

MAORI PURPOSES BILL

EXPLANATORY NOTES

PART I—AMENDMENT OF LAWS

Clause 3: Under section 7 of the Maori Purposes Act, 1941, the Maori Land Court, on the application of the Maori owner of a piece of land, may vest such land or a part thereof in a Maori to provide him with a house site. When a housing loan is granted by the Rehabilitation Department it is naturally a requirement that the discharged serviceman receiving the loan should be in the title to the land on which the house is to be erected. Under the existing law, if a Maori is married to a European that European cannot be included in a vesting order made under section 7 of the Maori Purposes Act, 1941, and if he is a discharged serviceman he can only obtain a housing loan after his wife has transferred to him a part interest in the house site, the transfer being subject to confirmation by the Court. To avoid the delay and expense involved it is desirable that the Court should be empowered to vest a house site in husband and wife as tenants in common.

Clause 4: Extreme difficulty has been encountered in some districts in obtaining residential accommodation for officers of the Department of Maori Affairs. In an effort to solve the problem it is proposed to confer upon Maori Land Boards the same powers as were given to the Public Trustee by section 6 of the Finance Act (No. 2), 1947. In addition to easing the housing problem of the staff, the purchase or erection of rental houses would provide a reasonably safe form of investment for the Maori Land Boards. All Board investments are subject to the control of the Board of Maori Affairs.

Clause 5: Section 146 of the Maori Land Act, 1941, empowers the Maori Land Court to treat two or more areas of Maori land as if they were one block for the purposes of partition. This provides a simple and inexpensive method of consolidating the titles of a limited number of blocks by assembling several scattered interests of individuals or families into one separate block or subdivision. As the law stands, however, this section can be used only when there is an element of common ownership—*i.e.*, there must be at least one owner who has interests in all of the blocks concerned. This considerably restricts the application of the section. Judges of the Maori Land Court have strongly recommended that the requirement of common ownership should be abolished and that the section be amended to permit its operation whenever it is justified by the configuration of the country, the best system of roading, facilities for settlement, or the economic use of the land.

Clauses 6 and 7: (1) Under Part X of the Maori Land Act, 1931, the Maori Trustee may be appointed trustee for a Maori who is a minor, a person of unsound mind, or in prison, or who in the opinion of the Court is for various reasons unable to manage his affairs, because of age or improvidence, &c. Under section 223 of the Act the Maori Trustee may, with the leave of the Court, borrow money for the purposes of a trust under the said Part X and may mortgage the trust property as security for money so borrowed. There is no power to borrow money for anything other than the *purposes of the trust*. A case has arisen, and similar cases may arise, where the Maori Trustee is trustee for a beneficiary who owns a very large estate and who requires a home to be built or purchased for her. As the dwelling will not be situated on any of the trust lands the Maori Trustee has no power to borrow money for the purpose. It seems reasonable that such power should be given.

(2) At the same time the Maori Trustee has power under section 50 of the Maori Trustee Act, 1930, to advance moneys from his account in respect of payments "necessarily or properly to be met by him" in the administration or management of any Maori estate, or on behalf of the owner or owners thereof, but is doubtful whether this power would extend to advances made for the purpose of acquiring a house-site or a dwelling for a beneficiary.

Clause 8: The purpose of this clause is to extend for a further period the terms of certain leases of Maori land which are being inquired into by a Royal Commission. The Commission has not yet completed its inquiry and to preserve the *status quo* in the meantime it is desirable that the lessees occupying lands under leases which have expired or will shortly expire should be given an extension of the term of the leases.

Clause 9: Section 9 of the Maori Purposes Act, 1931, authorizes and directs the Maori Trustee to disburse to the beneficial owners all funds coming into his hands arising from royalties on stone, minerals, or timber removed from land vested in him as Maori reserves, or from compensation or other moneys for any such land taken under the Public Works Act, 1928, or other statutory authority. From time to time odd small amounts of capital moneys arise otherwise than as royalties or compensation. This clause enables any such amounts to be disbursed in the same way as compensation moneys.

Clause 10: Tribal Executives and Tribal Committees constituted under the Maori Social and Economic Advancement Act, 1945, have no power to acquire real property. Several cases have arisen where such bodies desire to acquire small areas of land for sports facilities or other communal objects. As statutory bodies representing the tribes within their districts, the Executive and Committees would probably be the most appropriate bodies to acquire such property.

Clause 11: The Board of Maori Affairs, constituted by the Board of Maori Affairs Act, 1934-35, controls such matters as Maori Land Development, investments by Maori Land Boards, the East Coast Commissioner and the Maori Trustee, and the approval of advances under the Maori Housing Act, 1935. At present all expenditure on land development, every advance made by the bodies referred to above, and every advance to a Maori housing purposes must be approved by the full Board. With an adequate power of delegation, such as that possessed by the Rehabilitation Board, the Board could free itself of a number of routine matters and a considerable amount of delay in the districts should be avoided.

Clause 12: The Ratana Trust Board was constituted under section 14 of the Maori Purposes Act, 1941, to provide for the "better administration and more effective utilization of the Maori Settlement at Ratana". The members comprise representatives of the Ratana Church, the owners of the land, the Department of Health, and the Department of Maori Affairs. The Board has similar functions to those of a Tribal Executive under the Maori Social and Economic Advancement Act, 1945, but it is not eligible for subsidies under that Act. As the Board is the legal owner of land in the pa it could not be replaced by a Tribal Executive. In view of recent publicity concerning the conditions in the pa it is felt that the Board should be given every facility for improving the position.

Clause 13: When a European child is adopted a Magistrate may confer a new name upon the child in the order of adoption. The Maori Land Court has no similar power, but in the majority of cases nowadays the adopting parents desire that the child should take their surname and often a new Christian name. This clause is to regularize what normally takes place in any event.

PART II—COMPENSATION TO LESSEES FOR IMPROVEMENTS

The provisions of this Part relate to compensation for improvements in leases of Maori land.

In every farm lease, which is defined as being a lease for a period of ten years or more of land that is used for agricultural, pastoral, or other like purposes, there shall be a clause conferring upon the lessee at the termination of the lease by effluxion of time a right to receive compensation for all improvements put on the land by him. This is subject to the right of the parties to contract out or to make other provision for compensation for improvements.

The amount of compensation is to be ascertained by reference to a special valuation made by the Valuer-General in accordance with the principles and definitions of the Valuation of Land Act, 1925, to which the parties have a right of objection. There is, however, a limitation that in no case shall the lessee be entitled to compensation in excess of 75 per cent. of value of improvements put on the land by him.

For the purpose of creating a fund out of which the compensation shall be paid, the Maori Trustee is to collect all the rent and retain one-third of the residue of the rent, after deducting expenses, in his hands. The moneys so retained are to be invested in his Common Fund, or are to be applied in the purchase of a sinking fund policy from any insurance company and in the payment of the premium due thereon. In the event of the moneys arising from the investment or from the sinking fund policy not being sufficient to pay the lessee's compensation, the Maori Trustee is authorized and directed to make up the deficiency out of other moneys in his Common Fund. Any moneys so advanced are to be charged on the appropriate land.

Provision is also made enabling existing leases to be varied by including a compensation clause and by extending the term.

PART III—PROVISIONS RELATING TO UNPRODUCTIVE MAORI LAND

The provisions contained in this Part modify and amplify those now contained in section 540 of the Maori Land Act, 1931, that section being repealed.

