

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

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This Personal Property Securities Register (hereinafter the PPSR) was used by some as a notice board to register land once alienated from the Crown.

The Estate held in Fee Simple “The Land alienated from the Crown”

Introduction

The templates or opinions in this book are not to be considered as legal advice in anyway, but only someone’s interpretation of the legislation. Everyone is encouraged to read the legislation online and come to their own conclusions about the subject matter. The hope is people will have a waking moment about what is occurring and how it relates in their own life.

The PPSR is just a public notice board where some have registered an interest in their security, any group can register. Your estate is currently being administrated by public trustees, guardians and administrators under the old *parens patriae* doctrine of the parent state. From since when the egg is split and duality begins in the womb and nine months later twins are born and an estate is created. Both twins are used for banking from information provided from this nativity of birth (Native title) such identity documents and numbers are used to identify the child (mark of the beast)

These paper documents are sometimes referred to as letters patent all which are ultimately owned by the Crown for the simple fact, they represent an inherited birth right to your dominion or common-wealth. Some have registered an interest in their estate because they believe it may be a way for the meek to inherit the earth or secure their kingdom. Everyone is encouraged to research for themselves.

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The History

When your mother becomes pregnant and makes an appointment with the doctor it is made with a registrar because they hold the registry, and what you are registering is your vessel (womb). The enrolment form that your mother fills out at the doctor is unknowingly transferring assets, liabilities and rights to the World Health Organisation which is also the World Bank.

This is shown in the Health Sector (Transfers) Act 1993 (NZ) – the hidden agreement behind all agreements which are secret trusts. They are so secret we don't even know about them, but they are creating the greatest bondage of our lives. This is one of the most important Acts as it represents the whole health system worldwide and identifies that the Crown is us.

This agreement within agreements unknowingly transfers assets, liabilities and rights of all descriptions. In a nutshell, whatever you believe that you own is transferred to those organisations at the point of conception. This also includes everything you did since the point of conception.

Are we saying that these trusts own everything you ever did? Yes, it's that intense.

Hence why your whole life is a constant struggle to protect your assets from an invisible construct of control and administration of the deep state. And they can strip any, including the wealthy, of everything they believe they own.

This all happens before you're even born so let's look at the birth of a child.

Birthing is actually a ritual dating back centuries and also relates strongly to religion. We are all born as flesh in God's image – God being the "Grantor Of Deeds" with the name of our father (the family name) and the son (given names). The father makes love to the mother and they create a "prophet" as a small child, legally known as the Crown.

Crown birthing is a ritual that started in Egyptian times. The crown birthing, also known as the ring of fire is referred to in the Bible as the thorny crown. This is when the baby's head starts to emerge from the birth canal, at which time there is a proclamation. These days it is the doctor that proclaims "Here comes the Crown".

At conception two becomes one, the egg and sperm merge, the placenta and fetus is born bound by the umbilical cord. At birth one becomes two, twins are birthed. The fetus being the older is alienated (cut) from the placenta the younger. The fetus is a twin to the placenta which we are separated from birth. The placenta becomes our phantom twin or "spiritual" half, while the fetus or physical body, also known as the "res" (meaning property, interest or status) is legally identified as male or female and given a name at which time we become a citizen (res-ident).

You can see where the etymology of language plays a big part in comprehending this.

Placenta/fetus means "place centre of fee to us" (twins – the person and the Crown). In banking terms the Crown is the guarantor and the person is the estate. The placenta comes

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first (first born) then makes an “agreement” with the fetus (second born) which is the duality. The two parts and the womb represent our **land** (country) which is an asset.

In the Bible it says “those who are first will be last and those who are last will be first”. As we said birth begins in the womb at the time of conception. The placenta is the first to be born as the eldest and then gives life to the younger, which is the fetus, and then the roles reverse.

When a baby is physically born the younger comes out first (fetus) followed by the eldest (placenta) which timewise is later, taking away its legal jurisdiction. The first to do something always has jurisdiction.

The doctor or the hospital declares the birth of a living child on a form but at this stage there is no name recorded. They are identified only by the mother’s name. Usually within 48 hours after birth the name is recorded on another document then it takes two weeks until our birth is officially registered with the Department of Births, Deaths and Marriages.

After our name is registered our deceased twin is simultaneously registered becoming a deceased estate. As soon as someone is identified as male or female and given a name they are considered deceased. Therefore, “John Smith” becomes the deceased estate (placenta) in a body corporate, while his twin (fetus) is the **living Crown**. We are a sovereign Crown until our mother unknowingly gives us up to the corporation.

In the Bible it states that people are called to **live in** the world but not **of** it, so by living as John Smith you’re not living a real life, you’re living a **legal** life. As humans we are trained and programmed to live a legal life for commerce, trade and banking purposes. A child is a minor therefore unable to look after their financial affairs, so this is done on their behalf.

Our birth certificate is about taking our Crown from us (our sovereignty) and putting it into **trust**. They create an estate or a body corporate (dead entity) and use it, and because we are dead we are not protected.

The corporate body is the given name to the placenta, but all the details of our birth are not recorded on our birth certificate. Although two entities are birthed, only one of them is registered. While still in the womb we are registered as an **estate**.

When you are born the first thing they do is slap you on the backside so that you’re already imprinted with fear. Then next a murder takes place when your umbilical cord is cut because at this stage the placenta is still pumping. It still has a heartbeat and what it is doing is pumping stem cell technology into the fetus. However, when it is cut, this process is severed so you are not updated with all the stem cells you’re entitled to. This means that potentially you will not operate as a human at the capacity of which you are capable.

The placenta is taken away and drained, so we are already being harvested. In nature, when animals give birth the placenta eventually dries up and falls off, yet humans are cut off from receiving their full inheritance, their God-given birth right. If the placenta was left attached,

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that person would end up having higher intelligence, which is what happened with our ancestors who knew about this process.

We are then forced to adopt the name of a deceased person, not knowing that we should really be the **Crown**, even though the doctor has proclaimed “Here comes the **Crown**”. Only the Crown is the connection back to the source as it is the only **living entity**.

This is a very big claim because it’s a very big deal and it is the biggest stake in our bondage. The original contract of bondage begins with the mother’s enrolment with the health provider. Our mother is the “bonds woman” they refer to in the Bible.

If you look into the word “health” in etymology, it is synonymous with “wealth”. Are you starting to connect some dots?

When your mother appoints the doctor in the beginning to do an examination he writes a report which is a court of record. As a reminder, this means you are effectively transferring your assets, liabilities and rights. The first thing that happens is they do a blood test and later a scan to determine the date of conception. This is when you are first captured in the system.

According to legislation when they identify the point of conception they take out a life insurance policy on the contingency that there’s going to be a **death**, and sure enough, in nine months the policy matures and they have access to that estate because you’re given a name meaning that you are dead. A bond is taken out over you while you are still in the womb.

Everything we do is regulated by an Act. When you know your part in that Act (when you inter-act with the system), you need to take control of the **Crown** to command the dead. Only the living can command the dead, but because everyone is dead (according to our birth record), if you are arrested, you have no power to fight the system (you are resting).

A deceased person creates a record of title **(land)** which goes with a family name (trust). The government administers everything through your deceased person as administrator, executor and trustee. The word interest relates to us. Someone has use of our **land** and is receiving interest.

In every agreement we are part of, we don’t realise that we are the **Crown**. Our placenta represents land in relation to every agreement and we are using its name. Every agreement has value (assets) and we are giving these away to the Government. When our birth is registered the government trades us as a bond against abandoned land, so it becomes equity that never matures. All assets are transferred through every agreement and they have use of **our land** which is created as a Crown **endowment**.

All the income derived from that land the government uses, however it is really ours. Whenever a debt is created, whether that is through the taxation system, fines or other government-imposed debts, it belongs to the Crown, so theoretically belongs to us. Without being aware that we are the Crown, we unknowingly transfer all our assets and wealth to

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the government. Every person is worth approximately \$230 million (this is shown clearly in New Zealand legislation under the National Provident Fund Restructuring Act 1990).

In all agreements the **Crown is the transferee**. Your birth certificate is your land held by the Crown, which you are currently passing over to the government. However as you are really the transferee, you should receive the revenue that is coming back from the use of that land, whether or not you are acting through a government department.

When we go into conflict with the government we go into conflict with our person because we haven't established ourselves as the **Crown**. We are giving away our free will as everything outside the Crown is dead. The only entity in this matrix is the Crown which connects us **back to the source**.

This insured party is your person or estate in fee simple which is the Crown organisation about to be charged.

Lloyds of London created an insurance policy for every resident birthed in a Hospital, birthed into banking. This puts you the creditor in a unique position whereas a service is guaranteed and any charge levied against the insured party will be settled with a small catch. You must agree to the charge by giving the particular information of the insured deceased estate to the corporate entity providing the service.

The trust created in your relatives name is a charitable trust that just keeps on giving, it was initially leveraged off your birth right to the commonwealth, whereas the banks leverage this for their land banking. The intent of this book is to demonstrate how the legislation has created opportunity for the government to charge your trust to fund itself and you can leverage this knowledge using these little known secrets, hidden in plain sight.

EVIDENCE: Administration of a lunatic's estate.

Extracts from WILLIAM BLACKSTONE'S COMMENTARIES on the Laws of England 1765-1769
Blackstone on the English Constitution Book One, Chapter 8: Of the King's Revenue:
Branch 18

1. I proceed therefore to the eighteenth and last branch of the king's ordinary revenue; which consists in the custody of idiots, from whence we shall be naturally led to consider also the custody of lunatics. An idiot, or natural fool, is one that has had no understanding from his nativity; and therefore is by law presumed never likely to attain any. For which reason the custody of him and of his lands was formerly vested in the lord of the see; (and therefore still, by special custom, in some manors the lord shall have the ordering of idiot and lunatic copyholders) but, by reason of the manifold abuses of this power by subjects, it was at last provided by common consent, that it should be given to the king, **as the general conservator of his people**, in order to prevent the idiot from wasting his estate, and reducing himself and his heirs to poverty and distress: This fiscal prerogative of the king is declared in parliament by statute 17 Edw. II. c. 9. which directs (in affirmance of the common law) that the king **shall have ward of the lands of natural fools**, taking the profits without waste or destruction, and shall find them necessaries; and after the death of such

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idiots he shall render the estate to the heirs; in order to prevent such idiots from aligning their lands, and their heirs from being **dis-herited**.

2. By the old common law there is a writ de idiota inquirendo, to enquire whether a **man be an idiot or not**: which must be tried by; and if they find him purus idiota, the profits of his lands, and the **custody of his person** may be granted by the king to some subject, who has interest enough to obtain them. This branch of the revenue has been long considered as a hardship upon private families; and so long ago as in the 8 Jac. I. it was under the consideration of parliament, to vest this custody in the relations of the party, **and to settle an equivalent on the crown in lieu of it**; it being then proposed to share the same fate with the slavery [?] of the feudal tenures, which has been since abolished. Yet few instances can be given of the oppressive exertion of it, since it seldom happens that a jury finds a man an idiot a **nativitate**, but only non compos mentis **from some particular time**; which has an operation very different in point of law.

3. A man is not an idiot, if he has any glimmering of reason, so that he can tell his parents, his age, or the like common matters. But a man who is **born deaf, dumb, and blind**, is looked upon by the law as in the same state with an idiot; he being supposed incapable of understanding, as wanting those senses which furnish the human mind with ideas.

4. A lunatic, or non compos mentis, is one who has had understanding, but by **disease, grief, or other accident has lost the use of his reason**. A lunatic is indeed properly one that has lucid intervals; sometimes enjoying his senses, and jury of twelve men custody of his person sometimes not, and that frequently depending upon the change of the moon. But under the general name of non compos mentis (which Sir Edward Coke **says is the most legal name**) are comprised not only lunatics, but persons under frenzies; or who lose their intellects by **disease**; those that **grow deaf, dumb, and blind, not being born so**; or such, in short, as are by any means rendered incapable of conducting their own affairs. To these also, as well as idiots, the king is guardian, but to a very different purpose. For the law always imagines that these accidental misfortunes may be removed; and therefore only **the crown a trustee for the unfortunate persons**, to protect their property and to account to them for all profits received, if they recover or after their decease to **their representatives**. And therefore it is declared by the statute 17 Edw. II. c. 10 that the king shall provide for the custody and sustentation of lunatics, and preserve their lands and the profits of them, for their use, when they come to their right mind: and the king shall take nothing to his own use: and if the parties die in such estate, the residue shall be distributed for their souls by the evidence of the ordinary and of course (by the subsequent amendments of the law of administrations) **shall now go to their executors or administrators**.

5. The method of proving a person non compos is very similar to that of proving him an idiot. The Lord Chancellor, to whom, by special authority from the king, **the custody of idiots and lunatics is intrusted**, upon petition or information, grants a commission in nature of the writ de idiota inquirendo, to enquire into the party's state of mind; and if he be found non compos, he usually commits the care of his person with a suitable allowance for his maintenance, to some friend, who is called his committee. However, to prevent sinister practices, the next Heir; because it is his interest that the party should die. But, it has been said, there lies not the same objection against **his next of kin**, provided it be not his heir, for

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it is his interest to preserve the lunatic's life, in order to increase the personal estate by savings and the king shall take nothing to his own use; and if the parties he usually commits the care of his person allowance for his maintenance who is then called his committee next heir is never permitted to be this committee of the person provided he be not his heir to preserve the lunatic's life, in order to increase the which he or his family may hereafter be entitled to enjoy, The heir is generally made the manager or committee of the estate, it being clearly his interest by good management to keep it in condition; accountable however to the court of **chancery**, and to the non compos himself, if he recovers; or otherwise, to his administrators.

Registering interest in the estate on the Personal Property Securities Register (PPSR)

PPSR Legislation informs you to register an interest in your security (letters patent), by forming a group you can secure your identity documents, trademark or copyright as the owner, documents like folio book entries, birth certificates, statement of birth and any other security instruments that were initially used to create a deceased estate for the purposes of administration under probate of a Unit Trust.

Many examples are given in legislation that shows the reader how this was setup to avail the government for what some called legalised child trafficking! The legislative authority had to prepare the instruments and have Crown representatives organise the bills to be passed for the private members as bills. (pass the buck to the creditors).

As the Crown assumes the role as the Creditor the bill is passed to you the Crown and your trusty parliamentarian representatives get ready to provide to the public under Services Australia a range of corporate service providers budget like COVID services. The currency is now released but an agreement is required for everyone accepting a service, needs to provide the corporate service providers one thing "the insured party".

These templates were used to restrict any new **currency** or funds being laundered from a registered estate by public administrators, usually by way of charge levied against your estate veiled as new COVID services. Any use of your trademark for currency conversion are funds that need to be returned, as a, debt due to the Crown (you), which should include all infringements, charges or levies, being new money created from the use of your deceased's estates name, through demands of menace or coercion by public agents.

They may in error consider it a charitable trust fund that keeps on giving as a reserve in banking. When a public agent, officer or service provider becomes your power of attorney or administrator they deem themselves maker of the charge, fine or debt instrument and is effectively attempting to create income from a debt instrument by way of an on the spot fine. This being the new money for fresh circulation into the public and in a few years if left unclaimed by the Crown the treasury will release it as Bona Vacantia to the agent.

Think of every charge as a liquidation claim against your estate and you unwittingly joined in for the payout! Perhaps they want to get paid twice and two debts have occurred (more on this later). BDM keeps a **log** of the continued access to the estate or trademark information (name) and will quickly state that you would have given permission for this information to

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be accessed, like a mortgage application, (privacy agreement). BDM would have been contacted for the Treasury Account information to be verified so the bank knows this estate is legitimate and that it is able to “service” the debt by accessing credit.

The Crown assumes rights as the Creditor, so they need the Crown as signatory to grant access to the funds or shares that are held in the name of the holder’s account. The information sharing agreements that everyone continually signs are how they are sharing your personal information regarding the estate, generally while providing health services. Funds or claims of debt by this nature, as unclaimed money, can be claimed back on a tax return (tax-credit). It comes under the false right of use to land, USUFRUCT by parties unqualified to use the trust.

He who claims trust must prove trust

By registering a claim of right as the owner of a trust on the PPSR, we have effectively demonstrated that the owner has turned up to take administration off the state because the Crown is no longer a child and is competent of handling their own affairs. The state only administrates children or those that are incompetent like the mentally challenged as the parent state. The Crown works through its public interface or agent in commerce which is the executor, beneficiary etc as the trust. In the templates, the Crown gives direction through your public person or your unit trust (the name). It sounds a tricky concept, but it’s the only way they can hide it.

The Crown owner through the PPSR claims administrative control of the unit trust (name), and although may operate through it in the public from time to time, has definitely taken full control over the operation and is now in the procedure of giving notice to the new terms or rules as to how the trust bought over into the private is to be operated. Government has had the benefit of this trust by default and needs to be made aware of the owner secure all interest of the trust which is one of the laws of the trust.

The PPSR states that all interested parties must be made aware of a security being registered in the public. The violations and any infringements that could take effect are included on the registration which includes a prison penalty for any corporate body interfering with the privacy regarding the Crown copyrights, trademarks and patents. If anyone wants a copy of their Unit Trust or the services of a settlor, they can contact the maker of this document.

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SAMPLE PPSR FILING:



Date generated: 5-September-
CORR-VS-
Page 1 out of 2

VERIFICATION STATEMENT

Financing statement registration number [REDACTED]
PPSR registration date and time [REDACTED]
Debtor PIN [REDACTED]
Expiry date and time [REDACTED]
Status Registered

Debtors details

First name [REDACTED]
Middle names [REDACTED]
Last name [REDACTED]
Date of birth [REDACTED]
Debtor reference [REDACTED]
Email address [REDACTED]
Contact telephone [REDACTED]
Fax [REDACTED]
Contact address [REDACTED]
Mailing address [REDACTED]

Collateral details

Collateral type All Present and After Acquired Personal Property
Description Description As expressly provided in this Private Security Agreement Surname Crown (Creditor) also known by the style The Crown in right of New Zealand and Commonwealth or any State Services is a private person of full age and capacity in any agreement therein settlor or by or grantor or transferee and transferor evidencing the creation of any private unit trust (unlisted) or public unit trust or rating unit an employee or deceased child or person or Crown Entity [REDACTED] (Debtor) occupation registration number [REDACTED] having a monetary value on winding up of Two Hundred and Thirty Million New Zealand Dollars(\$230,000,000.00 NZD) individually for the avoidance of doubt is owned by the Crown nothing shall extinguish or abridge the ownership interest in all real and personal property of the Crown in all Crown land means all land tenements and hereditaments whether corporeal or incorporeal in New Zealand and all chattel or other interests in the land and all trees growing or standing on the land in any Crown grant or record of title or any lease or licence or other instrument of title and all petroleum and all gold and all silver and all uranium and all precious stones existing in it natural condition in Crown land (whether or not the land has been alienated from the Crown) and all debt due to the Crown shall be the property of the Crown nothing shall extinguish or abridge any powers or authorities which would have been exercisable by virtue of the prerogative of the Crown or any powers or authorities conferred on the Crown by any statute and in particular nothing in this agreement shall extinguish or abridge any powers or authorities exercisable by the Crown whether in time of peace or of war

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After an interest was registered against the estate, notice must be given regarding the correction of the record and forward to service providers especially to the Health Sectors.

Email Template used to correct the record:

By way of Service

To: Local Council,

District Health Board, Community Clinic,

Ministry of Health & World Health Organization (WHO)

**Notice of Data & Information correction
Re: COVID-19 Services**

Note: New Zealand legislation is referenced because of the banking declaration of 1835 joins the administration of deceased estates via the Trans Tasman Mutual Recognition Act 1997 in Australia - <http://legislation.govt.nz/act/public/1997/0060/latest/DLM411283.html>

In accordance with the Health Sector (Transfers) Act 1993 section 2 of this agreement, the Crown states restrictions and prohibitions on the Public Record to the use of personal, official and authority information (data) of the person or body named Jack Smith in any agreement hereinafter; and

1. The Authority Jack Smith a person or body owned or controlled, directly or indirectly by the Crown as such is a public office, shall be dissolved and discharged immediately; and
2. All real and personal property belonging to the Authority shall become vested in the Crown under the Public Records Act 2005 sections 25 and 53 of this Act; and
3. Information supplied in good faith of omissions and errors under the Births, Deaths, Marriages, and Relationships Registration Act 1995 sections 67 and 91A is currently used in bad faith of those omissions and errors as such protection is provided under section 91B of this Act; and
4. There is an interference with privacy currently causing an adverse action under the Privacy Act 1993 sections 66 and 97 of this Act; and
5. Furthermore, protection against certain actions where personal or official information was made available in good faith is provided for under section 115 of this Act and provided for under the Official Information Act 1982 section 48, Local Government Official Information and Meetings Act 1987 section 41 and correction under section 25 of this Act; and
6. Any Local authority not authorised to create nuisance to deprive the Crown or any person of any right or remedy the Crown or the person would otherwise have against the local authority or any other person in respect of any nuisance under the Local Government Act 2002; and

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7. Therefore, every one commits criminal nuisance who does any unlawful act or omits to discharge any legal duty, such act or omission being one which he or she knew would endanger the lives, safety, or health of the public, or the life, safety, or health of any individual is liable to imprisonment for a term not exceeding 1 year under the Crimes Act 1961; and

8. The constitutional functions, duties, powers, authorises, rights, privileges, and dignities belonging to the Crown in the administration of justice in accordance with the Constitution Act 1986 section 3, 4 and 5 of this Act; and

9. Therefore, exercisable under the Crown Proceedings Act 1950 sections 5 and 11 Saving in respect of acts done under prerogative and statutory powers of this Act.

Regards

Crown

Find attached pdf "PPSR FILINGS".

The Crown in right of The Commonwealth

Let the record reflect the correct information for the public record

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Template used to correct the record

To: NSW POLICE
& Crown Solicitors Office

Official Correction of Information

Notice:

This is a private information and private data correction by the Crown in right of New South Wales actioned through the NSW POLICE (ABN- 43 408 613 180) and the Crown solicitor regarding the Crown land estate/body corporate Jack Smith [birth certificate registration number 123456789].

Crown Direction:

The Crown in right of New South Wales actioned through the NSW POLICE and the Crown solicitor directs the NSW POLICE COMMISSIONER Mick Fuller, the NSW DEPUTY POLICE COMMISSIONER Jeff Loy and the Crown solicitor Karen Smith to correct the record and inform all members of the NSW POLICE FORCE, NSW POLICE SERVICE, NSW POLICE and NSW POLICE DEPARTMENT of this latest, accurate and most up to date private information.

Regarding - Revenue NSW Privacy statement:

“Information collected from you, for the purpose stated on this form, may be provided to third parties with your consent or as required or permitted by law. Revenue NSW will correct or up-date your personal information at your request”.

The NSW POLICE does not have my consent or permission to use the Crown land title Jack Smith for any commercial purposes whatsoever.

The CORPORATIONS ACT 2001(Cth) – SECT 601DC (4) (a)

A specified public authority, or an instrumentality or agency of the Crown in right of the commonwealth, a state or an internal territory has consented to the body or company using or assuming the name.

The CORPORATIONS ACT 2001 (Cth) SECT 5A (5)

Nothing in this Act makes the Crown liable to a pecuniary penalty or to be prosecuted for an offence.

The ROAD TRANSPORT ACT 2013 (NSW)- SECT 17 - Act to bind the Crown.

For example: if a member of the NSW HIGHWAY PATROL interferes with my privacy for any reason then the only “name” that will be given will be ‘no name Crown’. The officer will not have me consenting to providing the particulars detailed on the birth certificate as this is evidence of a deceased estate as defined in the BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT (ACT) 1997 – SECT 4 “child” means a person other than an adult and includes a stillborn child.

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1 BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT 1995 (NSW) – SECT 4 Definitions:
“child” includes a stillborn child.

Maxim - The inclusion of one excludes all others.

The living Crown is neither person nor deceased as defined in this legislation pertaining to the birth certificate. The Crown does not use the particulars provided on the birth certificate as a form of establishing identity.

The PRIVACY ACT 1988 (Cth)- SECT 4 Act to bind the Crown.

SECT 28- (a) making guidelines for the avoidance of acts or practices that may otherwise have any adverse effects on the privacy of individuals.

Notice of fair warning:

My private property is not registered in the title Jack Smith and will therefore display “no name Crown”. Any use of force, intimidation, coercion, arrest, detainment etc by any member of NSW POLICE or affiliated corporations against the Crown will invoke a private prosecution against that employee under the CROWN PROCEEDINGS ACT 1988 (NSW)- SECT 4 the Crown may sue.

A private prosecution will sue the named police officer responsible for the sum of AU\$230,000,000.00 for trespass upon the Crown's secured estate.

The PERSONAL PROPERTY AND SECURITIES ACT 2009 (Cth)- SECT 17.

