

FINANCE BILL (NO. 2)

EXPLANATORY NOTE

Clause 1 relates to the Bill's Short Title.

PART I

MISCELLANEOUS PROVISIONS

Clause 2 validates certain irregularities in the appointment of members of the Foundation for Research, Science, and Technology.

Clause 3 relates to the Local Authorities Loans Board.

Subclause (1) declares the appointment of certain members of the Board to be valid. Section 4 (1) of the Local Authorities Loans Act 1956 provides that the Board is to comprise 3 *ex officio* members, and 4 other members appointed by the Governor-General and holding office "at pleasure" (that is to say, liable to removal from office at any time). For many years, it has been the custom for the appointed members of the Board to be appointed for a fixed term; and some doubts have now arisen as to the legality of such appointments when the Act does not expressly provide for them. Given that the validation effected by *subclause (2)* is definitely necessary, it seemed prudent to eliminate these doubts.

Subclause (2) deems the 4 members appointed in July 1991 (who were appointed for terms of 12 months only) to have been appointed for terms expiring on 19 May 1994, thus validating decisions made by the Board between 1 July 1992 and 19 May 1994. It was intended that all these members should be reappointed when their 12 month terms expired, and it was assumed by all concerned that they had been reappointed. In fact, their reappointment for a term from 1 July 1992 to 30 June 1993 was approved by the Minister of Finance but never put before Cabinet; and their reappointment for a term from 1 July 1993 to 30 June 1994 was approved by Cabinet but never put before the Governor-General. It became known earlier this year that these members had not been lawfully reappointed, and they were all reappointed by the Governor-General (for fixed terms of 2 years) on 20 May 1994.

Clause 4 relates to certain decisions made by the Local Authorities Loans Board. Section 6 (2) of the Local Authorities Loans Act 1956 provides that matters coming before the Board "shall be considered only at meetings of the Board". For some years, however, the Board has been purporting to make some of its decisions on the basis of a "round-robin". The clause validates decisions

already made on that basis; but makes no provision for the continuance of the practice.

Clause 5 relates to certain former Crown land vested in the Otago Area Health Board under the Area Health Boards Act 1983. While the land was Crown land, the Crown also had the benefit of several easements over adjacent land; but when it was vested in the Area Health Board, the declaration effecting the vesting inadvertently omitted all reference to the easements. The clause deems the vesting to have included the easements.

PART II

CONFIRMATION AND VALIDATION OF SUBORDINATE LEGISLATION

Part II confirms and validates certain subordinate legislation made under enactments providing that the legislation lapses after a time unless confirmed or validated by Act of Parliament.

Clause 6 validates and confirms an order under the War Pensions Act 1954.

Clause 7 validates and confirms regulations under the Social Security Act 1964.

Clause 8 confirms orders under the Customs Act 1966.

Clause 9 confirms an order under the Civil Aviation Act 1990.

Clause 10 repeals earlier enactments, now spent, confirming and validating subordinate legislation.

PART III

COMMERCE

Clause 12 amends section 2 of the Commerce Act 1986. The purpose of the amendment is to prevent companies that are subsidiaries of the Crown from taking advantage of the exemption from the restrictive trade practices provisions of the Act applying to interconnected bodies corporate.

PART IV

CROWN MINERALS

Clause 14 amends section 107 of the Crown Minerals Act 1991, relating to the continuation in force of existing privileges (as defined in section 106 of that Act).

The amendments make it clear that the holder of an existing privilege need apply for a consent under the Resource Management Act 1991, for any activity the holder wishes to carry out in connection with the privilege, only if that activity is not authorised by the statute under which the existing privilege was granted.

This clause is deemed to have come into force on 1 October 1991, being the date of commencement of the Crown Minerals Act 1991.

Clause 15 amends section 117 of the Crown Minerals Act 1991 to extend by 1 year, from 30 September 1994 to 30 September 1995, the end of the period within which the Minister of Energy must ensure that public notice is given of draft minerals programmes.

PART V

CUSTOMS

Clause 17 amends section 19A of the Customs Act 1966, which empowers Collectors of Customs to issue binding opinions on the tariff classification of goods. The amendments have 2 effects. First, power to give such opinions is taken from Collectors of Customs and given to the Comptroller of Customs (although it is likely that the power will often be exercised by other officers of the department under delegation from the Comptroller). Secondly, the present right to appeal against any opinion to the Comptroller (from whose decision

there is a further right to appeal to a Tariff Classification Mediator) is abolished. The effect of its abolition is to give a right to appeal directly to a Tariff Classification Mediator.

PART VI GEOTHERMAL WELLS VESTING AND EMPOWERING

Part VI vests certain geothermal wells in the Crown, and sets out the Crown's powers and duties in respect of those wells.

Clause 18 defines the terms "Crown well", "geothermal energy", "geothermal water", "Minister", "occupier", "owner", and "well".

"Crown well" is defined as a well vested in the Crown by *clause 19 (1)* and every well owned by the Crown and situated on the land described in the *First Schedule* on the commencement of the Bill, and every well drilled by or on behalf of the Crown on that land after the commencement of the Bill.

Clause 19 vests in the Crown the geothermal wells described in the *Second Schedule*, but not the land on which the wells are situated.

The owner and occupiers of the land will have no interest in the wells by reason only of being owners and occupiers.

Compensation is not payable to those owners and occupiers affected by the operation of the clause.

Clause 20 provides that the *Second Schedule* may be amended by Order in Council to omit any well or to correct any misdescription of a well.

Clause 21 provides that the Crown has the right, and is deemed always to have had the right, to occupy the land on which any Crown well is situated and such land surrounding the well as is reasonably required to be occupied while maintenance of the well is being carried out.

Clause 22 confers on the Crown, or any person on the Crown's behalf, the right at any time to do all things necessary in connection with the operation, use, and maintenance (including inspection, capping, and sealing) of any Crown well.

Clause 23, subclause (1) provides that, for the purposes of maintaining any Crown well, the Crown, or any person acting on the Crown's behalf, shall have the right to enter and cross any land, with such assistants, gear, appliances, and equipment as he or she thinks fit.

Subclause (2) to (4) set out the procedure for entry with notice and entry in an emergency.

Subclauses (5) to (7) provide for the payment of compensation by the Crown for any injurious affection to land caused by entry.

Clause 24 empowers the Minister of Finance to assign all of the Crown's interest in any Crown well.

On assignment, the Crown will have no liability in respect of the well for any matter arising on or after the date of assignment.

Clause 25 provides that, where the Minister has assigned the Crown's interest in any Crown well pursuant to *clause 24*, the assignee, and every subsequent assignee, is to have the same powers, rights, and obligations in respect of the well as were conferred on the Crown by *clauses 21, 22, and 23*, and is to maintain the well in a safe condition and finally leave it in a condition of lasting safety and stability.

Clause 26, subclause (1) provides that the Minister may enter into an agreement with any person for the supply to that person of geothermal energy from any Crown well on such conditions as the Minister thinks fit.

Subclause (2) provides that, notwithstanding anything in any other Act, any agreement entered into in accordance with *subclause (1)* before the commencement of *clause 24* is validated and declared to have been lawfully entered into as from the date of the agreement.

PART VII

HEALTH

Clause 28 inserts into the principal Act a new *section 92L*, which gives to the trustees of the blood transfusion trust established under *section 92j* of the principal Act the same protections against civil and criminal liability in respect of acts done in pursuance or intended pursuance of the purposes of that trust as other persons have (under *section 129* of the principal Act) in respect of acts done in pursuance or intended pursuance of provisions of the principal Act.

Clause 29 amends *section 129* of the principal Act so as to make clear that the legal protections given in respect of acts done in pursuance or intended pursuance of provisions of the principal Act extend to failures and refusals to act.

PART VIII

INCOME TAX

Part VII amends the Income Tax Act 1976 to—

- (i) Increase the rate of family support for additional children under 13 years of age from \$24 to \$27 per week; and
- (ii) Raise the threshold at which family support starts to abate from \$17,500 to \$20,000.

The changes take effect from 1 October 1994.

Clause 31 (1) and *(2)* insert the new rates and threshold into *section 374D* of the Act.

Subclause (3) sets out the transitional composite rates and threshold for the 1994–95 income year, having regard to the fact that the changes come into effect half-way through the year.

Subclause (4) is the provision that effectively brings the new rates and threshold into force on 1 October 1994 for the purposes of the payment of instalments of family support.

PART IX

RESOURCE MANAGEMENT

Part IX amends the Resource Management Act 1991.

Clause 33 amends *section 32* of the Resource Management Act 1991.

Subsection (1) of that section requires alternatives to be considered and benefits and costs to be assessed before any objective, policy, rule, or other method in relation to certain functions is adopted. Under the amendment now proposed those functions are defined with greater precision.