The Maori Land Court is authorized in any case where Maori land is unoccupied, or is not kept cleared of noxious weeds, or where rates or other moneys recoverable in the same way as rates are recoverable have not been paid,

or where the owners have neglected to farm or manage the land diligently or to the best advantage, or where any beneficial owner cannot be found, to make an order authorizing the Maori Trustee to execute, as agent for and on behalf of the owner or owners, an instrument of alienation of the land. The Court is also authorized to make such an order in any case where it grants a charge under the provisions of Part II of the Rating Act, 1925, or on hearing an application for the appointment of a receiver for the purpose of enforcing such a charge. Any order so made by the Court must have the approval of the Minister of Maori Affairs before it becomes effective.

The Maori Trustee may not sell any land in respect of which he is appointed as the agent of the owners unless he is of the opinion that the land is not capable of being profitably and economically used for the purposes of a farm lease.

Where the Maori Trustee is of opinion that there are owners who may be ready and willing to take a lease of any land, he is required to call for applications by the owners for a lease of the land at an upset rental. If there are two or more owners who would be suitable lessees, the Maori Trustee is required to conduct a ballot. If there is no owner suitable as a lessee, the Maori Trustee is to offer the land for lease by public tender.

Every lease of farming land granted by the Maori Trustee is, subject to any other arrangement which might be made with the lessee, to contain a provision conferring on the lessee a right to compensation for improvements in accordance with the provisions of Part II of this Act. Every such lease is to be for a term of twenty-one years and is to contain a provision that, if the Maori Trustee does not, at least six months before the termination of the term, give notice to the lessee that he desires to resume possession of the land, the lessee shall have the right to renew the lease for a further term of twenty-one years. This is subject to the right of the Maori Trustee, on giving six months' notice to the lessee, to resume possession of the land at any time during the currency of the renewed term on the payment to the lessee of the amount of compensation to which he is then entitled.

PART IV—MISCELLANEOUS POWERS

Clause 55: This land, situated at Motukaraka, Hokianga, contains 54 acres. It was bought by a European from the Crown over seventy years ago, and on his death in 1879 passed to his half-Maori children. It is now the principal settlement of a sub-tribe of the Ngapuhi Tribe and contains the marae, church site, and the cemetery of the sub-tribe. A number of house sites will be cut out of the land, and the Judge of the Maori Land Court recommends that the whole area should be declared Maori freehold land to keep alienation of the land under the control of the Court. It is most probable that the land will remain a residential area. The owners have also asked that the land be declared Maori land.

Clause 56: Section 175 of the Maori Land Act, 1931, provides that the will of a Maori becomes null and void unless probate is applied for within two years of the testator's death. In this case the solicitor holding the will did not apply for probate within the two years, being under the impression that the deceased owned no lands. It transpires that the testator owned lands under another name. The executrix named in the will petitioned Parliament for legislation empowering the Maori Land Court to hear an application for probate, and her petition has been recommended to the Government for favourable consideration.

Clause 57: This land is subject to a restriction against alienation imposed by the will of one Tuwhakarika Patena. The present owner wishes to gift the land to his daughter and her husband, who proposes to commence dairying. The Maori Land Court is prepared to confirm the transfer if statutory authority is enacted. There appears to be no objection to the gift, as the testator's intention, in imposing the restriction, was to keep the land in the family.

Clause 58: The Patutahi Block was one of several in the Gisborne district ceded to the Crown voluntarily by the Maoris in 1868 for the establishment of military settlers and other purposes, the Crown agreeing to return lands to loyal Maoris who had not sided with the Hauhaus. In 1869 a Commission sat to decide what areas should be retained by the Crown and what should be returned to the Maoris. Immediately afterwards the Maoris claimed that the Crown had retained more than it was entitled to, and these claims were repeatedly made until 1920, when a Royal Commission was set up to inquire into this and other matters. The Commission decided that an area of 20,337 acres had been wrongly retained by the Crown. The settlement proposed in this clause has been agreed to by the Maori people concerned.

Clause 59: In 1927 the site of a Maori village in the Town of Gisborne was sold to the Gisborne Harbour Board for £10,000. By section 62 of the Maori Purposes Act, 1931, this money was directed to be held by the Tairawhiti District Maori Land Board with power to expend the fund or part thereof in purchasing a new village site to be held in trust for the persons beneficially entitled to the former site. Some years ago the Board purchased an area at Kaiti, Gisborne, on which a large carved meeting house and other buildings have been erected. The trust fund has now been fully expended, and it is proposed that the land be vested in the persons beneficially entitled thereto.

Clause 60: In 1899 the late Wi Pere, formerly Member of Parliament for Eastern Maori, and members of his family conveyed large areas of land to a trustee for the purpose of paying off liabilities and managing the land. The trust is now governed by section 15 of the Maori Purposes Act, 1938. The legislation expressly prohibits the transfer by any beneficiary of his beneficial interest in the trust estate, and there is no exception even in the case of a gift by a beneficiary to his children. There appears to be no reason why the prohibition against transfers should apply within a family or as between beneficiaries. One of the principal beneficiaries wishes to provide for his family by a gift of some of his shares, and the Trustees have recommended amending legislation enabling this to be done.

Clause 61: The Mangatu 1, 3, and 4 Blocks, North of Gisborne, were for some years administered by the East Coast Commissioner. Part III of the Maori Purposes Act, 1947, provided for the blocks to be re-vested in the beneficial owners and for the incorporation of the owners, the financial state of the blocks being in a sound position. The purpose of this clause is to clear up doubts as to the meaning of existing provisions, to bring other provisions into conformity with the wishes of the owners, and to restore to the Maori Land Court, which keeps the records of title, the control of alienations of shares.

Clause 62: This claim is based on an allegation that the Aorangi Block was dealt with by the Crown authorities on the mistaken assumption that it had passed to the Crown in the course of land purchase operations conducted in the Porangahau district in the "fifties." The first tribunal which investigated the claim was the Hawke's Bay Alienation Commission of 1873, the four members

of the Commission failing to reach agreement. In 1920 a full investigation was conducted by a Commission consisting of Chief Judge Jones and Messrs. Strauchon and Ormsby. In a very detailed report this Commission found that the Maoris had been deprived of land known as Aorangi by mistakes, honestly made, arising out of the various transactions which took place in the early days. The claim has been admitted for a number of years and a settlement has been agreed upon by the Maori people concerned. The purpose of this clause is to give effect to that agreement.

Clause 63: Part XII of the Maori Land Act, 1931, created restriction against aggregation of Maori land and of Maori land which has been sold to a European since 1913. This restriction is noted on the title and subsists even through successive alienations. The Ministry of Works some time ago arranged the purchase of a large area of land at Titahi Bay for housing purposes. Part of this land was exchanged for an area owned by a neighbouring owner. The part so exchanged is subject to the limitation of area referred to. It seems reasonable that he should receive a title as clear as that of the land he formerly owned. Included in the land affected by this clause is an area of 28 acres acquired separately for the purpose of obtaining a practicable fence line on steep country handed over by the Crown under the exchange. This land is included here as being part of what is, in effect, one transaction.

Hon. Mr. Corbett

MAORI PURPOSES

ANALYSIS

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| Title. | 12. Ratana Trust Board to be Tribal Executive for certain purposes. |
| 1. Short Title. | 13. In making adoption order Court may confer name of adopting parents on child. |
| 2. Provisions of Maori Land Act, 1931, to apply to this Act. | |

PART I

AMENDMENT OF LAWS

3. Authorizing Court to vest land jointly in Maori and wife or husband of Maori who is a discharged serviceman.
4. Maori Land Board may expend funds for the purpose of providing housing for officers of Department of Maori Affairs.
5. Court may combine areas of Maori land for partition purposes.
6. Authorizing trustee to borrow money for purpose of providing housing for beneficiaries.
7. Authorizing Maori Trustee to advance moneys for purpose of providing housing for beneficiaries.
8. Extension of terms of certain leases.
9. Permitting payment to Maoris of capital funds arising from taking or disposition of Maori Reserves.
10. Tribal Executive or Tribal Committee may acquire land for tribal purposes.
11. Board of Maori Affairs may delegate powers. Repeal.

