(2) Any charge imposed in respect of any land by or pursuant to either of those sections may be registered under the Land Transfer Act 2017 or the Deeds Registration Act 1908, as the case may require.

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

Section 55(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 55(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 55(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

56 Enforcement of charges

(1) Any such charge in respect of which a charging order has been made may, on application by the chief executive, be enforced by the court either—

(a) by the appointment of a receiver in respect of the land or interest in land; or

(b) by the making of an order vesting in the Sovereign either the whole or such part of the land or interest in land as will, in the opinion of the court, be sufficient to satisfy the charge.

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

(3) Any land that is so vested in the Sovereign may be proclaimed Crown land in the same manner as if it were land acquired by the Crown pursuant to Part 21 of the Maori Affairs Act 1953 and may be administered and dealt with accordingly.

Section 56(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 56(1)(b): editorial change made by the PCO, on 31 October 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 56(2): editorial change made by the PCO, on 31 October 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 56(3): editorial change made by the PCO, on 31 October 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Advances to lessees

57 Advances to lessees

(1) The chief executive may from time to time advance money to the lessee of any land that is subject to this Part for all or any of the following purposes:

(a) for the purchase of livestock, seeds, manures, fencing materials, tools, implements, machinery, and other equipment or any other materials or things that in the opinion of the chief executive may be required by the lessee for the purpose of effectively carrying on the lessee's farming operations or developing or improving the land:

(b) for the discharge of any liabilities of the lessee incurred in respect of the land and for the payment of any money for the time being payable in respect of the land, whether as rates, taxes, rent, money secured by any mortgage or charge, insurance premiums, or otherwise:

(c) for the farming, developing, improvement, maintenance, and current working expenses of the land:

(d) for the purchase by the lessee of the improvements or of any of the improvements subsisting on the land at the commencement of the lease:

(e) for any other purpose that the chief executive may approve.

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

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

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

Section 57(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 57(1)(a): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 57(1)(e): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 57(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 57(4): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

58 Security to be given by lessee in respect of expenditure of chief executive or of advances

(1) In addition to the security by way of charge imposed by or pursuant to the foregoing provisions of this Part, the chief executive may require the lessee of any land that is subject to this Part to give, in respect of any money advanced to the lessee or in respect of any money expended by the chief executive (whether before or after the grant of the lease), such mortgages, assignments, orders, or other securities as the chief executive thinks fit over the lessee's interest in the land or over the stock, chattels, machinery, and implements from

time to time on the land, or over the produce of the land or stock, or the money derived from farming operations or otherwise in respect of the land, or over any other real or personal property of the lessee.

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

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

(4) The remedies of the chief executive against a lessee, by virtue of any security given under this section, shall be exhausted before the chief executive proceeds to enforce any charge on the land imposed by the foregoing provisions of this Part in respect of the liabilities of the lessee.

Section 58 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 58(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 58(2): editorial change made by the PCO, on 31 October 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 58(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 58(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 58(4): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

59 Advances to owners of freehold land

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

Section 59: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Advances to purchasers

60 Advances to purchasers of freehold interests

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

Section 60: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

61 Advances to purchasers of leasehold interests

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

Section 61: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Special powers of chief executive

Heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

62 Chief executive may acquire land or rights over land

(1) For any of the purposes of this Part, the chief executive may purchase or otherwise acquire on behalf of the Crown any land or interest in land or the right to cut and remove trees or timber or to take any other substance from any land.

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

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

(4) On the production of a certificate given by or on behalf of the chief executive that any land or interest in land has been acquired by the chief executive pursuant to this section, the Registrar-General of Land must record on the record of title a memorial that the land has been acquired pursuant to this Part, and may, on production of a further certificate, cancel the memorial as to the whole or any part of that land or interest.

Section 62 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 62(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 62(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 62(3): editorial change made by the PCO, on 31 October 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 62(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 62(4): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 62(4): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

63 Acquisition of land by chief executive for owners of scheme

(1) The chief executive, in the name of the Crown, may purchase or otherwise acquire, for the purposes of this Part any land or interest in land on behalf of the owners of any Maori land or General land owned by Maori that is subject to this Part.

