



ANALYSIS

<p>Title</p> <p>1. Short Title and commencement</p> <p>2. Interpretation</p> <p>3. Certain provisions of principal Act repealed</p> <p>4. New sections inserted</p> <p style="padding-left: 40px;">12A. Commissioner of Crown Lands</p>	<p>12b. Delegation of Commissioner's functions, duties, and powers</p> <p>5. Department of Lands abolished</p> <p>6. Consequential amendments</p> <p>7. Amendments to Land Act Regulations 1949</p> <p>8. Repeals</p> <p>9. Savings Schedule</p>
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1989, No. 139

An Act to amend the Survey Act 1986

[19 December 1989]

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

1. Short Title and commencement—(1) This Act may be cited as the Survey Amendment Act (No. 3) 1989, and shall be read together with and deemed part of the Survey Act 1986 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of February 1990.

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by repealing the definitions of the terms “Director-General”, “Minister”, and “Surveyor-General”, and substituting the following definitions:

“‘Director-General’ means the chief executive of the Department:

“‘Minister’ means the Minister of the Crown for the time being responsible for the administration of this Act:

“‘Surveyor-General’ means the Surveyor-General appointed under section 7 of this Act; and includes the Deputy Surveyor-General appointed under section 8 (1) of this Act.”.

(2) The said section 2 is hereby further amended by adding, as subsection (2), the following subsection:

“(2) The chief executive of the Department shall be known as the Director-General of Survey and Land Information.”

3. Certain provisions of principal Act repealed—Sections 3, 4 (a), 5, 6, and 10 of the principal Act are hereby repealed.

4. New sections inserted—(1) The principal Act is hereby amended by inserting, after section 12, the following sections:

“12A. **Commissioner of Crown Lands**—(1) There shall from time to time be appointed under the State Sector Act 1988 a Commissioner of Crown Lands.

“(2) The Commissioner shall report directly to the Minister on the exercise and performance of the Commissioner’s statutory powers and functions.

“12B. **Delegation of Commissioner’s functions, duties, and powers**—The Commissioner may, under section 41 of the State Sector Act 1988, delegate to employees of the Department, in the same manner and to the same extent as if the Commissioner were the chief executive of the Department, any power—

“(a) By statute conferred on the Commissioner; or

“(b) Pursuant to statute delegated to the Commissioner by a Minister of the Crown.”

(2) Section 2 of the principal Act is hereby consequentially amended by inserting, after the definition of the term “Chief Surveyor”, the following definition:

“‘Commissioner’ means the Commissioner of Crown Lands appointed under section 12A of this Act:”.

5. Department of Lands abolished—The Department of Lands that existed immediately before the commencement of this Act is hereby abolished.

6. Consequential amendments—The enactments specified in the Schedule to this Act are hereby consequentially amended in the manner indicated in that Schedule.

7. Amendments to Land Act Regulations 1949—(1) The Land Act Regulations 1949 are hereby amended by omitting the words “Director-General of Conservation” (as substituted by section 65 (3) of the Conservation Act 1987), wherever they

appear (otherwise than in Part V), and substituting, in each case, the word "Commissioner".

(2) The Land Act Regulations 1949 may be amended or revoked as if the amendments effected by subsection (1) of this section had been effected by regulation and not by this Act.

8. Repeals—The following enactments are hereby consequentially repealed:

(a) Sections 3 and 3A of the Land Act 1948:

(b) Section 32 (5) of, and clauses 15 and 16 of Part III of the Fourth Schedule to, the State-Owned Enterprises Act 1986:

(c) So much of the Second Schedule to the Conservation Act 1987 as relates to the State-Owned Enterprises Act 1986.

9. Savings—(1) All references to the Director-General of Lands, a Commissioner of Crown Lands (whether or not for any particular District), or a District Manager of Lands in any—

(a) Contract of employment relating to one person only; or

(b) Agreement or lease relating to accommodation to be occupied by the Department of Lands or the Department of Lands and Survey,—

entered into, made, granted, given, or executed before the commencement of this Act shall be read as references to the Director-General of Survey and Land Information.