PART II

COMPENSATION TO LESSEES FOR IMPROVEMENTS

14. This Part to form part of Maori Land Act, 1931. Commencement of this Part of this Act.
15. Interpretation.
16. Application of this Part of this Act.
17. Farm leases to contain right to compensation for improvements, unless parties otherwise agree.
18. Parties to lease may agree that no compensation payable or that amount be limited.
19. Lease or resolution to lease not to be confirmed in absence of provision touching compensation.
20. Compensation clause not to be deemed to be contrary to interests of owners.
21. Compensation to be ascertained.
22. Notice of valuations and right of objection thereto.
23. Amount of compensation.
24. Creation of sinking fund to meet compensation.
25. Moneys for payment of compensation.
26. Variation of subsisting leases.

27. Variation to be deemed to be grant of new lease.	51. Term of farm lease under this Part.
28. Record of state and condition of land and nature of improvements.	52. Provision as to aggregation not to apply.
29. Service of notices.	53. Servicemen's Settlement Act, 1950, not to apply to sale of land by Maori Trustee under this Part of this Act.
30. Repeal.	54. Sections 355 and 540 of principal Act repealed.
PART III	
PROVISIONS RELATING TO UNPRODUCTIVE MAORI LAND	
31. This Part to form part of Maori Land Act 1931. Commencement of this Part of this Act.	
32. Interpretation.	
33. Application of this Part of this Act.	
34. Court may appoint Maori Trustee as agent for owners to effect alienations.	
35. Court may cancel orders.	
36. Orders to be approved by Minister of Maori Affairs.	
37. Agency not revocable by owners.	
38. Effect of instruments of alienation.	
39. Farm land capable of being profitably used as a farm leasehold not to be sold.	
40. Sales or leases to be by public tender.	
41. Upset rent to be fixed.	
42. Value of improvements to be paid to Maori Trustee.	
43. Maori Trustee may invite applications from owners for a lease.	
44. Maori Trustee may refuse or reject any application.	
45. Simultaneous applications.	
46. Allotment of lease where simultaneous applications received.	
47. Conduct of ballot.	
48. Approval of applications and payment of deposit.	
49. Farm leases to be subject to Part II of this Act.	
50. Disposition of rent paid to Maori Trustee under this Part of this Act.	
	PART IV
	MISCELLANEOUS POWERS
	<i>Tokerau District</i>
	55. Declaring Lot 1, Parish of Motukaraka (Wharau), to be Maori freehold land.
	<i>Waikato-Maniapoto District</i>
	56. Authorizing Court to hear application for probate of will of Roka Meremara, deceased.
	57. Authorizing gift of Rangitoto A 1A and A 1B 2 (Part) Blocks notwithstanding restriction against alienation.
	<i>Tairāwhiti District</i>
	58. Settlement of claims in respect of Patutahi Block. Repeals.
	59. Empowering Court to make an order vesting site of Kaiti Pa in persons found by Court to be entitled thereto.
	60. Authorizing beneficiaries in Wi Pere estate to transfer interest in estate to children or to other beneficiary.
	61. Amending provisions relating to administration of Mangatu Blocks. Repeal.
	<i>Ikaroa District</i>
	62. Settlement of claims in respect of Aorangi Block. Repeals.
	63. Excluding certain land from provisions of Part XII of Maori Land Act, 1931.

A BILL INTITULED

Title. AN ACT to Amend the Law Relating to Maoris and Maori Land, to Confer Jurisdiction Upon the Maori Land Court, and for Other Purposes.

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

Short Title. 1. This Act may be cited as the Maori Purposes Act, 1950.

2. Words and expressions used in Part I and Part IV of this Act shall, unless the contrary intention appears, have the same meaning as in the Maori Land Act, 1931 (hereinafter in those Parts referred to as the principal Act), and the provisions of the principal Act, as far as applicable, shall extend and apply to the cases provided for by those Parts in as full and ample a manner as if those Parts had been incorporated with and formed part of the principal Act.

Provisions of Maori Land Act, 1931, to apply to this Act. See Reprint of Statutes, Vol. VI, p. 103

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PART I

AMENDMENT OF LAWS

3. Section seven of the Maori Purposes Act, 1941, is hereby amended by inserting, after subsection two, the following subsection:—

Authorizing Court to vest land jointly in Maori and wife or husband of Maori who is a discharged serviceman. 1941, No. 22 1941, No. 25

15 “ (2A) In any case where a Maori is married to a person who is not a Maori, but who is a discharged serviceman within the meaning of the Rehabilitation Act, 1941, the Court may make an order under this section in favour of that Maori and the husband or
20 wife of the Maori as tenants in common in equal shares.”

4. (1) Any Maori Land Board, with the approval of the Board of Maori Affairs, may from time to time, for the purpose of providing residential accommodation for officers of the Department of Maori Affairs employed
25 within the district in respect of which the Maori Land Board was constituted, expend moneys out of its account for all or any of the following purposes:—

Maori Land Board may expend funds for the purpose of providing housing for officers of Department of Maori Affairs.

(a) The purchase or other acquisition of any estate or interest in any land with a dwelling erected thereon:

30 (b) The purchase or other acquisition of any estate or interest in any land and for the erection of a dwelling thereon:

(c) The alteration, repair, rebuilding, subdivision, or improvement of any such dwelling:

35 (d) The improvement of any such land.

(2) A Maori Land Board may let any dwelling so purchased or erected, or any part thereof, to any officer of the Department of Maori Affairs employed within the
40 district in respect of which the Maori Land Board was constituted, for such term and at such rent and otherwise

upon such terms and conditions as the Maori Land Board, with the approval of the Board of Maori Affairs, thinks fit.

(3) In the event of any dwelling acquired or erected by a Maori Land Board for the purposes of this section being no longer required for those purposes, the Maori Land Board may sell, exchange, or otherwise dispose of the same in such manner and on such terms as the said Maori Land Board, with the approval of the Board of Maori Affairs, thinks fit.

Court may combine areas of Maori land for partition purposes.

5. Section one hundred and forty-six of the principal Act is hereby amended by repealing subsection one and substituting the following subsection:—

“ (1) Where, in the opinion of the Court, having regard to the configuration of the land, or to the best or most economic utilization of the land, or for any other reason, it is desirable that any two or more areas of land owned or partly owned by Maoris should be partitioned, the Court may, for the purposes of partition as between the owners, treat those several areas as a single area owned by them in common, and make an order or orders of partition in respect thereof accordingly.”

Authorizing trustee to borrow money for purpose of providing housing for beneficiaries.

6. Section two hundred and twenty-three of the principal Act is hereby amended by inserting, after the words “ for the purposes of the trust ”, the words “ or for the purpose of purchasing a dwelling for any beneficiary under the trust or of purchasing land and erecting a dwelling thereon for any such beneficiary.”

Authorizing Maori Trustee to advance moneys for purpose of providing housing for beneficiaries.
See Reprint of Statutes, Vol. VI, p. 396

7. (1) In addition to the powers conferred upon him by section fifty of the Maori Trustee Act, 1930, the Maori Trustee may make such advances as he deems fit, out of moneys standing to the credit of the Maori Trustee's account for any purpose having for its object the advancement or benefit of any beneficiary of any estate administered by him, including the purchase of a dwelling, or the purchase of land and the erection of a dwelling thereon, for any such beneficiary.