Exhibit A- PPSR Registration number 201870987654320. Any unauthorised use of the Crown land title Jack Smith;

Exhibit B and C – PPSR Registration numbers 202098765432788 and 2009789009876543.

Any enforcement of COVID related requirements is outlined on; Exhibit D - PPSR Registration number 25678998765432.

All personal information, private data, biometric data and biological property of the Crown must be surrendered to the Crown in right of New South Wales immediately and must never be used by NSW POLICE OFFICERS to cause the Crown harm, loss, adverse effects or an interference with privacy as this information is no longer public, by Crown prerogative. The Crown land estate/body corporate Jack Smith is not under government administration.

2. The Office of the Australian Information Commission (OAIC) - The Privacy Commissioner, Ms Angelene Falk, has previously been directed to cease sharing, trading and using the Crown's copyrighted private information with any and all third parties. The Registrar General of NSW Births, deaths and marriages and the office of Births, deaths and marriages have previously been directed to cease settling any and all claims made against the birth certificate unit trust 2019864ky Jack Smith as any presumption of consent or permission by the Crown will officially be deemed as fraudulent.

In the name of the father and of the son and of the holy spirit, amend.

Regards

Crown in private.

Thou shalt not use thy fathers name in vain

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

By way of service

To: Client Service Officer | Client Services Division
Australian Financial Security Authority

**Breach of Crown Copyright
prohibitions and restrictions**
“Personal Property Security Act 2009”

I hereby notify the Service Provider that Crown Copyright violations, prohibitions and restrictions have occurred in the deceased estate Jack Smith (hereinafter The Deceased), in clear violation of the Personal Property Security Act 2009 - **SECT 17**.

New Zealand legislation is referenced because of the banking declaration of 1835 joins the administration of deceased estates via the Trans Tasman Mutual Recognition Act 1997 in Australia - <http://legislation.govt.nz/act/public/1997/0060/latest/DLM411283.html>

1. We have clearly identified the Services and Access (Life Event and Identity Products) is the source breaching privacy information principles, identifying the assault, conflict of interest, adverse possession, adverse action and interference with privacy, making the holder liable to civil, administrative and criminal jurisdiction as a criminal by the use of the **name** under the Services and Access (Life Event and Identity Products).

2. There is evidence to show we are not the **deceased person** and our true and correct identity is stated in section 3 This Act binds the **Crown** of the Births, Deaths, Marriages, and Relationships Registration Act 1995. Contrary to section 71, Certificates to be prima facie evidence, a birth, **death**, marriage certificate, civil union, or name change certificate shall in any proceedings be received as prima facie evidence of the truth of the information it contains” of the **deceased persons** whom we are not.

3. As indicated the Birth **certificate name** is referring to a deceased person by Section 67 Birth Certificates Generally, (1) Every birth certificate shall contain as much information (being information relating to the birth to which the certificate relates recorded under this Act or a former Act at the time the certificate is issued) as is then prescribed. (2) Subsection (1) is subject to sections 63 to 66 (3) Notwithstanding sections 63(2) (c), 64(1)(c), 65(3), and 66(1) (b), if satisfied that the person to whom a birth certificate relates was **still-born or is dead**, the Registrar issuing it shall cause it to bear the expression “still-born” or, as the case requires, **“deceased”** is prima facie evidence under the Births, Deaths, Marriages, and Relationships Registration Act 1995. (NZ).

4. This is supported by the WARNING and CAUTION: on the bottom of the birth certificate “WARNING: This certificate **is not evidence of the identity of the person presenting it**”. And “CAUTION: any person who (1) falsifies any of the **particulars** on the certificate, or (2) uses it as true, knowing it to be false, is **liable to prosecution** under the Crimes Act 1961”, this is further prima facie evidence that the certificate is not to be used as a Services and Access (Life Event and Identity Products).

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5. Research findings show that, section 2 Interpretation of the Crimes Act 1961 assault means the act of intentionally applying or attempting to apply force to the person, directly or indirectly, or **threatening by any act or gesture to apply such force** to the person of another, if the person making the threat has, or causes the other to believe on reasonable grounds that he or she has, present ability to effect his or her purpose; and to assault has a corresponding meaning. By the use of the Services and Access (Life Event and Identity Products) we are currently under assault, conflict of interest, adverse possession, adverse action and interference with privacy by **Crown entities** and **agencies** for identification purposes.

6. This indicates under due diligence and prima facie evidence that there are two separate identities on the birth certificate person, **owner**, and other words and expressions of the like kind, include the **Crown** and any public body or local authority, and any board, society, or company, and any other body of persons, whether incorporated or not, and the inhabitants of the district of any local authority, in relation to such acts and things as it or they are capable of doing or **owning** under section 2 of the Crimes Act 1961. The conflict of interest exists under section 5 Status of statutory entity under the Crown Entities Act 2004, where A statutory entity (a) is a body corporate; and (b) is accordingly a legal entity **separate** from its members, office holders, employees, and the Crown; and (c) continues in existence until it is dissolved by an Act.

7. Births, Deaths, Marriage Services and Access (Life Event and Identity Products) for disclosure or supply of information in the course of the exercise or performance or intended exercise or performance of any powers, functions, or duties under this Act, is shown that the information was disclosed or supplied in bad faith under section 91B Births, Deaths, Marriages, and Relationships Registration Act 1995. The information recorded under this Act or a former Act is incorrect, he or she must cause it to be removed and **cause the correct information** to be substituted and must cause the information to be recorded under section 84(1)(2)(a)(b) of this act, to be **substituted for the Crown** in relation to an executor, administrator, or trustee of an **estate or trust who requires the information for the administration of the estate** or trust: who is the next of kin of a person's death under section 75F(1)(c)(2)(d) of this act.

8. Births, Deaths, Marriages Services and Access (Life Event and Identity Products) under section 78F(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995 the Registrar- General may disclose death information to an appropriate non-government organisation, private sector agency, or person (the other party) for the purpose of removing the names of **deceased persons from a database held by the other party**. Under Schedule 1A Disclosure of information to specified agencies of this Act: Accident Compensation Corporation, Board of Trustees of National Provident Fund, Department of Internal Affairs, Department of Labour, Government Superannuation Fund Authority, Inland Revenue Department, Ministry of Education, Ministry of Health, Ministry of Justice, Ministry of Justice (Maori Land Court Unit) and Ministry of Social Development.

9. The approved information sharing agreement and information sharing agreement under section 96C of the Privacy Act 1993 under section 2 Interpretation of the Births, Deaths,

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Marriages, and Relationships Registration Act 1995. And Schedule 2A “Approved information sharing agreements” with New Zealand Police (u) next-of-kin information under the Privacy Act 1993 and Privacy (Information Sharing Agreement between New Zealand Gang Intelligence Centre Agencies) Order 2018 Schedule 1 item 21 **next-of-kin information of the Crown**. We are currently under assault, conflict of interest, adverse possession, adverse action and interference with privacy by Crown entities and agencies for identification purposes.

10. Whereas, sections 1 Short Title and commencement (1) This Act may be cited as the Births, Deaths, Marriages, and Relationships Registration Act 1995 (2) This Act shall come into force on 1 September 1995. “Part 1 Preliminary section 1A Purpose. The purposes of this Act are (a) to require the recording and verification of information relating to births, deaths, marriages, civil unions, name changes, adoptions, and sexual assignments and reassignments, so as to provide (i) a source of demographic information, and information about health, mortality, and other matters important for government; and (ii) an official record of births, deaths, marriages, civil unions, and name changes that can be used as evidence of those events and of age, identity, descent, whakapapa, and New Zealand citizenship; and (b) to regulate access to, and disclosure of, information recorded in respect of these matters; and (c) to regulate the provision and effect of certificates relating to information recorded in respect of births, deaths, marriages, civil unions, and name changes” and section 2 Interpretation “in part” of Births, Deaths, Marriages, and Relationships Registration Act 1995 proceeding to section 3 Act to bind Crown.

11. Consequently, section 7 Act binds the Crown of the Legislation Act 2019 although under section 22 legislation not binding on the Crown of the Legislation Act 2019 states “(1) No Act or part of an Act binds the Crown unless the Act (or other legislation) expressly provides that the Crown is bound by the Act or part. (2) No secondary legislation, or part of secondary legislation, made under an Act or part of an Act binds the Crown unless—(a) the Act (or another Act) expressly provides that the Crown is bound by the Act or part of the Act; or (b) the Act or the secondary legislation (or any other legislation) expressly provides that the Crown is bound by the secondary legislation or part of the secondary legislation.”

12. This indicates that, no part of any Act not binding on the Crown see prima facie paragraph 10 makes the title and the purpose of the Act in whole is of no effect and unenforceable. Therefore applying force to the Registration of Services and Access (Life Event and Identity Products) are **unlawful and a direct assault, conflict of interest, adverse possession, adverse action and interference with privacy by Crown entities and agencies for identification purposes.**

Statement of Correction of Personal and Official Information

1. The Crown acting through the Constitution Act 1986 and where, under the law of the United Kingdom, the royal functions are being performed in the name and shall be performed in the name **Jack Smith**. Every power under any Act is a royal power which is exercisable by the Sovereign in person. The death of the Sovereign **Jack Smith** shall have the effect of transferring all the **functions, duties, powers, authorities, rights, privileges, and dignities belonging to the Crown the Sovereign’s heirs and successors belonging to the Crown**. An Act to reform the constitutional law of New Zealand, to bring together into one

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enactment certain provisions of constitutional significance, and to provide that the New Zealand Constitution Act 1852 of the Parliament of the United Kingdom shall cease to have effect as part of the law of New Zealand cited with sections;

2. The Crown acting through the Public Records Act 2005 and Jack Smith a person or body owned or controlled, directly or indirectly, by the Crown, or 1 or more classes of such a person or body, is a public office and its agents, including the Chief Archivist may authorise in writing the discharge and release of public record or class of records that is discharged becomes the property of the person to whom it is discharged and ceasing to have status as a public record administered by the Department of Internal Affairs and the Minister of the Crown cited with sections;

3. The Crown acting through the Family Violence Regulations 2019 and Jack Smith the person is executor, administrator, or trustee of the estate or trust, a copy of an instrument or a record of title to a person who requires it to conduct a transaction with the person to whom that direction relates; or to have an instrument registered or noted under the Land Transfer Act 2017 or any other enactment; or to exercise a right held, or satisfy an obligation owed, in relation to the particular land (but not land generally), such as the right to sell the land under a mortgagee's power of sale on the recommendation of the Minister of Justice and Act means the Family Violence Act 2018 administered by the Minister of Justice the Minister of the Crown cited with sections;

4. The Crown acting through the Land Transfer Act 2017 and Jack Smith a public record of land alienated or contracted to be alienated from the Crown in fee simple vested in a person(s) for a freehold estate land. A record of title created in the name of a deceased person(s). The Crown is the registered owner of which was a company or any other body corporate that has ceased to exist; and that vests in the Crown as ownerless property the Crown has unknowingly disclaimed the estate is subrogated, to the extent of any compensation made or to be made, to all the rights and remedies a claimant may have, but for the subrogation, in relation to the matter to which the claimant's claim relates. The Crown has been in adverse possession of the land and continues in adverse possession of the land requiring cancellation of the record of title in the estate of the previous registered owner(s) Jack Smith is extinguished and any other estate or interest registered or noted on the record of title is extinguished in possession of the land by 1 or more joint tenants or tenants in common administered by Land Information New Zealand and Minister of the Crown is cited with sections;

5. The Crown acting through the Official Information Act 1982 and Jack Smith the Authority shall be dissolved; and all real and personal property belonging to the Authority shall become vested in the Crown; and all money payable to the Authority shall become payable to the Crown; and all liabilities, contracts, and engagements, and all rights and authorities of any nature whatever of the Authority shall become liabilities, contracts, engagements, rights, and authorities of the Crown; and all proceedings pending by or against the Authority may be carried on, completed, or enforced by or against the Crown administered by the Ministry of Justice and Minister of the Crown is cited with sections;

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6. The Crown acting through the Births, Deaths, Marriages, and Relationships Registration Act 1995 and Jack Smith an official record of births, deaths marriages, civil unions, and name changes evidence of those events a registrable event as such a birth certificate was issued in relation to a deceased person and for the purpose of removing or suppressing the names of deceased persons from a database held by the other party administered by the Department of Internal Affairs and Minister of the Crown is cited with sections;

7. The Crown acting through the Privacy Act 1993 and Jack Smith an individual of the information privacy request on the Crown's own initiative, take such steps to correct personal information as are, in the circumstances, reasonable to ensure that, having regard to the purposes for which the information may lawfully be used, the information is accurate, up to date, complete, and not misleading that has repeatedly caused an adverse action that has adversely affect the rights, benefits, privileges, obligations, or interests of any specific individual. The Crown acting through the Land Transfer Act 2017 has been in adverse possession of the land and continues in adverse possession of the land requiring cancellation of the record of title in the estate of the previous registered owner(s) Jack Smith is extinguished and any other estate or interest registered or noted on the record of title is extinguished an action is an interference with the privacy has caused, or may cause, loss, detriment, damage, or injury to that individual; or has adversely affected, or may adversely affect, the rights, benefits, privileges, obligations, or interests of that individual; or has resulted in, or may result in, significant humiliation, significant loss of dignity, or significant injury to the feelings of that individual administered by the Ministry of Justice and Minister of the Crown is cited with sections;

8. The Crown acting through Financial Markets Conduct Act 2013 and Jack Smith a financial product is issued to a person when it is first issued, granted by the Crown a reference to an issuer in relation to events, circumstances, or other matters before the financial products are issued is a reference to the person that will be, or is intended to be, the issuer when those products are issued. In this Act, a person ceases to be an issuer in relation to financial products when those products are cancelled, redeemed, or forfeited, or all of the obligations owing under those products have been discharged administered by the Ministry of Business, Innovation, and Employment and the Minister of the Crown is cited with sections;

9. The Crown acting through the Reserve Bank of New Zealand Act 1989 and with any person or on behalf of any person, Jack Smith including the Crown, every person, was a registered bank, or deemed to be a registered bank, shall continue to be a registered bank as if that person had been registered. Termination of statutory management the Minister may, by notice in writing direct the Bank to cancel the registration on the winding up, liquidation, receivership, or voluntary administration of that registered bank, subsidiary, or associated person must, for so long as it continues to be subject to statutory management, cease administered by the Reserve Bank of New Zealand and the Governor of the Bank or Treasurer or other Minister of the Crown is cited with sections;

Exhibit 2 - PPSR registrations of security interest in a Birth Certificate (Deceased Estate) as Crown copyright.

Regards

Crown Land ©Jack Smith, Owner of the Crown copyright

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

Privacy Statement:

WE, No name Crown, No Person the Crown in right, by virtue of Crown Prerogative, Crown Proceedings Act 1950 sections 5 and 11, New Zealand Trans Tasman Mutual Recognition Act 1997 sec 3, Australia Trans Tasman Mutual Recognition Act sec 7 Privacy Act 2020 sec 5, 69 and 152, Public Finance Act 1989 sec 49 (1) (c) and (d), Local Government Act 2002 sec 121, Legislation Act 2019 sec 22, Victims Rights Act 2002 sect 49 (2) (d) and 50 (2), Public Records Act 2005 sec 5 (1) (a) (i), Overseas Investment Act 2005 sec 55A and Contempt of Court Act 2019 sec 6 (1) (2), Copyright Act 1994 sec 126 (4) Health (Sector) Transfers Act 1993 sec 2 and 14, Births Deaths Marriages and Relationships Registration Act 1995 sec 67 (3) Land Transfer Act 2017 sec 15,, Goods and Services Tax Act 1985, sec 2 (1) Interpretation "name", Defence Act 1990 sec 2 (1) Interpretation "public property" Income Tax Act 2007 EY10(1) (2) (4) Anti-Money Laundering and Countering Financing of Terrorism Act 2009 Sec 5 (1) beneficial owner (a) (b) government agency (c) and sec 8

Note:

Although is remains difficult to be reimbursed for the loss of traffic infringements against the estate, ATO debt was simple to avoid.

Template with a debt listed, Due to the Crown

By way of service:

To: The Hon Scott Marlow MLC
Parliamentary Secretary to the Treasurer and for Covid recovery
GPO Box 5341
Sydney NSW 2001
Cc: Scott Johnston
Chief Commissioner of State Revenue
Revenue NSW
GPO Box 4042
Sydney NSW 2001

Date: 31st of August 2021,

**Unclaimed Money due to the Crown
in right of the Commonwealth
and any State services**

To: The Hon Scott Marlow MLC,
We refer to our Reference/Penalty Notice(s) 000000000,

We refer to the Revenue NSW website information regarding personal information it holds as a service to the **Crown, us, we, you, yours, ours;**

"What personal information we collect and hold. The personal information collected and maintained by Revenue NSW generally includes: your name, date of birth, gender, address, contact details, and individuals and entities that may be liable for taxes, fines or fees, or claiming grants or unclaimed money. How we collect personal information Revenue NSW

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may need to collect your personal information to assist you with your transactions and provide further information about related transactions or services from government or related partner agencies. We can collect personal information: directly from you, from someone you authorise on your behalf, or in certain circumstances, from other Australian, state and territory government bodies or other organisations. The legislation we administer often authorises us to do so (including) "The Unclaimed money Act".

Recovery Action:

The Crown has a right under the Unclaimed Money Act for owner's entitlement to recovery as the owner, any unclaimed money paid to the Chief Commissioner under this Act, The Crown is entitled to recover money from the Chief Commissioner in accordance with Part 4(15), of the Chief Commissioner's jurisdiction.

Owner of the disclaimed property:

Through the PPSR filings (attached if applicable) as the rightful owner of the information of the statutory body DICK SMITH (herein after the Public Trust) having an interest in the unclaimed money that is created in the name being used, and as property wholly owned by the Crown and through a claim made by the office of Revenue NSW through the penalty notices, that money (Unclaimed Money), is hereby claimed. Revenue NSW used information owned by the Crown to create a debt and as all debts are due to the Crown "This Act binds the Crown" the Crown claims and requires the funds from the use of the Public Trust be transferred immediately to the Crown bank account held in the name of the Public Trust.

Creating debts in the name of the Public Trust (Crown property) without full disclosure is a breach of the privacy Act 1988, Anti money Laundering Act, and other legislation that binds the Crown regarding the owners information if the service is not required or full disclosure not provided, but since the debt has already been created using the name by Grantor on a Crown land information lease through the RMS, the Crown will collect on these funds from the statutory bodies controlled by the Crown, so "you" Revenue NSW are hereby directed to pay the total amount outstanding of \$9,666 to the owner of the Public Trust (holder) as this is a debt due to the Crown under the unclaimed money Act Part 4(15) as the Crown is now in collection of its property "unclaimed money" within the time allowable.

Crown Offences:

Revenue NSW has caused serious and repeated interferences with privacy under the privacy Act 1988, sections 4, 13, 13B, 13F, 13G, 36, 67, 80Q, 83, 94A, 94H, 94R and under The Fair Works Act 2009 has caused an adverse action under sections 37,340, 342, 346, 351, 579.

Note: Prohibitions and restrictions apply.

Note: The Road Rules 2014 does not bind the Crown and is of no effect!

Crown Correction:

The Crown acting through the Privacy Act 1988 and Privacy Commissioner and RMS and NSW Police Force and Revenue NSW and the Public Trust (individual of the information privacy request on the Crown's own initiative), take such steps to correct personal information as are, in the circumstances, reasonable to ensure that, having regard to the

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purposes for which the information may lawfully be used, the information is accurate, up to date, complete, and not misleading that has repeatedly caused an adverse action that has adversely affected the rights, benefits, privileges, obligations, or interests of any specific individual.

Crown Directive:

The Crown acting through Revenue NSW local Authority and the Public Trust shall be dissolved; and all real and personal property belonging to the Authority shall become vested in the Crown; and all money payable to the Authority shall become payable to the Crown; and all liabilities, contracts, and engagements, and all rights and authorities of any nature whatever of the Authority shall become liabilities, contracts, engagements, rights, and authorities of the Crown; and all proceedings pending by or against the Authority may be carried on, completed, or enforced by or against the Crown administered by Justice NSW and the Minister of the Crown as property wholly controlled by the Crown (PPSR).

The Crown acting through the Births, Deaths, Marriages, legislation and the Public Trust an official record of births, deaths marriages, civil unions, and name changes evidence of those events a registrable event as such a birth certificate was issued in relation to a deceased person and for the purpose of removing or suppressing the names of deceased persons from a database held by the other party administered by the Department of Internal Affairs. Crown in adverse possession of the land and information continues in adverse possession of the land requiring cancellation of the record of title in the estate of the previous registered owner(s).

The Public Trust is hereby officially extinguished and any other estate or interest registered or noted on the record of title is extinguished and any other action is an interference with the privacy has caused, or may cause, loss, detriment, damage, or injury to that individual; or has adversely affected, or may adversely affect, the rights, benefits, privileges, obligations, or interests of that individual; or has resulted in, or may result in, significant humiliation, significant loss of dignity, or significant injury to the feelings of that individual administered by a Minister of the Crown.

See attached registration if applicable of the personal property secured on the registry. Notice is hereby given as per the PPSR regulations, that a security has been registered.

Regards

Crown
Owner of the Public Trust (body corporate/Unit trust)

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Template used when interference by administrators occurred

By way of service

To: Peter Edwards office
Deputy Registrar of Personal Property Securities
GPO Box 1944,
Adelaide SA 5001

Date: 31st August 2021

Trespass Notice Relating to Crown Property

Our reference: ENQ-1234022-X6758

RE: Removal of data – general grounds PPSR Registration number 2020090809856 and 202008798766543

I hereby give notice that you have trespassed on Crown property & violated the terms of use set out within the registrations by using Crown property on documents and correspondence without the express consent of the owner. The Crown, we, us, ours have not directed you or any member of your office to remove any registration. You must restore the data immediately, no investigation is required through the administrative or judicial processes and no request to remove or correct data has been submitted to the Registrar.

This matter is a serious violation of Crown procedure, a service that has not been sanctioned by the Crown but one you have elected to use by acting alone to create an adverse action against the owner of the particulars, the rightful owner of the information having registered an interest in their estate, gives this notification of a copyright violation as you have acted against a Crown interest.

Peter Edwards quote: *“The PPSR is a register of security interests. A security interest is an interest in personal property provided for by a transaction that, in substance, secures payment or performance of an obligation. It can also arise from consignments and certain long-term leases. A security interest is not established by a debt alone or by a disagreement on some issue. A security interest is created by a security agreement. And, a security agreement is an agreement or act, or writing evidencing such an agreement or act, in which a security interest in personal property is granted”.*

Reply: The Crown acting through the Land Transfer Act 2017 and Jack Smith a public record of land alienated or contracted to be alienated from the Crown in fee simple vested in a person(s) for a freehold estate land. A record of title created in the name of a deceased person(s). The Crown is the registered owner of which was a company or any other body corporate that has ceased to exist; and that vests in the Crown as ownerless property the Crown has unknowingly disclaimed the estate is subrogated, to the extent of any compensation made or to be made, to all the rights and remedies a claimant may have, but for the subrogation, in relation to the matter to which the claimant's claim relates.

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

And

The Crown acting through the Disclosure of information under Land Transfer Act 2017 for certain purposes

1 (c) to exercise a right held, or satisfy an obligation owed, in relation to the particular land (but not land generally), such as the right to sell the land under a mortgagee's power of sale.

Peter Edwards quote: *"Without a security agreement, or the anticipation of one, registering a security interest on the PPSR is prohibited. Under section 151 of the PPS Act a person must not apply to make a registration that describes collateral unless they believe on reasonable grounds that the person described in the application as the secured party is or will become a secured party in relation to the collateral".*

Reply: As the owner of the property and with rights confirmed by us in law, I hereby notify you that you have caused serious and repeated interferences with privacy under the privacy Act 1988, sections 4, 13, 13B, 13F, 13G, 36, 67, 80Q, 83, 94A, 94H, 94R and under The Fair Works Act 2009 to cause an adverse action under sections 37,340, 342, 346, 351, 579. Note: Prohibitions and restrictions apply.

Caution:

Criminal proceedings in connection with PPS-related conduct

Some conduct related to use of the PPSR may constitute an offence under the Commonwealth Criminal Code. For example, it is an offence under section 137.1 of the Code to knowingly make false or misleading statements or omissions to a Commonwealth official, and under section 136.1 it is an offence to knowingly or recklessly make false or misleading statements or omissions on a Commonwealth application. Other criminal offences such as fraud might also apply in some circumstances connected with the use of the PPSR.

The Crown may consider the matter be investigated by the Commonwealth Fraud Control Framework and/or referred to the Australian Federal Police, the Commonwealth Director of Public Prosecutions or other appropriate law enforcement agency for not disclosing to the general public they are in fact the Crown in right of the Commonwealth and any state services of which you are an agent for while engaging in fraud by assuming the name of a deceased entity and providing false and misleading information regarding registered particulars to identify yourself!