(2) Subject to section 65 (2) of the Conservation Act 1987, and subsection (1) of this section, all references to the Director-General of Lands, a Commissioner of Crown Lands (whether or not for any particular District), or the Land Settlement Board in—

(a) Any Act, regulation, or other enactment, passed, made, or enacted before the commencement of this Act; or

(b) Any contract, agreement, deed, instrument, application, licence, notice, or other document entered into, made, granted, given, or executed before that commencement,—

shall be read as references to the Commissioner of Crown Lands appointed under section 12A of the Survey Act 1986.

(3) Subject to section 65 (2) of the Conservation Act 1987, all references to the Department of Lands, or the Department of Lands and Survey in—

(a) Any Act, regulation, or other enactment, passed, made, or enacted before the commencement of this Act; or

- (b) Any contract, agreement, deed, instrument, application, licence, notice, or other document entered into, made, granted, given, or executed before that commencement,—

shall be read as references to the Department of Survey and Land Information.

- (4) All references in—

- (a) Any Act (not being an Act amended by section 6 of this Act), regulation, or other enactment, passed, made, or enacted before the commencement of this Act; or

- (b) In any contract, agreement, deed, instrument, application, licence, notice, or other document, entered into, made, granted, given, or executed, before that commencement,—

to the Minister of Survey and Land Information shall be read as references to the Minister of the Crown for the time being responsible for the administration of the Survey Act 1986.

SCHEDULE
CONSEQUENTIAL AMENDMENTS

Section 6

Enactment	Amendment
<p>1908, No. 33—The Crown Grants Act 1908 (R.S. Vol. 2, p. 1)</p>	<p>By repealing section 2 (as substituted by section 81 (1) of the principal Act), and substituting the following section:</p> <p>“2. Interpretation—In this Act, unless the context otherwise requires,—</p> <p>“ ‘Chief Surveyor’ means the Chief Surveyor of a land district constituted under the Land Act 1948, appointed under section 9 of the Survey Act 1986; and, in relation to any lands, or any subject matter affecting any lands, means the Chief Surveyor of the land district in which the lands are situated:</p> <p>“ ‘Director-General’ means the chief executive of the Department of Survey and Land Information:</p> <p>“ ‘Minister’ means the Minister of the Crown for the time being responsible for the administration of this Act.”</p>
<p>1946, No. 3—The New Zealand Geographic Board Act 1946 (R.S. Vol. 10, p. 483)</p>	<p>By repealing the definition of the term “Minister” (as substituted by section 81 (1) of the principal Act) in section 2, and substituting the following definition:</p> <p>“ ‘Minister’ means the Minister of the Crown for the time being responsible for the administration of this Act.”</p>
<p>1948, No. 64—The Land Act 1948 (R.S. Vol. 23, p. 559)</p>	<p>By repealing the definitions in section 2 of the terms “Commissioner”, “Department”, “Deputy Director-General”, “Director-General”, and “Land Settlement Board” or “Board”, and inserting, in their appropriate alphabetical order, the following definitions:</p> <p>“ ‘Commissioner’ means the Commissioner of Crown Lands appointed under section 12A (1) of the Survey Act 1986:</p> <p>“ ‘Department’ means the Department of Survey and Land Information:</p> <p>“ ‘Director-General’ means the Commissioner:</p> <p>“ ‘Land Settlement Board’ or ‘Board’ means the Commissioner.”</p>

SCHEDULE—*continued*
 CONSEQUENTIAL AMENDMENTS—*continued*

Enactment	Amendment
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)	By repealing the item relating to the Department of Lands and Survey in Part I of the First Schedule. By repealing the item relating to the Land Settlement Board in Part II of the First Schedule.
1975, No. 114—The Treaty of Waitangi Act 1975 (R.S. Vol. 8, p. 877)	By omitting from sections 8A(2)(b), 8A(2)(c), 8D(1), 8E(1), 8E(2), 8E(4), and 8H(b), the words “Survey and Land Information”, and substituting, in each case, the words “the Crown for the time being responsible for the administration of the Survey Act 1986”.

This Act is administered in the Department of Survey and Land Information.