(2) The provisions of section fifty of the Maori Trustee Act shall, as far as they are applicable, apply to any advance made by the Maori Trustee pursuant to this section.

8. (1) Section thirteen of the Maori Purposes Act, 1948, is hereby amended as follows:—

Extension of terms of certain leases. 1948, No. 69

5 (a) By omitting the words “ thirtieth day of June, nineteen hundred and fifty ” wherever they occur in subsections one, two, three, and four of that section, and substituting in each case the words “ thirty-first day of December, nineteen hundred and fifty-one ”:

10 (b) By omitting from subsection four the words “ thirty-first day of December, nineteen hundred and forty-nine ” and substituting the words “ thirtieth day of June, nineteen hundred and fifty-two ”.

15 (2) Section thirteen of the Maori Purposes Act, 1948, is hereby further amended by adding the following subsection:—

20 “ (5) The lessee for the time being under every lease the term of which is extended by this section shall keep a strict and accurate record and account of the quantities and kinds of all marketable timber removed from the demised land during the period between the first day of December, nineteen hundred and fifty, and the thirty-first day of December, nineteen hundred and fifty-one, and shall within seven days after the end of each calendar month during that period supply to the lessor such particulars of the timber removed during any such calendar month as will enable a proper calculation to be made of the royalties payable in respect of any such timber so removed.”

30 9. The Maori Purposes Act, 1931, is hereby amended by repealing section nine and substituting the following section:—

Permitting payment to Maoris of capital funds arising from taking or disposition of Maori Reserves. 1931, No. 32

35 “ 9. The Maori Trustee is hereby authorized and directed to disburse to the beneficial owners, after deducting therefrom all his lawful charges and expenses, all capital funds derived from any Maori reserve which are in his hands or which may hereafter come into his hands, whether from purchase moneys, compensation, royalties, or otherwise howsoever.”

40 10. In addition to the powers conferred by the Maori Social and Economic Advancement Act, 1945, a Tribal Executive or a Tribal Committee may, with the precedent consent in writing of the Minister of Maori Affairs, acquire any land or any interest in land, whether by way of purchase, lease, or otherwise, for any tribal or

Tribal Executive or Tribal Committee may acquire land for tribal purposes. 1945, No. 23

communal purpose, and may with the like consent sell, lease, sublease, or otherwise dispose of any such land or interest so acquired.

Board of
Maori Affairs
may delegate
powers.

1934, No. 44

11. (1) The Board of Maori Affairs Act, 1934-35 is hereby amended by inserting, after section nine, the following section:— 5

“ 9A. (1) In addition to the powers conferred upon it by section nine of this Act, and notwithstanding the provisions of any other enactment, the Board of Maori Affairs may authorize any body corporate or other agency, whether a public body or not, or any person, whether a member of the Board or not, to exercise on behalf of the Board any of the powers conferred upon the Board by any enactment, either in the name of the Board or in its or his own name, and any body corporate so authorized shall have the necessary powers to act on behalf of the Board notwithstanding that those powers may not be conferred by its instrument of incorporation. 10 15

“(2) In any case where a body corporate or other agency or person is authorized to exercise on behalf of the Board of Maori Affairs any of the powers of the Board, the provisions of any enactment relating to the said Board shall, unless the context otherwise requires, apply in respect of the exercise of those powers and all matters incidental thereto as if the references therein to the said Board included references to the body corporate or other agency or person. 20 25

“(3) The fact that any body corporate or other agency or person purports to exercise or perform any of the powers, functions, or duties of the Board of Maori Affairs shall be conclusive evidence of its or his authority so to act, and no Court or person shall be concerned to inquire whether or not those powers, functions, or duties have been duly delegated to the said body corporate, other agency, or person. All acts and things done or omitted to be done by a body corporate, other agency, or person in pursuance and exercise or in the intended pursuance and exercise of any such powers, functions, or duties shall have the same effect and consequence as if they had been done or had been omitted to be done by the Board of Maori Affairs. 30 35 40

“ (4) Notwithstanding anything contained in section fifty of the Maori Land Amendment Act, 1936, where any declaration, transfer, assurance, consent, or other deed or document requires to be executed by any body

1936, No. 53

5 corporate or other agency or person pursuant to any powers, functions, or duties delegated under this section, any such body corporate, other agency, or person shall execute in its or his name adding the words ‘ acting under the authority of the Board of Maori Affairs
10 pursuant to section nine A of the Board of Maori Affairs Act, 1934-35 ’. Any such declaration, transfer, assurance, consent, or other deed or document so executed shall have the same force and effect as if it were executed by the Board of Maori Affairs.

15 “ (5) The provisions of this section shall apply to any powers that may be exercised by the Board of Maori Affairs on behalf of the Rehabilitation Board pursuant to section seventy-two of the Statutes Amendment Act, 1945.”

1945, No. 40

20 (2) Section forty-nine of the Maori Land Amendment Act, 1936, is hereby repealed. Repeal.

12. (1) For the purposes of section twenty-three of the Maori Social and Economic Advancement Act, 1945, the Ratana Trust Board, constituted under section
25 fourteen of the Maori Purposes Act, 1941, shall be deemed to be a Tribal Executive.

Ratana Trust Board to be Tribal Executive for certain purposes.

1945, No. 23

1941, No. 22

(2) For the purposes of this section and of section twenty-three of the Maori Social and Economic Advancement Act, 1945, a third of the revenue of the Ratana
30 Trust Board received from leases or tenancies granted by the Board under section fourteen of the Maori Purposes Act, 1941, shall not be deemed to be revenue of the Board.

13. In making an order of adoption under Part IX of
35 the principal Act in respect of any child the Court may, in any such order, confer the name of the adopting parent, or either of the adopting parents, on the adopted child with such proper or Christian name as the Judge, on the application of the adopting parent or parents,
40 may fix.

In making adoption order Court may confer name of adopting parents on child.

PART II

COMPENSATION TO LESSEES FOR IMPROVEMENTS

This Part to form part of Maori Land Act, 1931. See Reprint of Statutes, Vol. VI, p. 103 Commencement of this Part of this Act. Interpretation.

14. (1) This Part of this Act shall be read together with and deemed part of the Maori Land Act, 1931 (hereinafter in this Part referred to as the principal Act). 5

(2) This Part of this Act shall come into force on the first day of February, nineteen hundred and fifty-one.

15. In this Part of this Act, unless the context otherwise requires—

“ Effected ”, when used in relation to improvements, means made, purchased, erected, or otherwise effected: 10

“ Farm lease ” means a lease for a term of ten years or more of Maori freehold land to which this Part of this Act applies that is used or to be used by or on account of the lessee exclusively or principally for the production of food products or other useful products of the soil, or for horticultural or pastoral purposes, or for the keeping of pigs, bees, or poultry. 15 20

Application of this Part of this Act.

16. Except as otherwise expressly provided by this Part of this Act, the provisions of this Part shall apply to—

(a) Any Maori freehold land which is not subject to any other express statutory provisions pursuant to which a lessee of that land is entitled to compensation for improvements to the land effected by him, or pursuant to which a right to compensation for improvements may be conferred on the lessee; or 25 30

(b) Land which is subject to Part XVI of the principal Act and which is leased otherwise than through the agency of the Maori Land Board. 35

Farm leases to contain right to compensation for improvements, unless parties otherwise agree.