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

Section 63 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 63(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 63(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

64 Land may be vested in owners

(1) On application by the chief executive, the court may make a vesting order vesting any land or interest in land acquired pursuant to section 63, in the persons on whose behalf it was acquired, subject to any lease, licence, mortgage, charge, or other encumbrance affecting it.

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

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

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

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

Section 64(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 64(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 64(4): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

65 Chief executive may grant or acquire easements

(1) The chief executive may at any time grant over any land that is subject to this Part, or may acquire for the benefit of any such land, any rights of way, water rights, or other easements, in all respects as if the chief executive were the owner of the land.

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

Section 65 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 65(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 65(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

66 Water supplies

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

(2) For the purposes of this section, the term **waterworks** shall include reservoirs, wells, bores, dams, tanks, water mains, pipes, buildings, machinery, works, and appliances of every kind for collecting, holding, conveying, or regulating the

supply of water, and shall also include land or interests in land acquired for catchment areas or for any other purpose connected with the construction or maintenance of waterworks and all water impounded, diverted, or conveyed during the construction or operation of waterworks.

(3) For the purposes of this section, the term **occupier**, in relation to land subject to this Part, means the person whose occupation of the land has been approved by the chief executive and, in relation to any other land, means the owner or lessee or other lawful occupier of the land.

(4) The chief executive by his or her officers, workmen, and others by the chief executive's direction, may enter on any land for the purpose of examining or repairing any waterworks under the control of the chief executive. In exercising the powers under this subsection, the chief executive and any person acting under the direction of the chief executive shall do as little damage as possible and, whenever practicable, shall give notice to the occupier of the land before any such entry. Any loss or damage suffered by the owner or occupier of any land by reason of any such damage shall be compensated by the payment of such amount as may be agreed upon between the chief executive and the owner or occupier or, in default of agreement, as may be determined by arbitration under the Arbitration Act 1996.

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

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

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

(8) Any waterworks constructed or purchased by the chief executive under this section may be disposed of by the chief executive on the payment of such amount and subject to such conditions as the chief executive in each case determines.

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

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

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

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

Section 66(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 66(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 66(4): amended, on 1 July 1997, pursuant to section 18 of the Arbitration Act 1996 (1996 No 99).

Section 66(4): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 66(5): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 66(6): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 66(7): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 66(8): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 66(9): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 66(10): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 66(11): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 66(12): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

67 Chief executive may engage advisers for Maori farmers

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

(2) There may be paid to advisers employed or engaged under this section (not being officers of the public service) such remuneration and such travelling and other allowances and expenses as the chief executive may approve.

Section 67 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 67(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 67(2): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 67(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

68 Right to cut timber, etc

(1) For the purposes of this Part, the chief executive may from time to time cut and remove trees or timber or take any other substance from any land that is subject to this Part.

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

(3) Any timber or other substances obtained by the chief executive pursuant to this section may be used for the purposes of any land that is subject to this Part,

and any such timber or other substances that are not so required may be sold or otherwise disposed of by the chief executive as the chief executive thinks fit.

Section 68(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 68(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 68(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

69 Power to pay rates, taxes, and other money

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

(2) The fact that any land is declared to be subject to this Part or that any money is paid or any powers are exercised in respect of any such land by the chief executive shall not be deemed to impose any liability on or to affect the liability (if any) of the Crown or any other person for any rates or other money payable in respect of the land.

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

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

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

Section 69(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 69(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 69(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 69(4): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

70 Sharemilking contracts, etc

(1) The chief executive may from time to time make such contracts as the chief executive thinks fit with respect to the carrying out of milking, cropping, farming, or other operations on any land that is subject to this Part, for such

remuneration, whether by way of a share of the proceeds or otherwise, as the chief executive thinks fit.

