

MAORI AND ISLAND AFFAIRS DEPARTMENT BILL

EXPLANATORY NOTE

THIS Bill establishes the Maori and Island Affairs Department, which replaces the Department of Maori Affairs and the Department of Island Territories.

Clause 1 relates to the Short Title.

Clause 2 is an interpretation clause defining the term "Department".

Clause 3 establishes the Maori and Island Affairs Department.

Clause 4 provides for the appointment, under the State Services Act 1962, of the Secretary for Maori and Island Affairs, who is to be the chief administrative officer of the Department.

Clause 5 provides for the appointment, under the State Services Act 1962, of other officers and employees of the Department.

Clause 6 provides that existing officers and employees of the Department of Maori Affairs or of the Department of Island Territories are to be officers and employees of the new Department. The Secretary for Maori Affairs is to be the Secretary for Maori and Island Affairs.

Clause 7 abolishes the Department of Maori Affairs and the Department of Island Territories.

Clause 8 provides for consequential amendments.

Clause 9 declares that the Act will be in force in Niue and in the Tokelau Islands. The Act will be a reserved enactment in Niue, that is, the Niue Island Assembly may not make any Ordinance that is repugnant to the Act.

Clause 10 declares that the Act will be in force in the Cook Islands. In accordance with the provisions of Article 46 of the Constitution of the Cook Islands, the Government of the Cook Islands has requested and consented to this Bill being enacted as part of the law of the Cook Islands.

Hon. Mr Hanan

MAORI AND ISLAND AFFAIRS DEPARTMENT

ANALYSIS

Title	6. Existing appointments deemed to be made under this Act
1. Short Title	7. Abolition of Department of Maori Affairs and Department of Island Territories
2. Interpretation	8. Consequential amendments
3. Maori and Island Affairs Department	9. Application of Act to Niue and the Tokelau Islands
4. Secretary for Maori and Island Affairs	10. Application of Act to Cook Islands Schedule
5. Other officers and employees	

A BILL INTITULED

An Act to constitute the Maori and Island Affairs Department

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

1. Short Title—This Act may be cited as the Maori and Island Affairs Department Act 1968.

2. Interpretation—In this Act, unless the context otherwise
10 requires, “Department” means the Maori and Island Affairs
Department constituted by this Act.

3. Maori and Island Affairs Department—There shall be a Department of State to be called the Maori and Island Affairs Department, which shall be the same Department as the Department of Maori Affairs and the Department of Island Territories existing at the passing of this Act. 5

4. Secretary for Maori and Island Affairs—There shall from time to time be appointed under the State Services Act 1962 a Secretary for Maori and Island Affairs, who shall be the chief administrative officer of the Department.

5. Other officers and employees—(1) There shall from time to time be appointed under the State Services Act 1962 such other officers and employees of the Department as may be considered necessary. 10

(2) The Judges of the Maori Land Court shall not be deemed to be officers of the Department. 15

6. Existing appointments deemed to be made under this Act—(1) The person holding office at the commencement of this Act as Secretary for Maori Affairs shall be deemed to have been appointed as Secretary for Maori and Island Affairs under this Act. 20

(2) All other persons who at the passing of this Act are officers of the Department of Maori Affairs or of the Department of Island Territories and have been so appointed under the Public Service Act 1912 or under the State Services Act 1962 (including officers appointed to the Maori and Islands Affairs Department) shall be deemed to have been appointed as officers or employees of the Department of Maori and Island Affairs in accordance with this Act. 25

7. Abolition of Department of Maori Affairs and Department of Island Territories—The following enactments are hereby repealed: 30

(a) The Island Territories Act 1943:

(b) Part II of the Maori Affairs Act 1953:

(c) So much of the Second Schedule to the Western Samoa Act 1961 as relates to the Island Territories Act 1943. 35

8. Consequential amendments—(1) The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(2) Every reference to the Minister of Island Territories or to the Minister for the Cook Islands in any enactment not specified in the second column of the Schedule to this Act, or in any regulation, rule, order, or ordinance, or in any agreement, deed, instrument, application, licence, notice, or other document whatsoever, shall, unless the context otherwise requires, be read hereafter as a reference to the Minister of Island Affairs.

(3) Every reference to the Minister of External Affairs or to the Secretary for External Affairs in any enactment, regulation, rule, order, or ordinance relating to Niue, or in any agreement, deed, instrument, application, licence, notice, or other document whatsoever relating to Niue, shall, unless the context otherwise requires, be read hereafter as a reference to the Minister of Island Affairs or to the Secretary for Maori and Island Affairs, as the case may be.

(4) Every reference to the Department of Maori Affairs or to the Department of Island Territories in any enactment not specified in the second column of the Schedule to this Act, or in any regulation, rule, order, or ordinance, or in any agreement, deed, instrument, application, licence, notice, or other document whatsoever, shall, unless the context otherwise requires, be read hereafter as a reference to the Maori and Island Affairs Department.

(5) Every reference to the Secretary for Maori Affairs or to the Secretary of Island Territories in any enactment not specified in the second column of the Schedule to this Act, or in any regulation, rule, order, or ordinance, or in any agreement, deed, instrument, application, licence, notice, or other document whatsoever, shall, unless the context otherwise requires, be read hereafter as a reference to the Secretary for Maori and Island Affairs.

9. Application of Act to Niue and the Tokelau Islands—

(1) This Act shall be in force in Niue and in the Tokelau Islands.