17. (1) Subject to the provisions of this Part of this Act, every farm lease shall confer upon the lessee, on the termination of the lease by effluxion of time, a right to receive for improvements effected by him compensation to be determined in the manner provided by this Part of this Act. 40

(2) The provisions of this section shall apply only to leases made or contracted to be made after the commencement of this Part of this Act.

18. (1) Notwithstanding the provisions of section *seventeen* of this Act, any person or persons may enter into a farm lease providing that no compensation whatever shall be payable to the lessee in respect of any improvements effected by him or providing that the amount of compensation payable to the lessee for improvements effected by him shall, subject to the limitation prescribed in section *twenty-three* of this Act, be such amount as may be prescribed in the lease.

Parties to lease may agree that no compensation payable or that amount be limited.

10 (2) Except as provided by this section, nothing contained in any farm lease shall confer on the lessee a right to compensation for improvements effected by him except in accordance with the provisions of this Part of this Act.

15 19. No farm lease, and no resolution of the owners assembled in accordance with Part XVIII of the principal Act to grant a farm lease, shall be confirmed by the Court unless any such lease or resolution contains an express provision to the effect that a right to compensation for improvements is conferred on the lessee or to the effect that the parties have agreed that no compensation whatever shall be paid to the lessee for improvements effected by him.

Lease or resolution to lease not to be confirmed in absence of provision touching compensation.

25 20. No farm lease conferring on the lessee a right to compensation for improvements shall be deemed to be contrary to the interest of the Maori owners of the land, or any of them, merely because any such right is so conferred, and confirmation of a farm lease, or of a resolution of the owners assembled in accordance with Part XVIII of the principal Act to grant a farm lease, containing any such provision shall not be refused or disallowed merely because any such right is so conferred.

Compensation clause not to be deemed to be contrary to interests of owners.

30 21. (1) For the purpose of ascertaining the amount of compensation to which a lessee under a farm lease is entitled the Valuer-General shall, at the request made by or on behalf of any of the parties to the lease, and on payment to the Valuer-General of any fee prescribed by him in that behalf, cause to be made, as at the date of the termination of the lease, or at such other time as the lease in that behalf provides, a special valuation of the land comprised in the lease.

Compensation to be ascertained.

(2) On the making of that valuation the Valuer-General shall cause to be prepared a certificate setting forth the following particulars:—

- (a) The name of the lessee:
- (b) The situation, description, and area of the land: 5
- (c) The nature and value of the improvements thereon effected by the lessee:
- (d) The nature and value of the improvements thereon effected otherwise than by the lessee:
- (e) The unimproved value of the land: 10
- (f) The capital value of the land.

(3) For the purposes of this section, the expressions “capital value”, “improvements”, “unimproved value”, and “value of improvements” shall have the meanings assigned to them by the Valuation of Land Act, 1925, and every valuation made under this section shall be made in the same manner as if it were a valuation under that Act. 15

(4) Notwithstanding anything in any other Act or rule of law, the expressions “capital value”, “improvements”, “unimproved value”, and “value of improvements” shall for the purposes of valuations to be made under this section continue to have the same meanings as are assigned to them at the commencement of this Part of this Act by the Valuation of Land Act, 1925, unless the Act by which an amendment of any of those expressions is made expressly provides that the amendments shall apply in the case and for the purposes of valuations made under this section. 20 25

22. (1) As soon as practicable after making any special valuation as aforesaid the Valuer-General shall serve a copy of the certificate setting forth the particulars of the valuation on the lessee and the owner of the land. 30

(2) In the case where the land is owned by two or more owners in common the Valuer-General shall, instead of serving copies of the valuation upon the owners, serve a copy on the Maori Trustee, who shall forthwith, in such manner as he thinks fit, notify the particulars of the valuation to the owners, but failure on the part of the Maori Trustee to notify the owners or any of them shall not render him liable for damages or otherwise in any action brought at the suit of the owners, nor shall any such failure in any way invalidate or affect any valuation made as aforesaid. 35 40

See Reprint
of Statutes,
Vol. VII,
p. 1030

Notice of
valuations and
right of
objection
thereto.

(3) Where the lessee or any owner desires to object to any of the values set out in a certificate of valuation he shall, within two months from a date specified by the Valuer-General, or within such extended time as the Valuer-General may, in his discretion, appoint, give notice in writing of his objection to the Valuer-General and shall set out therein the grounds of his objection. A copy of the notice of objection shall forthwith be transmitted by the Valuer-General to the lessee, where the objection is made by any owner, and, where the objection is made by the lessee, a copy of the objection shall be transmitted to the owner or to the Maori Trustee in the case where the certificate of valuation was served on him.

(4) If within the period of two months or within the extended time appointed by the Valuer-General as aforesaid the lessee or any owner neglects or fails to lodge any objection, the lessee or the owner or owners shall be deemed to have agreed to the values set out in the certificate.

(5) All objections made in the manner prescribed by this section shall be heard and determined in the same manner as if they were objections made to valuations under the Valuation of Land Act, 1925, and all the provisions of that Act relating to objections and the determination and disposal thereof shall extend and apply accordingly and if, on the hearing of any objection, any alteration in the valuation is made, the Valuer-General shall amend the certificate of valuation accordingly.

See Reprint of Statutes, Vol. VII, p. 1030

23. The amount of compensation to which a lessee is entitled shall be seventy-five per cent of the value, as shown in the certificate of valuation or amended certificate given by the Valuer-General under section *twenty-one* or section *twenty-two* of this Act, of the improvements effected by the lessee.

Amount of compensation.

24. (1) On confirming, under Part XIII of the principal Act, any lease (whether a farm lease or otherwise) which contains any provision for the payment of compensation for improvements effected by the lessee, the Court shall, notwithstanding any of the provisions of the principal Act or of any other Act, or the provisions of the lease, order that all the rent payable under the lease shall be paid to the Maori Trustee.

Creation of sinking fund to meet compensation.

(2) On confirming any resolution of the owners assembled in accordance with Part XVIII of the principal Act to grant a lease (whether a farm lease or otherwise) which contains any provision for the payment of compensation for improvements effected by the lessee, the Court shall, notwithstanding the provisions of the principal Act, stipulate that the rent payable under the lease shall be paid to the Maori Trustee. 5

(3) Any rent so payable to the Maori Trustee shall, as it becomes due and payable in terms of the lease, constitute a debt due by the lessee to the Maori Trustee, recoverable by action or distress in the same manner as if it were rent due to the Maori Trustee for land demised by him. 10

(4) After deducting therefrom all moneys properly deductible, including the Maori Trustee's commission, the Maori Trustee shall distribute two thirds of the residue of the rent to the owners for the time being entitled to it, and shall, subject to the provisions of subsection *five* of this section, invest the remaining third in the Maori Trustee's Common Fund, there to accumulate with interest thereon at the rate from time to time determined by the Governor-General in Council pursuant to the provisions of section forty-one of the Maori Trustee Act, 1930. 15 20 25

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

(5) The Maori Trustee may, in his discretion, instead of investing the whole or any part of the remaining third of the residue of the rent as aforesaid in his Common Fund, apply the whole or any part thereof in the purchase of a sinking fund policy from any insurance company or other like body, and in the payment of the premiums due thereon. 30

(6) Every such sinking fund policy shall be purchased in the name of the Maori Trustee. 25

Moneys for
payment of
compensation.