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

Section 70(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 70(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

71 Use of land for industries other than farming

Where in the opinion of the chief executive it would be advisable to use any land that is subject to this Part for any industry other than farming, whether the industry affects anything on the surface of the land or below the surface, the chief executive may from time to time make such contracts as the chief executive thinks fit with any person for the purpose of promoting, establishing, or carrying on that industry.

Section 71: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

72 Use of land for afforestation purposes

(1) Where in the opinion of the chief executive it would be advisable to use any land that is subject to this Part for the purposes of afforestation, the chief executive may—

(a) undertake and carry out on the land such operations as the chief executive thinks necessary for the establishment, culture, and maintenance of forests and the harvesting, use, transport, sale or other disposal of forest produce from the land; or

(b) appoint the Minister of Forestry or Crown Forestry Management Limited as agent for the chief executive for the purposes of forest management in accordance with the provisions of section 64 of the Forests Act 1949:

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

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

Section 72(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 72(1)(a): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 72(1)(b): amended, on 31 May 1996, by clause 3 of the State-Owned Enterprises (Crown Forestry Management Limited) Order 1996 (SR 1996/122).

Section 72(1)(b): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 72(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

73 Surveys

(1) The chief executive may from time to time authorise such surveys as the chief executive considers necessary or expedient of any land that is subject to this Part. Nothing in Part 16 of Te Ture Whenua Maori Act 1993 shall apply with respect to surveys under this section.

(2) Surveys under this section shall be carried out, in accordance with the directions of the chief executive, by licensed cadastral surveyors (whether or not they are officers of the public service).

Section 73(1): amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Section 73(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 73(2): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 73(2): amended, on 1 June 2002, by section 68(1) of the Cadastral Survey Act 2002 (2002 No 12).

Section 73(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

74 Power to pay revenue from land to owners

(1) Any money received by the chief executive in respect of any Maori freehold land or of General land owned by Maori as the result of farming operations or otherwise in accordance with this Part may, if the chief executive thinks fit, be paid to any person owning any interest in the land instead of being applied in reduction of any money charged or secured on the land, notwithstanding that the annual receipts in respect of the land may be less than the annual expenditure in respect of the land.

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

Section 74(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 74(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Miscellaneous provisions

75 Payment in respect of benefit to Crown land that is not subject to this Part

(1) Where any Crown land that is not subject to this Part has been improved or increased in value by reason of any operations or expenditure of money in respect of any land that is subject to this Part, there may, in accordance with the directions of the Minister of Finance, be paid out of public money appropriated by Parliament such amount or amounts as the Minister of Finance may from time to time determine in respect of the benefit accrued to the Crown land.

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

76 Development of land under Land Act 1948

(1) Where it is agreed between the chief executive and the chief executive of Landcorp Farming Limited that the development and improvement of any land subject to this Part should be carried out under the control of Landcorp Farming Limited, the chief executive of that Corporation, subject to such terms and conditions as may be agreed between the chief executive and the chief executive, may develop and improve the land, and may for that purpose expend out of public money appropriated by Parliament any amount the Minister of Maori Affairs thinks fit.

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

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

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

Section 76(1): amended, on 12 April 2001, by clause 4 of the State-Owned Enterprises (Landcorp Farming Limited) Order 2001 (SR 2001/23).

Section 76(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 76(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 76(4): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

77 Validity of contracts made by chief executive

All contracts and decisions made by the chief executive in respect of any land that is subject to this Part shall be as effective as if the land were vested in the Sovereign.

Section 77 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 77: editorial change made by the PCO, on 31 October 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 77: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

78 Accounting provisions

(1) All money expended or advanced by the chief executive pursuant to or for the purposes of this Part shall be paid out of public money appropriated by Parliament for the purposes of this Part.

(2) All money received by the chief executive under this Part shall, unless it is trust money under section 66 of the Public Finance Act 1989, be paid into a Crown Bank Account or a Departmental Bank Account in accordance with that Act.

Section 78(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 78(2): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

Section 78(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

79 Accounts to be kept by chief executive

(1) The chief executive, by direction or with the approval of the Minister of Finance, shall keep all such departmental or internal accounts as may be necessary for the proper administration of this Part.

