



ANALYSIS

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1993, No. 7—*Local*

An Act to amend the Greytown Trust Lands Act 1979

[26 August 1993]

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

1. Short Title—This Act may be cited as the Greytown District Trust Lands Amendment Act 1993, and shall be read together with and deemed part of the Act heretofore cited as the Greytown Trust Lands Act 1979 (hereinafter referred to as the principal Act).

2. Change of Short Title of Act—(1) The principal Act may hereafter be cited as the Greytown District Trust Lands Act 1979.

(2) The Short Title of the principal Act is hereby amended by inserting, after the word “Greytown”, the word “District”.

(3) Every reference in any enactment or other document whatsoever to the Short Title of the principal Act is hereby consequentially amended by inserting, after the word “Greytown”, the word “District”.

3. Interpretation—(1) Section 2 of the principal Act is hereby amended by repealing the definition of the term “district” (as substituted by section 28 of the Local Government

Amendment Act 1991), and substituting the following definition:

“‘District’ means the area delineated on S.O. Plan No. 36001 deposited with the Chief Surveyor of the Wellington Land District:”.

(2) Section 2 of the principal Act is hereby amended by omitting from the definition of the term “Trust Board” the words “Greytown Trust Lands Trustees”, and substituting the words “Greytown District Trust Lands Trustees”.

(3) Section 28 of the Local Government Amendment Act 1991 is hereby consequentially repealed.

4. Incorporation and constitution of Trust Board—

(1) Section 3 (1) of the principal Act is hereby amended by omitting the words “Greytown Trust Lands Trustees”, and substituting the words “Greytown District Trust Lands Trustees”.

(2) Section 3 (2) of the principal Act is hereby amended—

(a) By inserting, after the words “All references to the Greytown Trustees”, the words “or the Greytown Trust Lands Trustees”:

(b) By omitting the words “Greytown Trust Lands Trustees”, and substituting the words “Greytown District Trust Lands Trustees”.

5. Elections of members—Section 5 (2) of the principal Act is hereby amended by omitting the expression “1980”, and substituting the expression “1995”.

6. Repeal of transitional provisions—Section 6 of the principal Act is hereby repealed.

7. Disqualification from election or appointment—

(1) Section 8 (b) of the principal Act (as substituted by section 12 of the Local Government Amendment Act 1986) is hereby amended by omitting the words “death or”.

(2) Section 8 of the principal Act (as so substituted) is hereby amended by repealing paragraph (c), and substituting the following paragraph:

“(c) Any person who is the subject of a compulsory treatment order made under Part II of the Mental Health (Compulsory Assessment and Treatment) Act 1992 or who is a special patient as defined in section 2 (1) of that Act.”

8. Vacation of office by member—(1) Section 9 (1) of the principal Act (as so substituted) is hereby amended by repealing paragraph (c), and substituting the following paragraph:

“(c) Becomes subject to a compulsory treatment order made under Part II of the Mental Health (Compulsory Assessment and Treatment) Act 1992 or becomes a special patient as defined in section 2 (1) of that Act; or”.

(2) Section 9 (1) (d) of the principal Act (as so substituted) is hereby amended by omitting the words “death or”.

9. Trusts on which lands to be held—The principal Act is hereby amended by repealing section 13, and substituting the following section:

“13. Subject to the express provisions of this Act, the Trust Board shall hold, and shall be deemed always to have held, the trust lands for the following purposes:

“(a) Establishing, assisting in the establishment of, or generally assisting, educational facilities (including libraries) in the district:

“(b) Promoting and fostering in the district, or among persons who are, or who at some time have been, resident in the district, education generally, including (but not by way of limitation)—

“(i) The cultivation of; and

“(ii) The imparting of knowledge, proficiency, and skill in—

arts, science, technical subjects, literature, physical welfare, and other cultural purposes:

“(c) For purposes of public utility and for the purpose of maintaining and promoting in the district the general wellbeing of the public.”

10. Application of income from trust lands—(1) Section 14 of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraphs:

“(a) Paying and satisfying all the costs and expenses of the conduct and management of the business and affairs of the Trust Board:

“(aa) Paying to members of the Trust Board, in respect of any day on which they attend a meeting of the Trust Board or any committee of the Board, a fee not exceeding the maximum daily meeting allowance for the time being payable to members of the South Wairarapa District Council pursuant to a

determination in force under section 101ZZF of the Local Government Act 1974:

“(ab) Paying and satisfying the costs and expenses of conducting elections and polls under this Act:

“(ac) Paying and satisfying the general costs and expenses of the execution of the trusts and powers of this Act:”.

(2) Section 14 (d) of the principal Act is hereby amended by omitting the words “in the district”.

(3) Section 14 (g) of the principal Act is hereby amended by omitting the expression “\$500”, and substituting the expression “\$2,000”.

11. Powers of acquisition—Section 19 (2) of the principal Act is hereby amended by omitting the words “under the Public Works Act 1928”.

12. Exchange of trust lands—Section 22 (1) of the principal Act is hereby amended by omitting the words “in the district”.

13. Investment of money—(1) Section 26 (b) of the principal Act is hereby amended by omitting the words “, or in the Post Office Savings Bank or in the National Savings Account”.

(2) Section 26 of the principal Act is hereby amended by inserting, before the words “the income from such investments”, the words “, except as provided in section 26A of this Act,”.

14. Income from investment of proceeds of sale—The principal Act is hereby amended by inserting, after section 26, the following section:

“26A. (1) Notwithstanding anything in section 26 of this Act, where—

“(a) Any land has been sold under section 23 of this Act; and

“(b) All or any part of the proceeds of that sale are, or have been, invested under section 26 of this Act; and

“(c) The income available for application under section 14 (b) of this Act, in any financial year, is less than the amount that was applied for the purposes specified in section 13 of this Act in the immediately preceding financial year—

the Trust Board may apply income from the investment referred to in paragraph (b) of this subsection for all or any of the purposes specified in section 13 of this Act.

“(2) Nothing in subsection (1) of this section authorises the Trust Board to apply income under that subsection to such an extent that the total of the sum so applied, together with the sum applied under section 14 (b) of this Act, in any financial year is greater than the total amount applied for all or any of the purposes specified in section 13 of this Act in the immediately preceding financial year.”

15. Officers—Section 29 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) The auditor shall, in addition to his or her other responsibilities under this Act, be responsible for—

“(a) Oversight of the provisions of section 8 of this Act; and

“(b) Administration of the application of sections 6 and 7 of the Local Authorities (Members’ Interests) Act 1968, as applied by section 31 of this Act, and, in particular,—

“(i) The investigation, following receipt of a complaint or on his or her own motion, of any matter relating to the application of those provisions; and

“(ii) If the auditor considers the circumstances warrant it, the institution of proceedings against any person for any offence against section 7 (1) of that Act, as so applied.”

16. Member not to vote on question in which he or she has pecuniary interest—The principal Act is hereby amended by repealing section 31, and substituting the following section:

“31. (1) Subject to subsection (2) of this section, sections 6 and 7 of the Local Authorities (Members’ Interests) Act 1968 shall apply in respect of members of the Trust Board as if—

“(a) The Trust Board was a local authority for the purposes of those provisions; and

“(b) Every reference in those sections to the Audit Office was a reference to the auditor appointed under section 35 of this Act.

“(2) The amount of any fine imposed under section 7 (1) of the Local Authorities (Members’ Interests) Act 1968, as applied by subsection (1) of this section, shall be payable to the Trust Board.”
