

Version
as at 28 October 2021



Waitangi Endowment Act 1932–33

Public Act 1932 No 44
Date of assent 10 March 1933
Commencement 10 March 1933

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An Act to enable the Crown to carry out the trusts accepted by the Crown in respect of certain lands at Waitangi

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 the Department of Conservation.

Preamble

Whereas by transfer bearing date 1 March 1933, and given by the Right Honourable Charles, Baron Bledisloe, Governor-General and Commander-in-Chief of the Dominion of New Zealand, and the Right Honourable Alina Kate Elaine, Lady Bledisloe, his wife, in favour of His Majesty the King, the lands described in the Schedule were transferred to His Majesty the King:

And whereas such transfer was in trust for the purposes hereinafter mentioned:

And whereas it is desirable that provision should be made to enable the Crown to carry out such trusts as aforesaid.

1 Short Title

This Act may be cited as the Waitangi Endowment Act 1932–33.

2 Trusts of Waitangi Endowment

The said lands shall be held by the Crown under the name of the Waitangi Endowment, upon trust generally for afforestation and silvicultural purposes, and in particular upon trust to cultivate and maintain the same as a scenic background to the lands known as the Waitangi National Trust, and upon trust to pay from time to time to the Waitangi National Trust Board, constituted under the Waitangi National Trust Board Act 1932 for the general purposes of the said Board one-half of the net proceeds of all revenue that may be derived from the development and use for afforestation and silvicultural purposes of the lands comprised in the said transfer.

Section 2 proviso: repealed, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

3 Power to enter into management agreements

- (1) Subject to subsection (2), for the more effectual carrying out of the said trusts, the Minister of Conservation may enter into an agreement with Crown Forestry Management Limited or, after consultation with the Waitangi National Trust Board, with any other person or body, for Crown Forestry Management Limited, or that person or body, to manage, on behalf of the Crown, afforestation and silvicultural operations upon the said lands, subject to the requirements of the trust described in section 2.
- (2) It shall not be incumbent upon the Minister of Conservation so to administer the management of the said lands as would be necessary if the sole purpose of the said trust were the management of the said lands as a source of revenue; but regard shall be had to the obligation imposed by section 2 by maintaining the said lands as a scenic background for the lands of the Waitangi National Trust.

Section 3: replaced, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

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

4 Expenses of administration

All expenses incurred in the carrying out of the said trusts or otherwise in the administration of this Act shall be paid out of moneys from time to time appropriated by Parliament for that purpose.

5 Application of revenue

There shall from time to time, as the Minister of Conservation may direct, be paid to the Waitangi National Trust Board one-half of the revenue derived from the said lands after the deduction of the expenses of administration thereof.

Section 5: amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 5: amended, on 1 January 1950, pursuant to section 3(3) of the Forests Act 1949 (1949 No 19).

6 Powers of Controller and Auditor-General

Any question arising as to the amount of any revenue arising from the said lands or the propriety of any deduction for expenses of administration shall be decided by the Controller and Auditor-General.

7 Powers of sale and exchange

There shall be exercisable in respect of the said lands the same powers of sale as are conferred by section 300 of the Land Act 1924 in respect of national endowment land, and for the purpose of adjustment of boundaries with any adjoining landowner the same powers of exchange as are conferred by section 301 of the last-named Act:

provided always that no such powers of sale or exchange shall be exercised until after notification to and consultation with the Waitangi National Trust Board:

provided further that any money received or paid on the exercise of any such powers shall be credited to or disbursed from the revenue of the said lands:

provided also that nothing herein contained shall be deemed to confer on the said lands the status of national endowment land under the last-named Act.

8 Powers to subject other lands to this Act

- (1) The Governor-General may from time to time, by Order in Council, direct that any lands which are vested in the Crown or of which the Crown may enjoy the right of disposal and which adjoin or are adjacent to the lands described in the Schedule shall be subject to this Act, and thereupon the provisions of this Act shall apply to such lands in all respects as if they were part of the lands described in the said schedule.
- (2) An order under this section is 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 <i>Gazette</i>	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 8(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

9 Control of dogs

Nothing in this Act derogates from the provisions of Part 5C of the Conservation Act 1987, which provides for the control of dogs and which authorises the declaration as either a controlled dog area or an open dog area of any part or parts of the said lands.

Section 9: inserted, on 2 May 1996, by section 7 of the Conservation Amendment Act (No 2) 1996 (1996 No 14).

Schedule

First, all that parcel of land situate in the County of Bay of Islands and Kerikeri and Kawakawa Survey Districts, containing by admeasurement 1 138 acres, more or less, being part of Allotment numbered 4 of the Parish of Waitangi, and being the Lot numbered 1 on plan deposited in the Auckland District Land Registry, under Number 24475.

Secondly, all that parcel of land situate in the County of Bay of Islands and Kawakawa Survey District, containing by admeasurement 211 acres and 2 roods, more or less, being other part of Allotment numbered 4 and Part of Allotment numbered 6 of the Parish of Waitangi, and being the Lot numbered 4 on the said plan numbered 24475.

Notes

1 *General*

This is a consolidation of the Waitangi Endowment Act 1932–33 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

State-Owned Enterprises (Crown Forestry Management Limited) Order 1996 (SR 1996/122): clause 3

Conservation Amendment Act (No 2) 1996 (1996 No 14): section 7

Conservation Act 1987 (1987 No 65): section 65(1)

Forests Act 1949 (1949 No 19): section 3(3)