Comments contained in the judgment of the High Court in *Countdown Properties (Northlands) Ltd v. Dunedin City Council* have been interpreted as meaning that the actual scale and nature of the analysis carried out in relation to the functions set out in *section 32 (2)* of the Resource Management Act 1991 can be challenged. Under the amendment now proposed the challenge is to be to the outcome of the analysis and not to the process.

The judgment of the High Court indicates—

- (a) That the person carrying out the analysis ought to produce a report; and
- (b) That the report produced should be publicly available.

Under the amendment now proposed the person carrying out the analysis will not be required to produce a report but will be required to maintain records. However, except as required under the Official Information Act 1982 or the Local Government Official Information and Meetings Act 1987, there will be no obligation to make these records available to the public.

Clause 34 is a transitional provision that gives the Planning Tribunal power to waive a failure to perform at the appropriate time the duties imposed on any person by section 32 (1) of the Resource Management Act 1991. The Tribunal must be satisfied that no person has been unduly prejudiced by the failure.

Clause 35 contains additional transitional provisions.

Subclause (1) provides that where, in any proceedings, the Planning Tribunal has, before the commencement of the section, completed a hearing or made a decision in relation to certain matters, the Resource Management Act 1991 shall continue to apply in relation to those proceedings, and to the rights of appeal conferred by that Act in relation to those proceedings, as if this Bill had not been passed.

Subclause (2) provides that where, before the commencement of the section, proceedings have been commenced in the High Court or the Court of Appeal in relation to any of the matters specified in *paragraphs (a) to (d)* of *subclause (1)* and the hearing of those proceedings has been commenced before the commencement of the section, the Resource Management Act 1991 shall continue to apply in relation to those proceedings as if this Bill had not been passed.

PART X

STAMP AND CHEQUE DUTIES

Part X amends the Stamp and Cheque Duties Act 1971 to remove the liability to pay lease duty on instruments creating rights, privileges, and licences to use land or take profits from land. The change will mainly affect the granting of forestry and mineral rights.

Clause 37 substitutes a new definition of the term "rent" in section 2 of the Act, to reflect the altered definition of "lease" in section 8.

Clause 38 repeals paragraph (c) of the definition of "lease" in section 8 of the Act. That paragraph currently extends the common law meaning of "lease" to include instruments creating rights, privileges, and licences to use land or take profits from land. The consequence of the amendment is that lease duty will no longer be payable on such instruments executed on or after 1 July 1994.

PART XI

STATE-OWNED ENTERPRISES

Clause 40 amends section 17 of the principal Act by inserting a requirement that if the annual report and audited financial statements of a State enterprise, and the auditor's report on those statements, have not been laid before the House of Representatives within 5 weeks of the day on which the responsible Minister received them, the Minister must publish them, and publish in the *Gazette* a notice that they have been published.

Clause 41 amends section 18 of the principal Act, which requires the boards of State enterprises to supply information requested by the shareholding Ministers, or by persons specified by the shareholding Ministers. The amendment has the effect of giving those boards the same right to withhold information in order to protect privacy as section 45B (2) of the Public Finance Act 1989 gives the governing bodies of Crown entities.

Clause 42 inserts into the State-Owned Enterprises Act 1986 a new *section 30A*, relating to changes of name of State enterprises.

The names of State enterprises are specified by, and referred to in, statute; and doubts have arisen as to whether State enterprises can use the statutory mechanisms available to other New Zealand companies to change their names (and if so, what effect the statutory references have).

The new section enables statutory references to a State enterprise to be amended by Order in Council where the Crown is satisfied that it has changed its name (thus making clear that a State enterprise may change its name), and provides that a State enterprise does not cease to be a company “named” in a schedule to the principal Act or a company “with a name specified” in such a schedule if it changes its name.

FINANCE (NO. 2)

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STATE-OWNED ENTERPRISES

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A BILL INTITULED

An Act to make provision with respect to public finances and other matters

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

1. Short Title—This Act may be cited as the Finance Act (No. 2) 1994. 5

PART I

MISCELLANEOUS PROVISIONS

2. Foundation for Research, Science, and Technology—(1) In this section, unless the context otherwise requires,— 10

“The empowering Act” means the Foundation for Research, Science, and Technology Act 1990:

“The Foundation” means the Foundation for Research, Science, and Technology established by section 4 (1) of the empowering Act: 15

“Member” means member of the Foundation.

(2) Notwithstanding that notice of their appointment was not published in the *Gazette* as required by clause 1 (a) of the First Schedule to the empowering Act, each of the following persons is hereby (for the avoidance of doubt) deemed to have been on the 13th day of September 1990 lawfully appointed as a member for the term, commencing on that day, specified: 20

(a) Ronald Hugh Arbuckle, of Wellington, retired, for a term of 3 years: 25

(b) Brian Douglas Chamberlin, of Auckland, farmer, for a term of 2 years:

(c) Allan James Kerr, of Auckland, manager, for a term of 3 years:

(d) Ian Douglas Watson, of Palmerston North, university professor, for a term of 3 years: 30

(e) Patricia Rose Bergquist, of Auckland, university professor, for a term of 3 years:

(f) Michael William Dunbier, of Christchurch, civil servant, for a term of 3 years: 35

(g) Judith Anne Davey, of Wellington, social scientist, for a term of 2 years.

(3) The said Ronald Hugh Arbuckle is hereby deemed to have been appointed Presiding Member.

5 (4) Each of the following persons is hereby deemed to have been on the 26th day of March 1992 lawfully appointed as a member for a term commencing on that day and expiring with the close of the 25th day of March 1995:

(a) John Suffield Parker, of Wellington, manager:

(b) Ian William Axford, of Napier, scientist.

10 (5) The said Ronald Hugh Arbuckle is hereby deemed to have resigned office as a member at the close of the 30th day of June 1992.

(6) The said Ian William Axford is hereby deemed to have been appointed as Presiding Member on the 1st day of July 1992.

15 (7) Notwithstanding subsections (4) to (6) of this section, for the purpose only of the making of payments to him under clause 9 (1) of the First Schedule to the empowering Act, the said Ian William Axford is hereby deemed to have been appointed both as a member and as Presiding Member on the 1st day of March
20 1992.

(8) Roger Curtis Green, of Auckland, university professor, is hereby deemed to have been lawfully appointed as a member on the 26th day of October 1992 as successor to the said Judith Anne Davey, for a term commencing on that day and expiring
25 with the close of the 25th day of October 1995; and the term of the said Judith Anne Davey as a member shall be deemed to have expired accordingly.

(9) Each of the following persons is hereby deemed to have been on the 26th day of October 1992 lawfully appointed to be
30 a member for a term commencing on that day and expiring with the close of the 25th day of October 1995:

(a) Margaret Elizabeth Lawton, of Auckland, civil servant:

(b) Richard Gordon Maxwell Christie, of Wellington, manager.

35 (10) The validity of—

(a) Every purported meeting of the Foundation held before the 26th day of October 1993; and

(b) Every action and decision of the Foundation taken before that day,—

40 shall be determined having regard to subsections (2) to (9) of this section.

3. Local Authorities Loans Board: Appointment of certain members—(1) For the avoidance of doubt, it is hereby declared that—

(a) No appointment under section 4 (1) (d) of the Local Authorities Loans Act 1956 (being an appointment made before the commencement of this Act) of a member of the Local Authorities Loans Board constituted by section 4 (1) of that Act (hereafter in this section and **section 4** of this Act referred to as the Board) is invalid by reason only that it was made for a fixed term; and 5

(b) Except as provided in **subsection (2)** of this section, the term of every member of the Board appointed for a fixed term before that commencement ended on the expiration of the term. 10

(2) Every member of the Board holding office under the said section 4 (1) (d) immediately before the 1st day of July 1992 shall be deemed to have been appointed for a term expiring with the close of the 19th day of May 1994; and the validity of every action of the Board taken before the 20th day of May 1994 shall be determined accordingly. 15

4. Local Authorities Loans Board: Validating certain decisions—(1) Every matter determined by the Board that was, at a time before the 1st day of April 1994,— 20

(a) Signed; or

(b) Assented to by electronic message, facsimile message, letter, telegram, or telex,—

by all the persons who were then members of the Board is hereby deemed to have been as validly and effectually determined as if it had been determined at a meeting of the Board duly called and constituted. 25

(2) For the purposes of **subsection (1)** of this section,—

(a) The signature or assent at any time before the 1st day of April 1988 of any person who was then— 30

(i) An officer of same department of State as a person who was then (by virtue of any of paragraphs (a) to (c) of section 4 (1) of the Local Authorities Loans Act 1956) a member of the Board; and 35

(ii) Authorised by the member to act in the member's place in relation to matters coming before the Board,—

is hereby deemed to have been as valid and effectual as if it had been the signature or assent of the member; and 40

(b) The signature or assent at any time after the 31st day of March 1988 of any person who was then—

(i) An employee of a department of State whose chief executive was then (by virtue of any of the said paragraphs (a) to (c)) a member of the Board; and

5 (ii) Authorised by the member to act in the member's place in relation to matters coming before the Board,—

is hereby deemed to have been as valid and effectual as if it had been the signature or assent of the member.

