

MAORI LAND AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill dissolves all Maori Land Boards and, except where otherwise specified, transfers their property, powers, functions, and obligations to the Maori Trustee.

By the Maori Land Amendment Act 1936 (which relates to the development and improvement of land by the Board of Maori Affairs) provision is made for Maori Land Boards to exercise certain functions as agent for the Board of Maori Affairs. The functions will, in future, be exercised directly by the Board of Maori Affairs. The provisions effecting the change are contained in *Clauses 10* and *11* of the Bill and in the amendments to the Maori Land Amendment Act 1936 in the Schedule.

Other powers and functions of Maori Land Boards are, by the amendments made in the Schedule, transferred to the Maori Land Court.

Hon. Mr. Corbett

MAORI LAND AMENDMENT

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A BILL INTITULED

AN ACT to amend the Maori Land Act 1931.

Title.

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

5 of the same, as follows:—

1. (1) This Act may be cited as the Maori Land Amendment Act 1952, and shall be read together with and deemed part of the Maori Land Act 1931 (hereinafter referred to as the principal Act).

Short Title and commencement.
See Reprint of Statutes, Vol. VI, p. 103

10 (2) This Act shall come into force on the thirtieth day of September, nineteen hundred and fifty-two.

2. In this Act, unless the context otherwise requires,—

Interpretation.

“ Board ” means a Maori Land Board; and includes a member of a Board and the administrative officer of a Board :

15 “ Maori Trustee ” means the Maori Trustee appointed under the Maori Trustee Act 1930.

Ibid., p. 373

Maori Land
Boards
dissolved and
Maori land
districts
abolished.

3. (1) Every Maori Land Board constituted under the principal Act is hereby dissolved and every Maori land district constituted under the principal Act is hereby abolished.

(2) Nothing in this section shall be deemed to affect the constitution of any Maori Land Court district. 5

Rights and
duties of
Boards
transferred
to Maori
Trustee.

4. (1) Except as otherwise provided by this Act, all rights, powers, duties, liabilities, and contracts exercisable by, vested in, or binding on any Board shall, on the commencement of this Act, become exercisable by, 10
vested in, or binding on the Maori Trustee.

(2) Any action or other proceeding pending or in progress in any Court at the commencement of this Act may be continued and completed as if this Act had not been passed: 15

Provided that any rights or obligations arising out of any such action and devolving on a Board shall be transferred to and devolve on the Maori Trustee.

(3) All documents made or things done by any Board before the commencement of this Act in the exercise or performance of any powers, duties, or functions heretofore conferred or imposed on it shall, in so far as they are subsisting or in force at the commencement of this Act, and except as otherwise provided by this Act, enure for all purposes in all respects as if they had been made or done by the Maori Trustee, and accordingly shall, where necessary, be deemed to have been so made or done. 20
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References to
Boards to be
read as
references to
the Maori
Trustee.

5. Except as otherwise provided by this Act, all references to a Board in any Act, regulation, rule, by-law, order, or other enactment, or in any contract, agreement, deed, instrument, judgment, application, licence, notice, or other document whatsoever, shall, unless inconsistent with the context, be hereafter read as references to the Maori Trustee. 30
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References to
Maori land
districts to
be read as
references to
Maori Land
Court districts.

6. Except as otherwise provided by this Act, all references to a Maori land district in any Act, regulation, rule, by-law, order, or other enactment, or in any contract, agreement, deed, instrument, judgment, application, licence, notice, or other document whatsoever, shall, unless inconsistent with the context, be hereafter read as references to the corresponding Maori Land Court district constituted under section twelve of the principal Act. 40

7. (1) Except as otherwise provided by this Act, all the real and personal property of each Board, of whatsoever kind and wheresoever situated, shall, on the commencement of this Act, without the necessity of any instrument of transfer or other assurance, be transferred to and vest in the Maori Trustee.

Transfer of property of Boards to Maori Trustee.

(2) Where any property transferred as aforesaid is property which was held by a Board upon trust, the Maori Trustee shall hold that property for the same estate, upon the same trusts, and with the same functions, rights, powers, duties, and obligations as the Board held the property immediately prior to the commencement of this Act.