Crown Direction: The Crown acting through Attorney General and the Australian Financial Security Authority, Personal Property Securities Register, Peter Edwards Deputy Registrar of Personal Property Securities in a Crown capacity, that all real and personal property belonging to the Authority shall become vested in the Crown; and all liabilities, contracts, and engagements, and all rights and authorities of any nature whatever of the Authority shall become liabilities, contracts, engagements, rights, and authorities of the Crown; and all proceedings pending by or against the Authority may be carried on, completed, or enforced by or against the Crown administered by Justice NSW and the Minister of the **Crown as property wholly controlled by the Crown.**

Govern yourself accordingly.

Regards, Crown, Owner of the particular Land Jack Smith (PPSR-property)

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Dear BDM Registry:

Email: patricia.iannucci@customerservice.nsw.gov.au

Hi Patricia,

This is a privacy request made under the privacy Act 1988,
I hereby direct you to make available a **log** of all personal information shared with other third parties that I may have authorised by way of a privacy agreement, signed as the signatory.



**Registry of Births
Deaths & Marriages**
Attorney General & Justice

Birth Certificate Content Review -

"A birth certificate is used to establish identity and enable individuals to establish their rights and discharge their obligations in respect of services provided by the government and private sectors."

The above statement seems to indicate the financial instrument (with person) that makes up a register of the Reserve Bank of New Zealand Act 1989, is used as a financial reserve for the government guarantee, which also indicates is used to **discharge state services** as a credit, co-signed by the creditor(you). All based off a life insurance policy fund created for general banking to discharge service providers obligations into the future. But who or what is used as the resource?

Below was a template used to discharge a debt, as a counter deed printed on the back of the financial instrument (birth certificate). This template can be used in any Commonwealth Nation for a government service provided by the state (Service Providers). The BC was also authenticated by a Notary.

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In private confidence

THIS DEED made on the 13th May 2020 between the Crowns in right of New Zealand and Commonwealth or any State Services acting jointly with the residence **Jack Smith** body corporate occupation **2009756/1962** the appointee acting jointly on behalf of the Crown in right of New Zealand and Commonwealth or any State Services.

THEREFORE this private counter deed certifies that appointee has obtained a grant of probate or an order to administer or is otherwise authorised to administer the estate and states the date 09 January 1974 when the probate or order to administer was granted or the manner in which and time at 00:00:00 on the 12th March 2021 at which appointee became authorised to administer.

THEREFORE NOW this private counter deed certifies that the appointee shall act jointly with or in the name or on behalf of the appointer until further notice is authorised to act as interpreter or executor or administrator or commissioner or trustee or guardian or chief executive or manager or agent or attorney or liquidator or committee or receiver or certifier or witness in any other capacity in any particular case became so authorised to act into be accepted by all courts and persons as sufficient evidence without further proof of appointee's right to act on behalf of the Crown in the right of the New Zealand and Commonwealth or any State Services

THEREFORE NOW this private counter deed is sufficient for the purposes of registering the Crown in right of New Zealand and Commonwealth or any State services residence Jack Smith occupation 246785/1962 as owner of any estate or any interest in land under the Land Transfer Act 2017 or any mining privilege under the Mining Act 1971 or any shares or any stock or any property in any bank or any company or any body or any association acting behalf of the Crown in right of New Zealand and Commonwealth or any State Services

THEREFORE NOW No bank or any company or any body or any association or any person to which any certificate produced is concerned to inquire concerning any trusts acting on behalf of the Crown in right of New Zealand and Commonwealth or any State Services residence Jack Smith occupation 246745/1962 holds the land or any mining privilege or any shares or any stocks or any property as to the authority to transfer or deal with it.

FURTHERMORE any statement that purports any trust instrument or any orders or any power of attorney or any other document or any authority in any agreement or any deed or any certificate evidencing the creation of any trust is sufficient evidence of that purport and no-one is concerned to inquire beyond that statement

Regards

Crown.

Treasury –

Bona vacantia (ownerless) property

Sometimes property becomes automatically owned by the Crown because it has no other owner. When this happens, the property is called "ownerless property" (also known by its legal name, bona vacantia). Any kind of property can become "ownerless property": not just physical property like land or money, but also intangible things like mortgages, easements, leases, resource consents or intellectual property.

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

What is Unclaimed Money?

Unclaimed money is money held by a person or organisation, such as a solicitor or a Bank, where the owner of that money (or someone with authority to act on behalf of the owner) cannot be found. In general, money is classed as unclaimed after a certain length of time has passed since the person or organisation holding the money has been able to contact the owner. The length of time depends on the type of money.

What Happens to Unclaimed Money?

For the most part, unclaimed money is eventually transferred to the Crown, usually to the Treasury or the Inland Revenue Department, or the Public Trust. [IRD - The revenue is in the Placenta-land, Fauna, Flora]

Trust Money [Estate held in fee simple, **unclaimed**]

The Trusts Act 2019 allows trustees to pay money or financial products held by a **trust** (such as a **family trust** or a **charitable trust**) to the Crown, through the Treasury, when the **trust property** cannot be distributed in accordance with the terms of the **trust**. This will usually be done when none of the trust's beneficiaries can be found and the trustees wish to wind up the trust. The Treasury holds such money in a **trust** account for six years. If the money is not paid out during this time, it will be transferred to the Crown bank account as **unclaimed** money.

Public Trust New Zealand disclaimer:

Government Guarantee - Public Trust is a Crown entity established under the Public Trust Act 2001. Money in your term deposit, on call account or **prepaid funeral trust** (where funds are invested in the Funeral **Trust Cash Fund**) is held in Public Trust's common fund ("Common Fund"). Capital and interest in the Common Fund is **guaranteed** by the New Zealand Government. A guarantee of capital in the Common Fund is provided under section 52 of the Public Trust Act 2001 and a guarantee of interest in the Common Fund is provided under section 65ZD of the Public Finance Act 1989. Neither are time limited. The guarantees are provided by the **Crown; Public Trust is a Crown entity** so is related to the guarantor. The **guarantees** are unsecured and unconditional.

Reserve Bank of New Zealand Act 1989 – Registration of Banks

69 Register

(1) The Bank must keep a public register of **persons** known as **registered banks**.

(2) The Bank must determine the form of the register and may amend the form from time to time as it considers necessary.

(2A) The register must include—

(a) the name of each **registered bank**; and

(b) the current rating of each **registered bank** under section 80 (if any); and

(c) any other prescribed information.

(3) The Bank must take all reasonable steps to ensure that the information contained in the public register is available to members of the public at all reasonable times.

So the person on your birth certificate is considered a registered bank and therefore is the credit providing the government a guarantee for the range of public services provided in the public. Any government guarantee like **job-keeper** and any others that may be given by your

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minister is provided for by the registered bank which is the person. The definition of a certificate is a financial instrument, and because its linked to the placenta or dead thing (res aka res-ident), it is considered the debtor or the bastard child (inculced in guilt) or abandoned child by the informant mother whereas the person lives in a luciferin world of fear & guilt as a legal fiction. They only need you to embrace through joinder to the person for their transfer of energy or luce.

So the thing to capture is the particulars of the person on any and all financial documents that where initially used to secure a life insurance policy upon the death of a person also known as a deceased estate, particular Land, Crown Organisation, Crown Land or a registered bank as the placenta which died at birth, currently under management, or admin or to add minister by the "catholic church" know as ministers in the parliament house.

The Vatican, As Above So Below,

the kingdom of heaven is under lock and **key**, and your Crown land, commonwealth, earth, garden of Eden or dominion is also under lock and **key**, kept from you, wrapped up as a land reserve used for land banking connected through every ones placenta (dust to dust, we return).



But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

The motto '*Securitas et Vigilantia*' emphasises the position of the Reserve Bank as guardian of New Zealand's financial system. The reserve of persons (Birth Certificates) under lock and key for the purpose of global banking based out of New Zealand, a smite on Gods children as Papal (paper sea or papacy) rule over the land mass from New Sealand (hand of God), whereas a captured reserve or persons known as registered banks are used to fund the global economy.

Administration used and taken from a document is the important factor for consideration and thus why one might want to secure their Crown rights, authorities and privileges of their financial instruments and place it under new administration. Any group can list on the PPSR public notice board. Once filed, notice is given that the estate held in fee simple is now under new management whereas you the Crown are no longer alienated from your relatives estate held in fee simple from birth, "The placenta" or "next of kin" to the Heir.

Property Law Act 2007

Meaning of heirs and similar words

(1) This section applies—

(a) to an instrument coming into operation on or after 1 January 1953; but

(b) subject to the terms of the instrument.

(2) Subsection (3) applies to an instrument conferring an estate or interest in property on—

(a) the heir or heirs of a person; or

(b) the next of kin of a person; or

(c) the next of kin of a person to be determined in accordance with the Administration Act 1969; or

(d) the family of a person; or

(e) the relatives of a person.

(3) The instrument is to be treated as conferring the estate or interest on the persons who, on the intestacy of the person referred to in subsection (2), would take beneficially under the Administration Act 1969, and in the same shares.

(4) Subsection (5) applies to an instrument conferring an estate or interest in property on the heir or heirs of the body of a person.

(5) The instrument is to be treated as conferring the estate or interest on the person who would take beneficially on the intestacy of the person referred to in subsection (4) in accordance with a direction under the Administration Act 1969 to hold the person's property for the issue of the intestate on the statutory trusts.

Constitution Act 1986 - Demise of the Crown

(1) The death of the Sovereign shall have the effect of transferring all the functions, duties, powers, authorities, rights, privileges, and dignities belonging to the Crown to the Sovereign's successor, as determined in accordance with the enactment of the Parliament of England intituled The Act of Settlement (12 & 13 Will 3, c 2) and any other law relating to the succession to the Throne, but shall otherwise have no effect in law for any purpose

(2) Every reference to the Sovereign in any document or instrument in force on or after the commencement of this Act shall, unless the context otherwise requires, be deemed to include a reference to the Sovereign's heirs and successors.

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The Successor

Masonic lands includes all lands and premises in Queensland, of whatever tenure, which now are or which may at any time hereafter be held in trust for or on behalf of any grand lodge or any lodge, together with all rights, easements, and appurtenances whatsoever relating thereto and also includes chattels real, and tenements and interests which are now held, possessed, or occupied under any right, lease, license, authority, or tenure peculiar to goldfields or mineral fields, or other tenure under the laws relating to mining, or any leasehold, occupation license, authority, or permit or other tenure under the laws relating to the occupation, leasing, and alienation of Crown Land.

Mortgage Agreements

Crown Land:

If the property is held under any law relating to Crown Land, you must:

- (a) mortgage to us on the same terms as this mortgage and as further security for payment of the amount owing, and estate or interest in land or other property which the rights you have from the Crown are converted into or which you become owner of because you own the Crown land property; and
- (b) if the law allows it and we ask you, **convert** or join with us in converting the Crown land property into another form of land tenure, for example into freehold tenure.

Property title, the Conveyancer acting as a Joint tenant in your mortgage to launder estate funds into public housing without providing disclosure.

Your life insurance policy or fund is used to discharge a mortgage and when you the Crown acting as the signatory grant credit to settle the debt of the mortgage, or accept the charge levied by the bank, the bank failed to provide full disclosure in accordance with the registrar generals guidelines - Section 31B of the Real Property Act 1900, as it was not disclosed to you that by transferring the property into a "legal estate" held in fee simple, that shares or **funds** in the estate automatically create a discharge of any liability, because the subsisting mortgage is registered and the legal estate is vested in the mortgagee of that mortgage. Evidence is required where a discrepancy exists; between the mortgagee stated in or executing the discharge and shown in the original mortgage.

NSW Titles office - Tenancy not disclosed:

Where the mortgage: does not clearly state the tenancy of the mortgagees, **joint tenancy** is presumed, contains a **joint** account clause, joint tenancy is assumed or discloses that the advance was made in **shares**, tenants in common in those **shares** is assumed.

Disclosure has not been given, and the above statement suggests that the conveyancer at the very least came in as a **joint tenant** or third party to perform a discharge by way of conveyance and use shares of the estate **FUND** as a setoff or discharge for any liability!

You are hereby directed to provide evidence of the discharge, We wish to identify all **tenants in common** or applicants involved on the property title(s) (**shared sovereignty mentioned in the Hinds minutes**)

https://www.legislation.govt.nz/act/public/2017/0030/latest/DLM6731388.html?search=sw_096be8ed81a02a3b_In%2Bthe%2Bname_25_se&p=1&sr=5&fbclid=IwAR2l8cVgJ61AdT4WdOxrEZF9EcMXXQPORWPNaswSYOexafqqU8idITakLFs

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Below is a mortgage Discharge Form that can be Filled out by the Crown

Save As	Print	Reset Form	Add an Annexure	FOR HELP WITH THIS FORM CLICK HERE
Form: 05DM	DISCHARGE OF MORTGAGE			Leave this space clear. Affix additional pages to the top left-hand corner.
Release: 5:2	New South Wales Real Property Act 1900			
PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.				
(A) TORRENS TITLE	<input type="text"/>			
(B) REGISTERED DEALING	Number		Torrens Title	
(C) LODGED BY	Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any		CODE
		Email:	<input type="text"/>	DM
		Reference:	<input type="text"/>	
(D) MORTGAGE DISCHARGED	<input type="text"/>			
(E) MORTGAGEE	<input type="text"/>			
(F) MORTGAGOR	<input type="text"/>			
(G)	The mortgagee discharges the above mortgage so far as it affects the above CLICK & PICK >>> >>> >>>			
DATE	<input type="text"/>			Change Execution
(H)	From the list below select the required form of execution by the MORTGAGEE			
	<input type="radio"/> Standard			
	<input type="radio"/> Corporation with seal			
	<input type="radio"/> Corporation without seal			

Land Transfer Act 2017 (as at 30 March 2021) - 15 Record of title created in name of deceased person

A record of title created in the name of a deceased person takes effect as if the record of title were created immediately before the person died.

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A right to use the Land, Placenta estate, true story

When the obstetrics resident returned from vacation, she learned of the disposal of the placenta. She contacted the patient to express regret that the patient's wishes had not been realized. Further conversations led to a solution acceptable to patient and physician. The specimen block maintained by pathology was subdivided, and a portion in formalin was given to the physician. The patient was given instructions regarding safe handling of the specimen; the physician then released it to the patient. A supplemental pathology report, stating that "the block had been subdivided" and released to the patient at her request was released. The portion of the surgical block that was returned to the patient served as the placenta in the cultural ceremony. Afterward, she disposed of the specimen in a way appropriate to her culture.

Consideration for agreement to grant, renew, extend, or transfer leasehold estate or licence

When this section applies

(1) This section applies when—

(a) a person (the **payer**) incurs an amount of expenditure as consideration for the agreement by another person (the **payee**) to the grant, renewal, extension, or transfer of a right (**the land right**) that is a leasehold estate not including a perpetual right of renewal, or is a licence to use land; and

(b) the payer is the person who owns—

(i) **the land right**;

(ii) the estate in land from which **the land right** is granted; and

(c) the payee is the person who is obtaining **the land right**.

The Right held Income Tax Act 2007

Consideration relating to grant, renewal, extension, or **transfer of leasehold estate or licence**

When this section applies

(1) This section applies when a person (the **payee**) derives an amount—

(a) in relation to a right (**the land right**) that is—

(i) a leasehold estate not including a perpetual right of renewal;

(ii) a licence to use land or as consideration for the grant, renewal, extension, or transfer of **the land right**; and

(b) as consideration for—

(i) the agreement by the payee to the grant, renewal, extension, or transfer of **the land right**;

(ii) the grant, renewal, extension, or transfer of **the land right**.

Income

(2) The amount is income of the payee.

Exception for payment as consideration for transfer of land right

(3) The amount is not income of the payee if—

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- (a) the payee is the holder of **the land right**; and
- (b) the amount is consideration for the transfer of **the land right** to the person paying the amount; and
- (c) the amount is not sourced from funds provided, by the owner of the estate in land from which **the land right** is granted, for purposes that include obtaining the surrender or termination of **the land right**; and
- (d) each of the payee and the person paying the amount is not associated with the owner of the estate in land from which **the land right** is granted.

Exception for tenant or licensee of residential premises

- (4) The amount is not income of the payee if the payee—
 - (a) is a natural person and derives the amount as a tenant or licensee of residential premises whose expenditure on the residential premises does not meet the requirements of the general permission; and
 - (b) is not associated with the owner of the estate in land from which **the land right** is granted.

Land Information, A Company Restored on the PPSR as Claimed

Land Transfer Act

170 Application relating to land of **dissolved company**

- (1) This section applies to an application that relates to a freehold estate—
 - (a) the registered owner of which **was** a company or any other **body** corporate that has **ceased** to exist; and
 - (b) that vests in the Crown as **ownerless** property.
- (2) The Registrar must not proceed with the application unless,—
 - (a) if the Crown is entitled under an enactment to disclaim the estate,— (i) the Crown has **disclaimed the estate**; and
 - (ii) the Registrar is satisfied that no proceedings have been commenced in a court by a person to become the registered owner of the estate or to **restore the company** to the companies register under the [Companies Act 1993](#); or
 - (b) if the Crown is not entitled under an enactment to disclaim the estate, the Secretary to the Treasury consents to the application.

Crown land means all land held in allodium by, or the fee simple title to which is vested in, the Crown whether by virtue of Crown prerogative, operation of law, any enactment, or any **deed** or instrument; and includes—

- (a) land alienated by way of **lease or licence** under [section 66](#), [section 68](#), or [section 69](#) of the Land Act 1948; and
- (b) Crown land within the meaning of paragraphs (a) to (f) of the definition of the term Crown land in [section 2](#) of the Land Act 1948

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Roads Maritime Services (RMS)

Drivers License:

When you attend an RMS service centre, they want to pay you a fee for a lease agreement for information of your landed estate, your twin (the placenta). They will ask what length of lease 1, 3 or 5 years they can agree to hold your information for that you wish to license to them. Once you agree and provide the necessary information a fee will be presented, this fee you nominate to pay for the estate in fee simple, you give administrative control of.

The police ask to check this name or information licensed to the state held on the system connected to the RMS so they can verify they have jurisdiction over the estate when they wish to compel trust rights. All courts are administrative courts for the land estates. Its commonly known as Land alienated by the Crown. All relationships regarding the estate inside the trust work in a similar manner. Hinds report - Pay to play is a simple fee used to purchase a right to share in your sovereignty, and it will be as if the Crown did it according to the Hinds report (giving up dominion). Land information New Zealand LINZ & Land Titles Office are also working with their accountants Inland Revenue Department (IRD), because the revenue is in the Land!

Ambiguity in Shared Sovereignty, The Position of the Crown in Law

IMMUNITY OF THE CROWN FROM STATUTE AND SUIT - ANTHONY GRAY

The legal position of what we call the Crown has been considered over many centuries, spanning periods during which the notion of the Crown evolved from the monarch to something much broader, and the role of the monarch in law-making greatly minimised. The issue of the extent to which the Crown is bound by statute has **been contentious**. As we will see, various formulations of the immunity have found favour with the judges. For the sake of simplicity, I will refer to two main formulations; (a) a narrow view of Crown immunity, confining the immunity to legislation affecting what we call Crown prerogatives; and (b) a broader view of Crown immunity, meaning an immunity from all kinds of legislation. A separate but related question is the extent to which the Crown could be subject to civil actions, most especially claims in **contract and tort**.

The issue of **Crown immunity remains a live one**, considered (in the context of derivative Crown immunity) by the High Court of Australia in the 2007 decision *Australian Competition and Consumer Commission v Baxter Healthcare Pty Limited*. I will focus this article on the broader question of Crown immunity rather than the offshoot question of derivative Crown immunity.

Associate Professor, School of Law, University of Southern Queensland.

A precise definition of the Crown is elusive – Tom Cornford calls the concept of the Crown ‘deeply **ambiguous**’: ‘Legal Remedies Against the Crown and its Officers’ in Maurice Sunkin and Sebastian Payne (eds) *The Nature of the Crown: A Legal and Political Analysis* (Oxford University Press, 1999) 233; George Winterton states that in the monarchies of the British Commonwealth, the Crown is shorthand for executive government: Parliament, The

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Executive and The Governor-General (Melbourne University Press, 1983) 207; Nick Seddon in 'The Crown', (2000) 28 Federal Law Review 245 says the **concept is abstract** but could be used (in Australia) to describe ten bodies politic as legal entities (247-248).

These will be defined later – however there is a great **divergence of views** on the **meaning** of 'prerogative' in this context – the so-called Wade or Blackstone 'minimalist' view, that these powers mean only those powers **peculiarly applicable to a sovereign**, and the broader conception advanced by Dicey that it means powers exercisable by the executive government (see for example Council of Civil Service Unions v Minister for the Civil Service [1985] AC 374, 409-410). Evatt's categorisation of prerogatives into three types (The Royal Prerogative (Law Book Co, 1987) 30-31).

(2007) 232 CLR 1; derivative immunity is the extent to which bodies dealing with the Crown are entitled to the same immunities and privileges as the Crown enjoys. More detailed discussion of derivative immunity appears in Robertson Wright, 'The Future of Derivative Crown Immunity – With a Competition Law Perspective' (2007) 14 Competition and Consumer Law Journal 240 and, by the same author, 'Derivative Governmental Immunity: Lessons from Baxter and the Trade Practices Act' (2008) 16 Competition and Consumer Law Journal 114.

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Non-disclosure by the bank in regards to the Owner's rights or beneficial interest.

A trust is an arrangement where a person (the settlor) gives money or property to another person (the trustee), to be held in trust for the benefit of either the trust's beneficiaries, or a purpose recognised by law.

Notice Given on the PPSR regarding a trust fund valued at 230,000,000 in compliance with the AML:

Banking AML, Public Trusts - Customer Due Diligence

This fact sheet is to be read in conjunction with the beneficial ownership guideline.

Introduction

Section 11 of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (the Act) requires you to conduct customer due diligence (CDD) on:

- a) a customer,
- b) any **beneficial owner** of a customer, or
- c) any person acting on behalf of a customer.

Section 22 of the Act requires you Reporting Entities to conduct enhanced customer due diligence (EDD) on a trust.

Customer Identification

- a) On the trust.

The information required to identify the trust is:

- full name of the trust,
- address of the trust,
- name and date of birth of the individuals who are the trust's beneficiaries,
- source of funds or wealth of the customer, and
- any additional information, such as identifying a class of beneficiary for charitable trusts, as prescribed by regulations.

You are required to obtain information on the nature and purpose of the business relationship you will have with the trust.

- b) On the beneficial owners of the trust:

A beneficial owner is an individual who satisfies any one element, or any combination of the three elements, of the definition of a beneficial owner in section 5 of the Act. You must identify all beneficial owners. The information required to identify the beneficial owners is:

- name,

Unless Regulation 6(2) of the Anti-Money Laundering and Countering Financing of Terrorism (Requirements and Compliance) Regulations 2011 applies.

Section 25 of the Act.

date of birth, address, and any additional information, such as identifying a class of beneficiary for charitable trusts, as prescribed by regulations.

For a trust, the beneficial owners may include:

- trustees, and
- any other individual who has effective control over the trust, specific trust property, or with the power to amend the trust's deeds, or remove or appoint trustees. This might include a protector or special trustee (if there are any), or one or more of the beneficiaries of the trust.

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c) On the persons acting on behalf of the trust:

Acting on behalf of the customer is when a person is authorised to carry out transactions or other activities on behalf of the customer. For trusts, this includes persons who have authority to act on behalf of the trust, for example trustees or other persons who are able to give instructions about the trust's assets.

The information required to identify the persons acting on behalf of the trust is:

- full name,
- date of birth,
- address,
- the relationship to the customer,
- company identifier or registration number (if applicable), and
- any additional information prescribed by regulations. At the time of publication no additional information had been prescribed.

When professional entities are appointed, for example as corporate trustee or agent, you also need to identify the individual(s) representing the corporate trustee or agent.

Identification and verification of all individuals must be to the standard required by the Act.

Money laundering or financing of terrorism (ML/FT) risks

The requirement for EDD on trusts recognises the potential for trusts to be used to disguise the criminal origin of funds or the true ownership and effective control of the trust, particularly where ownership and control arrangements are sophisticated or complex. All trusts must be subject to EDD, but those trusts that are geographically or financially linked to higher risk countries, or include politically exposed persons, may have increased ML/FT risks. The information that you have gathered on the nature and purpose of the business relationship you will have with the trust may also help determine the ML/FT risk that the trust may pose. You may decide a trust with a complex structure and varied commercial activities is of greater ML/FT risk when compared to a simple family trust.

2 Information on EDD

EDD involves gathering further information on source of funds or wealth of the trust.

Source of funds or wealth of the customer (section 23)

To identify the source of funds or the wealth of a trust:

identify the individuals who are the settlor(s), and the origin of the settlor's wealth.

For example, the settlor may have inherited family wealth, accumulated business earnings, or funds from the sale of property, and/or

identify the source of any income that the trust is receiving. For example it may be income from an underlying company or simply a monthly deposit from a family bank account.