10 (3) For the purposes of **subsection (2)** of this section,—

(a) The fact that at any time before the 1st day of April 1988 any officer of same department of State as a person who was then (by virtue of any of the said paragraphs (a) to (c)) a member of the Board signed or assented to any decision of the Board in relation to a matter coming before the Board is conclusive proof that the officer was then authorised by the member to act in the member's place in relation to matters coming before the Board; and

20 (b) The fact that at any time after the 31st day of March 1988 any employee of a department of State whose chief executive was then (by virtue of any of the said paragraphs (a) to (c)) a member of the Board signed or assented to any decision of the Board in relation to a matter coming before the Board is conclusive proof that the employee was then authorised by the member to act in the member's place in relation to matters coming before the Board.

30 **5. Otago Area Health Board: Deeming interest in land to include appurtenant easements**—(1) The declaration (published in the *Gazette* on the 24th day of June 1993 at page 1721) that the land described in **subsection (2)** of this section vested in the Otago Area Health Board in fee simple for area health board purposes shall have effect, and shall be deemed always to have had effect, as if that land had been described in that declaration as having appurtenant to it the easements specified in **subsection (3)** of this section.

40 (2) The land referred to in **subsection (1)** of this section is all that parcel of land containing 1 acre 3 roods 37.6 perches, situated in Block IV, Waikouaiti Survey District, Otago R.D. and being part Section 15 as delineated on Plan S.O. 11981, taken for a mental hospital by Proclamation 7227 (Otago Registry).

(3) The easements referred to in **subsection (1)** of this section are—

- (a) The easements, created by the said Proclamation 7227, over the land described in the Second to Fifth Schedules to that proclamation; and
- (b) The easements, created by the declaration (published in the *Gazette* on the 17th day of April 1969 at page 750) that the land described in **subsection (4)** of this section was taken for a mental hospital, over the land described in the Third Schedule to that declaration; and 5
- (c) The easements over the land described in **subsection (5)** of this section taken by the declaration published in the *Gazette* on the 18th day of December 1969 at page 2636; and 10
- (d) The easements over the land described in **subsection (6)** of this section taken by the declaration published in the *Gazette* on the 22nd day of October 1970 at page 1919. 15
- (4) The land referred to in **subsection (3) (b)** of this section is all that parcel of land containing 35.2 perches, situated in Block III, Waikouaiti Survey District, being part Lots 5 and 6 on Deposited Plan 2084, being part Section 2 as delineated on Plan S.O. 15930, taken for a mental hospital by *Gazette* notice 341208 (Otago Registry). 20
- (5) The land referred to in **subsection (3) (c)** of this section is all that piece of land containing 1 acre 1 rood 0.7 perches, situated in Block XII, Waikouaiti Survey District, Otago R.D., being part sections 67A, 67B, 67C, 67D, 68, 69, and 70; as the same is more particularly delineated on the plan marked M.O.W. 23032 (S.O. 15929) deposited in the office of the Minister of Works in Wellington, and thereon coloured yellow. 30
- (6) The land referred to in **subsection (3) (d)** of this section is all that piece of land containing 23.3 perches, situated in Block III, Waikouaiti Survey District, Otago R.D., being part sections 49A and 50; as the same is more particularly delineated on the plan marked M.O.W. 23033 (S.O. 15930) deposited in the office of the Minister of Works in Wellington, and thereon coloured yellow. 35
- (7) The District Land Registrar of the Otago Land Registration District shall do all things, and make all entries in the registers, necessary to give effect to **subsection (1)** of this section. 40

PART II

CONFIRMATION AND VALIDATION OF SUBORDINATE
LEGISLATION

5 **6. Order under War Pensions Act 1954**—The War Pensions (Rates of Pensions and Allowances) Order 1994 is hereby validated and confirmed.

7. Regulations under Social Security Act 1964—The following regulations are hereby validated and confirmed:

- 10 (a) Regulation 3 of the Social Security (Disability Services—
Financial Assessment) Regulations 1994:
(b) The Social Security (Rates of Benefits and Allowances) Regulations 1994.

8. Orders under Customs Act 1966—The following orders are hereby confirmed:

- 15 (a) The Excise Duty (Tobacco Products Indexation) Amendment Order (No. 2) 1993:
(b) The Excise Duty (Alcoholic Beverages Indexation) Amendment Order 1994:
20 (c) The Excise Duty (Tobacco Products Indexation) Amendment Order 1994.

9. Order under Civil Aviation Act 1990—The Civil Aviation (Safety) Levies Order 1993, Amendment No. 1 is hereby confirmed.

25 **10. Repeals**—The following enactments are hereby repealed:

- (a) The Social Security (Rent Rebate and Rates of Benefits and Allowances) Orders Confirmation Act 1993:
(b) The War Pensions (Rates of Pensions and Allowances) Order Confirmation Act 1993:
30 (c) Sections 3 to 5, section 7, and Part II, of the Subordinate Legislation (Confirmation and Validation) Act 1993.

PART III

COMMERCE

35 **11. Part to be read with Commerce Act 1986**—This Part of this Act shall be read together with and deemed part of the Commerce Act 1986* (hereafter in this Part of this Act referred to as the principal Act).

*1986, No. 5

Amendments: 1990, No. 41; 1990, No. 84

12. Interpretation—(1) Section 2 of the principal Act is hereby amended by inserting, after subsection (7), the following subsection:

“(7A) For the purposes of subsection (7) of this section, no body corporate shall be regarded as a subsidiary (within the meaning of sections 158 and 158A of the Companies Act 1955 or sections 5 and 6 of the Companies Act 1993, as the case may be) of the Crown.”

(2) Section 2 (4) of the Finance Act 1994 is hereby consequentially amended by omitting the words “, or as having ever been”, and substituting the words “having been, at any time before the commencement of **Part III of the Finance Act (No. 2) 1994**”.

PART IV

CROWN MINERALS

13. Part to be read with Crown Minerals Act 1991—

(1) This Part of this Act shall be read together with and deemed part of the Crown Minerals Act 1991* (hereafter in this Part of this Act referred to as the principal Act).

(2) Except as provided in **section 14 (3)** of this Act, this Part of this Act shall come into force on the day on which this Act receives the Royal assent.

*1991, No. 70

Amendment: 1993, No. 139

14. Existing privileges—(1) Section 107 (1) of the principal Act (as substituted by section 16 (1) of the Crown Minerals Amendment Act 1993) is hereby amended—

(a) By omitting from paragraph (a) the words “Subject to subsection (3), the”, and substituting the word “The”:

(b) By omitting from paragraph (b) the words “Subject to subsection (3), the”, and substituting the word “The”.

(2) Section 107 of the principal Act (as so substituted) is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) Where the holder of any such privilege wishes to carry out any activity, in connection with the privilege, which is not authorised by any statutory right referred to in subsection (1) (a) of this section applicable to the privilege, the Resource Management Act 1991 shall apply in respect of that activity.”

(3) This section shall be deemed to have come into force on the 1st day of October 1991.

15. Minister's obligations in respect of minerals programmes—Section 117 (b) of the principal Act is hereby amended by omitting the figure “3”, and substituting the figure “4”.

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PART V

CUSTOMS

16. Part to be read with Customs Act 1966—This Part of this Act shall be read together with and deemed part of the Customs Act 1966*.

*R.S. Vol. 2, p. 57

Amendments: 1979, No. 7; 1979, No. 137; 1980, No. 5; 1980, No. 33; 1981, No. 2; 1981, No. 5; 1981, No. 20; 1982, No. 9; 1982, No. 112; 1982, No. 126; 1983, No. 5; 1983, No. 41; 1984, No. 6; 1985, No. 131; 1985, No. 141; 1985, No. 145; 1986, No. 44; 1987, No. 63; 1987, No. 75; 1987, No. 89; 1987, No. 128; 1988, No. 17; 1988, No. 127; 1988, No. 182; 1989, No. 13; 1989, No. 47; 1990, No. 89; 1990, No. 17; 1991, No. 73; 1991, No. 84; 1991, No. 130; 1992, No. 30; 1993, No. 6; 1993, No. 8

10 **17. Tariff classification opinions**—(1) Section 19A of the Customs Act 1966 (as inserted by section 3 of the Customs Amendment Act 1987) is hereby amended by omitting from subclauses (1), (2), and (5) the word “Collector”, and substituting in each case the word “Comptroller”.

15 (2) The said section 19A is hereby consequentially amended by repealing subsection (3).

(3) On and after the commencement of this Part of this Act,—

(a) Every application made to the Collector before that commencement under subsection (1) of the said section 19A and not dealt with before that commencement shall be dealt with as if it had been made to the Comptroller on that commencement:

20 (b) Every Tariff Classification Opinion given under subsection (2) of the said section 19A before that commencement shall have effect as if it had been given by the Comptroller:

25 (c) Every reference in the Customs Tariff Classification Opinion Fees Regulations 1988 to the Collector of Customs shall be read as including a reference to the Comptroller.