(3) Where any property transferred as aforesaid consists of land or any interest in land, or of any mortgage or encumbrance of land, any security over stock or chattels, any lien, bonds, stocks, shares, debentures, or any like security, it shall be the duty of every Registrar of Deeds, District Land Registrar, Registrar of the Supreme Court, or other person charged with the duty of keeping any register, on the application of the Maori Trustee, and without the payment of any fee, to register the Maori Trustee in the appropriate register or registers as the owner, mortgagee, encumbrancer, or grantee as the case may require and to do all such other things as may be necessary to give effect to this section.

(4) No stamp duty or other duty shall be payable in respect of the transfer of any property to the Maori Trustee pursuant to the provisions of this section.

8. (1) All moneys standing to the credit of any Maori Land Board Account established under section eighty-nine of the principal Act shall, on the commencement of this Act, be transferred to and form part of the Maori Trustee's Account established under section forty of the Maori Trustee Act 1930.

Transfer of funds of Boards to Maori Trustee.

(2) All balances for the time being in any appropriation account, assurance and reserve fund, office reserve account, or any like account or fund within any Maori Land Board Account shall, on the commencement of this Act, be transferred to and form part of the Assurance and Reserve Fund referred to in section forty-nine of the Maori Trustee Act 1930.

See Reprint of Statutes, Vol. VI, p. 391

Ibid., p. 395

Act not to confer any powers on Maori Trustee not formerly conferred on Board.

9. Where by virtue of this Act any powers, rights, or obligations heretofore exercisable by or binding on a Board become exercisable by or binding on the Maori Trustee, the powers, rights, or obligations shall be limited to those heretofore exercisable by or binding on the Board from which they devolve, and nothing in this Act shall be construed to confer any powers or impose any obligations on the Maori Trustee greater than those heretofore conferred or imposed on the Board. 5

Securities taken by Boards under Maori Land Amendment Act 1936. 1936, No. 53

10. (1) Any mortgage, assignment, order, or other security heretofore taken in the name of a Maori Land Board pursuant to the provisions of section twenty-two or section forty-eight of the Maori Land Amendment Act 1936, and subsisting at the commencement of this Act, shall be read and construed as if it had been taken in the name of Her Majesty pursuant to the said section twenty-two or section forty-eight. 10 15

1934, No. 44

(2) The Board of Maori Affairs established under the Board of Maori Affairs Act 1934-35 shall have and may exercise in respect of any such mortgage, assignment, order, or other security all the powers, rights, privileges, and obligations that the Maori Land Board had and may have exercised. 20

Leases by Boards under Part I of Maori Land Amendment Act 1936. 1936, No. 53

11. (1) Any lease heretofore granted by a Maori Land Board pursuant to the provisions of Part I of the Maori Land Amendment Act 1936, and subsisting at the commencement of this Act, shall be read and construed as if the Board of Maori Affairs, acting on behalf of Her Majesty, were the lessor of the land leased. 25

(2) The Board of Maori Affairs shall have and may exercise in respect of any such lease all the powers, rights, privileges, and obligations that the Maori Land Board had and may have exercised: 30

Provided that the rent payable under any such lease shall be payable at such place as the Board of Maori Affairs may prescribe in that behalf. 35

Amendments.

12. The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

Schedule.

SCHEDULE

Section 12.

ENACTMENTS AMENDED

Title of Act.	Number of Section Affected.	Nature of Amendment.
<p>1930, No. 33— The Maori Trustee Act 1930 (Reprint of Statutes, Vol. VI, p. 373)</p>	<p>Section 40</p>	<p>By repealing subsection (2), as substituted by section 5 of the Maori Purposes Act 1944, and substituting the following subsections:—</p> <p>“(2) Where the Maori Trustee considers it necessary for the conduct of the business of his office to do so, he may cause branch accounts of the Maori Trustee’s Account to be kept at any bank or banks which are for the time being acting as agents of the Reserve Bank of New Zealand pursuant to section twenty-one of the Reserve Bank of New Zealand Act 1933:</p> <p>“ Provided that any such branch account kept in Wellington shall be kept at the Reserve Bank of New Zealand.</p> <p>“(2A) The Maori Trustee’s account shall be operated on only by cheque signed by the Maori Trustee or the Deputy Maori Trustee or by such other officer of the Department of Maori Affairs as the Maori Trustee or the Deputy Maori Trustee may from time to time authorize in that behalf, either generally or specially, and countersigned by such other officer of the Department as the Maori Trustee or the Deputy Maori Trustee may from time to time authorize in that behalf, either generally or specially.</p> <p>“(2n) Subject to the provisions of the next succeeding subsection, any branch account of the Maori Trustee’s Account shall be operated on only by cheque signed by such officer of the Department of Maori Affairs as the Maori Trustee or the Deputy Maori Trustee may from time to time authorize in that behalf, either generally or specially, and countersigned by such other officer of the Department as the Maori Trustee or the Deputy Maori Trustee may from time to time authorize in that behalf, either generally or specially.</p> <p>“(2c) In respect of any such branch account the Maori Trustee or the Deputy Maori Trustee may from time to time authorize one or more officers aforesaid to act as signing or countersigning officers respectively, and may from time to time authorize any officer to act both as a signing and countersigning officer:</p> <p>“ Provided that any such officer shall not both sign and countersign the same cheque.”</p>