Regulation 6 – beneficiaries

Regulation 6 of the Anti-Money Laundering and Countering Financing of Terrorism (Requirements and Compliance) Regulations 2011 provides additional information on EDD for the beneficiaries of trusts. Regulation 6(1) requires you to obtain the name and date of birth of each beneficiary of a trust. However, regulation 6(2) allows you to relax this requirement if your customer is a discretionary trust, a charitable trust, or any type of trust that has more than ten beneficiaries. In such cases you must obtain:

a description of each class or type of beneficiary, and

in the case of a charitable trust, the objects of the trust.

Verification

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

The trust's structure and arrangements should be verified using documents, data or information issued by a reliable and independent source. This may require the provision of relevant extracts from a trust deed, subsequent deeds of appointment and amendment, or reference to an appropriate register in the country of establishment.

You are required to take reasonable steps to verify the identity information you have obtained. The information gathered will assist you with ongoing account monitoring. You are also required to take reasonable steps to verify information provided about the trust's source of funds or wealth, based on your assessment of the customer's level of risk.

When regulation 6(2) applies you are not required to verify the identity of the individual beneficiaries if you have established the class or type of beneficiary, or the objects of a trust. An individual's authority to act on behalf of a trust should be verified as well as their identity.

In The Name

Matthew 28:19 Go ye therefore, and teach all nations, baptising them in the name of the Father, and of the Son, and of the Holy Ghost. Amen KJV.

1. "In the name of a deceased person"

http://www.legislation.govt.nz/act/public/2017/0030/latest/DLM6731124.html?search=sw_096be8ed81a02a3b_In%2bthe%2bname_25_se&p=1&sr=0

2. "In the name of the transferee" "In the name of the registered owner"

http://www.legislation.govt.nz/act/public/2017/0030/latest/DLM6731223.html?search=sw_096be8ed81a02a3b_In%2bthe%2bname_25_se&p=1&sr=1

3. "In the name of that person"

http://www.legislation.govt.nz/act/public/2017/0030/latest/DLM6731225.html?search=sw_096be8ed81a02a3b_In%2bthe%2bname_25_se&p=1&sr=2

4. "In the names of the applicants as tenants in common"

http://www.legislation.govt.nz/act/public/2017/0030/latest/DLM6731388.html?search=sw_096be8ed81a02a3b_In%2bthe%2bname_25_se&p=1&sr=5

5. "In the name of the Crown, cancel the instrument of title"

http://www.legislation.govt.nz/act/public/1948/0064/latest/DLM251428.html?search=sw_096be8ed81a0294b_In%2bthe%2bname_25_se&p=1&sr=1

6. "In the name of the Sovereign"

"In the name of the Crown"

http://www.legislation.govt.nz/act/public/1989/0044/latest/resultsin.aspx?search=sw_096be8ed81a1f4fd_In%2bthe%2bname_25_se&p=1&pss=qs_act%40bill%40regulation%40deemedreg_In%2bthe%2bname_resele_25_h&psp=2

7. Any use of the name identifies you as the debtor...

<http://www.legislation.govt.nz/regulation/public/2001/0079/latest/resultsin.aspx?>

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

search=sw_096be8ed81935c1a_Name%2bof%2bdebtor_25_se&p=1&pss=qs_act%40bill%40regulation%40deemedreg_Name%2bof%2bdebtor_resele_25_h&psp=1

8. The Crown is the creditor...

http://www.legislation.govt.nz/act/public/2009/0030/latest/DLM2335744.html?search=sw_096be8ed80fc7436_crown%2bassumes%2bcreditor%27s%2brights_25_se&p=1&sr=1

9. Therefore we Copyright no-name under Crown Copyright because the 1st notification of birth RG-9 has no name...

http://www.legislation.govt.nz/act/public/1994/0143/latest/DLM346296.html?search=sw_096be8ed819fb8f5_No%2bname_25_se&p=1&sr=0

10. The Crown is no-person... http://www.legislation.govt.nz/act/public/2002/0039/latest/DLM158553.html?search=sw_096be8ed819c2e0a_No%2bperson_25_se&p=1&sr=2

11. The Crown has no sex/gender not male or female which is a prisoner...

http://www.legislation.govt.nz/regulation/public/2005/0053/latest/DLM5922402.html?search=sw_096be8ed8197ebbf_Sex%2bmeans_25_se&p=1&sr=0

12. In summary God/Crown/Grantor of deeds/GOD... settlers of the trust/grantor/transferee/transferor is no-name and is no-person... has an employee a person employed by the Crown

<http://www.legislation.govt.nz/.../latest/DLM294922.html...>

13. The Crown has an employee a person is a National Provident superannuation schemes a Government Superannuation Fund...

<http://www.legislation.govt.nz/.../latest/DLM295137.html...>

http://www.legislation.govt.nz/act/public/1993/0023/latest/DLM295138.html?search=sw_096be8ed81803113_A%2bperson_25_se&p=1&sr=2

14. The person is a deceased person...

<http://www.legislation.govt.nz/.../latest/DLM364722.html...>

15. A record of title created in the name of a deceased person

http://www.legislation.govt.nz/act/public/2017/0030/latest/DLM6731124.html?search=sw_096be8ed81a02a3b_A%2brecord%2bof%2btitle%2bcreated%2bin%2bthe%2bname%2bof%2ba%2bdeceased%2bperson_25_se&p=1&sr=0

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

“Safety first” or “Your safety is important to us” [Getting paid] [COVIDSafe]

The biggest portfolio is health and accident compensation insurance, whereas they can access up to 1M per year annually from your trust, which is a 90M life insurance policy underwritten by Lloyds of London, on the ratio of PIE (point of inception), (perpetuity), (the bond), which has one million numerals. FIF (Foreign investment fund), being the multiplier, which is 90yrs in banking terms.

You as Crown give consent via “health sector transfers Act” through your local authority (person) aka Crown entity. This Act binds the Crown (treaties of tenures), - The ancient term in the law called remitter (treaties of tenures), a man is born with two titles. This Act binds the Crown & This Act applies to persons (both parties), Crown with a person (Crown entity) or sovereign citizen (Crown Sovereign with a citizen person). Crown being the transferor, transferring through its ministers “Crown entities”, having no restrictions.

*No power in the crown originally; there is a power in the body (local govt) requiring to be sanctioned by the crown, but no power originally granted to the Crown; the power is in the body with the **consent** of the **Crown** (Chief).*

Shared Sovereignty - Hauraki Council is the model franchise, Blueprint for all Land Councils; *Sir George Gray’s plan for Native government in 1860.* *The Local government is representing the land through the ancestral name, as Crown Land held in a fee simple title.* New Zealand was being colonised the same time as South Australia and New South Wales, Sovereignty is either ceded generally by treaty or through a purchase. But in this instance an administration was setup and **trusts** created to become known today as – Estates held in fee simple, a pay-to-play situation, whereas the government will share in the sovereignty and administrate unit trusts for the people.

Alteration of term Native to Maori

(1) Except as otherwise provided by this Act, all references to a **Native** in **any Act**, regulation, rule, bylaw, order, or other enactment, or in any contract, agreement, **deed**, instrument, application, licence, notice, or other document whatsoever, shall, unless inconsistent with the context, be hereafter read as references to a Maori.

(2) Except as otherwise provided by this Act, wherever the term Native appears in any Act, regulation, rule, bylaw, order, or other enactment, or in any contract, agreement, **deed**, instrument, application, licence, notice, or other document as descriptive of **any person**, body, corporation, office, purpose, land, building, reserve, or place, that term shall, unless inconsistent with the context of the enactment or document, be hereafter read as the term **Maori**.

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

APPOINTED TO INQUIRE INTO

THE PRESENT STATE OF THE ISLANDS OF
NEW ZEALAND,

AND

The Expediency of regulating the Settlement of
British Subjects therein ;

WITH

THE MINUTES OF EVIDENCE

TAKEN BEFORE THE COMMITTEE,

AND

AN INDEX THERETO.

The select Hinds meetings report, the House of Lords ask, how does a kingdom become a colony? Which can only be granted by a **Crown**, how did a company colonise a country? Simply, it did not, it was administrated by a body corporate, in an agreement and a continuation of shared sovereignty. A purchase was made of this sovereignty where land is purchased in fee simple as shared sovereignty (in the soil).

Hinds report continued: *The question, however, has been waived in this bill; we suppose the New Zealanders, and not Great Britain, to be in Possession of the right of Sovereignty, and we propose, accordingly, that a Purchase should be made of the Sovereignty as well as of the Fee Simple of the Land)...which is not considered ownership, but a continuing act of exercising sovereignty, by way of a lease or license under tenants in common, through an Aboriginal Land Commission from New Zealand in 1834, which are considered partial leases made by the parishes in missions organised in Australia. (Vattel certainly speaks of Penn's Treaty as if he understood him to **have purchased** the sovereign Rights as well as the Fee Simple).*

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The trust or particulars on the birth certificate are also considered an estate held in fee simple.

Hinds report continued: *(The savage is in a State of Pupillage, and must be treated as we treat children. The only principle which is important to maintain is this: If you go into a country at all inhabited by savages, and take possession of their land and become Sovereigns of it, you infringe their rights if you do not consider their benefit as well as your own. If you were treating with a child you would not infringe the rights of that child simply by acting and deciding for him, but you would infringe his rights if you acted and decided for your own benefit and not his. So with respect to savages; they are, compared with civilized men, like children.*

This is the blueprint for the council's existence as the continue to administrate estates held in fee simple (Guardianship) as franchises from the HWPT Declaration and mere administrators in a trust district.

Hinds report continued: *Instance what is meant by the cession of sovereignty amounts to this – that we purchase the right to participate in the sovereignty with them; we do not wish to exclude them, but pay them a price to partake in the sovereignty with them. His share; and I see no reason, as soon as the new Zealander is capable of it, against his being chief Justice, Governor, or Bishop, or holding any other office. It is not, therefore, that we take the sovereignty, and by so doing we enable him to become the sovereign of the country, which he is not at present.*

Sovereignty is in the land (Crown Land). This deal of a purchase for sovereignty rights as a “pay to play” is executed in New Zealand by local tribes-men and consent granted through Paramatta and Waitangi celebration's as consent in New South Wales. New Zealanders are considered to be everyone from the ship (citizen-ship).

Hinds report continued: *What provisions are contemplated for natives whose Lands shall have been ceded? The natives whose lands will be ceded will be amply provided for. The provisions in the bill relate, in the first instance, to the securing, the due administration of justice. By looking through the bill it will be seen that, in the first place, the oath which is to be taken by the commissioners, who are to be the governors of the colony, contains an obligation of seeing justice done to the natives.*

It is proposed, besides, to have an appointment especially for the protection of the natives. It is proposed that a protector of the natives shall be appointed; and, in order that this appointment may be put upon the fairest footing, the right of appointing him is to be taken out of the hands of the commissioners, and vested entirely in the Crown; subject to the veto of the Crown. The protector is to make reports to the Crown, independently of the governor of New Zealand.

The commissioners are administrating the Land through Acts like the enclosures Act.

Hinds report continued: *Title of exceptional law. It is proposed to make what are called exceptional laws in favour of the natives; As an instance of what I mean, one provision of the bill is, that a certain reserve should be made of land for the natives, and that land should be unalienable; that supposing a native were to sell his land, it should be considered no more a valid sale than if a child were to sell it; that is an exceptional law. The savages are to be dealt*

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with as children, so far as they require to be so treated; their rights are protected against any advantage being taken of them by the superior knowledge and experience of civilised men.

*If it is necessary to make an exception in the sale of lands to be hereafter made, in consequence of those **chiefs being to be treated as children**, how do you reconcile the system of confirming all the sales which have heretofore taken place, when they were quite as ignorant, if not more so, than they are at present? I may be still allowed to carry on the analogy between the **child and the savage**. I do not think they are fully able to see the results of their sales in any instance, and that justice is done them, or not, according as we make a bargain for or against them. I think that we should fairly **administer justice to them**, if we treat them justly. It is in vain to wait till they can properly appreciate the justice of our proceedings; and we must in the meantime treat them as **children**. [FACS] [Stolen Generation].*

The Chief of the tribe is the owner of the customary common law title and as the Crown can give direction as a process. The sovereignty is in the land, it is held as an estate and entering into this jurisdiction under a crown administration noted to the attorney general who works for the [Tribal] chief as justice.

Hinds report continued: *Appointments; must be confirmed by the Crown?*

*Yes, the commissioners are allowed a right of appointment, subject to a veto on the part of the Crown; it is nothing more than an effect of recommending, the privilege of exclusively recommending. It is evident that unless a privilege of the sort were granted, for I will not call it a power, the commission would be inadequate to the purpose for which it is constituted. It would be transferring the responsibility to the Crown. For instance, suppose an improper appointment were made of a chief justice; neither the Crown nor the public could say to the commissioners, "you are blameable for it;" the commissioners would reply, **"It is not we who have done it, but the Crown."** (This ACT binds the Crown).*

...End of Hinds reference.

Legal Life

Every Sovereign [placenta] died on paper, with your power & authority transferred into the hands of a public **trustee** and Guardian, and your property is held by treasury as abandoned land...until the Crown makes its final return as Crown, Spirit to re-join to its dominion by birth right.

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New Zealand Legislation

Crown assumes creditor's rights

(1) If the Crown makes a payment under a guarantee to a creditor of an entity in respect of which the guarantee was given (the guaranteed entity), the **Crown is subrogated**, to the extent of the payment, to all the rights and remedies that, but for the subrogation, the creditor would have had in relation to the creditor's claim against the guaranteed entity.

(2) To avoid doubt, subsection (1) applies—

(a) whether the Crown pays the creditor's claim against the guaranteed entity in full or in part; and

(b) to give the Crown the same rights and remedies that the creditor would have had in relation to the guaranteed entity, any third party, and any security for the claim; and

(c) to give the Crown the same priority that the creditor would have had in the event of the insolvency of the guaranteed entity.

(3) This section does not limit or affect any other rights or remedies that the **Crown may have as guarantor**.

Estate and Gift Duties Act 1968 [How they run global commerce]

Interpretation -

In this Act, unless the context otherwise requires,—administration means any **probate**, letters of administration, rule or order of any court, or any other document whereby any person becomes entitled at law to **administer the estate** of a **deceased person** or any part of his or her estate; and includes all probates or letters of administration granted out of New Zealand and all exemplifications thereof, if those probates, letters of administration, or exemplifications have been resealed in New Zealand under the Administration Act 1969. For the purposes of this Act, any probate or letters of administration granted out of New Zealand shall be deemed to have been granted when the probate or letters of administration or an exemplification thereof are resealed in New Zealand
administrator means any person to whom administration has been granted, or who is entitled in consequence of any other administration to administer the estate of a deceased person or any part of **his or her estate**

Commissioner means the Commissioner of Inland Revenue as defined in the Tax Administration Act 1994

debenture includes debenture stock, bonds, convertible notes, and **any other securities** of a company, whether **constituting a charge** on the assets of the company or not.

debt includes any pecuniary liability, charge, or encumbrance

group superannuation scheme means—

(a) any **fund**, plan, or scheme under the Government Superannuation Fund Act 1956 or the National Provident Fund Act 1950:

(b) any fund, plan, or scheme established for the purpose of providing superannuation benefits, or **death benefits**, or superannuation and death benefits, in respect of the employees of an employer or any class or classes of those employees:

(c) any registered scheme within the meaning of section 6(1) of the Financial Markets Conduct Act 2013 that—

(i) is a superannuation scheme, workplace savings scheme, or Kiwi-Saver scheme within the meaning of section 6(1) of the Financial Markets Conduct Act 2013; and

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(ii) is established for the benefit of contributors to the scheme otherwise than as employees of any employer

interest on gift duty means interest payable in accordance with Part 7 of the Tax Administration Act 1994 on unpaid or overpaid gift duty

penalty on gift duty means a late payment penalty computed and payable in respect of unpaid gift duty in accordance with section 139B of the Tax Administration Act 1994

pension includes any annuity or other periodical payment, by whatever name it is called prescribed, in relation to any form, means prescribed either by the Commissioner or by regulations made under the Tax Administration Act 1994

share includes stock Taxation Review Authority, or Authority, means a Taxation Review Authority established under the Taxation Review Authorities Act 1994

will includes any **testamentary instrument**.

(2) In this Act—disposition of property means any conveyance, transfer, assignment, settlement, delivery, payment, or other **alienation of property**, whether at law or in equity; and, without limiting the generality of the foregoing provisions of this definition, includes—

(a) the issue of shares in a company:

(b) the creation of a trust:

(c) **the grant or creation of any lease**, mortgage, charge, **servitude**, **licence**, power, or other right, estate, or **interest in or over any property**:

(d) the release, discharge, surrender, forfeiture, or abandonment of any debt, contract, or thing in action, or of any right, power, estate, or interest in or over any property; and for this purpose a debt, or any other right, estate, or interest, shall be deemed to have been released or surrendered when it has become irrecoverable or unenforceable by action through the lapse of time:

(e) the exercise of a general power of appointment in favour of any person other than the holder of the power:

(f) any transaction or series of related or connected transactions entered into by any person with intent thereby to diminish, directly or indirectly, **the value of his or her own estate** and to increase the value of the estate of any other person; and for this purpose the passing by a company of a resolution which, by the extinguishment or alteration of the rights attaching to any shares or debentures of the company, results, directly or indirectly, in the estate of any shareholder or debenture holder of the company being increased in value at the expense of the estate of any other shareholder or debenture holder shall be deemed to be a transaction entered into by that other shareholder or debenture holder if he or she could have prevented the passing of the resolution by voting against it or otherwise;— but does not include a disclaimer of an interest under a disposition made **inter vivos** or by will or of an interest under an **intestacy**

donee means—

(a) **any person becoming entitled to any beneficial interest under a gift**; or

(b) any person to whom property passes under a gift to be held for the purpose of creating a charitable trust, or for the establishment of any society or institution exclusively for charitable purposes, or to aid any such trust, society, or institution; or

(c) any trust, society, or institution which receives a gift;—

and includes a body corporate and, unless the context otherwise requires, the **administrator of a deceased donee**

donor means the maker of a gift; and includes a body corporate and, unless the context otherwise requires, the administrator **of a deceased donor**

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dutiable gift means a dutiable gift within the meaning of section 63

general power of appointment includes—

(a) any power or authority created on or before 31 March 1967 that—

(i) is conferred by the will of any person dying on or before that date, or is conferred by any settlement *inter vivos* executed on or before that date, or is created in any other manner on or before that date; and

(ii) enables, or would enable if the holder were of full capacity, the holder of the power or authority to appoint or dispose of any property, or to charge any sum of money upon any property, as the holder thinks fit for the holder's own benefit; and

(iii) is exercisable by instrument *inter vivos* or by will; and

(iv) is not a power or authority exercisable by a person in a fiduciary capacity under a disposition not made by the person, or exercisable by a mortgagee:

(b) any power or authority created on or after 1 April 1967 that—

(i) is conferred by the will of any person dying on or after that date, or is conferred by any settlement *inter vivos* executed on or after that date, or is created in any other manner on or after that date; and

(ii) enables, or would enable if the holder were of full capacity, the holder of the power or authority to obtain or appoint or dispose of any property, or to charge any sum of money upon any property, as the holder thinks fit for the holder's own benefit; and

(iii) is exercisable orally or by instrument *inter vivos* or by will or otherwise; and

(iv) is not a power or authority exercisable by a person in a fiduciary capacity under a disposition not made by the person, or exercisable by a mortgagee

gift means any disposition of property before 1 October 2011, wherever and howsoever made, otherwise than by will, without fully adequate consideration in money or money's worth passing to the person making the disposition:

provided that where the consideration in money or money's worth is inadequate, the disposition shall be deemed to be a gift to the extent of that inadequacy only

voluntary contract means any contract entered into, whether with or without an instrument in writing, without fully adequate consideration in money or money's worth:

provided that where the consideration in money or money's worth is inadequate, the contract shall be deemed to be voluntary to the extent of that inadequacy only.

(3) For the purposes of this Act,—

(a) persons are connected by blood relationship if within the fourth degree of relationship:

(b) persons are connected by marriage, civil union or de facto relationship if one is in a marriage, civil union or de facto relationship with the other or with a person who is connected by blood relationship to the other:

(c) persons are connected by adoption if one has been adopted as the child of the other or as the child of a person who is within the third degree of relationship to the other:

(d) illegitimate relationship shall be equivalent to legitimate relations

Winding up

(1) Neither the DBP annuitants scheme nor the DBP contributors scheme may (to the extent that the winding up of the scheme is permitted by legislation and the terms of its trust deed) be wound up unless the other of those schemes is being wound up at the same time. When the DBP contributors scheme is wound up, the interests of all members in that scheme at that time shall be transferred to the DBP annuitants scheme immediately before the DBP annuitants scheme is wound up.

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(2) Upon a winding up of the DBP annuitants scheme, **the Crown shall pay into that scheme** the amount necessary to increase the market value of the property of that scheme to the value it would have had if—

(a) property had been allocated to that scheme by the proposal in accordance with clause 4(10) of Schedule 2 but without the deduction of the amount of \$**230** million (or such other amount as may have been agreed between the Crown and the Board for the purposes of that subclause); and

(b) the investment of the property of the scheme had been appropriate to its liabilities; and

(c) subparagraphs (ii) and (iii) of clause 2(1)(a) applied,—such assessment to be made by an actuary appointed by the Board and **approved by the Crown.**

Crown Proceedings Act 1950

Saving in respect of acts done under prerogative and statutory powers

(1) Except as expressly provided in this Part, nothing in this Part shall extinguish or abridge any powers or authorities which, if this Act had not been passed, would have been exercisable by virtue of **the prerogative of the Crown**, or any powers or authorities conferred on the Crown by any statute, and, in particular, nothing in this Part shall extinguish or abridge any powers or **authorities exercisable by the Crown, whether in time of peace or of war**, for the purpose of the defence of the realm or of training, or maintaining the efficiency of, any of the armed forces of New Zealand or of any part of the Commonwealth.

(2) Where in any proceedings under this Act it is material to determine whether anything was properly done or omitted to be done in the exercise of the prerogative of the Crown, the Minister of Defence, if satisfied that the act or omission was necessary for any such purpose as is mentioned in the last preceding subsection, may issue a certificate to the effect that the act or omission was necessary for that purpose, and the certificate shall, in those proceedings, be conclusive as to the matter so certified.

Health Sector Transfer Act 1993 - 2 Interpretation

(1) In this Act, unless the context otherwise requires - *agreement* includes a deed, a contract, an agreement, an arrangement, and an understanding, whether oral or written, express or implied, and whether or not enforceable at law; and, without limitation, includes a contract of service and a deed, contract, agreement, or arrangement creating or evidencing a **trust**.

Crown endowment means, in relation to land held by a DHB, **a trust settled by the Crown** or by or pursuant to any Act, Provincial Ordinance, **grant**, or Order in Council in respect of that land, whether before or after it came to be held by the DHB, **being a trust—**

(a) for the purpose of providing an income derived from that land—

(i) for hospital purposes (such as for the maintenance of a hospital); or

(ii) for the purposes of any health services or disability support services or both; or

(b) for the purposes of establishing, or providing a site for, a hospital or like institution; or

(c) for hospital purposes; or

(d) for the purposes of any health services or disability support services or both; or

(e) for any or all of the purposes described in paragraphs (a) to (d)

Crown endowment land means, in relation to a DHB, land that—

(a) is vested in the DHB as a Crown endowment; and

(b) was either—

(i) **granted by the Crown** to the DHB or to any of its predecessors in title; or

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(ii) vested in the DHB or in any of its predecessors in title by or pursuant to any Act, Provincial Ordinance, grant, or Order in Council; and

(c) was not land that, before it was granted to, or vested in, the DHB or any of its predecessors in title, had been given to the Crown, **whether in trust or otherwise**; and

(d) is not a public reserve within the meaning of the Reserves Act 1977; and

(e) is not, except for being held as a Crown endowment, **land that is held in trust for a particular purpose**; and

(f) is not, except for being held as a Crown endowment, land in respect of which special provision is made by any Act or Provincial Ordinance

Crown entity has the same meaning as in section 2(1) of the Public Finance Act 1989

employee has the same meaning as in section 6 of the Employment Relations Act 2000

Health Benefits Limited means the company incorporated under the Companies Act 1993 with the name Health Benefits Limited

hospital board means a hospital board constituted by section 25 of the Hospitals Act 1957

HPA means the Health Promotion Agency established by section 57 of the New Zealand Public Health and Disability Act 2000

HQSC means the Health Quality and Safety Commission established under section 59A of the New Zealand Public Health and Disability Act 2000

liabilities includes—

(a) liabilities and obligations under any Act or agreement; and

(b) debt securities within the meaning of the Financial Markets Conduct Act 2013; and

(c) contingent liabilities; and

(d) interests of any kind in any of the foregoing

predecessor in title, in relation to a DHB, means any of its predecessors in title that was an area health board or a hospital board or a Crown health enterprise or a hospital and health service or a similar body established under an enactment relating to the management of public hospitals and **charitable institutions**

publicly-owned health and disability organisation means any DHB, the HPA, the NZBS,

Pharmac, and HQSC *rights* includes powers, privileges, interests, leases, licences, approvals, consents, designations, permissions, dispensations, authorisations, benefits, and equities of any kind, whether actual, contingent, or prospective

transfer includes—

(a) assign and convey; and

(b) confer estates in fee simple of land held by the Crown, whether in allodium or **otherwise**; and

(c) grant rights in respect of any assets or liabilities; and

(d) in the case of a liability, the assumption thereof by a transferee; and

(e) in all provisions of this Act other than section 4, vest under section 5; and

(f) vest under clause 10 of Schedule 1;—

and the word *transferred* has a corresponding meaning

transfer date means, in relation to an agreement entered into under section 4 or a proposal approved under section 5, the date specified in the agreement or proposal as the date upon which the transfer of assets or liabilities, or both, referred to in the agreement or proposal takes effect (whether or not all formalities required to complete the transfer are completed by that date)

transferee means any of the following:

(a) **the Crown** (whether or not acting through a Government department):

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- (b) a publicly-owned **health** and disability organisation:
 - (c) a subsidiary of a publicly-owned health and disability organisation:
 - (d) a person declared under subsection (6) to be a transferee for the purposes of this Act
- transferor* means any of the following:
- (a) **the Crown** (whether or not acting through a Government department):
 - (b) a publicly-owned **health** and disability organisation:
 - (c) a subsidiary of a publicly-owned health and disability organisation:
 - (d) Health Benefits Limited:
 - (e) in relation to any assets or liabilities that are transferred for a second or subsequent time, includes the transferee to whom those assets or liabilities have previously been transferred

transferring Ministers means the Minister of Finance and the Minister of Health.