30 (4) Nothing in subsection (3) (c) of this section limits or prevents the amendment or revocation of the Customs Tariff Classification Opinion Fees Regulations 1988.

PART VI

GEOTHERMAL WELLS VESTING AND EMPOWERING

18. Interpretation—In this Part of this Act, unless the context otherwise requires,—

“Crown well” means a well vested in the Crown by section 19 (1) of this Act, and every well owned by the Crown and situated on the land described in the First Schedule to this Act on the commencement of this Act, and every well drilled by or on behalf of the Crown on that land after the commencement of this Act: 5 10

“Geothermal energy” means energy derived or derivable from and produced within the earth by natural heat phenomena; and includes all geothermal water:

“Geothermal water” means water heated within the earth by natural phenomena to a temperature of 30 degrees Celsius or more; and includes all steam, water, and water vapour, and every mixture of all or any of them that has been heated by natural phenomena: 15 20

“Minister” means the Minister of Finance or any Minister of the Executive Council acting on behalf of the Minister of Finance:

“Occupier”, in relation to any land,—

(a) Means the inhabitant occupier of the land; and 25

(b) In relation to any rateable property within the meaning of the Rating Powers Act 1988, includes any occupier of the property within the meaning of that Act; and

(c) Includes any person who has agreed in writing, whether conditionally or unconditionally, to purchase any leasehold estate or interest in the land, or to lease the land, while the agreement remains in force: 30

“Owner”, in relation to any land, means the person who is for the time being entitled to the rack rent of the land or who would be so entitled if the land were let to a tenant at a rack rent; and includes the— 35

(a) Owner of the fee simple of the land; and

(b) Any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land, while the agreement remains in force: 40

“Well” means any hole, pipe, or excavation of any kind which is bored, drilled, sunk or made in the ground for the purpose of investigating, prospecting,

obtaining, or producing geothermal energy, or which taps or is likely to tap geothermal energy; and includes—

- 5 (a) Any hole in the ground which taps geothermal energy; and
 (b) All above-ground fixtures relating to the well, including any well-head equipment, drilling pad, and cellar.

10 **19. Certain wells vested in Crown—**(1) The wells described in the **Second** Schedule to this Act are hereby vested, and shall be deemed always to have been vested, in the Crown.

(2) For the purposes of this Act, each Crown well and the land on which it is situated shall be regarded as separate assets each capable of separate ownership.

15 (3) The owner of any land on which a Crown well, or a well which was at any time a Crown well, is situated shall have no interest in the well by reason only of being the owner of the land.

20 (4) The occupier of any land on which a Crown well, or a well which was at any time a Crown well, shall have no right to occupy or use the well by reason only of being the occupier of the land.

25 (5) Compensation shall not be payable to the owner or occupier of any land on which is situated any Crown well to which this section applies affected by the operation of this section.

30 **20. Second Schedule may be amended—**(1) The Governor-General may from time to time, by Order in Council, amend the **Second** Schedule to this Act by omitting any well described in that Schedule or by amending the description of any such well to correct any misdescription.

(2) Every Order in Council made under **subsection (1)** of this section shall be deemed to have come into force on the commencement of this Act.

35 **21. Right to occupy Crown well sites—**The Crown shall have the right, and shall be deemed always to have had the right, at all times to occupy the land on which any Crown well is situated and such land surrounding the well as is reasonably required to be occupied while maintenance of the well is being
 40 carried out.

22. Powers of Crown in respect of Crown wells—Subject to sections 23 and 24 of this Act, the Crown, or any person on the Crown's behalf, shall have the right at any time to do all things necessary in connection with the operation, use, and maintenance (including inspection, capping, and sealing) of any Crown well. 5

23. Access to land on which Crown wells are situated—

(1) For the purposes of maintaining any Crown well, the Crown, or any person acting on the Crown's behalf, shall have the right to enter and cross any land, with such assistants, gear, appliances, and equipment as he or she thinks fit. 10

(2) Subject to subsection (3) of this section, before entering any land pursuant to subsection (1) of this section, the person proposing to enter shall give not less than 5 days' written notice of his or her intention to do so to the owner and occupier of the land. 15

(3) In the event of an emergency relating to a Crown well, the powers conferred by subsection (1) of this section may be exercised without complying with subsection (2) of this section, but the owner and occupier of the land shall be given written notice of the entry within 3 days after it occurred. 20

(4) Every officer, employee, or agent of the Crown acting pursuant to this section shall have with him or her, and shall produce on initial entry and at any other time if required to do so, evidence of his or her identity and authority to enter the land. 25

(5) The Crown shall fully compensate every person having any right, title, estate or interest in any land or any property injuriously affected by the exercise by the Crown of any of the powers authorised under this section for all loss, injury, or damage suffered by that person. 30

(6) In default of agreement between the parties, claims for compensation under this section shall be made and determined within the time and in the manner provided by Part V of the Public Works Act 1981; and the provisions of that Part shall, as far as they are applicable and with the necessary modifications, apply with respect to claims under this section. 35

(7) Subsections (5) and (6) of this section shall not apply in respect of any injurious affection in respect of which compensation has been paid, or agreed to be paid, before the commencement of this Act. 40

24. Assignment of Crown's interest in Crown wells—

(1) The Minister may assign all of the Crown's interest in any Crown well on such conditions as the Minister thinks fit.

5 (2) On and after the date on which any Crown well is assigned pursuant to **subsection (1)** of this section, the Crown shall have no obligation to maintain the well, and shall have no liability in respect of the well for any matter arising on or after that date.

10 **25. Assignees' rights and obligations in respect of wells—**Where the Minister has assigned the Crown's interest in any Crown well pursuant to **section 24** of this Act, the assignee, and every subsequent assignee—

(a) Shall have the same powers, rights, and obligations in respect of the well as were conferred on the Crown by **sections 21, 22, and 23** of this Act, as if references in that section and in Part V of the Public Works Act 1981 (as applied by **section 23(6)** of this Act) to the Crown were references to the assignee; and

20 (b) Shall maintain the well in a safe condition and finally leave it in a condition of lasting safety and stability.

26. Geothermal energy supply agreements—(1) The Minister may enter into an agreement with any person for the supply to that person of geothermal energy from any Crown well on such conditions as the Minister thinks fit.

25 (2) Notwithstanding anything in any other Act, any agreement entered into in accordance with **subsection (1)** of this section before the commencement of this section is hereby validated and declared to have been lawfully entered into as from the date of the agreement.

30

PART VII

HEALTH

27. Part to be read with Health Act 1956—This Part of this Act shall be read together with and deemed part of the Health Act 1956* (hereafter in this Part of this Act referred to as the principal Act).

35

*R.S. Vol. 31, p. 467

28. Protection of trustees of blood transfusion trust—

The principal Act is hereby amended by inserting, after section 92k (as substituted by section 27 (1) of the Health Amendment Act 1993), the following section:

40 "92L. Section 129 of this Act shall have effect in respect of any person who, at any time (before or after the

commencement of this Part of this Act) when the person was a trustee of a trust established under section 92j of this Act, in pursuance or intended pursuance of—

- “(a) The purposes of that trust; or
 - “(b) The person’s duties as a trustee of that trust,— 5
- has done any act, or failed or refused to do any act, as if the person has acted, or failed or refused to act, in pursuance or intended pursuance of a provision of this Act.”

29. Protection of persons acting under authority of Act—Section 129 of the principal Act is hereby amended— 10

- (a) By omitting from subsection (1) the words “does any act in pursuance or intended pursuance of any of the provisions of this Act”, and substituting the words “, in pursuance or intended pursuance of any of the provisions of this Act, does any act, or fails or refuses to do any act,”; and 15
- (b) By inserting in subsections (1) and (2), after the word “acted”, the words “, or failed or refused to act,”; and
- (c) By omitting from subsection (2) the words “such act”, and substituting the words “act, failure, or refusal, to which subsection (1) of this section applies”; and 20
- (d) By inserting in subsection (4), after the word “act”, the words “, failure, or refusal,”.

PART VIII 25

INCOME TAX

30. Part to be read with Income Tax Act 1976—(1) This Part of this Act shall be read together with and deemed part of the Income Tax Act 1976* (hereafter in this Part of this Act referred to as the principal Act). 30

(2) This Part of this Act shall apply with respect to the tax on income derived in the 1994–95 income year and subsequent years.