(2) Where any area of land for the time being subject to this Part is administered by the chief executive, as a single undertaking it shall not be necessary to keep separate accounts in respect of the several parcels of land within that area, though they may be owned by different owners or may consist partly of Crown land, or General land, or Maori land, but in any such case there shall be 1 account kept in respect of the whole undertaking.

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

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

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

Section 79 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 79(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 79(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

80 Interest payments in respect of Maori land development

All money expended or advanced by the chief executive under this Part shall bear interest at such rate or rates as the Minister of Finance may from time to time determine, and any such interest shall be included in the amount of any charge that may be imposed under section 53 or section 54.

Section 80: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

81 Relief from interest payment

If, in any case where—

(a) the chief executive expends money for the development of any land under this Part; or

(b) any person owes money to the chief executive in respect of any advance made by the chief executive under section 71 or section 72 or section 73 or section 74,—

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

Section 81: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 81(a): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 81(b): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

82 Special provisions as to Crown lands and to lands purchased by chief executive

(1) The following provisions of this section shall apply with respect to all Crown lands that are for the time being subject to this Part, and to all lands acquired by the chief executive on behalf of the Crown pursuant to section 60.

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

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

Section 82 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 82(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 82(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

83 Chief executive may accept money for incentive shares, etc

Nothing in this Part shall prevent the chief executive from receiving, from the Crown or from any State agency or from any local authority or other body or organisation, in respect of any area of land under its control, any money made available to it in furtherance of any scheme or policy for the assistance or encouragement of farming or pastoral operations or the improvement of the land, whether the money is in the form of a grant, or subsidy, or is to be repaid in any circumstances. The chief executive shall have and may exercise all powers necessary for the acceptance, use, and (where required) the repayment of any such money.

Section 83 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 83: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

84 Interference and obstruction prohibited

(1) Every person commits an offence and is liable upon conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding $500 who—

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

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

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

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

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

Section 84(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 84(1)(a): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 84(1)(b): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 84(4): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Part 3
Other powers of chief executive

Part 3 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

85 Advances to Maori occupiers of land that is not subject to Part 2

(1) For the purpose of—

(a) assisting Maori to farm, improve, or develop lands that are owned or occupied by them but are not subject to Part 2, or to discharge any liabilities charged on or existing in respect of any such lands, or to purchase any estate or interest in any such lands; or

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

the chief executive may from time to time authorise the making of advances out of public money to be appropriated by Parliament for the purposes of this section or of Part 2.

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

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

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

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

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

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

(8) Notwithstanding the foregoing provisions of this section, the chief executive shall have authority to make advances under this section, on such security (whether or not land) as the chief executive thinks fit, to any Maori for the purpose of assisting him or her to engage in any dairy, cropping, or other farming enterprise carried on or to be carried on by him or her on land owned and occupied by any other person.

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

(10) All money received by the chief executive under this section shall, unless the Minister of Finance otherwise directs, be paid into a Crown Bank Account.

Section 85(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 85(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 85(4): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 85(5): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 85(6): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 85(7): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 85(8): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 85(9): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 85(10): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

Section 85(10): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

86 Advances and other assistance to Maori

[Repealed]

Section 86: repealed, on 24 June 1996, by section 2(1) of the Maori Affairs Restructuring Amendment Act 1996 (1996 No 32).

86A Provisional registration of mortgages to Crown or State Loan Department

(1) This section shall apply in any case where a memorandum of mortgage to the Sovereign or to a State Loan Department affecting any area of Maori freehold land, or a memorandum of lease or other disposition of any such land, cannot be immediately registered under the Land Transfer Act 2017 by reason of the fact that any order of the court constituting the title to that land has not been so registered.

(2) In any case to which this section applies, the Registrar of the court, on request made by or on behalf of the mortgagee, shall forward to the Registrar-General of Land a certificate under his or her hand setting forth with respect to the land the following particulars:

(a) the kind or order constituting the title to the land to which the mortgage relates:

(b) the date of the order:

(c) the description of the land as shown in the order:

(d) the area or approximate area of the land as appearing in the order:

(e) the name or names of the person entitled under the order, and, if more than 1, their several shares or interests in the land.