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act.	Number of Section Affected.	Nature of Amendment.
1931, No. 31— The Maori Land Act 1931 .. (Reprint of Statutes, Vol. VI, p. 103)	Sections 73 to 94, 96, 97, 99, 101 to 104, 108, and 111	By repealing these sections.
	Section 289 (3) ..	By omitting the words “ a Maori Land Board ”, and substituting the words “ the Court ”; and by omitting the words “ The Board ”, and substituting the words “ The Court ”.
	Section 291 ..	By omitting the words “ confirmed by the Board or Court or executed by the Board as agent of the Maori owners ”, and sub- stituting the words “ of Maori freehold land ”; and by omitting the word “ Board ” wherever it occurs, and substituting in each case the word “ Court ”.
	Section 408 (1) ..	By omitting the words “ a Maori Land Board ”, and substituting the words “ the Court ”.
	Section 416 (1) ..	By repealing this subsection, and substituting the following subsection :— “ (1) The Court may, on the application of an owner or of any person interested, and shall, on the application of the Minister of Maori Affairs, direct that a meeting of the owners of any Maori freehold land shall be summoned by the Registrar. Any such direction may be given by the Court with- out hearing the applicant.”
	Section 416 (2) ..	By omitting the word “ Board ”, and sub- stituting the word “ Court ”.
	Section 417 (8) ..	By repealing this subsection, and substituting the following subsection :— “ (8) The Registrar or some person appointed by the Registrar for the purpose, hereinafter referred to as the recording officer, shall be present at every such meeting and shall keep a record of the proceedings thereof.”
	Section 419 (2) ..	By omitting the words “ representative of the Board ”, and substituting the words “ recording officer ”.
	Sections 420 and 421	By repealing these sections, and substituting the following sections :— “ 420. As soon as practicable after the holding of any such meeting, the recording officer shall, in writing under his hand, report the result thereof to the Court and

SCHEDULE—*continued*

ENACTMENTS AMENDED—*continued*

Title of Act.	Number of Section Affected.	Nature of Amendment.
1931, No. 31— The Maori Land Act 1931 .. (Reprint of Statutes, Vol. VI, p. 103)— <i>continued</i>	Sections 420 and 421— <i>continued</i>	shall record with the Court a statement under his hand of the proceedings of the meeting, together with every written resolution and memorial of dissent.
	Section 421	“421. Where the assembled owners of any land have rejected any resolution under paragraph (d) of section four hundred and twenty-two of this Act proposed at the instance of any intending purchaser, lessee, or licensee, no further meeting of those owners shall be convened at the instance of the same person either alone or in conjunction with others for a period of twelve months unless that person deposits with the Court such sum as to the Court shall appear reasonable to meet the expenses of owners attending the meeting. Any sum so deposited with the Court shall be disposed of in such manner as the Court directs.”
	Section 424 (1) ..	By omitting the word “Board”, and substituting the word “Registrar”.
	Section 434 (1) ..	By omitting the word “Board”, and substituting the word “Court”.
	Section 434 (2) ..	By repealing this subsection, and substituting the following subsection :— “ (2) The Court shall thereupon direct the Registrar to summon a meeting of the owners to consider the offer.”
	Section 435 (1) ..	By omitting the word “Board”, and substituting the word “Court”.
	Section 435 (3) ..	By repealing this subsection, and substituting the following subsection :— “ (3) The application shall then be considered by the Court, and, if it is of the opinion that the proposed alienation is one which may lawfully be made, and which is not contrary to the public interest or to that of the Maori owners, the Court may direct the Registrar to summon a meeting of the owners to consider the proposal.”
1932, No. 25— The Maori Land Amendment Act 1932	Section 5 (2) ..	By repealing this subsection.
	Sections 16 and 19	By repealing these sections.
1936, No. 53— The Maori Land Amendment Act 1936	Sections 23, 40, and 41	By repealing these sections.
	Section 22 (2) ..	By omitting the words “or of a Maori Land Board, or of the Maori Trustee”.
	Section 24 (1) (2)	By repealing these subsections, and substituting the following subsections :— “ (1) The Board may from time to time grant leases of any land that is subject to this Part of this Act.