(2) The First Schedule to the Niue Act 1966 is hereby amended by adding the following words:

“1968, No.—

The Maori and Island Affairs Department Act 1968	The whole Act.”
---	-----------------

10. Application of Act to Cook Islands—Whereas in accordance with Article 46 of the Constitution of the Cook Islands (as set out in the Second Schedule to the Cook Islands Constitution Amendment Act 1965) the Government of the Cook Islands has requested and consented to the enactment of a provision extending the provisions of this Act to the Cook Islands as part of the law of the Cook Islands: Be it therefore enacted as follows: 5

This Act shall extend to the Cook Islands as part of the law of the Cook Islands. 10

SCHEDULE

Section 8 (1)

ENACTMENTS AMENDED

Enactment Amended	Amendment
1915, No. 40—The Cook Islands Act 1915 (Reprinted 1966, Vol. 3, p. 2065)	By repealing the definition of the term “Minister” in subsection (1) of section 2 (as substituted by section 5 (2) of the Island Territories Act 1943), and substituting the following definition: “‘Minister’ means the Minister of Island Affairs:”
1934–35, No. 45—The Maori Purposes Fund Act 1934–35 (1957 Reprint, Vol. 9, p. 68)	By repealing the definition of the term “Secretary” in subsection (1) of section 2 (as substituted by section 5 (2) of the Island Territories Act 1943), and substituting the following definition: “‘Secretary’ means the Secretary for Maori and Island Affairs:”.
1948, No. 24—The Tokelau Islands Act 1948 (Reprinted 1958, Vol. 2, p. 1293)	By omitting from section 9 the words “Minister of Island Territories”, and substituting the words “Minister of Island Affairs”.

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment Amended	Amendment
1953, No. 94—The Maori Affairs Act 1953 (Reprinted 1964, Vol. 3, p. 1925)	<p>By repealing the definition of the terms “Department” and “Secretary” in subsection (1) of section 2, and substituting the following definitions:</p> <p>“‘Department’ means the Maori and Island Affairs Department:</p> <p>“‘Secretary’ means the Secretary for Maori and Island Affairs:”.</p> <p>By repealing paragraph (c) of subsection (1) of section 6, and substituting the following paragraph:</p> <p>“(c) The Secretary for Maori and Island Affairs:”.</p> <p>By omitting from subsection (6) of section 7 the words “Secretary for Maori Affairs”, and substituting the words “Secretary for Maori and Island Affairs”.</p>
1953, No. 95—The Maori Trustee Act 1953 (1957 Reprint, Vol. 9, p. 205)	<p>By omitting from subsection (2) of section 3 the words “Department of Maori Affairs established under the Maori Affairs Act 1953”, and substituting the words “Maori and Island Affairs Department established under the Maori and Island Affairs Department Act 1968”.</p> <p>By omitting from subsection (1) of section 4 the words “Department of Maori Affairs”, and substituting the words “Maori and Island Affairs Department”.</p>
1953, No. 37—The Maori Trust Boards Act 1955 (1957 Reprint, Vol. 9, p. 49)	<p>By omitting from subsection (1) of section 49 the words “Secretary for Maori Affairs”, and substituting the words “Secretary for Maori and Island Affairs”.</p>
1961, No. 46—The Maori Education Foundation Act 1961	<p>By repealing paragraph (c) of subsection (2) of section 8, and substituting the following paragraph:</p> <p>“(c) The Secretary for Maori and Island Affairs:”.</p>
1962, No. 10—The Parliamentary Commissioner (Ombudsman) Act 1962	<p>By omitting from Part I of the Schedule the words “The Department of Island Territories” and also the words “The Department of Maori Affairs”.</p> <p>By inserting in the same Part, after the words “The Legislative Department”, the words “The Maori and Island Affairs Department”.</p>

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Enactment Amended	Amendment
1962, No. 132—The State Services Act 1962	<p>By omitting from the Second Schedule the words "Department of Island Territories".</p> <p>By omitting from the Second Schedule the words "Department of Maori Affairs", and substituting the words "Maori and Island Affairs Department".</p> <p>By omitting so much of the Third Schedule as relates to the Department of Island Territories.</p> <p>By omitting from the Third Schedule the words "Maori Affairs", and substituting the words "Maori and Island Affairs".</p>
1962, No. 133—The Maori Welfare Act 1962	<p>By omitting from section 2 the definition of the term "Secretary", and substituting the following definition:</p> <p style="padding-left: 40px;">"Secretary" means the Secretary for Maori and Island Affairs:".</p> <p>By omitting from section 4 the words "Department of Maori Affairs", and substituting the words "Maori and Island Affairs Department".</p> <p>By omitting from paragraph (c) of section 28 and also from paragraph (e) the words "Secretary for Maori Affairs", and substituting in each case the words "Secretary for Maori and Island Affairs".</p>
1963, No. 51—The New Zealand Maori Arts and Crafts Institute Act 1963	<p>By repealing paragraph (b) of subsection (1) of section 5, and substituting the following paragraph:</p> <p style="padding-left: 40px;">"(b) The Secretary for Maori and Island Affairs:".</p>
1966, No. 38—The Niue Act 1966	<p>By repealing the definition of the term "Secretary" in section 2, and substituting the following definition:</p> <p style="padding-left: 40px;">"Secretary" means the Secretary for Maori and Island Affairs:".</p> <p>By repealing paragraphs (a) and (b) of the definition of the term "Niue Public Service" in section 659, and substituting the following paragraphs:</p> <p style="padding-left: 40px;">"(a) Minister of Island Affairs:</p> <p style="padding-left: 40px;">"(b) Secretary for Maori and Island Affairs:".</p>

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Enactment Amended	Amendment
1967, No. 38—The Tokelau Islands Amendment Act 1967	By repealing paragraph (a) of the definition of the term "Tokelau Islands Public Service" in section 3, and substituting the following paragraph: “(a) Minister of Island Affairs:”. By repealing paragraph (c) of the same definition, and substituting the following paragraph: “(c) Secretary for Maori and Island Affairs:”.