(3) On receipt of any such certificate, the Registrar-General of Land must register the certificate in accordance with the following provisions of this section.

(4) If the title to the land affected by the order referred to in the certificate is registered under the Land Transfer Act 2017, the Registrar-General of Land must register the certificate against the record of title for the land.

(5) If the title to the land is not registered under the Land Transfer Act 2017, the Registrar-General of Land must register the certificate by issuing a qualified record of title for the land.

(6) On the registration of a certificate under this section, no instrument in respect of the land referred to in the certificate shall thereafter be registered except—

(a) a mortgage or memorial of charge in favour of the Sovereign or of a State Loan Department; or

(b) an order made by the court creating or evidencing a charge in favour of the Sovereign or of a State Loan Department; or

(c) an order of the court or other instrument (including a lease instrument) transferring, transmitting, or otherwise conferring title to or on any person who has executed any such mortgage or whose interest in the land is subject to any such charge; or

(d) an instrument evidencing the discharge of any such mortgage or charge or any dealing with it.

(7) On deposit for registration of the order of the court constituting the title to any land, the Registrar-General of Land must cancel the registration of the certificate given by the Registrar of the court and must issue a record of title (which may be a record of title qualified as described in section 17(1)(a) of the Land Transfer Act 2017), and transfer to the record of title all entries and memorials then appearing in the register in respect of land comprised in the order of the court.

(8) For the purposes of this section, the term **State Loan Department** means any of the following:

(a) Public Trust:

(b) Kāinga Ora–Homes and Communities:

(c) the Māori Trustee.

Section 86A: inserted, on 20 June 1991, by section 4 of the Maori Affairs Restructuring Amendment Act 1991 (1991 No 42).

Section 86A(1): editorial change made by the PCO, on 31 October 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 86A(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 86A(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 86A(3): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 86A(4): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 86A(5): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 86A(6)(a): editorial change made by the PCO, on 31 October 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 86A(6)(b): editorial change made by the PCO, on 31 October 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 86A(6)(c): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 86A(7): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 86A(8)(a): substituted, on 1 March 2002, by section 170(1) of the Public Trust Act 2001 (2001 No 100).

Section 86A(8)(b): amended, on 1 October 2019, by section 33 of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 86A(8)(c): amended, on 1 July 2009, pursuant to section 30(2)(b) of the Māori Trustee Amendment Act 2009 (2009 No 12).

87 Authorising establishment and maintenance of Kokiri Centres

[Repealed]

Section 87: repealed, on 1 July 1994, by section 14 of the Maori Purposes Act 1993 (1993 No 103).

88 Chief executive may establish and maintain hostels

(1) Without limiting the other powers conferred on the chief executive by this Act, the chief executive may from time to time, on behalf of the Crown,—

(a) purchase, take on lease, or otherwise acquire any land or premises for the purpose of providing or maintaining hostels for the accommodation of Maori:

(b) do all things necessary for the erection, replacement, repair, upkeep, improvement, maintenance, operation, furnishing, and equipment of any building or premises on any land to which paragraph (a) applies:

(c) employ such persons and pay such remuneration or wages as the chief executive thinks fit to any person employed at any such hostel:

(d) enter into such arrangements (whether by way of lease, licence, or otherwise) with such persons (whether as trustees, managers, or otherwise) as the chief executive thinks fit for the management or administration of any such hostel.

(2) Any land or premises acquired by the chief executive under this section may be sold, leased, or otherwise disposed of by the chief executive upon such terms and conditions as the chief executive thinks fit:

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

(3) In respect of any accommodation provided by the chief executive under this section, the chief executive may from time to time impose such charges as the chief executive thinks fit, and prescribe such rules as the chief executive thinks necessary for regulating the management and control of any hostel or the conduct of any person in any hostel.

(4) All expenditure incurred by the chief executive under this section shall be paid out of public money appropriated by Parliament, and all income derived by the chief executive under this section shall be paid into a Departmental Bank Account.