(2) Unless the context otherwise requires, terms defined in section 6(1) of the New Zealand Public Health and Disability Act 2000 have the same meanings in this Act.

(3) Unless the context otherwise requires, in this Act,—

- (a) a reference to *transfer* or *authorise* includes entering into an agreement to transfer or authorise, as the case may be; and
- (b) a reference to any agreement or proposal includes any amendments to that agreement or proposal.

(4) **Unless a written agreement entered into by the Crown states that any restriction, prohibition, or other provision** is to apply despite the provisions of this subsection, this Act shall have effect, and assets and liabilities may be transferred under this Act, notwithstanding any restriction, prohibition, or other provision contained in any Act, rule of law, or agreement that would otherwise apply.

(5) **Nothing in this Act shall limit any powers or rights that the Crown** or a Minister has under any other enactment or rule of law.

(6) The Governor-General may, by Order in Council made on the recommendation of the Minister, declare any person to be a **transferee** for the purposes of this Act.

Health Sector (Transfers) Act 1993 (as at 12 November 2018)

Health Sector

Assets held in trust or subject to restrictions

10 Assets to remain subject to trusts

For the avoidance of doubt, it is hereby declared that, subject to sections 11 to 11D and to any other enactment or rule of law, **all assets that are transferred to a transferee** under this Act shall remain **subject to any trusts** affecting those assets at the time when they are transferred and be dealt with by the transferee in accordance with the terms of the trusts.

Health Sector (Transfers) Act 1993 (as at 12 November 2018)

11 Assets held in trust

(1) If an asset is held in trust by a transferor or transferee, the Minister may request the Attorney-General to determine either, or both, of the following matters:

- (a) **whether, and to whom, the asset should be transferred:**
- (b) **the extent to which the terms of the trust should be modified.**

(2) If the Attorney-General is requested to determine a matter under subsection (1), Public Trust shall prepare a scheme for the transfer of the asset or for modifying the terms of the trust, or both.

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(3) Public Trust, in preparing a scheme under subsection (2), may consult with such persons as it considers appropriate.

(4) Every scheme under subsection (2) shall—

(a) be prepared, and submitted, to the Attorney-General as soon as reasonably practicable; and

(b) be accompanied by full information as to all the facts upon which any transfer or modification is proposed; and

(c) effect the minimum change necessary to enable the trust to operate satisfactorily in the light of the transfer of the asset.

(5) The Attorney-General shall, as soon as reasonably practicable after receiving a scheme submitted under subsection (4),—

(a) **approve the scheme** (as originally submitted or with amendments agreed by **Public Trust**); or

(b) recommend amendments to the scheme; or

(c) direct that the scheme should not proceed, in which event the matter shall be dealt with under the Charitable Trusts Act 1957.

(6) No scheme shall be approved by the Attorney-General under this section unless the Attorney-General is satisfied that the scheme is a proper one and is not contrary to law, public policy, or good morals.

(7) Where a scheme is approved by the Attorney-General under subsection (5), the transferor or transferee (as the case may be) shall forthwith take all steps necessary to implement the scheme, and the terms governing the trust shall be deemed to be modified or amended to the extent necessary to enable implementation of the scheme.

(8) The transferor and the transferee shall, upon transfer of any asset in accordance with a scheme which has been approved by the Attorney-General under subsection (5), cease to be liable in respect of any express or implied trust upon which it held the asset, but shall remain liable for any misappropriation or wilful negligence.

(9) Nothing in this section shall limit the provisions of any other enactment or rule of law relating to the variation of trusts.

(10) The reasonable costs of Public Trust in acting under this section shall be paid out of money appropriated by Parliament for the purpose.

Health Sector (Transfers) Act 1993 (as at 12 November 2018)

14 National Provident superannuation schemes

Where—

(a) the rights and obligations of a transferor under a contract of service between the transferor and an employee of the transferor are transferred to a transferee under section 4 or section 5; and

(b) the employee was, immediately before the date on which the transfer takes effect, a member of a superannuation scheme of which the Board of Trustees of the National Provident Fund is trustee; and

(c) the transferor was, immediately before that date, a corporate contributor to that scheme,—

the transferee shall on and from that date be obliged to contribute to that scheme in respect of that employee in accordance with the terms of the scheme and shall be deemed to be a local authority for the purposes of section 40 of the National Provident Fund Restructuring Act 1990.

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

Health Sector (Transfers) Act 1993 (as at 12 November 2018)

15 Application of Government Superannuation Fund Act 1956

(1) For the purposes of the Government Superannuation Fund Act 1956, a person who, at any time before 31 March 1994, becomes an employee of a transferee and who, immediately before becoming such an employee, was an officer or employee of a transferor and was a contributor to the Government Superannuation Fund under that Act shall, so long as that person continues to be employed by a transferee, be deemed to be employed in the Government service and that Act shall be deemed to apply to that person as if service with the transferee were Government service.

(2) Subject to the Government Superannuation Fund Act 1956, nothing in subsection (1) shall entitle any such person to become a contributor to the Government Superannuation Fund after that person has ceased to be a contributor.

(3) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with subsection (1), to a person who is in the service of a transferee and is a contributor to the Government Superannuation Fund, the term *controlling authority*, in relation to that person, means the chief executive of the transferee.

Health Sector (Transfers) Act 1993 (as at 12 November 2018)

11D Saving in respect of Charitable Trusts Act 1957

Nothing in this Act prevents a DHB from exercising the rights conferred on trustees by Part 3 of the Charitable Trusts Act 1957.

Charitable Trusts Act 1957 (as at 12 November 2018)

Schemes in respect of certain charitable trusts

31 Interpretation

In this Part, unless the context otherwise requires,—

Registrar, in relation to any scheme, means the Registrar of the High Court in whose office the scheme is filed

trustees includes executors or administrators, and any person or persons, body corporate, or association in whom any property is vested that is or may become subject to this Part.

Health Sector (Transfers) Act 1993 (as at 12 November 2018)

25 Regulations

(1) The Governor-General may from time to time, by Order in Council, in accordance with the recommendation of the Minister, make regulations for all or any of the following purposes:

(a) prescribing the maximum amounts that persons or classes of persons specified in the regulations may charge in respect of any health services or disability services specified in the regulations for which payments are made by purchasers, being maternity, immunisation, diagnostic, pharmaceutical, or other services for which the amounts that could be charged were limited by any Act or regulations on the day before the day on which this section comes into force:

(b) defining classes of services or persons for the purposes of any regulations made under this section, which classes may be defined by reference to such criteria, circumstances, or matters as are specified in the regulations, including, but not by way of limitation, the income of the persons:

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

(c) prescribing transitional and **savings provisions** relating to the coming into force of section 24; and, without limiting the generality of paragraphs (a) and (b) of this subsection, any such regulations may provide that, together with such amendments or additions (if any) as are specified in the regulations, specified provisions of this Act shall not apply during a specified transitional period, or specified provisions of Part 2 **of the Social Security Act 1964**, or of the enactments specified in Part 3 or Part 4 of Schedule 5 of this Act shall continue to apply, in respect of any specified persons or class of persons.

(2) Before making any recommendation that regulations be made under subsection (1)(a), the Minister shall consult as to the principal contents of the proposed regulations with such persons, or representatives of the persons or classes of persons to be specified in the regulations, as the Minister thinks fit.

Health Sector (Transfers) Act 1993 (as at 12 November 2018)

2A Purposes of this Act

The purposes of this Act are as follows:

(a) to provide for assets, liabilities, or functions within the public health and disability sector to be transferred to the **Crown** or to certain specified bodies within that sector:

(b) to provide for the effect and the consequences of—

(i) transfers, in accordance with this Act, of assets, liabilities, or functions within the public health and disability sector:

(ii) sales or other dispositions of land by DHBs:

(c) to permit DHBs, subject to specified conditions, to sell or **dispose of land that is subject to trusts** or certain other restrictions.

Health Sector (Transfers) Act 1993 (as at 12 November 2018)

3 Act to bind the Crown

This Act binds the **Crown**.

Health Sector (Transfers) Act 1993 (as at 12 November 2018)

7 Transfer of area health board loans and sinking funds

(1) Sections 32 to 34, 40, 46, 52 to 55, 57 to 92, 103, 130, and 130A, and Part 5, of the Local Authorities Loans Act 1956 shall apply, so far as they are applicable and with the necessary modifications, to any loan raised by the issue of debentures or **stock** in respect of which an area health board is (or, as applicable, immediately before the transfer, was) liable and that is transferred by or pursuant to this Act, as if the transferee to whom the obligations in respect of that loan are transferred was the area health board that raised the loan; and that transferee shall be deemed to be a local authority for the purposes of those provisions of that Act.

(2) Subject to subsection (3), where any loan raised by the issue of debentures or stock in respect of which an area health board is (or, immediately before the transfer, was) liable, is transferred by or pursuant to this Act, the transferee shall succeed to the same rights and obligations in respect of any **sinking fund** established in order to provide money for the repayment of that loan as the area health board had immediately prior to the transfer.

(3) Notwithstanding section 86(5) of the Local Authorities Loans Act 1956 or any other enactment or rule of law, the following provisions shall apply in respect of every sinking fund which relates to a loan of the kind referred to in subsection (2) and which is held by 1 or more Commissioners:

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

- (a) the Minister of Finance may, after consultation with the Commissioners, give written notice to the Commissioners requiring them to comply with paragraph (b) on a date specified in the notice (being a date that is at least 4 weeks after the date on which the notice is received by the Commissioners):
- (b) where a notice is given under paragraph (a), the Commissioners shall, after deducting—
- (i) any amounts payable from the fund to them or any other person; and
 - (ii) any amount required to compensate the Commissioners for loss of their role as Commissioners of the fund,—
- transfer the money and other assets representing the fund to the Residual Health Management Unit:
- (c) from the date specified in the notice given under paragraph (a), the fund shall cease to exist and—
- (i) no further payments shall be made into it; and
 - (ii) the money and other assets transferred to the Unit shall be the property of the Unit to be used or applied as it thinks fit:
- (d) no liability shall be incurred by the Commissioners in respect of the fund after the transfer to the Unit of the money and assets representing the fund (other than any liability for actions or omissions before the transfer).

Health Sector (Transfers) Act 1993 (as at 12 November 2018)

Assets held in trust or subject to restrictions

10 Assets to remain subject to trusts

For the avoidance of doubt, it is hereby declared that, subject to sections 11 to 11D and to any other enactment or rule of law, all assets that are transferred to a transferee under this Act shall remain subject to any trusts affecting those assets at the time when they are transferred and be dealt with by the transferee in accordance with the terms of the trusts.

Health Sector (Transfers) Act 1993 (as at 12 November 2018)

11 Assets held in trust

- (1) If an asset is held in trust by a transferor or transferee, the Minister may request the Attorney-General to determine either, or both, of the following matters:
- (a) whether, and to whom, the asset should be transferred;
 - (b) the extent to which the terms of the trust should be modified.
- (2) If the Attorney-General is requested to determine a matter under subsection (1), Public Trust shall prepare a scheme for the transfer of the asset or for modifying the terms of the trust, or both.
- (3) Public Trust, in preparing a scheme under subsection (2), may consult with such persons as it considers appropriate.
- (4) Every scheme under subsection (2) shall—
- (a) be prepared, and submitted, to the Attorney-General as soon as reasonably practicable; and
 - (b) be accompanied by full information as to all the facts upon which any transfer or modification is proposed; and
 - (c) effect the minimum change necessary to enable the trust to operate satisfactorily in the light of the transfer of the asset.
- (5) The Attorney-General shall, as soon as reasonably practicable after receiving a scheme submitted under subsection (4),—

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

- (a) approve the scheme (as originally submitted or with amendments agreed by Public Trust); or
- (b) recommend amendments to the scheme; or
- (c) direct that the scheme should not proceed, in which event the matter shall be dealt with under the **Charitable Trusts Act 1957**.
- (6) No scheme shall be approved by the Attorney-General under this section unless the Attorney-General is satisfied that the scheme is a proper one and is not contrary to law, public policy, or good morals.
- (7) Where a scheme is approved by the Attorney-General under subsection (5), **the transferor** or transferee (as the case may be) shall forthwith take all steps necessary to implement the scheme, and the terms governing the trust shall be deemed to be modified or amended to the extent necessary to enable implementation of the scheme.
- (8) The transferor and the transferee shall, upon transfer of any asset in accordance with a scheme which has been approved by the Attorney-General under subsection (5), cease to be liable in respect of any express or implied trust upon which it held the asset, but shall remain liable for any misappropriation or wilful negligence.
- (9) Nothing in this section shall limit the provisions of any other enactment or rule of law relating to the variation of trusts.
- (10) The reasonable costs of Public Trust in acting under this section shall be paid out of money appropriated by Parliament for the purpose.

Health Sector (Transfers) Act 1993 (as at 12 November 2018)

11D Saving in respect of Charitable Trusts Act 1957

Nothing in this Act prevents a DHB from exercising the rights conferred on trustees by Part 3 of the Charitable Trusts Act 1957.

Charitable Trusts Act 1957 (as at 12 November 2018)

Schemes in respect of charitable funds raised by voluntary contribution

38 Meaning of term charitable purpose in this Part

In this Part, unless the context otherwise requires, the term *charitable purpose* means every purpose which in accordance with the law of New Zealand is charitable; and includes the following purposes, whether or not they are beneficial to the community or to a section of the community:

- (a) the supply of the physical wants of sick, aged, destitute, poor, or helpless persons, or of the expenses of funerals of poor persons:
- (b) the education (physical, mental, technical, or social) of the poor or indigent or their children:
- (c) the reformation of offenders, prostitutes, drunkards, or drug addicts:
- (d) the employment and care of discharged offenders:
- (e) the provision of religious instruction, either general or denominational:
- (f) the support of libraries, reading rooms, lectures, and classes for instruction:
- (g) the promotion of athletic sports and wholesome recreations and amusements:
- (h) contributions towards losses by fire and other inevitable accidents:
- (i) encouragement of skill, industry, and thrift:
- (j) rewards for acts of courage and **self-sacrifice**:
- (k) the erection, **laying out**, maintenance, or repair of buildings and **places** for the furtherance of any of the purposes mentioned in this section.

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

Charitable Trusts Act 1957 (as at 12 November 2018)

41 Extension of powers or alteration of mode of administration of trust

(1) If in any case it is made to appear that the administration of any money, or income from money, to which this Part applies could be facilitated by extending or varying the powers of the trustees or by prescribing or varying the mode of administering the trust on which the money or income is held, the **powers of the trustees may be extended** or varied, and the mode of administering the trust may be prescribed or varied, in the manner and subject to the provisions hereafter contained in this Part.

(2) Nothing in this Part shall restrict the powers that are or may be conferred on the court or the trustees by or under the Trustee Act 1956 or any other Act or by law or restrict the operation of section 86 of the Public Trust Act 2001.

Public Trust Act 2001 (as at 12 November 2018)

86 Administration of benefit funds by Public Trust

(1) A fund that is raised by public or **private subscriptions for the benefit** or relief of any person or class of persons may be placed with Public Trust to be administered by Public Trust and invested in the common fund.

(2) The following provisions apply to such a fund:

(a) Public Trust may recognise as a committee any persons whom it believes—

(i) to have organised the appeal for the subscriptions; or

(ii) to have been appointed, authorised, or recognised as a committee by a substantial number of the subscribers:

(b) after conferring with the committee (if any), Public Trust may apply to the High Court for directions as to the administration of the fund, and for that purpose must submit a scheme of administration:

(c) the court may approve the scheme with or without modification as it thinks fit:

(d) Public Trust must administer the fund in accordance with the scheme as approved:

(e) on the application of the Attorney-General, Public Trust, a member of the committee, or person claiming an interest in the fund, the court may at any time—

(i) vary the scheme so far as it relates to the powers of Public Trust in respect of the fund and the mode of administering the fund:

(ii) give directions on any point or question relating to the scheme or the fund:

(f) **Public Trust must obey all such directions:**

(g) if the fund was raised for the benefit of **2 or more persons**, a scheme under this section may provide that the income and capital of the fund, or of any specified part of the fund, may be applied by Public Trust in its discretion for or **towards the maintenance** or education (including past maintenance or education) or advancement or benefit of—

(i) all those persons; or

(ii) any 1 or more of them to the exclusion of the others,—

in such shares and proportions and generally in such manner as Public Trust thinks fit. Public Trust may apply money in accordance with such provisions **notwithstanding that only 1 of the persons remains alive.**

(3) If the fund does not exceed \$40,000, or such higher amount as is prescribed by regulations,—

(a) instead of applying to the High Court for directions as to the administration of the fund, Public Trust may, with the consent of the committee (if any) or the majority of its members, settle a scheme of administration; and

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- (b) the scheme may be incorporated in a **declaration of trust by Public Trust**, which is to be treated as the **settlor** of the trust for the purposes of the **trust instrument**; and
- (c) **any statements** or recitals in the trust instrument are sufficient evidence of their truth, and, subject to paragraph (d), the provisions of the declaration of trust are final and binding on all persons, whether or not beneficially interested under the trust; and
- (d) Public Trust may if it thinks fit, with the consent of all or a majority of the surviving members of the committee (if any) in New Zealand, modify the scheme so far as it relates to Public Trust's powers in respect of the fund and the mode of its administration, and the declaration of trust must be amended accordingly.

Charitable Trusts Act 1957 (as at 12 November 2018)

51 Administration of schemes

(1) Where any voluntary association has been constituted at any place for any charitable purpose within the meaning of Part 4, and the means for carrying out that purpose are raised by voluntary contributions from time to time, and the business of the association is carried on by office bearers elected by contributors or by a public meeting, it shall be lawful to provide in any scheme approved under Part 4 that the purposes of the scheme may in whole or in part be carried out, **and the funds or parts thereof be administered, by any such voluntary association** or by the office bearers for the time being of any such voluntary association.

(2) Without restricting the foregoing provisions of this section or the power to make any other provision for carrying out the purposes of any scheme or for administering any property, income, or money to which any scheme applies, it is hereby declared that any scheme approved under Part 3 or Part 4 may provide that the purposes of the scheme may in whole or in part be carried out, and that any property, income, or money to which the scheme applies may be administered, by—

- (a) the trustees of any existing trust for any charitable purpose within the meaning of the Part of this Act under which the scheme is approved; or
- (b) any district health board or the board of trustees of any separate institution under the Hospitals Act 1957; or
- (c) any corporation, or the governing body of any corporation, which is a trustee of any existing trust for any charitable purpose as defined in the Part of this Act under which the scheme is approved; or
- (d) Public Trust or any trustees who could be appointed under the Trustee Act 1956.

Public Trust Act 2001 (as at 12 November 2018)

Preliminary provisions, 3 Purpose

The purpose of this Act is—

- (a) to establish **Public Trust as a statutory corporation that is a Crown entity**; and
- (b) to repeal and replace the Public Trust Office Act 1957, and provide for Public Trust to take over the role and undertakings of the Public Trustee and the Public Trust Office.

Public Trust Act 2001 (as at 12 November 2018)

5 Application of Act where Public Trust acts jointly

(1) Except as provided in subsection (3) or otherwise specifically provided in this Act, the provisions of this Act, so far as they are capable of doing so and with any necessary

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

modifications, extend and apply to any case in which Public Trust is acting jointly with another person, or is appointed or proposes to act jointly with another person.

(2) Accordingly, in any such case,—

(a) references in this Act to Public Trust include references to Public Trust and the person or persons with whom Public Trust is acting, or is appointed to act or proposes to act:

(b) references in this Act to an estate administered by Public Trust extend to and include any estate in respect of which Public Trust is acting jointly with another person in any of the offices or positions mentioned in section 75(1).

(3) However, subsection (1) does not extend or apply to—

(a) sections 82 and 83 (powers exercisable by Public Trust pending grant of probate or administration, and notice of exercise of those powers):

(b) section 84 (Public Trust may oppose application for administration):

(c) section 85 (payment of legacies of infants to Public Trust):

(d) Part 7 (unclaimed property):

(e) section 130 (deposit of wills).

(4) Nor do the provisions of the Crown Entities Act 2004 or the following provisions of this Act confer any powers, authorities, functions, or prerogatives on a person acting jointly with Public Trust:

(a) Parts 2 to 4, except sections 36(2) (operation of estate bank accounts) and 60 (special investments):

(b) section 91 (Public Trust entitled to costs out of estate, etc):

(c) section 118(e) and (i) (special powers that may be exercised by Public Trust):

(d) sections 122 to 125 (remuneration, etc):

(e) section 129 (declaration of non-revocation not necessary where Public Trust executes as attorney):

(f) section 137 (protection of Public Trust acting under power of attorney).

(5) Nothing in this section restricts the jurisdiction of any court in relation to the granting of administration or the making of any other order.

Public Trust Act 2001 (as at 12 November 2018)

Public Trust and the Crown

41 Ownership interest of the Crown

(1) For the avoidance of doubt, it is declared that Public Trust is owned by the Crown.

(2) If at any time Public Trust is liquidated, the Crown is entitled to receive the net assets available in the liquidation.

Public Trust Act 2001 (as at 12 November 2018)

48 Common fund [Common fund of Public Trust]

(1) All amounts of capital money held by Public Trust, whether directed to be invested or not, are to constitute one common fund, except to the extent that—

(a) their investment in the common fund is expressly forbidden; or

(b) Public Trust, in its discretion, determines to invest an amount—

(i) on separate account of an estate in accordance with section 59; or

(ii) in a group investment fund in accordance with section 61; or

(c) Public Trust places or retains an amount in a separate bank account operated in connection with an estate in accordance with section 36(2).

(2) The common fund is to be invested in the manner provided by section 49.

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

- (3) Investments made from the common fund are not made on account of, and **do not belong to, any particular estate.**
- (4) For the purposes of subsection (1)(a), a power or direction to invest money in 1 or some only of any specified investments or classes of investments is not to be treated as an express prohibition against investment in the common fund, unless there is an **express direction to the contrary.**
- (5) **Nothing in this section prevents Public Trust from applying money belonging to an estate constituting part of the common fund for any purpose involved in the exercise of any power or authority conferred on Public Trust by or under—**
 - (a) this or any other enactment; or
 - (b) any will, deed, court order, or other instrument.

Public Trust Act 2001 (as at 12 November 2018)

50 Interest payable to estates in common fund

- (1) The interest payable to estates whose money constitutes the common fund is to be paid at a rate and at intervals determined by Public Trust and notified in the *Gazette*.
- (2) Public Trust may fix and notify different rates and intervals with respect to different classes of deposit, whether according to the type of estate making the deposit or the amount or period of the deposit.
- (3) In any particular case or class of case, **Public Trust may nevertheless pay the interest at such intervals** different from those specified in the notice as may be necessary or appropriate in the interests of administrative convenience or for other good reason.
- (4) Public Trust may also determine and notify in the *Gazette*—
 - (a) types of deposit that do not carry interest;
 - (b) the dates or times, or criteria for determining the dates or times, when interest starts or stops.
- (5) The notification of any interest rate or other matter in the *Gazette* under this section must be made not later than 7 working days after the date on which the determination takes effect.