*R.S. Vol. 29-1, p. 1
R.S. Vol. 29-2, p. 999

31. Family support credit of tax—(1) Section 374D (2) of the principal Act is hereby amended by repealing item y, and substituting the following item: 35

- “y is an amount equal to the aggregate of—
 - “(i) \$2,184 in respect of the eldest dependent child; and
 - “(ii) \$2,184 for each additional dependent child (not 40
- being a child referred to in paragraph (i) of this item) who

was born on or before the 30th day of September 1977; and

5 “(iii) \$1,820 for each additional dependent child (not being a child referred to in paragraph (i) or paragraph (ii) of this item) who is 13, 14, 15, 16, 17, or 18 years of age; and

“(iv) \$1,404 for each additional dependent child not previously mentioned above,—
10 being in each case a dependent child in respect of whom the person is a principal caregiver throughout the eligible period, diminished by—

“(v) Nil, where the specified income of the person in relation to the specified period does not exceed \$20,000:

15 “(vi) Where the specified income of the person in relation to the specified period exceeds \$20,000 but does not exceed \$27,000, 18 cents for every complete dollar of that excess:

20 “(vii) Where the specified income of the person in relation to the specified period exceeds \$27,000, the amount of \$1,260 increased by 30 cents for every complete dollar of that excess; and”.

(2) Section 374D (3) of the principal Act is hereby amended by repealing item y, and substituting the following item:

25 “y is an amount equal to the aggregate of—

“(i) \$2,184 in respect of the eldest dependent child; and

30 “(ii) \$2,184 for each additional dependent child (not being a child referred to in paragraph (i) of this item) who was born on or before the 30th day of September 1977; and

35 “(iii) \$1,820 for each additional dependent child (not being a child referred to in paragraph (i) or paragraph (ii) of this item) who is 13, 14, 15, 16, 17, or 18 years of age; and

“(iv) \$1,404 for each additional dependent child not previously mentioned above,—
40 being in each case a dependent child in respect of whom the person is a principal caregiver throughout the eligible period, diminished by—

“(v) Nil, where the specified income of the eligible person or the specified income of the other person, or the aggregate of those specified incomes, as the case

may be, in relation to the specified period does not exceed \$20,000:

“(vi) Where the specified income of the eligible person or the specified income of the other person, or the aggregate of those specified incomes, as the case may be, in relation to the specified period exceeds \$20,000 but does not exceed \$27,000, 18 cents for every complete dollar of that excess: 5

“(vii) Where the specified income of the eligible person or the specified income of the other person, or the aggregate of those specified incomes, as the case may be, in relation to the specified period exceeds \$27,000, the amount of \$1,260 increased by 30 cents for every complete dollar of that excess; and”. 10

(3) Notwithstanding anything in the principal Act, subsections (2) and (3) of section 374D of the principal Act (as amended by subsections (1) and (2) of this section) shall be read in respect of the tax on income derived in the 1994–95 income year as if— 15

(a) The reference to the sum of \$1,404 in paragraph (iv) of item y in each of those subsections were instead a reference to the sum of \$1,326; and 20

(b) The reference to the sum of \$20,000 in paragraph (v) of item y in each of those subsections were instead a reference to the sum of \$18,750. 25

(4) For the purposes of the calculation required by section 374C (4) (c) of the principal Act the reference to section 374D of the principal Act shall apply as if,—

(a) For certificates issued in terms of section 374C (3) of the principal Act in respect of the period commencing on the 1st day of April 1994 and ending with the 30th day of September 1994, subsections (1) to (3) of this section had not been enacted; and 30

(b) For certificates issued in terms of section 374C (3) of the principal Act in respect of the period commencing on the 1st day of October 1994 and ending with the 31st day of March 1995, subsection (3) of this section had not been enacted. 35

(5) Section 92 of the Income Tax Amendment Act (No. 3) 1993 is hereby consequentially amended by repealing subsections (1) to (4). 40

PART IX

RESOURCE MANAGEMENT

5 **32. Part to be read with Resource Management Act 1991**—(1) This Part of this Act shall be read together with and deemed part of the Resource Management Act 1991* (hereafter in this Part of this Act referred to as the principal Act).

(2) Except as provided in section 33 (2) of this Act, this Part of this Act shall come into force on the day on which this Act receives the Royal assent.

*R.S. Vol. 32, p. 131

15 **33. Duties to consider alternatives, assess benefits and costs, etc.**—(1) Section 32 of the principal Act (as amended by section 23 of the Resource Management Amendment Act 1993) is hereby amended by repealing subsections (2) and (3), and substituting the following subsections:

“(2) Subsection (1) applies to—

“(a) The Minister, in relation to—

20 “(i) The public notification, under section 46 (b), of a proposed national policy statement:

“(ii) The recommendation, under section 52 (2), that the Governor-General in Council approve any national policy statement:

25 “(iii) The public notification, under section 46 (b) (as applied by section 53), of any review of, change to, or revocation of a national policy statement:

“(iv) The recommendation, under section 52 (2) (as applied by section 53), that the Governor-General in Council approve any review of, change to, or revocation of a national policy statement:

30 “(v) Any recommendation that regulations be made under section 43:

“(b) The Minister of Conservation, in relation to—

35 “(i) The public notification, under section 46 (b) (as applied by section 57) of a proposed New Zealand coastal policy statement:

“(ii) The recommendation, under section 52 (2) (as applied by section 57), that the Governor-General in Council approve any New Zealand coastal policy statement:

40 “(iii) The public notification, under section 46 (b) (as applied by section 57), of any review of, change to, or revocation of a New Zealand coastal policy statement:

“(iv) Any recommendation under section 52 (2) (as applied by section 57), that the Governor-General in Council approve any review of, change to, or revocation of a New Zealand coastal policy statement: 5

“(v) Any requirement, under clause 19 (1) of the First Schedule, to amend a regional coastal plan:

“(c) Every local authority, in relation to—

“(i) The preparation under clause 2 (1) (of the First Schedule) of a proposed regional policy statement or proposed plan or a change to a regional policy statement or a plan: 10

“(ii) Any decision made under clause 10 of the First Schedule on a proposed regional policy statement or on a proposed plan or on a change or on a variation: 15

“(iii) Any decision made under clause 16A of the First Schedule to initiate a variation to a proposed regional policy statement or to a proposed plan:

“(iv) Any decision made under clause 29 (4) of the First Schedule on any plan or change requested under clause 21 of that Schedule. 20

“(3) No person may challenge, under this Act, the process by which any of the duties imposed on any person by subsection (1) have been undertaken but nothing in this section prevents any person from challenging, in a submission made under this Act, any objective, policy, rule, or other method on the ground that, having regard to the requirements of this section, that objective, policy, rule, or other method is unnecessary or inappropriate. 25 30

“(4) Every person on whom duties are imposed by subsection (1) shall maintain records, in a form that that person considers appropriate, of the action taken by that person in the discharge of those duties, but, except as required under the Official Information Act 1982 or the Local Government Official Information and Meetings Act 1987, no such person shall be obliged to make those records, or the information that they contain, publicly available.” 35

(2) Section 32 (4) of the principal Act (as enacted by subsection (1) of this section) shall be deemed to have come into force on the 1st day of October 1991. 40

(3) Section 23 of the Resource Management Amendment Act 1993 is hereby consequentially repealed.

34. Power to waive procedural defects—Where a proposed regional policy statement, proposed plan, proposed change (which includes any plan or change requested under clause 21 of the First Schedule to the principal Act), or variation has been notified under the principal Act before the commencement of this section and there has been, whether before or after the commencement of this section, a failure on the part of any person to discharge at the appropriate time any duties in relation to that statement, plan, change, or variation (being duties that have been imposed on that person by section 32 (1) of the principal Act), the Planning Tribunal may, in any proceedings before it in relation to that statement, plan, change, or variation, waive that failure if it is satisfied that no person has been unduly prejudiced by that failure.

35. Transitional provisions—(1) Where, in any proceedings, the Planning Tribunal has, before the commencement of this section, completed a hearing, or made a decision, in relation to—

- (a) Any provision of a proposed regional policy statement or proposed plan; or
- (b) Any variation to a proposed regional policy statement or proposed plan; or
- (c) Any change to a regional policy statement or plan; or
- (d) Any plan or change requested under clause 21 of the First Schedule to the principal Act,—

the principal Act shall continue to apply in relation to those proceedings, and to the rights of appeal conferred by the principal Act in relation to those proceedings, as if this Act had not been passed.

(2) Where, before the commencement of this section, proceedings have been commenced in the High Court or the Court of Appeal in relation to any of the matters specified in paragraphs (a) to (d) of subsection (1) of this section and the hearing of those proceedings has been commenced before the commencement of this section, the principal Act shall continue to apply in relation to those proceedings as if this Act had not been passed.

PART X

STAMP AND CHEQUE DUTIES

36. Part to be read with Stamp and Cheque Duties Act 1971—(1) This Part of this Act shall be read together with and

deemed part of the Stamp and Cheque Duties Act 1971* (hereafter in this Part of this Act referred to as the principal Act).