Section 88 heading: amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 88(1): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 88(1)(c): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 88(1)(d): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 88(2): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 88(3): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 88(4): amended, on 1 January 1992, pursuant to section 9(2) of the Ministry of Maori Development Act 1991 (1991 No 145).

Part 4
Miscellaneous provisions

89 Regulations

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

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 89(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

90 Transitional provision

(1) All lands that were, immediately before the commencement of this Act, subject to Part 24 of the Maori Affairs Act 1953 are hereby declared to be subject to Part 2 of this Act.

(2) All advances made under section 460 or section 460A of the Maori Affairs Act 1953 that were current immediately before the commencement of this Act shall be deemed to have been made under, and shall be subject to, section 85 or (as the case may require) section 86 of this Act.

Section 90(2): added, on 20 June 1991, by section 6 of the Maori Affairs Restructuring Amendment Act 1991 (1991 No 42).

91 Expiry

[Repealed]

Section 91: repealed, on 1 January 1992, by section 10(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Schedule 1
Amendments consequential upon restructuring of Department

[Repealed]

s 10

Schedule 1: repealed, on 1 January 1992, by section 10(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Schedule 2
Amendments consequential upon abolition of Board of Maori Affairs

[Repealed]

s 13

Schedule 2: repealed, on 1 January 1992, by section 10(1) of the Ministry of Maori Development Act 1991 (1991 No 145).

Schedule 3
Repeals consequential upon abolition of Board of Maori Affairs

s 13(2)

Maori Affairs Act 1953 (1953 No 94) (RS Vol 8, p 13)
Amendment(s) incorporated in the Act(s).

Maori Affairs Amendment Act 1962 (1962 No 45) (RS Vol 8, p 258)
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 Purposes Act 1960 (1960 No 120) (RS Vol 8, p 255)
Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1966 (1966 No 106) (RS Vol 8, p 264)
Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1972 (1972 No 135) (RS Vol 8, p 329)
Amendment(s) incorporated in the Act(s).

Maori Purposes Act (No 2) 1973 (1973 No 106) (RS Vol 8, p 331)
Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1975 (1975 No 148) (RS Vol 8, p 353)
Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1977 (1977 No 103) (RS Vol 8, p 356)
Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1979 (1979 No 136) (RS Vol 8, p 357)
Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1980 (1980 No 67) (RS Vol 8, p 359)
Amendment(s) incorporated in the Act(s).

Maori Purposes Act 1982 (1982 No 124)
Amendment(s) incorporated in the Act(s).

Maori Affairs Restructuring Amendment Act 1996

Public Act	1996 No 32
Date of assent	24 June 1996
Commencement	24 June 1996

1 Short Title

This Act may be cited as the Maori Affairs Restructuring Amendment Act 1996, and shall be read together with and deemed part of the Maori Affairs Restructuring Act 1989 (hereinafter referred to as "the principal Act").

2 Advances and other assistance to Maori

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

(2) Notwithstanding the repeal effected by subsection (1) of this section, but subject to subsection (3) of this section, subsections (2) and (3) of section 86 of the principal Act and subsections (5) to (7) and (10) of section 85 of the principal Act shall continue to apply (as if subsection (1) of this section had not been enacted) in relation to any money advanced under section 86 of the principal Act before the commencement of this Act.

(3) Notwithstanding subsection (2), no money advanced before the commencement of this Act under section 86 of the principal Act shall, after the commencement of this Act, be readvanced under section 85(6) of the principal Act.

Notes

1 General

This is a consolidation of the Maori Affairs Restructuring Act 1989 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Kāinga Ora–Homes and Communities Act 2019 (2019 No 50): section 33

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

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

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

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

Relationships (Statutory References) Act 2005 (2005 No 3): section 7

Cadastral Survey Act 2002 (2002 No 12): section 68(1)

Public Trust Act 2001 (2001 No 100): section 170(1)

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Arbitration Act 1996 (1996 No 99): section 18

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Wellington, New Zealand:

Published under the authority of the New Zealand Government—2024