

[AS REPORTED FROM THE MAORI AFFAIRS COMMITTEE]

House of Representatives, 4 December 1986.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

[This Bill was formerly clauses 6 and 7 of the Maori Purposes Bill.]

Hon. K. T. Wetere

MAORI AFFAIRS AMENDMENT

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A BILL INTITULED

An Act to amend the Maori Affairs Act 1953

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Maori Affairs Amendment Act (1985) 1986, and shall be read together with and deemed part of the Maori Affairs Act 1953* (hereinafter referred to as the principal Act).

*R.S. Vol. 8, p. 13

No. 55—3A

Price \$1.50

incl. GST \$1.65

2. New Part XIII (relating to Conversion Fund) substituted in principal Act—The principal Act is hereby amended by repealing Part XIII, and substituting the following Part:

“PART XIII

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“ABOLITION OF CONVERSION FUND

“149. **Interpretation**—In this Part of this Act, unless the context otherwise requires,—

“‘Conversion Fund’ or ‘Fund’ means the Conversion Fund within the Maori Trustee’s Account, established under section 149 of this Act as originally enacted and held within that Account immediately before the operative date: 10

New

“‘General Purposes Fund’ means the General Purposes Fund established within the Maori Trustee’s Account by section 23 of the Maori Trustee Act 1953: 15

“‘The Fund’s shares’ in relation to any block of land, means the shares in that block of land that were acquired by the Maori Trustee out of money in the Conversion Fund and still held by *(him)* the Maori Trustee immediately before the operative date: 20

“‘The other shares’, in relation to any block of land means all shares in that block of land other than the Fund’s shares: 25

Struck Out

“‘The operative date’ means the date of the commencement of the **Maori Affairs Amendment Act 1985**.

New

“‘The operative date’ means the 1st day of April 1987. 30

“150. **Conversion Fund abolished**—(1) The Conversion Fund is hereby abolished as from the operative date.

“(2) All money standing to the credit of the Conversion fund at the operative date shall be paid by the Maori Trustee into the *(Consolidated Account)* General Purposes Fund. 35

“(3) As from the operative date the Maori Trustee shall hold the Fund’s shares in any block of land to be dealt with in accordance with the succeeding provisions of this Part of this Act.

New

“150A. **Compulsorily acquired shares to be returned to owners**—(1) In respect of any of the Fund’s shares in any block of land that were compulsorily acquired by the Maori
5 Trustee, the following provisions shall apply:

“(a) The Maori Trustee shall sign and seal a certificate to the effect that the shares are shares to which this section applies, and shall state in the certificate, in respect of each of the shares, the persons in whom
10 the shares are to vest in accordance with the succeeding provisions of this section:

“**(b)** The Maori Trustee shall file a copy of the certificate with the Registrar:

“**(c)** Subject to **paragraph (d)** of this subsection, on the filing of the copy of the Maori Trustee’s certificate with the Registrar, the shares shall vest in the person in whom, but for their being compulsorily acquired by the Maori Trustee, the shares would have been vested:
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“**(d)** If the number of the Fund’s shares in the block of land at the operative date are insufficient to comply in full with **paragraph (c)** of this subsection, they shall be vested in the persons referred to in that paragraph in proportion to the number of shares compulsorily
20 acquired from those persons by the Maori Trustee.

“**(2)** For the purposes of **subsection (1)** of this section, shares were compulsorily acquired by the Maori Trustee if they were acquired by or vested in the Maori Trustee pursuant to any of the following provisions:
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30 “**(a)** Section 137 (2) of this Act (as originally enacted and as repealed by section 23 (a) of the Maori Affairs Amendment Act 1974):

“**(b)** Section 151A of this Act (as inserted by section 124 of the Maori Affairs Amendment Act 1967 and as repealed by section 52 (1) of the Maori Affairs Amendment Act 1974):
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“**(c)** Section 181 (1) (c) of this Act (as originally enacted and as repealed by section 126 (1) (a) of the Maori Affairs Amendment Act 1967):