Public Trust Act 2001

56 Advances to estates from common fund

- (1) Public Trust may advance to an estate administered by it such sums out of the common fund as may be necessary to meet payment of the following amounts, if there is insufficient money available in the estate for the purpose:
 - (a) expenses properly incurred by Public Trust in the administration of the estate;
 - (b) money required or desired to be paid out of or on account of the estate, whether to persons entitled to the estate or any share or interest in it, or to creditors or otherwise;
 - (c) money required or needed to carry into full effect any power or discretion vested in Public Trust, by this Act or otherwise, that Public Trust is required or has decided to exercise.
- (2) The total of all such advances to an estate may not exceed the **value of the real and personal property in the estate, as estimated by Public Trust.**
- (3) The sums advanced **bear interest** at a rate fixed from time to time by Public Trust.
- (4) The sums advanced, and any interest payable on those sums, constitutes a charge on the real and personal property comprised in the estate. The charge ranks next in priority to **any**

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

mortgage or charge registered against or secured on the property that Public Trust has notice of at the time of making the advance.

(5) Public Trust may also under subsection (1) make advances from the common fund to an estate managed or controlled by it as agent or attorney, and this section applies accordingly, except that the charge under subsection (4) is upon the following property without need to execute any mortgage, charge, or assignment:

(a) if the power of attorney or other instruction of the person creating the agency is restricted to apply only to certain real and personal property of the person, upon all the property of the person to which the power of attorney or other instruction can relate, and the proceeds of the property:

(b) if the power of attorney or other instruction is not so restricted, upon the whole of the persons real and personal property, and the proceeds of the property.

Public Trust Act 2001 (as at 12 November 2018)

58 Person acting jointly with Public Trust

Nothing in this Act confers on any person acting jointly with Public Trust any right, power, or authority over or in respect of the management, administration, control, or investment of the common fund.

Public Trust Act 2001 (as at 12 November 2018)

103 Powers of Public Trust as manager

(1) As manager of any property under this Part, Public Trust may do all or any of the following things:

(a) take or recover possession of the property, and recover all money, damages, and mesne profits payable to the owner or the owner's agent or administrator in respect of the property (whether payment became due before or after Public Trust became manager):

(b) apply the property, money, damages, or mesne profits, or any income from them, in such manner as it thinks fit, for the maintenance or education (including past maintenance or education) or the advancement or benefit of—

(i) the spouse or partner (including civil union partner) or children of the owner of the property; or

(ii) any other person who is or was dependent on the owner:

(c) complete, carry out, or enforce in any manner it thinks fit any contract affecting the property or entered into by the owner, and exercise any powers conferred by the contract:

(d) pay any mortgages, charges, or other obligations on or attaching to the property, and any debts or other liabilities of the owner of the property, from money received, advanced, or borrowed by Public Trust in exercise of any powers conferred by this Part:

(e) perform or discharge any duty or obligation imposed by any enactment, or otherwise, upon the owner of the property:

(f) do any act or thing needed to obtain or perfect the title to the property:

(g) in the case of land, cut and gather crops growing or situated on the land, or erect or contribute to the erection of any dividing or boundary fences:

(h) exercise any power of sale or other powers or rights conferred upon the owner by any mortgage, lease, enactment, or instrument:

(i) in the name of the owner, or in Public Trust's own name, bring any action or other proceeding relating to the property, and defend, confess, compromise, or submit to judgment in any action, claim, demand, or proceeding touching the property:

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

- (j) exercise as if it were the trustee of the property all powers that, as trustee, it could exercise without court consent under the Trustee Act 1956 or any other enactment or law:
- (k) exercise in respect of the property all other powers that may be conferred on it by the court (whether or not powers that could be conferred on a trustee under the Trustee Act 1956 or any other enactment or law):
- (l) pay or retain expenditure incurred by it as manager of the property and fees, remuneration, and charges in accordance with sections 122 to 125.
- (2) Any money that Public Trust wishes to raise for the purpose of exercising its powers under this section may be **advanced from the common fund** or borrowed from any other source.

Public Trust Act 2001 (as at 12 November 2018)

108 Transfer of unclaimed property to Crown

- (1) If, after 20 years from the date of the publication in the *Gazette* of the order or election or other act by which Public Trust was appointed or became manager of any land under this Part, no **person has established a claim to the land, and Public Trust has not become aware of the existence and whereabouts of any person who has a claim to the land,—**
 - (a) **the land vests in the Crown as Crown land within the meaning of the Land Act 1948,** if it has not been sold by Public Trust in the exercise of its powers under this Part; and
 - (b) all money held by Public Trust and derived from the land must be paid **to a Crown Bank Account** in accordance with section 74 of the Public Finance Act 1989.
- (2) If, **after 7 years** from the date of the publication in the *Gazette* of the order or election or other Act by which Public Trust was appointed or became manager of any property under this Part other than land, no person has established a claim to the property, and Public Trust has not become aware of the existence and whereabouts of any person who has a claim to the property,—
 - (a) the property **vests in the Crown, if it has not been sold by Public Trust** in the exercise of its powers under this Part; and
 - (b) all money held by **Public Trust and derived from the property must be paid to a Crown Bank Account** in accordance with section 74 of the Public Finance Act 1989.

Public Trust Act 2001 (as at 12 November 2018)

109 Land, etc, becoming property of Crown may be vested in local authority

- (1) The Governor-General may, by Order in Council, transfer any **land or money derived from land that becomes the property of the Crown** under section 108 to—
 - (a) a local authority within whose district or region the **land** to which the order relates is situated; or
 - (b) **a body controlled by such a local authority.**
- (2) The order may specify—
 - (a) the purposes for which the transfer is made:
 - (b) the powers that may be exercised in relation to the land or money transferred.
- (3) In this section, **local authority means a local authority** as defined in section 5(1) of the Local Government Act 2002.

Public Trust Act 2001 (as at 12 November 2018)

167 Amount of reserves to be paid to the Crown before appointed day

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

- (1) The Minister of Finance may, with the agreement of the Minister, determine the amount of any reserves of the Public Trust Office that the Public Trustee must pay into a **Crown Bank Account**, and must notify that determination in the *Gazette* as soon as practicable.
- (2) The Public Trustee must pay that amount into a **Crown Bank Account** on the working day immediately preceding the appointed day.
- (3) A payment made under this section is the **absolute property of the Crown**.
- (4) This section prevails over section 23 of the Public Trust Office Act 1957.

Local Government Act 2002 (as at 14 May 2019)

8 Act binds the Crown

- (1) Except as provided in subsections (2) and (3), this Act does not bind the Crown.
- (2) The following provisions of this **Act bind the Crown**:
 - (a) section 22 and subpart 4 of Part 2 (which relate to the powers of the Minister and of officials); and
 - (b) Part 3 and Schedules 4, 5, and 6 (which relate to the Commission, the reorganisation of local authorities, and the establishment of community boards); and
 - (c) Part 10 (which relates to the Minister's powers in relation to the governance of local authorities).
- (3) Subpart 1 of Part 8 binds the Crown to the extent set out in sections 153 and 154.
- (4) Except as provided in subsections (2) and (3), this Act, and the regulations and bylaws made under it, apply to the interest of any lessee, licensee, or other person claiming an interest in any **property of the Crown** in the same manner as they apply to **private property**.
- (5) A local authority or person or body of persons (whether incorporated or not) appointed, under section 28 of the Reserves Act 1977, to control and manage any **public reserve** that is vested in the **Crown** is, by virtue of that appointment, deemed to **have an interest** in that reserve.

Local Government Act 2002 (as at 14 May 2019)

121 The Crown **not** liable for debts

- (1) The Crown is not liable to contribute to the payment of any debts or liabilities of any **local authority**.
- (2) Subsection (1) does not apply in relation to liability for any sum of a kind described in section 49 of the Public Finance Act 1989.

Public Finance Act 1989 (as at 31 May 2019)

49 The **Crown** not liable for debts of Crown **entities**, etc

- (1) The Crown is not liable to contribute towards the payment of any debts or liabilities of—
 - (a) a Crown entity, a Schedule 4 organisation, or a Schedule 4A company; or
 - (b) a subsidiary of a Crown entity, a Schedule 4 organisation, or a Schedule 4A company; or
 - (c) any **entity** in which a **Crown** entity has an **interest**; or
 - (d) any other agency or **body corporate** that is controlled or wholly **owned by the Crown**.
- (2) However, this section does not apply in relation to—
 - (a) any sum the Crown is liable to contribute under any Act; or
 - (b) any sum the Crown is liable to contribute under any guarantee or indemnity given by the Minister under section 65ZD or the Crown Retail Deposit Guarantee Scheme Act 2009; or

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

- (c) any sum the Crown is liable to pay a creditor of a Crown entity, Crown subsidiary, other agency, or other body corporate, by virtue of a cause of action that the creditor has against the Crown; or
- (d) any sum the Crown is liable to pay to a creditor of the Reserve Bank of New Zealand.

Public Finance Act 1989 (as at 31 May 2019)

65ZD Minister may give guarantee or indemnity if in public interest

- (1) The Minister, on behalf of the Crown, may give, in writing, a guarantee or indemnity to a person, organisation, or government if it appears to the Minister to be necessary or expedient in the public interest to do so.
- (2) The Minister may—
 - (a) give the guarantee or indemnity on any terms and conditions that the Minister thinks fit; and
 - (b) in the case of a guarantee, give the guarantee in respect of the performance or non-performance of any duties or obligations by a person, organisation, or government.
- (3) If the contingent liability of the Crown under a guarantee or an indemnity given by the Minister under subsection (1) exceeds \$10 million, the Minister must, as soon as practicable after giving the guarantee or indemnity, present a statement to the House of Representatives that the guarantee or indemnity has been given.
- (4) The statement may contain any details about the guarantee or indemnity that the Minister considers appropriate.

Crown Retail Deposit Guarantee Scheme Act 2009 (as at 01 December 2014)

7 Recovery of money paid under guarantee

- (1) Any money paid by the Crown under a guarantee constitutes a debt due to the Crown from the entity in respect of which the guarantee was given.
- (2) A debt referred to in subsection (1)—
 - (a) is recoverable in any court of competent jurisdiction;
 - (b) may be paid over any period of time and on any terms and conditions that the Minister thinks fit;
 - (c) may be written down by the Minister (except that the debt must not be written down below its market value other than in accordance with an appropriation, or other authority, by or under an Act).
- (3) This section does not limit or affect any other rights that the Crown may have as guarantor.

Crown Retail Deposit Guarantee Scheme Act 2009 (as at 01 December 2014)

8 Crown assumes creditor's rights

- (1) If the Crown makes a payment under a guarantee to a creditor of an entity in respect of which the guarantee was given (the *guaranteed entity*), the Crown is subrogated, to the extent of the payment, to all the rights and remedies that, but for the subrogation, the creditor would have had in relation to the creditor's claim against the guaranteed entity.
- (2) To avoid doubt, subsection (1) applies—
 - (a) whether the Crown pays the creditor's claim against the guaranteed entity in full or in part; and

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

(b) to give the Crown the same rights and remedies that the creditor would have had in relation to the guaranteed entity, any third party, and any security for the claim; and
(c) to give the Crown the same priority that the creditor would have had in the event of the insolvency of the guaranteed entity.

(3) This section does not limit or affect any other rights or remedies that the Crown may have as guarantor.

Crown Retail Deposit Guarantee Scheme Act 2009 (as at 01 December 2014)

9 Payments in respect of guarantee

Any money paid by the Crown under a guarantee and any expenses incurred by the Crown in relation to a guarantee may be incurred without further appropriation, and must be paid without further authority, than this section.

Local Government Act 2002 (as at 14 May 2019)

154 Power of exemption

(1) The Minister of Local Government may, by written notice to the relevant local authority, exempt the Crown from any bylaw by which it is bound under section 153 if the Minister is satisfied, in his or her discretion, that the exemption is in the national interest.

(2) If a notice is given under subsection (1), the Minister must, as soon as practicable after giving the notice, publish in the *Gazette* and present to the House of Representatives a copy of the notice.

Local Government Act 2002 (as at 14 May 2019)

191 Local authority not authorised to create nuisance

This subpart does not entitle a local authority—

(a) to create a nuisance; or

(b) to deprive the Crown or any person of any right or remedy the Crown or the person would otherwise have against the local authority or any other person in respect of any nuisance.

Crimes Act 1961 (as at 12 March 2019)

145 Criminal nuisance *Crimes against public welfare*

(1) Every one commits criminal nuisance who does any unlawful act or omits to discharge any legal duty, such act or omission being one which he or she knew would endanger the lives, safety, or health of the public, or the life, safety, or health of any individual.

(2) Every one who commits criminal nuisance is liable to imprisonment for a term not exceeding 1 year.

Crimes Act 1961 (as at 12 March 2019)

80 Oath to commit offence

(1) Every one is liable to imprisonment for a term not exceeding 5 years who—

(a) administers or is present at and consenting to the administration of any oath or engagement purporting to bind the person taking the same to commit any offence; or

(b) attempts to induce or compel any person to take any such oath or engagement; or

(c) takes any such oath or engagement. (2) No one who has been acquitted or convicted of any offence against this section is liable to be afterwards tried for treason, or for being accessory after the fact to treason, in respect of the same matter.

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

Crimes Act 1961 (as at 12 March 2019)

256 Forgery

(1) Every one is liable to imprisonment for a term not exceeding 10 years who makes a false document with the intention of using it to obtain any property, privilege, service, pecuniary advantage, benefit, or valuable consideration.

(2) Every one is liable to imprisonment for a term not exceeding 3 years who makes a false document, knowing it to be false, with the intent that it in any way be used or acted upon, whether in New Zealand or elsewhere, as genuine.

(3) Forgery is complete as soon as the document is made with the intent described in subsection (1) or with the knowledge and intent described in subsection (2).

(4) Forgery is complete even though the false document may be incomplete, or may not purport to be such a document as would be binding or sufficient in law, if it is so made and is such as to indicate that it was intended to be acted upon as genuine.

(5) Every person is liable to imprisonment for a term not exceeding 3 years who, without reasonable excuse, sells, transfers, or otherwise makes available any false document knowing it to be false and to have been made with the intention that it be used or acted on (in New Zealand or elsewhere) as genuine.

Reserves and Other Lands Disposal Act 1949 (as at 01 July 2003)

25 Cancelling the vesting of certain lands in the Mayor, Councillors, and Burgesses of the Borough of Gore and declaring them to be vested in His Majesty the King and to form part of the Gore Domain

Whereas the lands described in subsection (3) are vested in the Mayor, Councillors, and Burgesses of the Borough of Gore (in this section referred to as the *Corporation*) in trust without power of sale as a municipal endowment:

And whereas the said lands are no longer required by the Corporation for the purpose for which it holds them, and it is desirable that they should be vested in His Majesty as an addition to the Gore Domain, being a public domain subject to Part 2 of the Public Reserves, Domains, and National Parks Act 1928 and controlled by the Gore Borough Council acting as the Gore Domain Board:

And whereas the Corporation is agreeable to the vesting, but has no power to transfer the said lands to the Crown: And whereas it is desirable that provision should be made for the vesting in the Crown for the purposes aforesaid:

Be it therefore enacted as follows:

(1) The vesting of the lands described in subsection (3) in the Corporation in trust without power of sale as a municipal endowment is hereby cancelled and the said lands are hereby declared to be vested in His Majesty as recreation reserves, to be subject to Part 2 of the Public Reserves, Domains, and National Parks Act 1928 and to form part of the Gore Domain under the control of the Gore Borough Council, but otherwise freed and discharged from all trusts, reservations, and restrictions heretofore affecting the said lands.

(2) The District Land Registrar of the Land Registration District of Southland is hereby authorised and directed to make such entries in the register books and to do all such other things as may be necessary to give effect to the provisions of this section.

(3) The lands to which this section relates are more particularly described as follows:

All those areas in the Southland Land District, situated in the Borough of Gore, and containing by admeasurement 3 acres 1 rood 5 perches and nine-tenths of a perch, more or less, being Lots 3 to 15 on a plan deposited in the Land Registry Office at Invercargill under

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

Number 2971, being part of Block F, Town Belt Reserve, Town of Gore, and being part of the land comprised and described in certificate of title, Volume 137, folio 30, Southland Registry: as the same are more particularly delineated on the plan marked L and S 1/393, deposited in the Head Office of the Department of Lands and Survey, at Wellington, and thereon bordered red.

Property Law Act 2007 (as at 01 April 2019)

Subpart 7—Abolition and modification of common law rules relating to property

57 Feudal incidents of estate in fee simple abolished

(1) A Crown grant of land, or a record of title having the force and effect of a Crown grant of land, whether issued before, on, or after 1 January 2008, for an estate in fee simple confers on the person named in the Crown grant or the record of title a right of freehold tenure (free and common socage) without any incident of tenure for the benefit of the Crown.

(2) An estate in fee simple is transferable, and has always been transferable, without the permission of the Crown or the need to make any payment to the Crown.

(3) An instrument purporting to create, transfer, or assign an estate in fee simple in any land subject to the reservation to the person executing the instrument of an estate in fee simple (subinfeudation) continues to create, transfer, or assign an estate in fee simple without any such reservation.

Health Sector (Transfers) Act 1993 (as at 12 November 2018)

2 Interpretation

(1) In this Act, unless the context otherwise requires,—
agreement includes a deed, a contract, an agreement, an arrangement, and an understanding, whether oral or written, express or implied, and whether or not enforceable at law; and, without limitation, includes a contract of service and a deed, contract, agreement, or arrangement creating or evidencing a trust

area health board means an area health board established under section 6 of the Area Health Boards Act 1983

assets means any real or personal property of any kind, whether or not subject to rights; and, without limitation, includes—

(a) any estate or interest in any land, including all rights of occupation of land or buildings:

(b) all buildings, vehicles, plant, equipment, and machinery, and any rights therein:

(c) all financial products within the meaning of the Financial Markets Conduct Act 2013:

(d) all rights of any kind, including rights under Acts and agreements, and all applications, objections, submissions, and appeals in respect of such rights:

(e) all patents, trade marks, designs, copyright, plant variety rights, and other intellectual property rights of any kind whether enforceable by Act or rule of law:

(f) goodwill, and any business undertaking:

(g) interests of any kind in any of the foregoing

Crown endowment means, in relation to land held by a DHB, a trust settled by the Crown or by or pursuant to any Act, Provincial Ordinance, grant, or Order in Council in respect of that land, whether before or after it came to be held by the DHB, being a trust—

(a) for the purpose of providing an income derived from that land—

(i) for hospital purposes (such as for the maintenance of a hospital); or

(ii) for the purposes of any health services or disability support services or both; or

(b) for the purposes of establishing, or providing a site for, a hospital or like institution; or

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

(c) for hospital purposes; or

(d) for the purposes of any health services or disability support services or both; or

(e) for any or all of the purposes described in paragraphs (a) to (d)

Crown endowment land means, in relation to a DHB, land that—

(a) is vested in the DHB as a Crown endowment; and

(b) was either—

(i) granted by the Crown to the DHB or to any of its predecessors in title; or

(ii) vested in the DHB or in any of its predecessors in title by or pursuant to any Act, Provincial Ordinance, grant, or Order in Council; and

(c) was not land that, before it was granted to, or vested in, the DHB or any of its predecessors in title, had been given to the Crown, whether in trust or otherwise; and

(d) is not a public reserve within the meaning of the Reserves Act 1977; and

(e) is not, except for being held as a Crown endowment, land that is held in trust for a particular purpose; and

(f) is not, except for being held as a Crown endowment, land in respect of which special provision is made by any Act or Provincial Ordinance

Crown entity has the same meaning as in section 2(1) of the Public Finance Act 1989

employee has the same meaning as in section 6 of the Employment Relations Act 2000

Health Benefits Limited means the company incorporated under the Companies Act 1993 with the name Health Benefits Limited

hospital board means a hospital board constituted by section 25 of the Hospitals Act 1957

HPA means the Health Promotion Agency established by section 57 of the New Zealand Public Health and Disability Act 2000

HQSC means the Health Quality and Safety Commission established under section 59A of the New Zealand Public Health and Disability Act 2000

liabilities includes—

(a) liabilities and obligations under any Act or agreement; and

(b) debt securities within the meaning of the Financial Markets Conduct Act 2013; and

(c) contingent liabilities; and

(d) interests of any kind in any of the foregoing

predecessor in title, in relation to a DHB, means any of its predecessors in title that was an area health board or a hospital board or a Crown health enterprise or a hospital and health service or a similar body established under an enactment relating to the management of public hospitals and charitable institutions

publicly-owned health and disability organisation means any DHB, the HPA, the NZBS,

Pharmac, and HQSC *rights* includes powers, privileges, interests, leases, licences, approvals, consents, designations, permissions, dispensations, authorisations, benefits, and equities of any kind, whether actual, contingent, or prospective

transfer includes—

(a) assign and convey; and

(b) confer estates in fee simple of land held by the Crown, whether in allodium or otherwise; and

(c) grant rights in respect of any assets or liabilities; and

(d) in the case of a liability, the assumption thereof by a transferee; and

(e) in all provisions of this Act other than section 4, vest under section 5; and

(f) vest under clause 10 of Schedule 1;—

and the word *transferred* has a corresponding meaning

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

transfer date means, in relation to an agreement entered into under section 4 or a proposal approved under section 5, the date specified in the agreement or proposal as the date upon which the transfer of assets or liabilities, or both, referred to in the agreement or proposal takes effect (whether or not all formalities required to complete the transfer are completed by that date)

transferee means any of the following:

- (a) the Crown (whether or not acting through a Government department): (mygov)
- (b) a publicly-owned health and disability organisation (myhealth)
- (c) a subsidiary of a publicly-owned health and disability organisation: (myrms)
- (d) a person declared under subsection (6) to be a transferee for the purposes of this Act

transferor means any of the following:

- (a) the Crown (whether or not acting through a Government department):
- (b) a publicly-owned health and disability organisation:
- (c) a subsidiary of a publicly-owned health and disability organisation:
- (d) Health Benefits Limited: (Qualifying beneficiary)
- (e) in relation to any assets or liabilities that are transferred for a second or subsequent time, includes the transferee to whom those assets or liabilities have previously been transferred

transferring Ministers means the Minister of Finance and the Minister of Health.

(2) Unless the context otherwise requires, terms defined in section 6(1) of the New Zealand Public Health and Disability Act 2000 have the same meanings in this Act.

(3) Unless the context otherwise requires, in this Act,—

(a) a reference to *transfer* or *authorise* includes entering into an agreement to transfer or authorise, as the case may be; and

(b) a reference to any agreement or proposal includes any amendments to that agreement or proposal.

(4) Unless a written agreement entered into by the Crown states that any restriction, prohibition, or other provision is to apply despite the provisions of this subsection, this Act shall have effect, and assets and liabilities may be transferred under this Act, notwithstanding any restriction, prohibition, or other provision contained in any Act, rule of law, or agreement that would otherwise apply.

(5) Nothing in this Act shall limit any powers or rights that the Crown or a Minister has under any other enactment or rule of law.

(6) The Governor-General may, by Order in Council made on the recommendation of the Minister, declare any person to be a transferee for the purposes of this Act.

Housing Act 1955 (as at 12 November 2018)

7 Land, etc, to be acquired in name of Crown

All land, dwellings, buildings, and chattels acquired as aforesaid for State housing purposes shall be acquired in the name and on behalf of the Crown.

Housing Act 1955 (as at 12 November 2018)

36 Execution of documents

(1) Any deed or document required to be executed on behalf of the Crown for the purposes of this Act may be executed on behalf of the Crown by the Corporation, or by the Minister, or by any person authorized by the Minister in that behalf either generally or in respect of any specified deed or document or of any specified class or classes of deeds or documents.

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

(2) The Corporation may execute on behalf of the Crown a transfer to any purchaser of the estate or interest of the Crown in any land which has been sold to that purchaser either before or after the commencement of this Act (whether that estate or interest is an estate in fee simple or a lesser estate or interest in the land) if immediately before the sale the land was State housing land.

(3) For the purposes of section 47 of the Public Works Act 1981, any request made by the Corporation to the Registrar-General of Land shall have the same effect as a like request made by the Minister of Lands.

(4) Notwithstanding anything to the contrary in any Act or rule of law, it shall not be necessary for any transfer instrument to the Crown of any land acquired for State housing purposes to be executed by or on behalf of the transferee.

(5) For the purposes of the Fencing Act 1908, the occupier of any State housing land shall be deemed to include the Corporation and the Minister; and no person shall be concerned to inquire into the validity of any notice purporting to be signed by or on behalf of the Corporation or the Minister.