(2) This Part of this Act shall apply with respect to all instruments executed on or after the 1st day of July 1994. 5

*R.S. Vol. 23, p. 771

Amendments: 1989, No. 154; 1991, No. 12; 1991, No. 76; 1992, No. 4; 1992, No. 118; 1993, No. 133

37. Interpretation—Section 2 of the principal Act is hereby amended by repealing the definition of the term “rent”, and substituting the following definition:

“‘Rent’, in relation to any easement over land, means every consideration which would be rent if the easement were a leasehold interest.”. 10

38. Meaning of term “lease”—Section 8 of the principal Act is hereby amended by repealing paragraphs (b) and (c), and substituting the following paragraph:

“(b) Any easement over land,—”. 15

PART XI

STATE-OWNED ENTERPRISES

39. Part to be read with State-Owned Enterprises Act 1986—This Part of this Act shall be read together with and deemed part of the State-Owned Enterprises Act 1986* (hereafter in this Part of this Act referred to as the principal Act). 20

*1986, No. 124

Amendments: 1987, No. 117; 1988, No. 1; 1988, No. 23; 1988, No. 82; 1988, No. 162; 1988, No. 169; 1989, No. 45; 1989, No. 57; 1989, No. 141; 1990, No. 23; 1990, No. 49; 1990, No. 83; 1992, No. 27; 1992, No. 57

40. Information to be laid before House of Representatives—Section 17 of the principal Act (as amended by section 3 (2) of the State-Owned Enterprises Amendment Act 1992) is hereby amended by inserting, after subsection (2), the following subsection: 25

“(2A) Where any documents (being documents prepared in respect of a financial year of a State enterprise) that are required by subsection (2) of this section to be laid before the House of Representatives have not been so laid within 5 weeks of the responsible Minister’s receiving all of them, the Minister shall— 30

“(a) Cause those of them referred to in paragraphs (b) and (c) of that subsection to be published not later than 5 weeks after that day; and 35

“(b) Arrange for the publication in the *Gazette* of a notice indicating that they have been published.”

41. Other information—Section 18 of the principal Act (as substituted by section 2 of the State-Owned Enterprises Amendment Act 1990) is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) A request under subsection (1) of this section may be refused if the withholding of the information requested is necessary to protect the privacy of any person (whether or not a natural person or a deceased natural person) and there would, under the Official Information Act 1982, be good reason for withholding it if,—

- “(a) The request had been made under section 12 of that Act; and
- “(b) Section 9 (2) (a) of that Act applied to all persons, whether natural or not; and
- “(c) In the case of a request made by a shareholding Minister, the need to protect the privacy of any person is not outweighed by the Minister’s need to have the information in order to discharge the Minister’s ministerial duties.”

42. Changes of name—The principal Act is hereby amended by inserting, after section 30, the following section:

“30A. (1) Subject to **subsection (2)** of this section, the Governor-General may from time to time, by Order in Council made on the recommendation of the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act, amend any enactment by omitting from it the name of any State enterprise and substituting some other name.

“(2) The Minister shall not recommend the making of an order under **subsection (1)** of this section in respect of a State enterprise unless satisfied that—

- “(a) There has been issued to it under section 23 (3) (b) of the Companies Act 1993 or section 32A (2) (b) of the Companies Act 1955 a certificate of incorporation recording a change of its name to the name proposed to be substituted by the order; or
- “(b) There has been published in the *Gazette* under section 32 (5) of the Companies Act 1955 a notice of the change of its name to the name proposed to be substituted by the order.

“(3) A State enterprise does not cease to be—

“(a) A State enterprise; or

“(b) A company named in a schedule to this Act; or

“(c) A company with a name specified in a schedule to this
Act,—

5

by reason only of changing its name.”

SCHEDULES

FIRST SCHEDULE

Section 18

LAND ON WHICH CERTAIN CROWN WELLS ARE SITUATED

1. All that piece of land containing 159.1882 hectares, more or less, situated in Blocks IX and XIII, Rangitaiki Upper Survey District, being Lots 2 and 4 and part Lot 1 on Deposited Plan S. 2476 and Lot 3 on Deposited Plan S. 40870, and being all of the land comprised and described in certificate of title 46C/508 (South Auckland Land Registry).
2. All that piece of land containing 73 acres 2 roods 5 perches, more or less, being Lots 1, 2, and 3 on Deposited Plan S. 2878, Lot 39A, Section 2B 2B1, Parish of Matata Block, and part Lot 39A 2A, Parish of Matata Block, and being all of the land comprised and described in certificate of title 1495/8 (South Auckland Land Registry).

SECOND SCHEDULE

Section 19 (1)

WELLS VESTED IN THE CROWN

1. *Atiamuri Geothermal Field*—

Well Number:	AT 1.
Well co-ordinates:	6310053.3 mN 2775802.4 mE—NZ Map Grid 631876.5 mN 262839.0 mE—Bay of Plenty Meridional Circuit.
Land Description:	Part Lot 3, DP 16299.
2. *Horohoro Geothermal Field*—

Well Number:	HH 1.
Well co-ordinates:	6321717.9 mN 27807856.6 mE—NZ Map Grid 643727.9 mN 267367.4 mE—Bay of Plenty Meridional Circuit.
Land Description:	Part Lot 12, DP 12325.
3. *Kawerau Geothermal Field*—

(a) Well Number:	KA 5.
Well co-ordinates:	6341393 mN 2836353 mE—NZ Map Grid 665545 mN 322140 mE—Bay of Plenty Meridional Circuit.
Land Description:	Lot 4, DPS 12743.
(b) Well Number:	KA 6A.
Well co-ordinates:	6339379 mN 2834624 mE—NZ Map Grid 663465 mN 320490 mE—Bay of Plenty Meridional Circuit.
Land Description:	Part Lot 3, DPS 5500 (Recreation Reserve).
(c) Well Number:	KA 22.
Well co-ordinates:	6341688.5 mN 2835622.0 mE—NZ Map Grid 665812.0 mN 321397.8 mE—Bay of Plenty Meridional Circuit.
Land Description:	Kawerau 8AD Block.
(d) Well Number:	KA 23.

SECOND SCHEDULE—*continued*WELLS VESTED IN THE CROWN—*continued*

- Well co-ordinates: 6340852.8 mN 2835482.8 mE—NZ Map Grid
664971.4 mN 321291.1 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Allotment 1198, Parish of Matata.
- (e) Well Number: KA 24.
Well co-ordinates: 6342737.2 mN 2837076.6 mE—NZ Map Grid
666916.4 mN 322810.9 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Matata 39A2B2B2A Block.
- (f) Well Number: KA 25.
Well co-ordinates: 6341374.3 mN 2837430.6 mE—NZ Map Grid
665568.1 mN 323217.5 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Matata 59Y Block.
- (g) Well Number: KA 26.
Well co-ordinates: 6340029.4 mN 2837212.4 mE—NZ Map Grid
664215.6 mN 323051.5 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Matata 59B2C2B2 Block.
- (h) Well Number: KA 29.
Well co-ordinates: 6340445.2 mN 2837130.9 mE—NZ Map Grid
664628.0 mN 322954.0 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Matata 59B2C2B1 Block.
- (i) Well Number: KA 30.
Well co-ordinates: 6340892.8 mN 2834739.5 mE—NZ Map Grid
664982.6 mN 320546.7 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Part Allotment 39, Parish of Matata.
- (j) Well Number: KA 34.
Well co-ordinates: 6340113.3 mN 2835827.7 mE—NZ Map Grid
664245.8 mN 321664.4 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Matata 59B2C2A Block.
4. *Mangakino Geothermal Field*—
Well Number: MA 1.
Well co-ordinates: 6312466.6 mN 2754558.7 mE—NZ Map Grid
535366.4 mN 390259.4 mE—Mt Eden
Meridional Circuit.
- Land Description: Part Whakamaru Maungaiti Block.
5. *Mokai Geothermal Field*—
(a) Well Number: MK 1.
Well co-ordinates: 6297650.5 mN 2766790.4 mE—NZ Map Grid
520798.6 mN 402792.3 mE—Mt Eden
Meridional Circuit.

SECOND SCHEDULE—*continued*WELLS VESTED IN THE CROWN—*continued*

- Land Description: Section 14, Block XII, Whakamaru Survey District.
- (b) Well Number: MK 2.
Well co-ordinates: 6294593.7 mN 2765555.9 mE—NZ Map Grid 517716.7 mN 401619.8 mE—Mt Eden Meridional Circuit.
- Land Description: Tuaropaki E Block.
- (c) Well Number: MK 3.
Well co-ordinates: 6293298.6 mN 2766042.8 mE—NZ Map Grid 516431.4 mN 402133.0 mE—Mt Eden Meridional Circuit.
- Land Description: Tuaropaki E Block.
- (d) Well Number: MK 4.
Well co-ordinates: 6295612.5 mN 2763842.1 mE—NZ Map Grid 518700.7 mN 399885.3 mE—Mt Eden Meridional Circuit.
- Land Description: Tuaropaki E Block.
- (e) Well Number: MK 5.
Well co-ordinates: 6293385.7 mN 2765121.0 mE—NZ Map Grid 516499.8 mN 401209.4 mE—Mt Eden Meridional Circuit.
- Land Description: Tuaropaki E Block.
- (f) Well Number: MK 6.
Well co-ordinates: 6292674.2 mN 2765657.6 mE—NZ Map Grid 515799.2 mN 401760.5 mE—Mt Eden Meridional Circuit.
- Land Description: Tuaropaki E Block.
6. *Ngatamariki Geothermal Field—*
- (a) Well Number: NM 1.
Well co-ordinates: 6291807.8 mN 2787106.8 mE—NZ Map Grid 614079.3 mN 274844.9 mE—Bay of Plenty Meridional Circuit.
- Land Description: Tahorakuri A2 Block.
- (b) Well Number: NM 2.
Well co-ordinates: 6291354.5 mN 2787678.6 mE—NZ Map Grid 613648.4 mN 275434.0 mE—Bay of Plenty Meridional Circuit.
- Land Description: Tahorakuri A2 Block.
- (c) Well Number: NM 3.
Well co-ordinates: 6290463.1 mN 2787096.0 mE—NZ Map Grid 612734.9 mN 274886.3 mE—Bay of Plenty Meridional Circuit.
- Land Description: Tahorakuri A2 Block.
- (d) Well Number: NM 4.

