

Version
as at 29 November 2022



Maori Purposes Act 1959

Public Act 1959 No 90
Date of assent 22 October 1959
Commencement see section 2

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by Te Puni Kōkiri.

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Amendments of law relating to Maoris

[Spent]

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An Act to amend the law relating to Maoris and Maori land, and for other purposes

1 Short Title

This Act may be cited as the Maori Purposes Act 1959.

Part 1 Lake Rotoaira

2 Commencement

This Part shall come into force on 1 November 1959.

3 Interpretation

In this Part, unless the context otherwise requires,—

adjoining waters forming part of the Lake means—

- (a) the Poutu inflow, being the water between Lake Rotoaira and the Poutu Dam; and
- (b) the waters forming part of the Wairehu Canal for a distance of approximately 685 metres from Lake Rotoaira to the first hurdle; and
- (c) the waters between Lake Rotoaira and the Tokaanu intake tunnel; and
- (d) the waters that from time to time cover lands adjoining Lake Rotoaira resulting from any rise in the level of the Lake; and
- (e) those portions of the natural tributaries of Lake Rotoaira situated within the area bounded by longitude 175°42.000'E, State Highway 46, and State Highway 47

entry permit means an entry permit issued by or on behalf of the Trustees under section 4

the Lake means the body of water known as Lake Rotoaira; and includes the adjoining waters forming part of the Lake

the Rotoaira Trust means the trust created by the Maori Land Court on 6 December 1956 in respect of Lake Rotoaira

stipendiary ranger means a person who—

- (a) holds a warrant of appointment as an officer under section 198 of the Fisheries Act 1996 or as a ranger under the Wildlife Act 1953, or is a warranted officer under the Conservation Act 1987; and
- (b) is an employee of the department responsible for the administration of the applicable Act

Taupo District means the district described in the Taupo District Order 1983

the Trustees means the Trustees of Lake Rotoaira appointed by the Maori Land Court on 6 December 1956 pursuant to section 438 of the Maori Affairs Act 1953; and includes their successors; and also includes the committee of management of any body corporate incorporated under Part 13 of Te Ture Whenua Maori Act 1993 to which the powers and duties of the Trustees may at any time be assigned

warden means a warden appointed by the Trustees under section 7.

Section 3 **adjoining waters forming part of the Lake**: inserted, on 21 December 1977, by section 9(1) of the Maori Purposes Act 1977 (1977 No 103).

Section 3 **adjoining waters forming part of the Lake** paragraph (b): amended, on 29 November 2022, by section 15(1) of the Māori Purposes Act 2022 (2022 No 73).

Section 3 **adjoining waters forming part of the Lake** paragraph (e): inserted, on 29 November 2022, by section 15(2) of the Māori Purposes Act 2022 (2022 No 73).

Section 3 **the Lake**: substituted, on 21 December 1977, by section 9(2) of the Maori Purposes Act 1977 (1977 No 103).

Section 3 **the said stream**: repealed, on 21 December 1977, by section 9(3) of the Maori Purposes Act 1977 (1977 No 103).

Section 3 **stipendiary ranger**: replaced, on 29 November 2022, by section 15(3) of the Māori Purposes Act 2022 (2022 No 73).

Section 3 **Taupo District**: inserted, on 29 November 2022, by section 15(4) of the Māori Purposes Act 2022 (2022 No 73).

Section 3 **the Trustees**: amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

4 **Permit required to enter Lake or fish in Lake**

- (1) Except as provided in subsection (9), a person must not enter or remain in or on any part of the Lake, unless the person holds a current entry permit.
- (2) A person must not fish or take fish from the Lake unless the person holds—
 - (a) a current entry permit that authorises fishing; and
 - (b) if the person fishes for or takes trout from the Lake, a current trout-fishing licence issued in respect of the Taupo District under regulations made under any Act.
- (3) The application of subsection (2) to persons who are beneficial owners under the Rotoaira Trust or who have beneficial interests in land bounded by the Lake or in the bed of the Lake is subject to any regulations made under section 15(2)(d).
- (4) The Trustees or their agents may issue entry permits authorising the holders to enter in and on the Lake.
- (5) The Trustees may state—
 - (a) the conditions under which a person is permitted to enter in or on the Lake; and
 - (b) the purposes for which they may enter.
- (6) The holder of an entry permit must not enter or remain in or on the Lake—
 - (a) in breach of those conditions; or
 - (b) for any purpose other than a purpose for which the permit was issued.
- (7) The Trustees, in their discretion, may—
 - (a) decide the number of entry permits that may be issued;
 - (b) refuse to issue an entry permit to any person;
 - (c) revoke the entry permit of any person who—