25. (1) The compensation payable to the lessee in terms of his lease and of the provisions of this Part of this Act shall be paid by the Maori Trustee out of the moneys arising from the investment, made under subsection *four* of section *twenty-four* of this Act, in the Maori Trustee's Common Fund or from the purchase of any sinking fund policy purchased in accordance with that section. 35 40

(2) If the moneys so arising exceed the amount payable to the lessee, the Maori Trustee shall pay the surplus to the persons then entitled to the revenues of the land demised.

5 (3) If the moneys arising as aforesaid are insufficient to pay the lessee the amount to which he is entitled, the Maori Trustee shall make up the deficiency by an advance out of other moneys in his Common Fund, and the land in respect of which any such advance is
10 made by the Maori Trustee shall be charged with the payment of the amount so advanced, together with interest thereon, as hereinafter provided.

(4) In respect of any advance so made the Maori Trustee may sign and seal a memorial of charge against
15 the land affected, and any such memorial of charge may be registered against the title to that land by the District Land Registrar or the Registrar of Deeds, as the case may be, of the Land Registration District in which the land is situated; and when so registered
20 the memorial of charge shall have the same force and effect as if it were a valid mortgage to the Maori Trustee executed by a Maori owner of all the land therein described to secure the repayment of the principal and interest moneys thereby expressed to be due; and the
25 power of sale and all other powers expressed by the Land Transfer Act, 1915, or the Property Law Act, 1908, as the case may be, shall be implied in the memorial, which shall have the same effect and operation as if the same were a mortgage executed as aforesaid containing the
30 said powers.

See Reprint
of Statutes,
Vol. VII,
pp. 1162, 1077

(5) The principal moneys secured under any such memorial of charge shall be due upon a date to be named therein, and interest shall be payable thereon at the rate charged from time to time by the Maori Trustee
35 for moneys advanced on the security of freehold lands. Any such interest shall be payable quarterly on days to be specified in the memorial.

26. (1) The provisions of this section shall apply to any subsisting farm lease of Maori freehold land owned
40 by more than five owners as tenants in common.

Variation of
subsisting
leases.

(2) The provisions of this section shall, notwithstanding anything contained in Part XIV and Part XV of the principal Act, apply to any subsisting farm lease of land vested in a Maori Land Board under either of
45 those Parts, whether any such subsisting lease was

granted by the Board as the legal owner, or in pursuance of a resolution of the owners duly assembled in accordance with the provisions of Part XVIII of the principal Act:

Provided that nothing in this section shall apply to any subsisting farm lease which contains a provision conferring on the lessee a right to compensation for improvements effected by him. 5

(3) The owners of any land subject to a subsisting farm lease duly assembled in accordance with the provisions of Part XVIII of the principal Act may, notwithstanding anything contained in the principal Act, pass a resolution or resolutions to the following effect:— 10

(a) That the lease shall be varied by extending the term of the lease for such period, not exceeding fifty years, and upon such terms and conditions, as may be specified in the resolution: 15

(b) That the lease shall be varied by including therein provisions conferring on the lessee a right to compensation, upon such terms and conditions as may be specified in the resolution, for improvements effected by him. 20

(4) On any such resolution being passed and reported to the Court the Court shall take the same into consideration, and shall either confirm the resolution or disallow the resolution. 25

(5) On the confirmation of any such resolution the Maori Land Board shall become, without further authority than the resolution, the agent of the owners for the time being to execute in the name of the Board a memorandum of variation of the lease in accordance with the terms of the resolution as confirmed, and the owners shall not be competent to revoke the authority of the Board in that behalf, and the provisions of subsection six of section two hundred and eighty-nine of the principal Act shall, with the necessary modifications, apply to any memorandum of variation as aforesaid. 30 35

Variation to be deemed to be grant of new lease.

27. (1) For the purposes of this Part of this Act any variation under section *twenty-six* of this Act of a subsisting farm lease shall, if the variation confers on the lessee a right to compensation for improvements effected by him, be deemed to be the grant of a new farm lease. 40

(2) Any such variation of a subsisting farm lease extending the term thereof shall, for the purposes of subsection one of section two hundred and eighty-five of the principal Act, be deemed to be the grant of a new lease commencing on the date from which the variation takes effect.

28. (1) On the grant of a farm lease conferring on the lessee a right to compensation for improvements effected by him the Maori Trustee shall forthwith cause to be made, in such manner as he thinks fit, a record of the state and condition of the land and of any improvements existing thereon, and a valuation under subsection *two* of this section.

Record of state and condition of land and nature of improvements.

(2) The Valuer-General shall, at the request of the Maori Trustee, and on payment to the Valuer-General of any fee prescribed by him in that behalf, cause to be made, as at the date of the commencement of the lease, a special valuation of the land comprised in the lease, and the provisions of sections *twenty-one* and *twenty-two* of this Act shall, as far as they are applicable, and with the necessary modifications, apply to any such valuation.

(3) The cost of making any such record and valuation shall be deemed to be an expense properly deductible from any rent coming into the hands of the Maori Trustee from the lease of the land in respect of which the record is made, and the Maori Trustee may deduct the amount of the cost from the rent in instalments or otherwise as he thinks fit.

(4) Where any lessee makes, or proposes to make, any improvements in respect of which he will be entitled to compensation in terms of his lease and in accordance with the provisions of this Part of this Act, he shall be entitled, on application to the Maori Trustee, to have a record made by the Maori Trustee of the particulars of the nature of those improvements and of the state and condition of the land before the making of the improvements. Every such record shall be made at the cost in all things of the lessee.

(5) Every record made under this section shall be retained by the Maori Trustee, and shall at all times be receivable as sufficient evidence of the facts so recorded in all matters and proceedings touching the improvements effected by the lessee.

Service of notices.

29. (1) Any notice required to be given to any person under the provisions of this Part of this Act may be given by delivering the same to him personally or by sending the same to him by registered post addressed to him at his last known place of abode or business in New Zealand, and when so posted shall be deemed to have been received when in the ordinary course of post it would be delivered.

(2) Where any notice has been given by the agent of any person entitled to give that notice, service of any notice required to be given to that person may be effected by serving the same in manner aforesaid on that agent.

(3) If the person to whom notice is required to be given is deceased, service of any notice may be effected in manner aforesaid on his personal representative.

Repeal.

30. (1) Section two hundred and eighty-six of the principal Act is hereby repealed.

(2) Section two hundred and eighty-seven of the principal Act is hereby amended by omitting the words "the last preceding section, or of".

PART III

PROVISIONS RELATING TO UNPRODUCTIVE MAORI LAND

This Part to form part of Maori Land Act, 1931.

See Reprint of Statutes, Vol. VI, p. 103

Commencement of this Part of this Act.

Interpretation.

Application of this Part of this Act.

31. (1) This Part of this Act shall be read together with and deemed part of the Maori Land Act, 1931 (hereinafter in this Part referred to as the principal Act).

(2) This Part of this Act shall come into force on the first day of February, nineteen hundred and fifty-one.

32. In this Part of this Act, unless the context otherwise requires—

"Farm lease" means a lease of Maori freehold land or any land owned by Maoris that is used or to be used by or on account of the lessee exclusively or principally for the production of food products or other useful products of the soil, or for horticultural or pastoral purposes, or for the keeping of pigs, bees, or poultry.

33. (1) The provisions of this Part of this Act shall apply to any Maori freehold land, or any land owned by Maoris, which is not subject to any subsisting valid lease or a valid contract to grant or renew a lease.

(2) The provisions of this Part of this Act shall, in their application to any Maori freehold land, be read subject to the provisions of any other enactment which apply to that land.