New

- “(d) Section 200 (2) (d) of this Act (as originally enacted and as repealed by section 126 (2) (a) of the Maori Affairs Amendment Act 1967):
- “(e) Section 445 (8) of this Act (as originally enacted and as repealed by section 126 (3) (a) of the Maori Affairs Amendment Act 1967): 5
- “(f) Section 20 (1) of the Maori Reserved Land Act 1955 (as originally enacted and as repealed by section 130 (2) (a) of the Maori Affairs Amendment Act 1967): 10
- “(g) Section 21 of the Maori Reserved Land Act 1955 (as originally enacted and as repealed by section 130 (1) of the Maori Affairs Amendment Act 1967):
- “(h) Section 41D of the Maori Trustee Act 1953 (as inserted by section 128 of the Maori Affairs Amendment Act 1967 and repealed by section 24 (2) of the Maori Purposes Act 1976): 15
- “(i) Any other shares that were vested in or acquired by the Maori Trustee pursuant to any other enactment, being shares that did not, in the opinion of the Maori Trustee, exceed \$50 in value at the time of their vesting or acquisition. 20

“151. Valuer-General to make special valuation of Fund’s interests—(1) For the purposes of this Part of this Act, the Valuer-General shall, at the request of the Maori Trustee, cause to be made, as at the operative date, a special valuation of the Fund’s shares in any block of land, not being shares to which section 150A of this Act applies. 25

“(2) In making any special valuation under this section, regard shall be had to, among other things, the restricted marketability of the Fund’s shares in the land, and the amount of the income accruing from those shares. 30

“(3) On the completion of a special valuation under this section, the Valuer-General shall cause to be prepared a certificate setting forth the following particulars: 35

- “(a) The area of the land, and the name by which it is commonly known or some other description of the land sufficient to identify it:
- “(b) The shares in the land to which the special valuation relates: 40
- “(c) The market value of those shares:

“(d) The date at which the value of the shares was determined.

“(4) Every such certificate shall have attached to it, or written or printed on it in prominent characters, a notice to the effect
5 that the special valuation to which the certificate relates is subject to objection in the manner prescribed by, and with the time limited in accordance with, section 245 of this Act.

“(5) The provisions of section 245 of this Act shall apply, with any necessary modifications, to special valuations made
10 under this section, except that no lessee of the land shall have any right to object to any such special valuation.

“(6) The Maori Trustee shall not take any action under **section 152 (a) or section 153 (f)** of this Act until every objection (if any) to the special valuation has been disposed of.

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New

“(7) Notwithstanding any of the foregoing provisions of this section, it shall not be necessary for the Maori Trustee to request the Valuer-General to make a special valuation of the Fund’s shares in any block where the Maori Trustee is
20 satisfied, after consultations with the Valuer-General, that the value of the shares is less than \$1,000; and, in any such case, **section 152** of this Act shall apply, with any necessary modifications, as if the value of those shares had been determined by the Valuer-General in accordance with those
25 foregoing provisions to be less than \$1,000.

Struck Out

“152. **Vesting of shares worth less than \$1,000**—Where, in respect of any block of land, the value of the Fund’s shares in that block of land, as determined by the Valuer-General in
30 accordance with **section 151** of this Act, is less than \$1,000, the following provisions will apply:

“(a) The Maori Trustee shall sign and seal a certificate to the effect that the shares are shares to which this section applies, and shall file a copy of the
35 certificate with the Registrar:

“(b) The Registrar shall make all such orders amending the records of the Court as may be necessary to give effect to this section:

“(c) On the amendment of the Court records under **paragraph (b)** of this subsection of Fund’s shares shall vest in
40

Struck Out

the owners of the other shares in proportion to their several interests in the land:

“(d) No such vesting shall require the making of a vesting order by the Court, or confirmation by the Court: 5

“(e) Any certificate given by the Maori Trustee under **paragraph (a)** of this section may be registered against the title to the land to which it relates in the same manner as if it were an order of the Court; and the provisions of section 36 of this Act, as far as they are applicable and with the necessary modifications, shall apply accordingly. 10

“153. **Vesting shares worth more than \$1,000**—Where, in respect of any block of land, the value of the Fund’s shares in that block of land, as determined by the Valuer-General in accordance with **section 151** of this Act, is at least \$1,000, the following provisions shall apply: 15