SECOND SCHEDULE—*continued*WELLS VESTED IN THE CROWN—*continued*

Well co-ordinates: 6292571.2 mN 2787302.6 mW—NZ Map Grid
614849.9 mN 275011.0 mW—Bay of Plenty Meridional Circuit.
Land Description: Tahorakuri A2 Block.

7. *Ngawha Geothermal Field—*

- (a) Well Number: NG 1.
Well co-ordinates: 6643050 mN 2589250 mE—NZ Map Grid
862488 mN 218229 mE—Mt Eden Meridional Circuit.
Land Description: Section 8, Block V, Punakitere Survey District.
- (b) Well Number: NG 2.
Well co-ordinates: 6642315 mN 2589615 mE—NZ Map Grid
861761 mN 218608 mE—Mt Eden Meridional Circuit.
Land Description: Otutaorau Block.
- (c) Well Number: NG 3.
Well co-ordinates: 6643775 mN 2589080 mE—NZ Map Grid
863209 mN 218044 mE—Mt Eden Meridional Circuit.
Land Description: Lot 2, DP 72899.
- (d) Well Number: NG 4.
Well co-ordinates: 6643230 mN 2587900 mE—NZ Map Grid
862640 mN 216875 mE—Mt Eden Meridional Circuit.
Land Description: Section 35, Block IV, Punakitere Survey District.
- (e) Well Number: NG 5.
Well co-ordinates: 664490 mN 2588765 mE—NZ Map Grid
864387 mN 217705 mE—Mt Eden Meridional Circuit.
Land Description: Lot 2, DP 89625.
- (f) Well Number: NG 7.
Well co-ordinates: 6639585 mN 2587245 mE—NZ Map Grid
858983 mN 216295 mE—Mt Eden Meridional Circuit.
Land Description: Section 6, Block IV, Punakitere Survey District.
- (g) Well Number: NG 8.
Well co-ordinates: 6643390 mN 2590365 mE—NZ Map Grid
862851 mN 219336 mE—Mt Eden Meridional Circuit.
Land Description: Mangatawai No. 1 Block.
- (h) Well Number: NG 9.

SECOND SCHEDULE—*continued*
WELLS VESTED IN THE CROWN—*continued*

- Well co-ordinates: 6642050 mN 2588890 mE—NZ Map Grid
861481 mN 2178890 mE—Mt Eden
Meridional Circuit.
- Land Description: Section 35, Block IV, Punakitere Survey
District.
- (i) Well Number: NG 11.
Well co-ordinates: 6641475 mN 2590100 mE—NZ Map Grid
860931 mN 219110 mE—Mt Eden
Meridional Circuit.
- Land Description: Otutaorau Block.
- (j) Well Number: NG 12.
Well co-ordinates: 6642140 mN 2588265 mE—NZ Map Grid
861558 mN 217262 mE—Mt Eden
Meridional Circuit.
- Land Description: Section 35, Block IV, Punakitere Survey
District.
- (k) Well Number: NG 13.
Well co-ordinates: 6643030 mN 2588370 mE—NZ Map Grid
862450 mN 217349 mE—Mt Eden
Meridional Circuit.
- Land Description: Section 35, Block IV, Punakitere Survey
District.
- (l) Well Number: NG 15.
Well co-ordinates: 6642650 mN 2588455 mE—NZ Map Grid
862072 mN 217442 mE—Mt Eden
Meridional Circuit.
- Land Description: Section 35, Block IV, Punakitere Survey
District.
- (m) Well Number: NG 16.
Well co-ordinates: 6642030 mN 2590165 mE—NZ Map Grid
861487 mN 219164 mE—Mt Eden
Meridional Circuit.
- Land Description: Tokakapuru Block.
- (n) Well Number: NG 18.
Well co-ordinates: 6642375 mN 2590390 mE—NZ Map Grid
861836 mN 219382 mE—Mt Eden
Meridional Circuit.
- Land Description: Tokakapuru Block.
- (o) Well Number: NG 20.
Well co-ordinates: 6642490 mN 2590045 mE—NZ Map Grid
861944 mN 219035 mE—Mt Eden
Meridional Circuit.
- Land Description: Otutaorau Block.
8. *Orakeikorako Geothermal Field*—
(a) Well Number: OK 1.

SECOND SCHEDULE—*continued*
WELLS VESTED IN THE CROWN—*continued*

- Well co-ordinates: 6298818.8 mN 2785724.2 mE—NZ Map Grid
621032.8 mN 273191.1 mE—Bay of Plenty
Meridional Circuit.
Land Description: Section 8, SO Plan 56160.
- (b) Well Number: OK 2.
Well co-ordinates: 630097.7 mN 2787021.7 mE—NZ Map Grid
622361.3 mN 274438 mE—Bay of Plenty
Meridional Circuit.
Land Description: Section 1, SO Plan 58805.
- (c) Well Number: OK 2X.
Well co-ordinates: 6300076.4 mN 2787027.3 mE—NZ Map Grid
622340.3 mN 274444.7 mE—Bay of Plenty
Meridional Circuit.
Land Description: Section 1, SO Plan 58805.
- (d) Well Number: OK 4.
Well co-ordinates: 6297695 mN 2785381.3 mE—NZ Map Grid
619896.6 mN 272892.0 mE—Bay of Plenty
Meridional Circuit.
Land Description: Section 8, SO Plan 56160.
- (e) Well Number: OK 6.
Well co-ordinates: 6300629.7 mN 2785428.3 mE—NZ Map Grid
622831.2 mN 272825.1 mE—Bay of Plenty
Meridional Circuit.
Land Description: Part Section 1, Block X, Ngongotaha Survey
District.
9. *Reporoa Geothermal Field*—
(a) Well Number: RP 1.
Well co-ordinates: 6304558.7 mN 2801344.4 mE—NZ Map Grid
627375.3 mN 288580.0 mE—Bay of Plenty
Meridional Circuit.
Land Description: Section III, Reporoa Settlement.
10. *Rotokawa Geothermal Field*—
(a) Well Number: RK 1.
Well co-ordinates: 6282696.1 mN 2787703.1 mE—NZ Map Grid
604995.8 mN 275794.5 mE—Bay of Plenty
Meridional Circuit.
Land Description: Tauhara North No. 2 Block.
- (b) Well Number: RK 1X.
Well co-ordinates: 6282686.8 mN 2787716.8 mE—NZ Map Grid
604987.0 mN 275808.5 mE—Bay of Plenty
Meridional Circuit.
Land Description: Tauhara North No. 2 Block.
- (c) Well Number: RK 2.

SECOND SCHEDULE—*continued*
WELLS VESTED IN THE CROWN—*continued*

- Well co-ordinates: 6281821.4 mN 2788315.6 mE—NZ Map Grid
604145.3 mN 276440.6 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Crown Land.
- (d) Well Number: RK 3.
Well co-ordinates: 6281527.7 mN 2788018.9 mE—NZ Map Grid
603840.3 mN 276155.5 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Crown Land.
- (e) Well Number: RK 4.
Well co-ordinates: 6282173.1 mN 2788808.2 mE—NZ Map Grid
604515.9 mN 276919.3 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Section 1, SO Plan 58793.
- (f) Well Number: RK 5.
Well co-ordinates: 6283378.9 mN 2788262.9 mE—NZ Map Grid
605699.9 mN 276327.5 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Tauhara North No. 2 Block.
- (g) Well Number: RK 6.
Well co-ordinates: 6284419.3 mN 2788241.6 mE—NZ Map Grid
606738.9 mN 276265.8 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Tahorakuri A No. 2 Block.
- (h) Well Number: RK 8.
Well co-ordinates: 6285341.9 mN 2787508.6 mE—NZ Map Grid
607632.5 mN 275497.4 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Tahorakuri A2 Block.
11. *Ruahine Springs Geothermal Field*—
- (a) Well Number: RS M1.
Well co-ordinates: 6344842.0 mN 2804501.3 mE—NZ Map Grid
667757.8 mN 290173.7 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Paehinahina Mourea Block.
- (b) Well Number: RS M2.
Well co-ordinates: 6345410.6 mN 2807343.4 mE—NZ Map Grid
668436.1 mN 292992.1 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Paehinahina Mourea Block.
- (c) Well Number: RS M3.
Well co-ordinates: 6345418.1 mN 2805839.0 mE—NZ Map Grid
668385.3 mN 291488.3 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Paehinahina Mourea Block.