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act.	Number of Section Affected.	Nature of Amendment.
1936, No. 53— The Maori Land Amendment Act 1936— <i>continued</i>	Section 24 (1) (2) — <i>continued</i>	“ (2) In the grant of any such lease and for all the purposes thereof, the Board shall have full authority, subject to the provisions of this Part of this Act, to fix the terms and conditions of the lease and to exercise all the rights and powers and to undertake the obligations of a lessor: “ Provided that in so doing the Board shall be deemed to act on behalf of Her Majesty.”
	Section 24 (5) ..	By omitting the words “ or of the Maori Land Board ”.
	Section 25 (1) ..	By repealing this subsection.
	Section 25 (2) ..	By omitting the words “ Every such lease ”, and substituting the words “ Every lease under this Part of this Act ”.
	Section 29 ..	By omitting the words “ Maori Land Board ”, and substituting the word “ Board ”.
	Section 31 ..	By omitting the words “ With the consent of the Board of Maori Affairs the Maori Land Board ”, and substituting the words “ The Board ”.
	Section 32 ..	By omitting the words “ Maori Land Board ”, and substituting the word “ Board ”.
	Section 33 (1) ..	By omitting the words “ by a Maori Land Board ”.
	Section 35 (1) (a)	By omitting the words “ by the Maori Land Board ”.
	Section 36 (1) ..	By omitting the words “ direct the Maori Land Board to ” and also the words “ and the Maori Land Board shall thereupon determine the lease accordingly ”.
	Section 36 (2) ..	By omitting the words “ the Maori Land Board, at the direction of ”.
	Section 36 (3) ..	By omitting the words “ Maori Land Board ”, and substituting the word “ Board ”.
	Section 48 (5) ..	By omitting the words “ or of a Maori Land Board, or of the Maori Trustee ”.
1937, No. 34—	Section 7 ..	By repealing this section.
1938, No. 17—	Section 18 (4) ..	By repealing this subsection.
The Maori Housing Amendment Act 1938		
1941, No. 22—	Section 4 ..	By repealing this section.
The Maori Purposes Act 1941		
1942, No. 15—	Section 4 ..	By repealing this section.
The Maori Purposes Act 1942		
1944, No. 17—	Section 5 ..	By repealing this section.
The Maori Purposes Act 1944		
1945, No. 42—	Section 3 (1) ..	By omitting the words “ Registrar of the Court (hereinafter in this section referred to as a Registrar) ”, and substituting the words “ officer of the Department of Maori Affairs (in this section referred to as an authorized officer) ”.
The Maori Purposes Act 1945		

SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act.	Number of Section Affected.	Nature of Amendment.
1945, No. 42— The Maori Purposes Act 1945 <i>—continued</i>	Section 3 (3) ..	By omitting the words “to a Registrar, the Registrar”, and substituting the words “to an authorized officer, the authorized officer”.
	Section 3 (4) ..	By omitting the words “A Registrar”, and substituting the words “An authorized officer”.
	Section 3 (5) (6) ..	By omitting the words “ a Registrar ” wherever they occur, and substituting in each case the words “ an authorized officer ”; and by omitting the word “ Registrar ” wherever it occurs, and substituting in each case the words “ authorized officer ”.
	Section 4 ..	By repealing this section.
1949, No. 19— The Forests Act 1949 ..	Section 65 (1) ..	By omitting the words “ neither the Maori Land Court nor a Maori Land Board shall grant any right to cut or remove trees or timber or confirm any instrument or grant of such right ”, and substituting the words “ the Maori Land Court shall not confirm any instrument granting the right to cut or remove trees or timber from any land ”.