5 **34.** (1) Where, with respect to any land to which this Part of this Act applies, the Court is satisfied—

Court may appoint Maori Trustee as agent for owners to effect alienations.
1950, No. 62

(a) That the land is unoccupied; or

10 (b) That the land is not kept properly cleared of weeds which are noxious weeds within the meaning of the Noxious Weeds Act, 1950; or

(c) That any rates payable in respect of the land, or any moneys recoverable in the same manner as rates are recoverable, have not been paid, and that the amount of the said rates or moneys has been charged upon the land; or

15 (d) That the owners of the land have neglected to farm or manage the land diligently and that the land is not being used to its best advantage in the interests of the owners and in the public interest; or

20 (e) That any beneficial owner cannot be found,—the Court may make an order appointing the Maori Trustee to execute in his own name, as agent for or on behalf of any owner or owners of the land, an instrument of alienation in respect of the land, or any part thereof, or any interest therein, in accordance with the provisions of this Part of this Act.

25 (2) On making an order granting a charge under Part II of the Rating Act, 1925, for rates or other moneys due in respect of Maori freehold land, the Court may, without any application being made to it in that behalf, make an order appointing the Maori Trustee as agent to execute, in manner provided by subsection *one* of this section, an instrument of alienation of the land under this Part of this Act.

See Reprint of Statutes, Vol. II, p. 1017

30 (3) On the hearing of any application for the appointment of a Receiver for the purpose of enforcing any charge granted under Part II of the Rating Act, 1925, for rates or other moneys due in respect of Maori freehold land, the Court, may, instead of making an order appointing a Receiver, make an order appointing the Maori Trustee to execute, in manner provided by subsection *one* of this section, an instrument of alienation of the land, under this Part of this Act.

Court may
cancel orders.

35. The Court may, by order, cancel any order made by it under section *thirty-four* of this Act, but no such cancellation shall invalidate any alienation theretofore made, nor in any way affect the rights, powers, duties, and obligations of the Maori Trustee or any party to the alienation so made. 5

Orders to be
approved by
Minister of
Maori Affairs.

36. No order made by the Court under section *thirty-four* or section *thirty-five* of this Act shall have any force or effect until and unless it has been approved by the Minister of Maori Affairs. 10

Agency not
revocable by
owners.

37. It shall not be competent for any owner to revoke the agency created by an order made under section *thirty-four* of this Act, nor shall the death of the owner determine or put an end to, or in any way affect any such agency, but upon the appointment of any successor to that owner the Maori Trustee shall thereupon become the agent of the successor so appointed. 15

Effect of
instruments of
alienation.

38. Every such instrument of alienation executed by the Maori Trustee as the agent of the owners shall, without confirmation under Part XIII of the principal Act, have the same force and effect, and may be registered in like manner, as if it had been executed by the owners of the land affected and as if those owners had been fully competent in that behalf. The production of any certificate of title issued in respect of the land affected by the instrument of alienation shall not be necessary for the registration of that instrument. 20 25

Farm land
capable of
being
profitably
used as a farm
leasehold not
to be sold.

39. (1) No land in respect of which the Maori Trustee has been appointed the agent of the owners under section *thirty-four* of this Act and which, in the opinion of the Maori Trustee, is capable of being profitably used for any of the purposes for which land contained in a farm lease is used, shall be sold by the Maori Trustee but any such land shall be disposed of by way of a farm lease in accordance with the provisions of this Part of this Act. 30 35

(2) Subject to the provisions of subsection *one* of this section, the Maori Trustee may alienate any land, or any interest in land, in respect of which he has been appointed the agent of the owner or owners under this Part of this Act in as full and ample a manner as the owner or owners might lawfully have done if the Maori Trustee had not been so appointed. 40

40. (1) Except in the case of the sale or lease of undivided shares or interests in land which may be effected by the Maori Trustee by way of private contract, every sale or lease of land by the Maori Trustee under this Part of this Act shall, subject to the provisions of this Part of this Act, be effected by way of public tender on such terms and conditions as the Maori Trustee thinks fit.

Sales or leases to be by public tender.

(2) Where the Maori Trustee has offered any land for sale or lease by public tender and no tenders are received, the Maori Trustee may sell or lease the land by private contract on the terms and conditions on which the land was offered for tender, or upon such other terms and conditions as the Maori Trustee thinks fit.

41. Before offering any land for lease by public tender, or before calling for applications by owners for a lease of land in accordance with the provisions of this Part of this Act, the Maori Trustee shall request the Valuer-General to make a special valuation of the land in the same manner as if it were a valuation under the Valuation of Land Act, 1925; and the Maori Trustee shall fix an upset rent of the land which shall be equal to five per cent of the unimproved value of the land as disclosed by the special valuation so made and he shall offer the land for lease by public tender or call for applications by owners for a lease of the land at the upset rent so fixed.

Upset rent to be fixed.

42. Where any special valuation discloses that there are any improvements on the land in respect of which the valuation is made, the Maori Trustee shall, in offering any land for lease by public tender or in calling for applications by owners for a lease of the land, make it a condition that the successful tenderer or applicant shall, within such time and in such manner as the Maori Trustee prescribes in that behalf, pay to the Maori Trustee an amount equal to the value of the improvements as disclosed by the special valuation.

See Reprint of Statutes, Vol. VII, p. 1030

Value of improvements to be paid to Maori Trustee.

43. (1) Where the Maori Trustee has, under the provisions of this Part of this Act, been appointed the agent of the owners of land which is owned at law or in equity by two or more owners in common, and the Maori Trustee is of the opinion that one or more of those

Maori Trustee may invite applications from owners for a lease.

owners may be ready and willing to take a lease of the land, the Maori Trustee shall, by public notice, or by notice given in such other manner as appears to him appropriate, call for applications by the owners for a lease of the land at the upset rent fixed in accordance with section *forty-one* of this Act. 5

(2) The notice so given by the Maori Trustee shall specify the time and place for the making of applications, but the time within which applications may be made shall be not more than six weeks from the date upon which the Maori Trustee gives the notice. 10

(3) Any lease granted under this section shall be subject to the provisions of this Part of this Act and to such other terms and conditions, not inconsistent with the provisions of this Part of this Act, as the Maori Trustee thinks fit. 15

Maori Trustee may refuse or reject any application.

44. It shall be at all times within the discretion of the Maori Trustee to refuse any application by any owner for a lease of the land or to reject any such application, and the exercise of that discretion shall not be questioned by any person or authority. 20

Simultaneous applications.

45. Where more than one application is made within the time specified in the notice given by the Maori Trustee all such applications shall be deemed, for the purposes of this Part of this Act, to be simultaneous. 25

Allotment of lease where simultaneous applications received.

46. (1) In any case where there are simultaneous applications for a lease of land the Maori Trustee shall determine which applicant is the most suitable applicant and, subject to the provisions of subsection *three* of this section, shall grant a lease to that applicant. 30

(2) Where in the opinion of the Maori Trustee there are two or more applicants equally suitable to be allotted a lease of the land, the allotment shall be decided by ballot.

(3) Nothing in this section shall limit the right of the Maori Trustee to refuse or reject under section *forty-four* of this Act any application. 35

Conduct of ballot.

47. (1) At any ballot held pursuant to section *forty-six* of this Act the person conducting the ballot may draw as many names as he thinks fit, not exceeding the number of applicants for a lease. 40

(2) If the applicant whose name is drawn first forfeits his right to be allotted the lease pursuant to subsection *three* of section *forty-eight* of this Act, or if he surrenders his right to be allotted the lease, the applicant whose name is drawn second shall be declared the successful applicant.