- (i) breaches any condition on which the permit was issued; or
 - (ii) enters or remains in or on the Lake for any purpose other than a purpose for which the permit was issued.
- (8) If an entry permit is revoked, the holder must, on demand, surrender it to the Trustees or their agent or to any warden.
- (9) The following persons may enter in and on the Lake without holding an entry permit:
 - (a) a Trustee:
 - (b) a warden:
 - (c) another person in the bona fide employment of the Trustees:
 - (d) a constable:
 - (e) a stipendiary ranger:
 - (f) a beneficial owner under the Rotoaira Trust authorised to enter by written authority of the Trustees or their agent:
 - (g) a trustee of Motuopuhi Māori Reservation and their invitees (but entry to the waters described in paragraph (b), (c), or (e) of the definition of adjoining waters forming part of the Lake is not permitted without holding an entry permit):
 - (h) a person authorised to enter on land by section 110 or 111 of the Public Works Act 1981 or by section 53 of the Cadastral Survey Act 2002, which authorise the entry on land for purposes of survey:
 - (i) a person engaged, either directly or indirectly, in the planning, preparation, construction, maintenance, or operation of any public work within the meaning of the Public Works Act 1981, or in carrying out any investigation for the purposes of any proposed such work:
 - (j) an officer of Te Puni Kōkiri entering in the course of their duties:
 - (k) a Judge of the Maori Land Court entering to perform the functions of their office:
 - (l) an officer, employee, or agent of—
 - (i) a State enterprise within the meaning of section 2 of the State-Owned Enterprises Act 1986 that is a generator of electricity; or
 - (ii) a mixed ownership model company within the meaning of section 45P of the Public Finance Act 1989 that is a generator of electricity.
- (10) To avoid doubt, a right of entry under subsection (9) does not authorise fishing or the taking of fish.

Section 4: replaced, on 29 November 2022, by section 16 of the Māori Purposes Act 2022 (2022 No 73).

5 Fees for entry permits

- (1) There shall be payable to the Trustees for every entry permit such fee as the Trustees prescribe from time to time, and different fees may be so prescribed in respect of entry permits for different purposes.
- (2) All fees received by the Trustees for the issue of entry permits shall be held by the Trustees for the purposes of the Rotoaira Trust.
- (3) A fee prescribed under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	It is not required to be published	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 5(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

6 Holder of entry permit not to enter on private land without consent

Nothing in any entry permit shall entitle the holder to enter on any land not vested in the Trustees except with the consent of the occupier of the land:

provided that, where the waters of the Lake cover land adjoining Lake Rotoaira resulting from a rise in the level of the Lake, every owner of such adjoining land shall be deemed to have consented to entry on any portion of his land that for the time being forms part of the Lake.

Section 6 proviso: added, on 21 December 1977, by section 10 of the Maori Purposes Act 1977 (1977 No 103).

7 Wardens

- (1) The Trustees may from time to time appoint a warden or wardens to exercise authority in respect of the Lake, and may at any time revoke any such appointment.
- (2) The Trustees may pay to any warden such remuneration for his services as they think fit.
- (3) It shall be the duty of every warden to ensure that all persons entering in or upon the Lake are acting in compliance with this Part and with the conditions of any entry permit and with any regulations under this Part.

Section 7(1): amended, on 21 December 1977 by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

Section 7(3): amended, on 21 December 1977 by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

8 Powers of wardens and stipendiary rangers

- (1) Any warden and any stipendiary ranger may—
 - (a) at all times enter upon and pass along the Lake or the borders or banks thereof:
 - (b) at all times enter upon any boat or launch in or upon the Lake:
 - (c) exercise such powers as may be vested in wardens or stipendiary rangers, as the case may be, by this Part or by any regulations made under this Part.
- (2) Every person who assaults, resists, or obstructs any warden or stipendiary ranger in the execution of any powers conferred on him by this Part or by any regulations under this Part commits an offence against this Part.
- (3) The production by a warden or stipendiary ranger of his warrant of appointment shall be sufficient evidence of that appointment.
- (4) Nothing in this section shall be construed to confer any power of apprehension or arrest on any warden or stipendiary ranger.