Housing Act 1955 (as at 12 November 2018)

37 Restriction on registration of instruments

The Registrar-General of Land must not register any instrument that purports to transfer, lease, or in any other way dispose in whole or in part of the purchaser's interest in any agreement registered under section 18 or under the provisions of any corresponding former enactment, unless—

(a) the instrument is in favour of the Crown or the Corporation, or the Crown or the Corporation is a party to the instrument; or

(b) the instrument is an application to register the settlement of the land as a joint family home under the Joint Family Homes Act 1964; or

(c) the instrument is a disposition by way of mortgage; or

(d) the consent of the Corporation is endorsed on the instrument.

Housing Act 1955 (as at 12 November 2018)

39 Corporation agent of the Crown

In respect of the exercise of its functions under this Act the Corporation shall be deemed to be and always to have been the agent of the Crown, and shall be entitled accordingly to all the privileges which the Crown enjoys. The Corporation shall answer and act in its own name in respect of all such matters.

Births, Deaths, Marriages, and Relationships Registration Act 1995 (as at 03 December 2018)

67 Birth certificates generally

(1) Every birth certificate shall contain as much information (being information relating to the birth to which the certificate relates recorded under this Act or a former Act at the time the certificate is issued) as is then prescribed.

(2) Subsection (1) is subject to sections 63 to 66.

(3) Notwithstanding sections 63(2)(c), 64(1)(c), 65(3), and 66(1)(b), if satisfied that the person to whom a birth certificate relates was still-born or is dead, the Registrar issuing it shall cause it to bear the expression "still-born" or, as the case requires, "deceased".

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

Land Transfer Act 2017 (as at 12 November 2018)

15 Record of **title created in name of deceased person**

A record of title created in the name of a deceased person takes effect as if the record of title were created immediately **before the person died**.

Land Transfer Act 2017 (as at 12 November 2018)

4 Land subject to this Act

The following land is subject to this Act:

(a) land that is subject to the Land Transfer Act 1952 immediately before the commencement of this section:

(b) **land alienated or contracted to be alienated from the Crown** in fee simple after the commencement of this section:

(c) land made subject to this Act by or under this Act or any other Act:

(d) land that is, after the commencement of this section, **vested in a person for a freehold estate** under any other Act, including any Act relating to Māori land.

Land Transfer Act 2017 (as at 12 November 2018)

Land Transfers Act 2017 - Subpart 2—Applications to **bring land under Act**

171 Land to which this subpart applies This subpart applies to land that—

(a) is not subject to this Act; and

(b) is not Māori land as defined in section 4 of Te Ture Whenua Maori Act 1993; and

(c) **has been alienated or contracted to be alienated by the Crown by Crown grant or other instrument**.

Crown Minerals Act 1991 - Minerals owned by the Crown

10 Petroleum, gold, silver, and uranium. Notwithstanding anything to the contrary in any Act or in any Crown grant, record of title, lease, or other instrument of title, all petroleum, gold, silver, and uranium existing in its natural condition in land (whether or not the land has been alienated from the Crown) shall be the property of the Crown.

(Alienated or conveyed into a person, through an **agent for the Crown**, Irony at its finest!)

Wills Act 1837 (UK), 1 Interpretation

The words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say), The word *will* shall extend to a **testament**, and to a codicil, and to an appointment by will or by writing in the nature of a will in exercise of a power, and also to a disposition by will and testament or devise of the custody and tuition of any **child**, by virtue of the Tenures Abolition Act 1660, or by virtue of an Act passed in the Parliament of Ireland in the fourteenth and fifteenth years of the reign of King Charles the Second, intituled “An Act for taking away the **Court of Wards** and Liveries, and tenures *in capite* and by knight's service”, and to any other testamentary disposition;

and

The words *real estate* shall extend to manors, advowsons, messuages, **lands**, tithes, rents, and hereditaments, whether freehold, custom**ary** freehold, tenant right, customary or copyhold, or of any **other** tenure, and whether corporeal, incorporeal, or personal, and to any undivided share thereof, and to any **estate**, right, or interest (other than a chattel interest) therein;

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

and

The words *personal estate* shall extend to leasehold **estates** and other chattels real, and also to monies, shares of government and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods, and all other property whatsoever which by law devolves upon the executor or administrator, and to any share or interest therein; and Will: The reference to the Tenures Abolition Act 1660, being the Short Title given by section 5 Statute Law Revision Act 1948 (UK), has been substituted for a reference to an Act passed in the twelfth year of the reign of King Charles the Second, intituled“. The Short Title of the Irish Act of 14 and 15 Charles II is the Tenures Abolition Act (Ireland) 1662. The Tenures Abolition Act 1660 was repealed as part of the law of New Zealand by section 35(2) of the **Guardianship** Act 1968. As to the power of the mother and father of a **child** to appoint testamentary guardians, see section 7 Guardianship Act 1968.

GOD, Crown of life,

So GOD created man in his **OWN** IMAGE in the image of GOD created he him male and female created he them, but I would have you know, that the head of every man is Christ and the head of every woman is the man and the head of Christ is GOD

*Person, **owner***, and other words and expressions of the like kind, include the **Crown** and any public body or local authority, and any board, society, or company, and any other body of persons, whether incorporated or not, and the **inhabitants** of the district of any local authority, in relation to such acts and things as it or they are capable of doing or **owning** Housing Act 1955 (as at 15 September 2016) 7 Land, etc, to be acquired in name of Crown All land, buildings, and chattels acquired as aforesaid for State housing purposes **shall be**.

Crown Scripture

James 2:8 If ye fulfil the royal law according to the scripture, Thou shalt love thy neighbour as thyself, ye do well;

Genesis 1:27 So God created man in his *own* image, in the image of God created he him; male and female created he them

Leviticus 21:12 Neither shall he go out of the sanctuary, nor profane the sanctuary of his God; for the crown of the anointing oil of his God *is* upon him: I *am* the LORD

Deuteronomy 28:13 And the LORD shall make thee the head, and not the tail; and thou shalt be above only, and thou shalt not be beneath; if that thou hearken unto the commandments of the LORD thy God, which I command thee this day, to observe and to do them

Job 19:9 He hath stripped me of my glory, and taken the crown from my head

Psalms 21:5 His glory is great in thy salvation: honour and majesty hast thou laid upon him.

Psalms 77:13 Thy way, O God, is in the sanctuary: who is so great a God as our God?

Psalms 96:6 Honour and majesty are before him: strength and beauty are in his sanctuary

Psalms 69:36 The seed also of his servants shall inherit it: and they that love his name shall

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

dwell therein. Psalms 140:13 Surely the righteous shall give thanks unto thy name: the upright shall *dwell* in thy presence.

Proverb 17:6 Children's children *are* the crown of old men; and the glory of children *are* their fathers

Isaiah 32:18 And my people shall *dwell* in a peaceable *habitation*, and in sure *dwelling*s, and in quiet resting places
Isaiah 33:24 And the *inhabitant* shall not say, I am sick: the people that *dwell* therein *shall be* forgiven *their* iniquity

Isaiah 44:5 One shall say, I *am* the LORD'S; and another shall call *himself* by the name of Jacob; and another shall subscribe *with* his hand unto the LORD, and surname *himself* by the name of Israel

Lamentations 5:16 The crown is fallen *from* our head: woe unto us, that we have sinned

Zechariah 9:16 And the LORD their God shall save them in that day as the flock of his people: for they *shall be as* the stones of a crown, lifted up as an ensign upon his land.

Zechariah 14:9 And the LORD shall be king over all the earth: in that day shall there be one LORD, and his name one

Romans 8:17 And if children, then heirs; heirs of God, and joint- heirs with Christ; if so be that we suffer with *him*, that we may be also glorified together

1 Corinthians 11:3 But I would have you know, that the head of every man is Christ; and the head of the woman *is* the man; and the head of Christ *is* God

Ephesians 5:23 For the husband is the head of the wife, even as Christ is the head of the church: and he is the saviour of the body

Colossians 1:18 And he is the head of the body, the church: is the beginning, the firstborn from the dead; that in all *things* he might have the pre-eminence

2 Timothy 2:19 Nevertheless the foundation of God standeth sure, having this seal, The Lord knoweth them that are his. And, Let every one that nameth the name of Christ depart from iniquity

Hebrews 1:3 Who being the brightness of *his* glory, and the express image of his person, and upholding all things by the word of his power, when he had by himself purged our sins, sat down on the right hand of the Majesty on high

James 1:12 Blessed *is* the man that endureth temptation: for when he is tried, he shall receive the crown of life, which the Lord hath promised to them that love him

James 2:8 If ye fulfil the royal law according to the scripture, Thou shalt love thy neighbour as thyself, ye do well

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

1 Peter 4:16 Yet if *any man suffer* as a Christian, let him not be ashamed; but let him glorify God on this behalf

Revelations 2:10 Fear none of those things which thou shalt suffer: behold, the devil shall cast *some* of you into prison, that ye may be tried; and ye shall have tribulation ten days: be thou faithful unto death, and I will give thee a crown of life

Revelations 3:11 Behold, I come quickly: hold that fast which thou hast, that no man take thy crown

Genesis 49:26: The blessings of thy father have prevailed above the blessings of my progenitors unto the utmost bound of the everlasting hills: they shall be on the head of Joseph, and on the crown of the head of him that was separate from his brethren.

Deuteronomy 32:20: And of Gad he said, Blessed be he that enlargeth Gad: he dwelleth as a lion, and teareth the arm with the crown of the head.

2 Samuel 14:25: But in all Israel there was none to be so much praised as Absalom for his beauty: from the sole of his foot even to the crown of his head there was no blemish in him.

Job 2:7: So went Satan forth from the presence of the LORD, and smote Job with sore boils from the sole of his foot unto his crown.

Job 31:36: Surely I would take it upon my shoulder, and bind it as a crown to me.

Psalms 89:39: Thou hast made void the covenant of thy servant: thou hast profaned his crown by casting it to the ground.

Psalms 132:18: His enemies will I clothe with shame: but upon himself shall his crown flourish.

Proverbs 4:9: She shall give to thine head an ornament of grace: a crown of glory shall she deliver to thee.

Proverbs 12:4: A virtuous woman is a crown to her husband: but she that maketh ashamed is as rottenness in his bones.

Proverbs 14:24: The crown of the wise is their riches: but the foolishness of fools is folly.
Proverbs 16:31: The hoary head is a crown of glory, if it be found in the way of righteousness.

Proverbs 17:6: Children's children are the crown of old men; and the glory of children are their fathers.

Proverbs 27:24: For riches are not for ever: and doth the crown endure to every generation?

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

Song of Solomon 3:11: Go forth, O ye daughters of Zion, and behold king Solomon with the crown wherewith his mother crowned him in the day of his espousals, and in the day of the gladness of his heart.

Isaiah 3:17: Therefore the Lord will smite with a scab the crown of the head of the daughters of Zion, and the LORD will discover their secret parts.

Isaiah 28:1: Woe to the crown of pride, to the drunkards of Ephraim, whose glorious beauty is a fading flower, which are on the head of the fat valleys of them that are overcome with wine!

Isaiah 28:3: The crown of pride, the drunkards of Ephraim, shall be trodden under feet:

Isaiah 28:5: In that day shall the LORD of hosts be for a crown of glory, and for a diadem of beauty, unto the residue of his people,

Jeremiah 2:16: Also the children of Noph and Tahapanes have broken the crown of thy head.

Jeremiah 3:18: Say unto the king and to the queen, Humble yourselves, sit down: for your principalities shall come down, even the crown of your glory.

Jeremiah 48:45: They that fled stood under the shadow of Heshbon because of the force: but a fire shall come forth out of Heshbon, and a flame from the midst of Sihon, and shall devour the corner of Moab, and the crown of the head of the tumultuous ones.

Lamentations 5:16: The crown is fallen from our head: woe unto us, that we have sinned!

Zechariah 9:16: And the LORD their God shall save them in that day as the flock of his people: for they shall be as the stones of a crown, lifted up as an ensign upon his land.

Matthew 27:29: And when they had platted a crown of thorns, they put it upon his head, and a reed in his right hand: and they bowed the knee before him, and mocked him, saying, Hail, King of the Jews!

Mark 15:17: And they clothed him with purple, and platted a crown of thorns, and put it about his head,

John 19:2: And the soldiers platted a crown of thorns, and put it on his head, and they put on him a purple robe,

1 Corinthians 9:15: And every man that striveth for the mastery is temperate in all things. Now they do it to obtain a corruptible crown; but we an incorruptible.

Philippians 4:1: Therefore, my brethren dearly beloved and longed for, my joy and crown, so stand fast in the Lord, my dearly beloved.

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

1 Thessalonians 2:19: For what is our hope, or joy, or crown of rejoicing? Are not even ye in the presence of our Lord Jesus Christ at his coming?

2 Timothy 4:8: Henceforth there is laid up for me a crown of righteousness, which the Lord, the righteous judge, shall give me at that day: and not to me only, but unto all them also that love his appearing.

James 1:12: Blessed is the man that endureth temptation: for when he is tried, he shall receive the crown of life, which the Lord hath promised to them that love him.

1 Peter 5:4: And when the chief Shepherd shall appear, ye shall receive a crown of glory that fadeth not away.

Revelations 2:10: Fear none of those things which thou shalt suffer: behold, the devil shall cast some of you into prison, that ye may be tried; and ye shall have tribulation ten days: be thou faithful unto death, and I will give thee a crown of life.

Revelations 6:2: And I saw, and behold a white horse: and he that sat on him had a bow; and a crown was given unto him: and he went forth conquering, and to conquer.

Revelations 12:1: And there appeared a great wonder in heaven; a woman clothed with the sun, and the moon under her feet, and upon her head a crown of twelve stars:

Revelations 3:11: Behold, I come quickly: hold that fast which thou hast, that no man take thy crown.

Secret Oath of the BAR

Declaration of Fidelity and Secrecy

I, *[full name]*, of *[address and occupation]*, do solemnly and sincerely declare that:
I will truly and faithfully, according to the best of my skill and ability, perform my duties as a member of the board of Public Trust (*or* a member of a committee appointed under section 17 of the Public Trust Act 2001 *or* an employee of Public Trust).
In the performance of those duties, I will maintain and aid in maintaining the secrecy of all matters coming to my knowledge about the affairs of any estate under administration in Public Trust, or the affairs of any person concerned in such an estate, and will not divulge any information concerning any such matters except as may be authorised by law, or for the purpose of assisting to carry out the powers and functions of Public Trust and my own proper duties.
And I make this solemn declaration conscientiously binding myself to adhere to and observe the same, and by virtue of section 34 of the Public Trust Act 2001.

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6



Cabinet Office Circular

13 March 2002

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the **Official Information Act 1982**, by persons with the appropriate authority.*

All Ministers

Parliamentary Under-secretaries

All Chief Executives

Chief of Staff, Prime Minister's Office

Principal Private Secretary, Prime Minister's Office Chief of Staff, Deputy Prime Minister's Office Senior Private Secretaries

All Private Secretaries

Chief Parliamentary Counsel

Clerk of the House

Acts Binding the Crown: Procedures for Cabinet Decision Summary of key points

1 Cabinet has agreed that it will make explicit decisions on whether draft Bills should include a provision stating that the Act will bind the Crown. This decision will be made at the policy development stage. The practical effect of this decision is that:

1.1 preliminary consideration needs to be given to this issue at the time that a priority is sought on the legislation programme;

1.2 papers submitted to Cabinet committees on the policy for the legislation need to address in detail the matter of whether the legislation should bind the Crown;

1.3 **Bills being considered by the Cabinet Legislation Committee for approval for introduction need to indicate whether the Bill states that the Act will bind the Crown.**

2 This circular provides guidance for departments in implementing this Cabinet decision.

3 The general principle is that the Crown should be bound by Acts unless the application of a particular Act to the Crown would impair the efficient functioning of the Government.

4 The requirements in this circular come into effect from 1 April 2002, with a transitional period for Bills implementing policy decisions taken before the issuing of this circular [paragraph 36 refers].

Background

5 Section 27 of the Interpretation Act 1999 provides that –

“No enactment binds the Crown unless the enactment expressly provides that the Crown is bound by the enactment.”

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6 In July 2001 Cabinet agreed that all Cabinet papers seeking policy approval for proposals that will result in **Government Bills, must address the issue of whether the proposed Act is to bind the Crown.**

7 This decision followed consideration of a report from the Ministry of Justice on whether the presumption quoted in paragraph 5 above should be reversed. The report concluded that it would not be desirable for the law to be changed so that all enactments bind the Crown unless provided otherwise. It recommended instead that Cabinet processes be amended to require that all Cabinet papers seeking policy approval for matters that will result in **Government Bills must address the issue and recommend to Cabinet whether the legislation should bind the Crown.** This was also the conclusion of a Law Commission report of December 2000, *To Bind Their Kings in Chains – An Advisory Report to the Ministry of Justice.*

Seeking a Cabinet decision

8 Whether a draft Bill should include a provision that the Act should bind the Crown, is a decision that should be made explicitly by Cabinet. At the same time that policy decisions on the content of a Bill are being made by a Cabinet committee, a decision must be made on whether the Bill will state that the Crown will be bound by the proposed Act. All policy papers dealing with proposed legislation must therefore address this issue and contain an appropriate recommendation.

9 It is the responsibility of the department leading the policy development to assess whether it would be appropriate for the Crown to be bound by a proposed Act.

10 In carrying out this assessment, the lead department should consult other interested departments, including the department that will be responsible for administering the Act (in cases where this is a different organisation). Advice can also be sought from the Ministry of Justice [paragraph 38 refers].

11 Paragraphs 12-25 below provide some guidance to help with the assessment.

Guidance on whether an Act should bind the Crown

Types of Act

12 For the purposes of determining whether new or substantially revised Acts should bind the Crown, most Acts may be grouped into three general categories:

12.1 *Acts which set out powers and obligations of the Crown* (eg the Police Act 1958, the Public Finance Act 1989 and the Crown Proceedings Act 1950). Such Acts clearly bind the Crown. Their purpose would be defeated if they did not.

12.2 *Acts which contain provisions which might relate to the Crown in the same way as any other party*, such as where the Crown engages in conduct as an employer, land owner, litigant, provider or recipient of goods (eg the Resource Management Act 1991). This is the category to which the most careful consideration will need to be made as to whether or not the Act should bind the Crown.

12.3 *Acts which apply to natural persons* (eg the Property (Relationships) Act 1976 and Marriage Act 1955). Generally, such Acts should bind the Crown – failure to apply such Acts to the Crown may lead to unintended consequences on third parties.

Amendments to existing legislation

13 Bills that are amending existing Acts will generally follow the position of the principal Act on whether the Act is binding on the Crown.

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14 However, if the proposed amendments are of a significant or substantive nature, officials should consider whether a review of the binding nature of the principal Act is warranted. If so, the requirements of this circular should be followed when the policy decisions for the amending Bill are being sought from Cabinet.

Factors to be taken into consideration

15 Given the range and complexity of legislative matters that may directly or indirectly affect the Crown, it is not possible to create definitive rules as to when an Act should or should not bind the Crown. These are therefore intended for general guidance only.

16 The general principle is that the Crown should be bound by Acts unless the application of a particular Act to the Crown would impair the efficient functioning of Government.

17 In assessing whether the Crown should or should not be bound by Acts, it will be necessary to assess the following factors. Where factors exist favouring both including and excluding the Crown from the application of the Act, an overall assessment will need to be made, in the context of the above general principle.

18 Factors favouring application of an Act to the Crown will include:

18.1 the desirability of the Crown's being subject to the same rules and liabilities as general citizens;

18.2 the possibility that excluding the Crown from the application of an Act will create unfair benefit to the Crown and/or adversely affect third parties.

19 Factors favouring exclusion of the Crown from the application of an Act include:

19.1 whether any operations or activities relating to the special functions of the Government would be hindered by making the Crown subject to the Act (such activities may be differentiated from those in which the Government operates in the same way as a private person);

19.2 whether applying the Act to the Crown would, in light of the special role of the Crown, create burdens on the Crown over and above those on private persons;

19.3 the financial costs of making the Crown subject to the Act.

Partial binding of the Crown

20 It is possible for an Act to bind the Crown only in part or only for limited and specified circumstances. If it does not seem appropriate for the entire Act to bind the Crown, consideration should be given to whether it is necessary for the Crown to be excluded from the Act in its entirety, or whether the exclusion can be confined to particular areas of Crown operations, and/or particular parts of the Act.

21 There are areas where particular consideration may need to be given as to whether or not to exclude the Crown or part of the Crown from the application of certain Acts or parts of Acts. Some examples are listed below. These are examples only. A general assessment of the relative advantages and disadvantages of applying the Act to the Crown needs to be made in respect of each individual Bill. The examples given of existing Acts should be used for general guidance only, bearing in mind that there has to date been no standard process governing whether or not to apply legislation to the Crown:

21.1 *Armed forces or enforcement officers*: where application of an Act to the armed forces or other enforcement officers would unreasonably interfere with the operations of those officers. Such exclusions would ensure that the operations of the armed forces and enforcement officers are not impeded by the relevant statutory regimes, and recognise the

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overriding importance of those functions. The relevant statutory regimes would often be regulatory in nature.

For example, the Hazardous Substances and New Organisms Act 1996 excludes from the operation of the Act, hazardous substances controlled by the Minister of Defence; the Dog Control Act 1996 excludes from the operation of the Act, dogs kept by, among other agencies, the Police, Customs, and the Ministry of Defence or Defence Force; the Arms Act 1983 excludes from the laws regulating the use of firearms, the Police and armed forces.

21.2 *National security*: where the application of the Act to the Crown would impede its functions in respect of national security. For example, the Building Act 1991 does not apply to Crown buildings where the building is necessary for reasons of national security. Similarly, the restrictions on use of land in the Resource Management Act 1991 do not apply if the use of land is necessary for national security.

21.3 *Taxation*: in certain circumstances it may be appropriate to exempt the Crown from taxation laws. For example, the Crown is not subject to the Income Tax Act 1994 in its entirety, and Crown land is generally exempt from the payment of rates under the Rating Powers Act 1988. Note though that the Crown is subject to the Goods and Services Tax Act 1985 and a number of the minor Inland Revenue Acts.

21.4 *Crown Land*: as the Crown is in a special position as the biggest landowner in the country, and its landholdings and buildings often have special functions, particular consideration may need to be given to Acts affecting Crown land. For example, the Fencing Act 1978 does not apply to certain types of Crown lands; and the restrictions on the use of land in the Resource Management Act 1991 do not apply to certain land administered under the Conservation Act 1987.

21.5 *Crown as litigant*: there may be cause in the public interest to exempt the Crown from the application of certain Acts where it acts as a party to litigation. For example, the Limitation Act 1950 does not apply to the Crown for certain proceedings, including for the recovery of tax.

Crown criminal liability

22 Historically, the Crown has not been liable to criminal prosecution. For the Crown to be criminally liable, the courts have held that it is necessary for the Act to include very clear wording to that effect. It is not enough for the Act to be generally stated as binding the Crown.

23 A general assessment will need to be made as to whether it is in the public interest for the Crown to be criminally liable under the proposed Act. Factors that would weigh in such a decision would include:

22. 23.1 whether the criminal act is the type of act that could be committed by the Crown;

23. 23.2 the effect criminal liability would have on the accountability of the Crown;

24. 23.3 whether fear of criminal liability would have negative consequences to the operations of particular Crown agencies;

25. 23.4 whether criminal liability is necessary to deter the Crown from acting criminally or whether there other incentives that may be used to make the Crown comply with the law;

23.5 whether there are alternatives to prosecution that may be more appropriate (such as censure in Parliament, and declaration of illegality by the High Court);

26. 23.6 fiscal implications of Crown criminal liability (noting that fines will ultimately be met by the tax payer).

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27. 24 If it is recommended to Cabinet that the Crown should be criminally liable under a proposed Act, the following matters will need to be addressed in the Cabinet paper:

28. 24.1 who is the Crown for the purposes of the prosecution;

29. 24.2 who should defend and prosecute the Crown;

30. 24.3 what procedures should apply;

24.4 what penalties should be imposed on the Crown upon successful conviction and whether they would need to differ from general penalties in the Act.

25 The Crown Organisations (Criminal Liability) Bill is currently before Parliament. Once it becomes law, officials should consider it when proposing whether the Crown should be criminally liable under a particular Act. This Bill, as currently drafted, imposes criminal liability on the Crown under the Building Act 1991 and Health and Safety in Employment Act 1992, and provides an example of how the relevant issues may be addressed.

Inclusion in a Cabinet committee policy paper

26 As indicated above, a decision on whether a draft Bill should include a provision that the Act will bind the Crown should be made by Cabinet at the time policy decisions are made.

27 Cabinet committee papers seeking policy decisions relating to a proposed Bill must include in the section **Legislative Implications**, a proposal on whether the Act should or should not bind the Crown, and provide enough information to support that proposal.

28 If it is considered that there are no good reasons why the Crown should not be bound by the Act, the paper should state this, and the paper should recommend that the Act bind the Crown. If this will have potential implications, including financial implications, for the Crown or particular departments, these should be discussed. The details of any financial implications should be set out under the financial implications heading in the paper in the usual way. The usual departmental consultation must occur, and departmental comment should be included, if applicable.