“(a) The value of the Fund’s shares (as so determined) shall be deemed to be a debt owned to the Crown by the Maori Trustee, to be satisfied in accordance with the provisions of **paragraph (d)** of this section: 20

“(b) The value of the Fund’s shares (as so determined) shall also be deemed to be an advance (hereafter in this section referred to as the presumed advance) made by the Maori Trustee, out of the General Purposes Fund of the Maori Trustee’s Account established by section 23 of the Maori Trustee Act 1953, to the owners of the other shares, as at the operative date, in proportion to their several interests in the land: 25

“(c) No interest shall be payable in respect of the presumed advance: 30

“(d) All income or other money accruing from the Fund’s shares shall be credited to repayment of the presumed advance, and shall be paid by the Maori Trustee into the Consolidated Account as and when so directed by the Minister of Finance: 35

“(e) The owners of the other shares may at any time, by resolution passed at a meeting of assembled owners held under and in accordance with Part XXIII of this Act, resolve that any part of the income or other money arising from those shares shall be paid to the Maori Trustee to be applied by him in accordance with **paragraph (d)** of this section: 40

Struck Out

- 5 “(f) When the amount of the presumed advance has been satisfied in full, the Maori Trustee shall sign and seal a certificate to the effect that the shares are shares to which this section applies and that the amount of the presumed advance has been satisfied in full, and shall file a copy of the certificate with the Registrar:
- 10 “(g) The Registrar shall make all such orders amending the records of the Court as may be necessary to give effect to this section:
- 15 “(h) On the amendment of the Court records under **paragraph (g)** of this subsection, the Fund’s shares shall vest in the owners of the other shares, as at the date of the amendment of the Court records, in proportion to their several interests in the land:
- 20 “(i) No such vesting shall require the making of a vesting order by the Court, or confirmation by the Court:
- 25 “(j) Any certificate given by the Maori Trustee under **paragraph (f)** of this section may be registered against the title to the land to which it relates in the same manner as if it were an order of the Court; and the provisions of section 36 of this Act, as far as they are applicable and with the necessary modifications, shall apply accordingly.

30 **“154. Pending vesting in owners, Maori Trustee may lease land**—Pending the vesting of the Fund’s shares in any block of land in the owners of the other shares pursuant to **section 153 (h)** of this Act, the Maori Trustee may lease the same for such term or terms and on such conditions as he thinks fit.

New

35 **“152. Vesting of share worth less than \$1,000**—Where, in respect of any block of land, the value of the Fund’s shares in that block of land, as determined by the Valuer-General in accordance with **section 151** of this Act, is less than \$1,000, the following provisions shall apply:

- 40 “(a) The Maori Trustee shall sign and seal a certificate to the effect that the shares are shares to which this section applies, and shall file a copy of the certificate with the Registrar:

New

“(b) On the filing of the copy of the Maori Trustee’s certificate with the Registrar, the shares shall vest in the owners of the other shares in proportion to their several interests in the land. 5

“153. **Vesting of shares worth more than \$1,000—**
 Where, in respect of any block of land, the value of the Fund’s shares in that block of land, as determined by the Valuer-General in accordance with **section 151** of this Act, is at least \$1,000, the following provisions shall apply:

“(a) The value of the Fund’s shares (as so determined) shall be deemed to be a debt owed to the Maori Trustee, to be satisfied in accordance with the provisions of **paragraph (d)** of this section: 10

“(b) The value of the Fund’s shares (as so determined) shall also be deemed to be an advance (hereafter in this section referred to as the presumed advance) made by the Maori Trustee, out of the General Purposes Fund, to the owners of the other shares, as at the operative date, in proportion to their several interests in the land: 15

“(c) No interest shall be payable in respect of the presumed advance: 20

“(d) All income or other money accruing from the Fund’s shares shall be credited to repayment of the presumed advance, and shall be paid by the Maori Trustee into the General Purposes Fund: 25

“(e) The owners of the other shares may at any time, by resolution passed at a meeting of assembled owners held under and in accordance with Part XXIII of this Act, resolve that any part of the income or other money arising from those shares shall be paid to the Maori trustee to be applied in accordance with **paragraph (d)** of this section: 30

“(f) When the amount of the presumed advance has been satisfied in full, the Maori Trustee shall sign and seal a certificate to the effect that the shares are shares to which this section applies and that the amount of the presumed advance has been satisfied in full, and shall file a copy of the certificate with the Registrar: 35

“(g) On the filing of the copy of the Maori Trustee’s certificate with the Registrar, the shares shall vest in 40

New

the owners of the other shares, in proportion to their several interests in the land.