SECOND SCHEDULE—*continued*WELLS VESTED IN THE CROWN—*continued*

- (d) Well Number: RS M4.
Well co-ordinates: 6344607.8 mN 2804527.2 mE—NZ Map Grid
667524.7 mN 290208.7 mE—Bay of Plenty
Meridional Circuit.
Land Description: Paehinahina Mourea Block.
- (e) Well Number: RS M5.
Well co-ordinates: 6344009.4 mN 2804376.6 mE—NZ Map Grid
666934.9 mN 290874.4 mE—Bay of Plenty
Meridional Circuit.
Land Description: Paehinahina Mourea Block.
- (f) Well Number: RS M6.
Well co-ordinates: 6343992.8 mN 2805169.5 mE—NZ Map Grid
666934.9 mN 290874.4 mE—Bay of Plenty
Meridional Circuit.
Land Description: Paehinahina Mourea Block.
- (g) Well Number: RS M7.
Well co-ordinates: 6343896.3 mN 2804716.9 mE—NZ Map Grid
666821.0 mN 290425.8 mE—Bay of Plenty
Meridional Circuit.
Land Description: Paehinahina Mourea Block.
- (h) Well Number: RS M8.
Well co-ordinates: 6344203.4 mN 2804264.4 mE—NZ Map Grid
667110.4 mN 289961.7 mE—Bay of Plenty
Meridional Circuit.
Land Description: Paehinahina Mourea Block.
- (i) Well Number: RS M9.
Well co-ordinates: 6344257.1 mN 2804488.9 mE—NZ Map Grid
667172.7 mN 290184.0 mE—Bay of Plenty
Meridional Circuit.
Land Description: Paehinahina Mourea Block.
- (j) Well Number: RS M10.
Well co-ordinates: 6344314.5 mN 2804184.7 mE—NZ Map Grid
667218.3 mN 289877.7 mE—Bay of Plenty
Meridional Circuit.
Land Description: Paehinahina Mourea Block.
12. *Tauhara Geothermal Field*—
- (a) Well Number: TH 1.
Well co-ordinates: 6276301.5 mN 2780624.2 mE—NZ Map Grid
598329.9 mN 268967.7 mE—Bay of Plenty
Meridional Circuit.
Land Description: Section 3, SO Plan 58811.
- (b) Well Number: TH 1/0.
Well co-ordinates: 6276205.6 mN 2780607.4 mE—NZ Map Grid
598233.4 mN 268954.6 mE—Bay of Plenty
Meridional Circuit.

SECOND SCHEDULE—*continued*WELLS VESTED IN THE CROWN—*continued*

- Land Description: Section 320, Block II, Tauhara Survey District.
- (c) Well Numbers: TH 2 and TH 2/0 (adjacent).
Well co-ordinates: 6278354.0 mN 2780145.4 mE—NZ Map Grid 600362.7 mN 268409.4 mE—Bay of Plenty Meridional Circuit.
- Land Description: Section 1, SO Plan 58810.
- (d) Well Number: TH 3.
Well co-ordinates: 6275443.2 mN 2782028.2 mE—NZ Map Grid 597526.5 mN 270404.2 mE—Bay of Plenty Meridional Circuit.
- Land Description: Section 1, SO Plan 58812.
- (e) Well Number: TH 4.
Well co-ordinates: 6277163.8 mN 2780185.5 mE—NZ Map Grid 599174.7 mN 268495.7 mE—Bay of Plenty Meridional Circuit.
- Land Description: Pt Tauhara No. 1 Block.
- (f) Well Number: TH 4/0.
Well co-ordinates: 6277145.1 mN 2780185.5 mE—NZ Map Grid 599156.0 mN 268496.5 mE—Bay of Plenty Meridional Circuit.
- Land Description: Part Tauhara No. 1 Block.
- (g) Well Number: TH M1.
Well co-ordinates: 6274646.8 mN 2780594.7 mE—NZ Map Grid 596674.9 mN 269002.4 mE—Bay of Plenty Meridional Circuit.
- Land Description: Section 1, SO Plan 58812.
- (h) Well Number: TH M1/0.
Well co-ordinates: 6274647.5 mN 2780599.6 mE—NZ Map Grid 596675.8 mN 269007.3 mE—Bay of Plenty Meridional Circuit.
- Land Description: Section 1, SO Plan 58812.
- (i) Well Numbers: TH M2 and TH M2/0 (adjacent)
Well co-ordinates: 6274903.9 mN 2780010.6 mE—NZ Map Grid 596909.2 mN 268408.7 mE—Bay of Plenty Meridional Circuit.
- Land Description: Section 354, Block II, Tauhara Survey District.
- (j) Well Number: TH M3.
Well co-ordinates: 6274161.0 mN 2779683.2 mE—NZ Map Grid 596154.0 mN 268110.3 mE—Bay of Plenty Meridional Circuit.
- Land Description: Section 442, Block II, Tauhara Survey District.

SECOND SCHEDULE—*continued*WELLS VESTED IN THE CROWN—*continued*

- (k) Well Number: TH M3/0.
Well co-ordinates: 6274165.2 mN 2779683.8 mE—NZ Map Grid 596158.2 mN 268110.7 mE—Bay of Plenty Meridional Circuit.
Land Description: Section 442, Block II, Tauhara Survey District.
- (l) Well Number: TH M4.
Well co-ordinates: 6276344.2 mN 2779691.0 mE—NZ Map Grid 598336.3 mN 268033.3 mE—Bay of Plenty Meridional Circuit.
Land Description: Lot 1, DPS 44835.
- (m) Well Number: TH M6.
Well co-ordinates: 6273081.1 mN 2779485.1 mE—NZ Map Grid 595067.0 mN 267954.2 mE—Bay of Plenty Meridional Circuit.
Land Description: Lot 160, DPS 62263.
13. *Te Kopia Geothermal Field*—
- (a) Well Number: TK 1.
Well co-ordinates: 6305303.5 mN 2790058.5 mE—NZ Map Grid 627682.0 mN 277271.5 mE—Bay of Plenty Meridional Circuit.
Land Description: Section 13, SO Plan 51385.
- (b) Well Number: TK 2.
Well co-ordinates: 6306611.4 mN 2791291.4 mE—NZ Map Grid 629037.0 mN 278453.0 mE—Bay of Plenty Meridional Circuit.
Land Description: Lot 4, DPS 62817.
14. *Waiotapu Geothermal Field*—
- (a) Well Number: WT 1.
Well co-ordinates: 6313356.1 mN 2803018.8 mE—NZ Map Grid 636232.7 mN 289912.3 mE—Bay of Plenty Meridional Circuit.
Land Description: Part Section 43, Block II, Paeroa Survey District.
- (b) Well Number: WT 2.
Well co-ordinates: 6313814.8 mN 2804194.8 mE—NZ Map Grid 636736.7 mN 291069.8 mE—Bay of Plenty Meridional Circuit.
Land Description: Section 69, SO Plan 56200.
- (c) Well Number: WT 3.
Well co-ordinates: 6312247.5 mN 2804211.4 mE—NZ Map Grid 635170.9 mN 291147.2 mE—Bay of Plenty Meridional Circuit.
Land Description: Section 38 SO 53943.
- (d) Well Number: WT 4.

SECOND SCHEDULE—*continued*WELLS VESTED IN THE CROWN—*continued*

- Well co-ordinates: 6311446.4 mN 2804212.5 mE—NZ Map Grid
634370.3 mN 291179.3 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Section 38 SO 53943.
- (e) Well Number: WT 5.
Well co-ordinates: 6311019.9 mN 2803863.7 mE—NZ Map Grid
633930.5 mN 290847.3 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Part Section 5, Block VII, Paeroa Survey
District.
- (f) Well Number: WT 6.
Well co-ordinates: 6310558.9 mN 2804138.6 mE—NZ Map Grid
633480.5 mN 291139.9 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Part Paeroa East 4B1B1 Block.
- (g) Well Number: WT 7.
Well co-ordinates: 6310113.6 mN 2804199.1 mE—NZ Map Grid
633037.8 mN 291217.6 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Part Section 15, Block VII, Paeroa Survey
District.
15. *Whakatane Geothermal Field*—
Well Number: WH 1.
Well co-ordinates: 6352714.1 mN 2857164.2 mE—NZ Map Grid
677665.7 mN 342499.1 mE—Bay of Plenty
Meridional Circuit.
- Land Description: Part Allotment 29U 2, Rangitaiki Parish.