Section 8(1)(a): amended, on 21 December 1977, by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

Section 8(1)(b): amended, on 21 December 1977, by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

9 Offenders to give name and address

- (1) Where any warden or stipendiary ranger discovers a person committing an offence against this Part, or against any regulations made under this Part, he may require the offender forthwith to desist from the offence and also to tell his real name and address.
- (2) If any such offender, after being so required, fails to tell his real name or address, or gives a false name or address, or gives such a description of his address as is illusory for the purpose of discovery, or wilfully continues the offence, he commits a further offence against this Act.
- (3) Nothing in this section shall be construed to confer any power of apprehension or arrest on any warden or stipendiary ranger.

10 Offences

Every person commits an offence against this Part who does any act in contravention of this Part or fails to comply with any provision of this Part.

11 Penalty for offences

Every person who commits an offence against this Part is liable on conviction to a fine not exceeding \$5,000.

Section 11: amended, on 29 November 2022, by section 17 of the Māori Purposes Act 2022 (2022 No 73).

Section 11: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

12 Who may commence proceedings for offences

No proceedings may be commenced for an offence against this Part except on the information of a Trustee or warden or stipendiary ranger.

13 Application of fines

From any fines recovered in proceedings for offences against this Part there shall be deducted and credited to a Crown Bank Account an amount equal to 5% of the amount of the fine, and the residue thereof after that deduction has been made shall be paid to the Trustees.

Section 13: amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

14 Modification of provisions of Conservation Act 1987

The operation of the Conservation Act 1987, in its application to the Lake, is hereby modified as follows:

- (a) section 26ZO of that Act shall not apply:
- (b) section 26R(4) of that Act shall apply as if the Trustees were a Fish and Game Council established under that Act, and the words “the area” in that provision were the words “the Lake”.

Section 14: substituted, on 10 April 1990, by section 37 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 14(b): amended, on 29 November 2022, by section 18 of the Māori Purposes Act 2022 (2022 No 73).

15 Regulations

- (1) The Governor-General may from time to time, by Order in Council, make all such regulations as he thinks necessary or expedient for the purpose of giving full effect to the provisions of this Part and for the due administration thereof.
- (2) Without limiting the generality of the powers conferred by subsection (1), it is hereby declared that regulations may be made under this section for all or any of the following purposes:
 - (a) prescribing the conditions under which, and the extent to which, persons to whom an entry permit is issued shall be entitled to fish in and upon the Lake, and regulating the conditions of such fishing:
 - (b) prescribing the form of entry permits:
 - (c) prescribing the manner in which the conditions of entry permits may be altered by the Trustees:

- (d) prescribing the extent to which beneficial owners under the Trust and persons having a beneficial interest in any land bordering on the Lake or in the bed of the Lake may fish in and upon the Lake:
 - (e) empowering the Trustees to—
 - (i) fix the daily limits of numbers and types of fish that may be taken in the Lake; and
 - (ii) specify the size, type, and numbers of fish that may be taken during any given period:
 - (f) prescribing the powers of wardens and stipendiary rangers:
 - (g) prescribing the manner in which the Trustees shall give public notice of the number of entry permits that may from time to time be issued, the fees payable for entry permits, the conditions on which entry permits are issued and any alterations in those conditions, and such other matters as are specified in the regulations:
 - (h) prescribing fines not exceeding \$5,000 for offences against the regulations.
- (3) No regulations made under this section shall be deemed to be invalid solely on the ground that they delegate to the Trustees any powers, including the power from time to time to impose or vary limits as to the size, species, and number of the fish that may be taken from the Lake during any prescribed period, or any other matters affecting the management and control of the Lake.
- (4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- (5) If the regulations empower the Trustees as described in subsection (2)(e),—
- (a) an instrument made by the Trustees under that power is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and
 - (b) the regulations must contain a statement to that effect.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (4)

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Legislation Act 2019 requirements for secondary legislation referred to in subsection (5)(a)

Publication	See the relevant publication, presentation, and disallowance table in the secondary legislation referred to in subsection (4)	LA19 ss 73, 74, Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives, unless a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116
This note is not part of the Act.

Section 15(2)(a): amended, on 21 December 1977, by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

Section 15(2)(d): substituted, on 21 December 1977, by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

Section 15(2)(e): replaced, on 29 November 2022, by section 19(1) of the Māori Purposes Act 2022 (2022 No 73).