“154. **Further provisions relating to Maori trustee’s certificate**—Where the Maori Trustee files a copy of a certificate with the Registrar under **section 150A 10 (a)** or **section 152 (a)** or **section 153 (f)** of this Act, the following provisions shall apply:

10 “(a) The Registrar shall—

“(i) File the copy of the certificate in the records of the Court; and

15 “(ii) Endorse on the copy of the instrument of title to the land held in the Court records, and on any subsequent order of the Court in which the total number of the shares of all owners is stated, a memorial to the effect that the ownership or the number of the shares has been varied by the filing of such a certificate by the Maori Trustee; and

20 “(iii) Ensure that all references in the records of the Court relating to the land are amended or noted to take account of the vesting of the shares:

“(b) The certificate—

25 “(i) May be registered against the title to the land to which it relates in the same manner as if it were an order of the Court; and the provisions of section 36 of this Act, as far as they are applicable and with the necessary modifications, shall apply accordingly; and

30 “(ii) Shall be deemed for the purposes of section 445 of this Act to be an order of the Court.”

“154A. **Exemption from stamp duty**—No stamp duty shall be payable in respect of any instrument executed for the purposes of this Part of this Act.

35 “154B. **Application of Part to shares in Maori incorporation**—(1) Except as provided in **subsection (2)** of this section, the provisions of this Part of this Act, with any necessary modifications, shall apply to any shares in a Maori incorporation that were acquired by the Maori trustee out of money in the Conversion Fund and still held by him
40 immediately before the operative date, as if they were shares in land so acquired and held by the Maori Trustee, and as if—

“(a) Every reference in any of those provisions to the Registrar were a reference to the incorporation; and

“(b) Every reference in any of those provisions to the records of the Court were references to the incorporation’s share register. 5

“(2) In any case to which **subsection (1)** of this section applies,—

“(a) The Valuer-General shall, in his certificate given under **section 151 (3)** of this Act, include the name of the incorporation and the number of shares to which the special valuation relates; and 10

“(b) The right to object to the special valuation made under **section 151** of this Act shall be exercisable by the incorporation and not by any owner of the other shares; and the provisions of section 245 of this Act (as applied by **subsection (5)** of the said **section 151**) shall be construed accordingly. 15

“(3) Nothing in section 41 of the Maori Affairs Amendment Act 1967 (which limits the class of persons to whom shares in a Maori incorporation may be transferred) shall prevent the vesting of any shares under this Part of this Act.” 20

3. Consequential amendment and repeals—(1) The Schedule to the Maori Purposes Act 1982 is hereby consequentially amended by omitting the words “subsection (3) of section 150 (as added by section 123 of the Maori Affairs Amendment Act 1967), subsection (1) of section 152 (as substituted by section 125 (1) of the Maori Affairs Amendment Act 1967),”. 25

New

“(1A) Section 23 of the Maori Trustee Act 1953 is hereby amended— 30

(a) By repealing paragraph (d) of subsection (1):

(b) By omitting from subsection (3) the words “and not being required by the Maori Affairs Act 1953 to be paid into the Conversion Fund established under Part XIII of that Act,”; 35

(c) By repealing subsection (4).

(2) The following enactments are hereby consequentially repealed: 40

(a) Section 3 of the Maori Purposes Act 1957:

(b) Section 11 of the Maori Affairs Amendment Act 1962:

- (c) Sections 121, 122, 123, and 125 of the Maori Affairs Amendment Act 1967:
- (d) Section 3 of the Maori Purposes Act (No. 2) 1973:
- (e) Section 52 (1) of the Maori Affairs Amendment Act 1974.