29 If it is recommended that the Act or part of the Act not be binding, then the paper must give reasons and any implications this will have for the Government. The usual departmental consultation must occur, and departmental comment should be included, if applicable.

30 In both cases, as for all proposals, there must be enough information for the Cabinet committee to make an informed decision.

Inclusion in the recommendations

31 An explicit decision is required by Cabinet, and therefore this issue must be included in the recommendations to the Cabinet committee. The recommendations should seek a decision, and it may also be appropriate to have the committee note the reasons for the decision, and its implications.

Sample wording for the recommendations is:

1 note that it is/is not appropriate for the [name of Act] to be binding on the Crown because [refer to the reasons];

2 agree that the [name of Bill] should/should not include a provision stating that the Act will bind the Crown;

3 note that the implications for government departments of the Act binding the Crown will be [this may cover such things as financial liability, criminal liability etc. If significant, other decisions may be required as well].

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Inclusion in the Bill

33 The Interpretation Act 1999 provides that no Act binds the Crown unless the Act expressly provides that the Crown is bound by the Act. Therefore, if the Cabinet decides that it is appropriate for the proposed Act to be binding on the Crown, this must be reflected in the drafting of the Bill.

Seeking a priority in the legislation programme

34 This issue should also be canvassed when a priority is sought for the Bill in the annual legislation programme. Preliminary consideration must be given at that stage to whether the Act should bind the Crown. Accordingly, the standard format for papers seeking a priority has been revised to include this section. The revised format is attached as Annex 1. This supersedes the version in chapter 7 of the Cabinet Office Step by Step Guide 2001

Seeking approval for the introduction of the Bill

35 When a Bill is ready for introduction to the House, it must first be approved by the Cabinet Legislation Committee (LEG). The standard format for papers seeking approval for the introduction of a Bill has been revised so that it must now state the previously made policy decision on whether the Bill should contain a provision that the Act will bind the Crown. The revised format is attached as Annex 2. This supersedes the version in chapter 7 of the Cabinet Office Step by Step Guide 2001

Commencement of regime

36 The requirements in this circular are to come into effect transitionally:

36.1 all Cabinet papers submitted from 1 April 2002 seeking policy decisions which will be implemented by an Act, must now also seek a decision on whether the proposed Act should bind the Crown. Therefore the full requirements set out above will apply to the policy paper and the resulting Bill;

36.2 LEG papers seeking approval for the introduction of Bills for which the policy was approved before 1 April 2002, should state that no Cabinet decision was made on whether the proposed Act should bind the Crown, as the policy was developed before the introduction of this requirement. The LEG paper should also state whether the Bill as drafted does/does not bind the Crown. Of course, the responsible Minister may seek a Cabinet decision on this issue at this time, if he/she wishes, although it is not a requirement.

Members' Bills

37 When Cabinet is considering whether to support a Member's Bill, it may be appropriate for it to consider, if it does receive support, whether the Act should bind the Crown. Officials may wish to raise this issue with the responsible Minister if they become involved in the deliberations.

The website version of the Step by Step Guide at www.dpmc.govt.nz/cabinet has been updated to incorporate this change.

Further information

38 For further advice you can contact:

38.1 the Constitutional Team of the Ministry of Justice (ph 494-9700);

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38.2 the relevant Cabinet committee secretary in the Cabinet Office (ph 471-9743), for advice on the process for including in a policy paper the issue of whether an Act should be binding on the Crown;

38.3 the Legislation Coordinator in the Cabinet Office (ph 471-9643) or the Secretary of the Cabinet Legislation Committee in the Cabinet Office (ph 471-9148), for advice on the matters covered in the two annexes.

39 This circular is also available on the Cabinet Office website www.dpmc.govt.nz/cabinet.
Secretary of the Cabinet

Request for a Bill to be included in the legislation programme

The following format must be used for all papers to the Cabinet Legislation Committee (LEG) requesting a priority in the legislation programme. The form indicates the headings to be used. Each heading must appear in the paper. Write “not applicable” if the heading is not relevant to the proposed legislation. Details should be kept brief but should be sufficient to give readers not acquainted with the issues a clear idea of what is involved.

This format supersedes that in Chapter 7 of the Cabinet Office Step by Step Guide (SBSG). Chapter 7 provides further information on the legislation programme. The website version of the SBSG at www.dpmc.govt.nz/cabinet has been updated to incorporate this change.

Government Examples Bill: Request for Priority in the 2002 Legislation Programme

Summary information

1 Give the following details about the bid for legislation:

- a portfolio of sponsoring Minister;
- b department responsible (include departmental contact name and phone number);
- c title of proposed Bill (or Bill in which these legislative changes are to be included);
- d proposed ranking of Bill within the bids from this portfolio; and
- e estimated number of clauses in the Bill and whether of low, medium or high complexity.

2 The summary information is required for bids prepared in response to the annual request [see chapter 7 of the SBSG]. For papers to LEG seeking a priority outside this process, the “summary information” section should be replaced with a “proposal” section which succinctly states what Ministers are being asked to decide.

In Confidence

Policy

3 Briefly summarise the policy to be implemented by the Bill. (Give references and dates of relevant Cabinet and Cabinet committee decisions.)

4 Indicate any aspects of the Bill that are likely to be contentious.

5 Note any policy issues that have not yet been agreed and state the dates by which these are expected to be resolved by Cabinet.

Need for legislation

6 Why is legislative action needed to implement the policy? (Please attach or refer to legal advice.)

7 Indicate the suggested priority. Is it essential that legislation be enacted in the period under consideration, or simply desirable? If it is essential, explain why.

8 If the proposal is for amending legislation, has the principal Act been amended in the last year or will it be amended in the near future? If so, explain why this amendment is needed now.

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Compliance

9 Indicate whether the Bill complies with each of the following, with reasons if the Bill does not comply (list each sub-heading):

- a principles of the Treaty of Waitangi;
- b rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
- c principles and guidelines set out in the Privacy Act 1993 (if the legislation raises privacy issues, indicate whether or not the Privacy Commissioner agrees that it complies with all relevant principles);
- d relevant international standards and obligations; and
- e *LAC Guidelines: Guidelines on Process and Content of Legislation*, a publication by the Legislation Advisory Committee.

Binding on the Crown

10 At the policy development stage a decision by a Cabinet committee will be required on whether the Bill should include a provision that the Act should be binding on the Crown. Advise, if possible, what is likely to be recommended. [See Cabinet Office circular CO (02) 4 for details.]

Consultation

11 Summarise the consultation on policy issues that has already taken place or will be needed with each of the following groups, as well as the results of any consultation that has already taken place:

- a relevant government departments or other public bodies; and
- b relevant private sector organisations and public consultation processes.

12 If consultation on policy issues has not yet been completed, indicate the date by which it is expected to be completed.

13 Summarise the consultation with government caucus(es) and other parties represented in Parliament that has already taken place or will be needed.

Associated regulations

14 Are regulations likely to be needed within 12 months of the Bill being enacted to give effect to the provisions in the Bill? If so, summarise briefly the regulations that will be needed, their likely timing (taking into account the 28 day rule [see chapter 8 of the SBSG]), and the likely size of the drafting task involved to develop them.

Timeline

15 Summarise the proposed timing for the legislation in reverse chronological order, as follows. Provide Cabinet or committee references where any deadlines have been established by Cabinet or committee decision:

- a requested enactment date;
- b date of report back from select committee (as a rule of thumb, a **minimum** of four months should be allowed for the select committee process – please give reasons if a period of less than six months is proposed);
- c requested introduction date;
- d dates on which the Bill will be before the Cabinet Legislation Committee and before Cabinet for approval for introduction;

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e date by which final drafting instructions will be sent to the Parliamentary Counsel Office or other drafter (the period between submission of instructions and approval for introduction provides for drafting and consultation on the draft Bill – relate your estimate for this phase to the expected length and complexity of the Bill); and

Recommendations

16 I recommend that the committee:

- 1 note that the [title] Bill will [briefly summarise the policy to be implemented by the Bill];
- 2 approve the inclusion of the [title] Bill in the [2002] legislation programme, with a priority [xx] (give priority number and brief description of priority [see chapter 7 of the SBSG]);
- 3 note that drafting instructions will be provided to the Parliamentary Counsel Office by [date];
- 4 note that the Bill should be introduced no later than [date]; and 5 note that the Bill should be passed no later than [date].

Format for papers on draft Bills ready for introduction

In order for LEG to examine a draft Bill, the paper that accompanies the Bill (or substantial Supplementary Order Paper) to the committee must adhere to the following format. The form indicates the headings to be used. Each heading must appear in the paper. Write “not applicable” if the heading is not relevant to the Bill.

This format supersedes that in Chapter 7 of the Cabinet Office Step by Step Guide (SBSG). Chapter 7 provides further information on legislative processes. The website version of the SBSG at www.dpmc.govt.nz/cabinet has been updated to incorporate this change.

Government Examples Bill: Approval for Introduction Proposal

1 Briefly state what is proposed in the paper.

Policy

- 2 Briefly summarise the policy to be implemented by the Bill. (Give references and dates of relevant Cabinet and Cabinet committee decisions.)
- 3 Indicate any aspects of the Bill that are likely to be contentious.
- 4 Explain why a Bill is required.
- 5 Indicate any outstanding policy issues and explain why these have not yet been resolved.

Compliance

6 Indicate whether the Bill complies with each of the following, with reasons if the Bill does not comply (list each sub-heading):

In Confidence

- a principles of the Treaty of Waitangi;
- b rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
- c principles and guidelines set out in the Privacy Act 1993 (if the Bill raises privacy issues, indicate whether the Privacy Commissioner agrees that it complies with all relevant principles);
- d relevant international standards and obligations; and
- e *LAC Guidelines: Guidelines on Process and Content of Legislation*, a publication by the Legislation Advisory Committee.

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

Consultation

7 Summarise the consultation that has taken place, under the following categories, and the results of that consultation:

- a relevant government departments or other public bodies;
- b relevant private sector organisations and public consultation processes; and
- c government caucus(es) and other parties represented in Parliament.

Binding on the Crown

8 At the policy development stage, a decision should have been made by a Cabinet committee on whether the Bill should state that the Act will be binding on the Crown [see Cabinet Office circular CO (02) 4 for details]. State what that decision was and give the reference number of the minute.

Creating new agencies or amending law relating to existing agencies

9 If the legislation will create a new agency, will the Ombudsmen Act 1975 and the Official Information Act 1982 apply? If not, why not? (Consult the Office of the Ombudsmen on this issue and summarise its views.)

10 If the legislation will create a new agency that is legally separate from the Crown, will it be a Crown entity? If not, why not? What governance and accountability requirements will apply to the entity? (Consult the State Services Commission and the Treasury on these issues and summarise their views.)

11 If the legislation will amend the existing coverage of the Ombudsmen Act 1975, the Official Information Act 1982 or the Local Government Official Information and Meetings Act 1987, explain why. (Consult the Office of the Ombudsmen on this issue and summarise its views.)

Allocation of decision making powers

12 Does the draft legislation involve the allocation of decision making powers between the executive, the courts and tribunals?

13 Have the criteria relating to the qualifications and responsibilities of decision makers and the procedures they follow been applied? (Criteria and procedures are set out in the Legislation Advisory Committee report, *LAC Guidelines: Guidelines on Process and Content of Legislation*.)

14 If the criteria and procedures have not been followed, state departures from the criteria and reasons for these.

Associated regulations

15 Will regulations be needed to bring the Bill into operation? If so, summarise briefly the regulations needed, their likely timing (taking into account the 28 day rule [see chapter 8 of the SBSG]), and the likely size of the drafting task involved to develop them.

Deemed regulations

16 State whether or not the proposed Bill includes any provision empowering the making of deemed regulations.

17 If the Bill includes such a provision(s):

16. a state the reason for the provision, taking into account the principles identified in the *Deemed Regulations Report* of the Regulations Review Committee; and

17. b confirm that the explanatory note to the Bill sets out the reasons.

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Definition of Minister/department

18 Does the Bill contain a definition of Minister, department (or equivalent government agency) or chief executive of a department (or equivalent position)? Consult the Cabinet Office on this issue and summarise its views.

Commencement of legislation

19 When will the Bill come into force? Ensure that the following matters are covered:

- a if there is a specific commencement date(s), state the date(s);
- b if there is no specific commencement date, the Bill will come into force on the day after the date of assent;
- c if the Bill provides for a commencement date to be appointed by Order in Council: - state why (a) or (b) is inappropriate;
 - give details of the expected timetable for commencement and the basis on which this has been calculated; and
 - confirm that the explanatory note to the Bill sets out the reasons for commencement by Order in Council.

Parliamentary stages

20 Indicate the date by which the Bill should be introduced and the date by which it should be passed.

21 Indicate the select committee to which it is proposed that the Bill be referred.

Recommendations

22 I recommend that the Committee:

- 1 note that the [xx] Bill holds priority [xx] on the legislation programme;
- 2 note that the Bill... [briefly summarise the main purpose of the Bill];
- 3 approve for introduction the [xx] Bill, subject to the final approval of government caucuses;
- 4 agree that the Bill be introduced on [date];
- 5 agree that the Government propose that the Bill be:
 - 5.1 referred to the [xx] committee for consideration; and be
 - 5.2 enacted by [date].

1.4 - Immunity from Jurisdiction

This section examines several bases on which a person may be immune from criminal jurisdiction. Crown Immunity

At common law, the **Crown** is immune from prosecution for criminal offences (*Cain v Doyle* (1946) 72 CLR 409; *Bropho v Western Australia* (1990) 171 CLR 1; [1990] HCA 24; *Jacobsen v Rogers* (1995) 182 CLR 572; [1995] HCA 6).

Courts must interpret statutes in accordance with a rebuttable presumption that criminal laws do not bind the Crown. This presumption may be overcome by clear words or be a necessary implication (*Bropho v Western Australia* (1990) 171 CLR 1; [1990] HCA 24).

The High Court reduced the strength of the presumption of Crown immunity in 1990. A court interpreting a statute should consider the perceived strength of the presumption at the time the legislation was enacted (*Bropho v Western Australia* (1990) 171 CLR 1; [1990] HCA 24).

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The presumption in favour of Crown immunity is weaker in relation to government corporations and related commercial entities. The court must consider the nature of the alleged conduct and whether the corporation, while engaged in that conduct, should be regarded as a manifestation of the Crown, with all the traditional Crown immunities (*Roads Corporation v Gerkens*, Unreported, VSC, 28 May 1993; *Townsville Hospital Board v Townsville City Council* (1982) 149 CLR 282; [1982] HCA 48; *Superannuation Fund Investment Trust v Commissioner of Stamps (SA)* (1979) 145 CLR 330).

Crown immunity does not extend to employees and agents of the Crown. Employees and agents are subject to the criminal law when acting within the scope of their authority (*Jacobsen v Rogers* (1995) 182 CLR 572; [1995] HCA 6; *Bropho v Western Australia* (1990) 171 CLR 1; [1990] HCA 24).[1]

Crown immunity will usually include immunity from contempt of court. This includes contempt arising from breach of court orders (*Crowther v Queensland* [2007] 1 Qd R 232; [2006] QCA 308).

Law Enforcement Officers

Specific legislation may grant exemption or protection to police officers who conduct controlled operations (*Crimes Act 1914* (Cth) Part 1AB; *Australian Federal Police Act 1979* (Cth) s12; *Drugs, Poisons and Controlled Substances Act 1981* (Vic) s51).

Commonwealth laws may exempt Commonwealth officers from certain state laws (see, e.g., *Australian Protective Services Act 1987* (Cth) s22; *Australian Federal Police Act 1979* (Cth) s12).

In the absence of a specific exemption, a police officer is personally liable for any offences he or she commits in the course of duty (*Yip Chiu-Cheung v R* [1995] 1 AC 111; *Ridgeway v R* (1995) 184 CLR 19; [1995] HCA 66; *A v Hayden (No 2)* (1984) 156 CLR 532; [1984] HCA 67; *R v Phung* [2001] VSCA 195).

Defence Force Personnel

Australian defence force personnel are ordinarily subject to state and territorial laws (*Pirrie v McFarlane* (1925) 36 CLR 170; *X v McDermot* (1994) 51 FCR 1; *Re Tracey; ex parte Ryan* (1989) 166 CLR 518; [1989] HCA 12; *McWaters v Day* (1989) 168 CLR 289; [1989] HCA 59; *Re Nolan; ex parte Young* (1991) 172 CLR 460; [1991] HCA 29; *Re Tyler; ex parte Foley* (1994) 181 CLR 18; [1994] HCA 25).

Australian domestic law does not apply to visiting defence force personnel who act in the course of duty or only harm persons or property of the visiting force (*Defence (Visiting Forces) Act 1963* (Cth) s9).

The visiting force may ask the Commonwealth Attorney-General not to exercise jurisdiction over a member of a visiting force in all other cases (*Defence (Visiting Forces) Act 1963* (Cth) s10).

A visiting defence force member who commits an offence may be dealt with by his or her own country's tribunals. Once the person has been dealt with, he or she may not be tried in Australia for substantially the same offence (*Defence (Visiting Forces) Act 1963* (Cth) s8).

The *Defence (Visiting Forces) Act 1963* does not apply to a deserter who is a member of the armed forces of a country but who is not a member of the visiting forces of that country (*R v Peterson; ex parte Hartmann* [1969] VR 417; *Re Bolton; Ex parte Beane* (1987) 162 CLR 514; [1987] HCA 12).

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Foreign Sovereign Immunity

Under international law, heads of state, heads of government, former heads of state and former heads of government have personal immunity for actions taken as part of their role as head of state or head of government (*R v Bow Street Metropolitan Stipendiary Magistrate; ex parte Pinochet Ugarte* [2000] 1 AC 61).

Foreign ministers also have personal immunity from the criminal law while they are serving as foreign minister. This immunity is provided by customary international law to allow the effective performance of their duties. The immunity covers conduct by a serving foreign minister before s/he assumed that office and includes conduct in both a public and private capacity (*Case concerning the Arrest Warrant of 11 April 2000*, International Court of Justice, Democratic Republic of the Congo v Belgium, 14 February 2002).

The immunity of former heads of state does not extend to certain international crimes subject to universal jurisdiction (*R v Bow Street Metropolitan Stipendiary Magistrate; ex parte Pinochet Ugarte* [2000] 1 AC 61).

Diplomatic Immunity

A diplomatic agent is: Defined as the head of a diplomatic mission and other members of the diplomatic mission holding diplomatic rank (*Vienna Convention on Diplomatic Relations* Art 1; *Diplomatic Privileges and Immunities Act 1967* (Cth) s7); Immune to criminal jurisdiction (*Vienna Convention on Diplomatic Relations* Art 31; *Diplomatic Privileges and Immunities Act 1967* (Cth) s7); Not compellable to give evidence as a witness (*Vienna Convention on Diplomatic Relations* Art 31; *Diplomatic Privileges and Immunities Act 1967* (Cth) s7); and Not to be arrested or detained (*Vienna Convention on Diplomatic Relations* Art 29; *Diplomatic Privileges and Immunities Act 1967* (Cth) s7).

The accused should enter a plea of diplomatic immunity as a special plea at the commencement of trial (*Criminal Procedure Act 2009* s218; *Von Arnim v Popovic*, Unreported, VSC 1 July 1998).

Diplomatic immunity can only be waived by the sending State. The immunity is held by the State and may not be waived by individual beneficiaries (*Vienna Convention on Diplomatic Relations* Art 32; *Diplomatic Privileges and Immunities Act 1967* (Cth) s7). See Chapter 12 - Arraignment for further details on entering a plea.

The immunity of a diplomatic agent from giving evidence is a matter for the parties. The court does not need to be satisfied that a witness has waived his/her immunity (*R v Browning* (1991) 103 FLR 425).

Diplomatic immunity extends to members of the family of a diplomatic agent and administrative and technical staff at a diplomatic mission, and their families (*Vienna Convention on Diplomatic Relations* Art 37; *Diplomatic Privileges and Immunities Act 1967* (Cth) s7).

Diplomatic status is granted by the receiving State. Evidence of diplomatic status must therefore come from recognition by Australia and not be from the foreign State (*R v Browning* (1991) 103 FLR 425; *Vienna Convention on Diplomatic Relations* Art 4; *R v Duff* (1979) 39 FLR 315).

Conversely, evidence that a person has not been recognised by Australia as holding diplomatic status is evidence that the person does not enjoy diplomatic privileges and immunities (*Von Arnim v Federal Republic of Germany* [1999] FCA 1159).

The Minister for Foreign Affairs may issue a certificate stating whether a person was entitled to diplomatic, consular or international organisation privileges or immunities at a relevant

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time. This certificate is evidence of the status of that person at that time (*Diplomatic Privileges and Immunities Act 1967* (Cth) s14; *Consular Privileges and Immunities Act 1972* (Cth) s12; *International Organisations Act 1963* (Cth) s11).

Consular officers and consular employees are immune from judicial authorities in respect of acts performed in the exercise of their consular functions (*Consular Privileges and Immunities Act 1972* (Cth) s5; *Vienna Convention on Consular Relations* Art 43).

Officers and former officers of international organisations are also given certain immunities (*International Organisations (Privileges and Immunities) Act 1963* (Cth) s6).

The holder of the immunity must establish the immunity. The prosecution may call evidence to rebut the immunity as part of its case and should avoid splitting its case (*Green v Philippines Consulate General* [1971] VR 12; *R v Stolpe*, Unreported, NSWCCA, 30 October 1996).

Where the court is satisfied that the accused has sovereign or diplomatic immunity, it should decline to proceed with the matter and may stay proceedings on application of a party or on its own motion (see, e.g., *Australian Federation of Islamic Councils Inc v Westpac Banking Corporation* (1988) 17 NSWLR 623).

Footnotes:

[1] - An employee or agent could not, however, aid or abet the Crown to commit an offence, due to the nature of accessorial liability (*Cain v Doyle* (1946) 72 CLR 409). Last updated: 1 March 2017

Insurances and Guarantees given by grantor

SCHEDULE 7 FORM OF CLAIM,

To: The Commonwealth of Australia c/- Scheme Administrator, Australian Government
Guarantee of State and Territory Borrowing
c/- The Secretary Reserve Bank of Australia GPO Box 5367
SYDNEY NSW 2001

A. Detail of Guaranteed Liability

A.1.1. We, [INSERT FULL LEGAL NAME OF BENEFICIARY and ABN/ACN if applicable], are owed the following Guaranteed Liability:

a. [INSERT DETAILS: including details of the Guaranteed Liability, the Eligibility Certificate relating to it and the name of the State/Territory guaranteeing the liability.]

B. Claim

1. B.1.1. We refer to the Deed of Guarantee, applicable to the above-mentioned Guaranteed Liability, executed on behalf of the Commonwealth of Australia and taking effect from 24 July 2009. Words and expressions defined in the Deed of Guarantee have the same meanings where used in this notice.
2. B.1.2. We claim payment, in accordance with the Guarantee, of the sum of [.....] being due and payable by Those Guaranteed, but unpaid, to us under or in respect of the Guaranteed Liability (the “**Claimed Sum**”).
3. B.1.3. [The due date, after the expiry of the applicable grace period (if any), for the payment of interest to us under or in respect of the Guaranteed Liability was [.....] and such payment has not been made to us.]

OR

But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea. Matt 18:6

[The due date for the redemption of the Guaranteed Liability was [.....] and, after the expiry of any applicable grace period for payment, the amount due and payable to us in respect of the Guaranteed Liability on such date has not been paid to us.]

OR

[The Guaranteed Liability became payable as the result of the operation of a cross default clause in the [specify type of security] and such payment has not been made to us.]

B.1.4. We certify that we have validly claimed payment of the Claimed Sum from:

1. [INSERT NAME] and that [INSERT NAME] has failed to pay the Claimed Sum to us in accordance with our valid claim and we attach documentary evidence in support of this certification;
2. [Note: Not relevant for the ACT][INSERT NAME OF RELEVANT STATE/TERRITORY] which has guaranteed the Guaranteed Liability under legislation and that the [INSERT NAME OF RELEVANT STATE/TERRITORY] has failed to pay the Claimed Sum to us in accordance with our valid claim and we attach documentary evidence in support of this certification.

C. Consent

C.1.1. We consent to the Commonwealth sharing the information provided in and concerning this claim with the relevant State or Territory and other Commonwealth, State and Territory agencies for the purposes of assessing the claim or for general administration of the Guarantee.

D. Release

D.1.1. Upon payment of the Guaranteed Liability to us by the Commonwealth in accordance with the Guarantee, we hereby release the Commonwealth from further liability to us arising from or in connection with the Guaranteed Liability and this claim.

E. Contact information

E.1.1. [Insert address, email and facsimile details.]

Signed by: _____ Position:

Guarantee of State and Territory Borrowing Scheme Rules B706813

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No Name, Crown