Section 15(2)(h): amended, on 29 November 2022, by section 19(2) of the Māori Purposes Act 2022 (2022 No 73).

Section 15(3): amended, on 21 December 1977, by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

Section 15(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 15(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

16 Repeals

The following enactments are hereby repealed:

- (a) *Amendment(s) incorporated in the Act(s).*
- (b) *Amendment(s) incorporated in the Act(s).*
- (c) *Amendment(s) incorporated in the Act(s).*

Part 2

Amendments of law relating to Maoris

[Spent]

Part 2: spent, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

17 Provisions of Maori Affairs Act 1953 to apply to this Part

[Spent]

Section 17: spent, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Amendments to principal Act

[Spent]

Heading: spent, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

18 Salaries and travelling allowances of Judges and Commissioners

[Repealed]

Section 18: repealed, on 16 October 1978, by section 2(2)(a) of the Maori Purposes Act 1978 (1978 No 70).

19 Family protection

[Repealed]

Section 19: repealed, on 1 April 1963, by section 8(2) of the Maori Affairs Amendment Act 1962 (1962 No 45).

20 Trust funds for alienation money

[Repealed]

Section 20: repealed, on 25 October 1963, by section 7(3) of the Maori Purposes Act 1963 (1963 No 123).

21 Valuations for revision of rent

[Repealed]

Section 21: repealed, on 1 July 1993, by section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

22 Rights of appeal in respect of incorporations

[Repealed]

Section 22: repealed, on 1 April 1968, by section 73(2)(d) of the Maori Affairs Amendment Act 1967 (1967 No 124).

23 Bodies corporate

[Repealed]

Section 23: repealed, on 1 April 1968, by section 73(2)(d) of the Maori Affairs Amendment Act 1967 (1967 No 124).

24 Finance for formation of roads

[Repealed]

Section 24: repealed, on 1 April 1963, by section 33(2) of the Maori Affairs Amendment Act 1962 (1962 No 45).

25 Amalgamated titles

[Repealed]

Section 25: repealed, on 22 November 1967, by section 141(2)(b) of the Maori Affairs Amendment Act 1967 (1967 No 124).

26 Dwelling sites

[Repealed]

Section 26: repealed, on 1 July 1993, by section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

27 Power of court to grant relief in cases of encroachment

[Repealed]

Section 27: repealed, on 1 July 1993, by section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

28 Joint farming undertakings

[Repealed]

Section 28: repealed, on 1 July 1993, by section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

29 Special succession fee on trust funds

[Repealed]

Section 29: repealed, on 1 April 1963, by section 34(3) of the Maori Affairs Amendment Act 1962 (1962 No 45).

Amendments of other Acts relating to Maoris

[Spent]

Heading: spent, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

30 Removal of restrictions on alienation

[Repealed]

Section 30: repealed, on 1 July 1993, by section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

31 Board may act as agent of borrower

Amendment(s) incorporated in the Act(s).

32 Training of young Maoris

Amendment(s) incorporated in the Act(s).

33 Charges for money advanced under Maori Housing Act 1935

(1) *Amendment(s) incorporated in the Act(s).*

(2) *Amendment(s) incorporated in the Act(s).*

34 Beneficiaries of the Tuhoe Maori Trust Board

Amendment(s) incorporated in the Act(s).

35 Maori Soldiers Trust Committee

Amendment(s) incorporated in the Act(s).

Notes

1 *General*

This is a consolidation of the Maori Purposes Act 1959 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Māori Purposes Act 2022 (2022 No 73): Part 2

Secondary Legislation Act 2021 (2021 No 7): section 3

Criminal Procedure Act 2011 (2011 No 81): section 413

Te Ture Whenua Maori Act 1993 (1993 No 4): section 362(2)

Conservation Law Reform Act 1990 (1990 No 31): section 37

Public Finance Act 1989 (1989 No 44): section 65R(3)

Maori Purposes Act 1978 (1978 No 70): section 2(2)(a)

Maori Purposes Act 1977 (1977 No 103): sections 9, 10

Maori Affairs Amendment Act 1967 (1967 No 124): sections 73(2)(d), 141(2)(b)

Maori Purposes Act 1963 (1963 No 123): section 7(3)

Maori Affairs Amendment Act 1962 (1962 No 45): sections 8(2), 33(2), 34(3)