(3) If the successful applicant, pursuant to subsection *two* of this section, forfeits his right to be allotted the lease pursuant to subsection *three* of section *forty-eight* of this Act, or if he surrenders his right to be allotted the lease, the applicant whose name is next drawn in rotation shall be declared the successful applicant; and so on until the list of applicants whose names have been drawn is exhausted.

(4) In any case where all the successful applicants within the meaning of this section forfeit their rights to be allotted a lease of the land, or surrender their rights to be allotted the lease, the Maori Trustee shall proceed as soon as practicable to offer the land for lease by public tender in accordance with the provisions of this Part of this Act.

48. (1) Where applications have been called for the lease of any land the Maori Trustee shall, as soon as possible after the date fixed for making applications, notify each applicant of the result of his application.

(2) The successful applicant shall, within such time as the Maori Trustee in each case prescribes in that behalf after the applicant is notified of the acceptance of his application, pay to the Maori Trustee an amount equal to a half years' rent payable under the lease together with any amount which he is required to pay for improvements in accordance with the provisions of section *forty-two* of this Act.

(3) If the successful applicant does not pay the amount specified in subsection *two* of this section within the time limited in that behalf, his application shall thereupon lapse and his right to be allotted a lease of the land shall be deemed to be forfeited.

49. Every farm lease granted by the Maori Trustee under this Part of this Act shall be subject to the provisions of Part II of this Act.

Approval of applications and payment of deposit.

Farm leases to be subject to Part II of this Act.

Disposition of
rent paid to
Maori Trustee
under this
Part of this
Act.

50. (1) The rent payable under any lease granted by the Maori Trustee under this Part of this Act shall be payable to the Maori Trustee and not otherwise.

(2) Where any such lease contains any provisions for the payment of compensation for improvements effected by the lessee, the Maori Trustee, after deducting from the rent all moneys properly deductible, including his commission, shall distribute half of the residue of the rent to the owners for the time being entitled to it and shall, subject to the provisions of subsection *three* of this section invest the residue, together with any moneys paid to him for improvements in accordance with the provisions of section *forty-two* of this Act, in the Maori Trustee's Common Fund, there to accumulate with interest thereon at the rate from time to time determined by the Governor-General in Council pursuant to the provisions of section *forty-one* of the Maori Trustee Act, 1930.

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

(3) The Maori Trustee may, in his discretion, instead of investing the whole or any part of the residue of the rent, or the whole or any part of moneys paid to him for improvements in accordance with the provisions of section *forty-two* of this Act, in his Common Fund, apply the whole or any part thereof in the purchase of a sinking fund policy from any insurance company or other like body, and in payment of the premiums due thereon.

(4) Every such sinking fund policy shall be purchased in the name of the Maori Trustee.

(5) The moneys arising from any such investment, or from the purchase of any such sinking fund policy, shall be used by the Maori Trustee for the purpose of paying compensation for improvements effected by the lessee, and the provisions of section *twenty-five* of this Act, as far as they are applicable, and with the necessary modifications, shall apply in any such case.

Term of
farm leases
under this
Part.

51. Every farm lease containing any provisions for the payment of compensation for improvements effected by the lessee shall be for a term of twenty-one years. Every such lease shall contain a provision that if the Maori Trustee does not, at least six months before the termination of the term of the lease give notice to the lessee that he desires to resume possession of the land, the lessee shall have the right to elect to renew the lease

for a further term of twenty-one years, subject to the right of the Maori Trustee, on giving six months' notice to the lessee of his desire so to do, to resume possession of the land at any time during the currency of the term

5 on the payment to the lessee of the amount of the compensation for improvements effected by him to which he is then entitled.

10 **52.** Nothing in Part XII of the principal Act shall prevent the acquisition by any person of any land or interest in land in respect of which the Maori Trustee has been appointed as the agent of the owner or owners under this Part of this Act.

Provision as to aggregation not to apply.

15 **53.** Nothing in the Servicemen's Settlement Act, 1950, shall apply to any sale of land, or any interest therein, effected by the Maori Trustee under the provisions of this Part of this Act.

Servicemen's Settlement Act, 1950, not to apply to sale of land by Maori Trustee under this Part of this Act.

1950, No. 41

54. (1) Sections three hundred and fifty-five and five hundred and forty of the principal Act are hereby repealed.

Sections 355 and 540 of principal Act repealed.

20 (2) Every order made under the said section five hundred and forty and subsisting at the commencement of this Part of this Act shall enure for the purposes of this Part of this Act as fully and effectually as if it had originated under this Part of this Act, and accordingly

25 shall, where necessary, be deemed so to have originated.

(3) No alienation contracted to be made before the commencement of this Part of this Act shall be affected in any way by the repeal of the said section five hundred and forty, and any such alienation may be completed and

30 carried into effect as if this Act had not been passed.

PART IV

MISCELLANEOUS POWERS

Tokerau District

35 **55.** Whereas the land known as Allotment 1, Parish of Motukaraka (Wharau), situated in Block XIII, Mangamuka Survey District, in the North Auckland Land District, being the whole of the land comprised in certificate of title, Volume 16, folio 226, Auckland Registry (in

Declaring Lot 1, Parish of Motukaraka (Wharau), to be Maori freehold land.

this section referred to as the said land), was at one time owned by a European, one Christopher Harris, and was later transferred by him to his eleven children, being Maoris within the meaning of the principal Act: And whereas the said land now constitutes the Motukaraka Maori Settlement and it is considered that for its better future utilization and control it is desirable that the said land should be declared to be Maori freehold land: Be it therefore enacted as follows:—

(1) The said land is hereby declared to be Maori freehold land. 10

(2) This section shall be deemed to have come into force on the second day of April, nineteen hundred and fifty.

Waikato-Maniapoto District 15

Authorizing Court to hear application for probate of will of Roka Merehana, deceased.

56. Notwithstanding anything contained in section one hundred and seventy-five of the principal Act the Court is hereby empowered, upon application in that behalf being made to it not later than six months after the passing of this Act, to hear and determine an application for a grant of probate of the will of Roka Merehana, late of Otorohanga, a Maori woman. 20

Authorizing gift of Rangitoto A 1A and A 1B 2 (Part) Blocks notwithstanding restriction against alienation.

57. Notwithstanding any restraint upon or restrictions against sale, encumbrance, or leasing contained in the will of Tuwhakaririka Poutama, deceased, late of Te Kuiti, in the Provincial District of Auckland, probate of which was granted by the Maori Land Court on the twenty-third day of October, nineteen hundred and thirty-five, no gift or devise of any land or interest in land referred to in the said will by Patena Tuwhakaririka to his daughter Marie Erina Hetet or her husband Achi Thomas Hetet or to them jointly or as tenants in common shall be held invalid or in any way prejudicially affected because of the terms of the said will and any such gift may be made as if no restrictions on the alienation of the said land were contained in the will. 30 35

Tairāwhiti District

Settlement of claims in respect of Patutahi Block.

58. Whereas by Warrant under the hand of the Governor-General dated the eighth day of June, nineteen hundred and twenty, a Commission of Inquiry was appointed to inquire into and report upon certain Maori claims, amongst others, touching the cession to the Crown of the Patutahi Block in the Gisborne District: And 40

whereas the members of the Commission in the report of the Commission, which is reproduced in Paper G-5 of the Appendices to the Journals of the House of Representatives for the year nineteen hundred and twenty-one, came
5 to the conclusion that the Maoris had been deprived without their consent, of an area of twenty thousand, three hundred and thirty-seven acres: And whereas the Maoris concerned in the said claims, by their representa-
10 tives, agreed on the twenty-second day of October, nineteen hundred and fifty, to accept payment of the sum hereinafter mentioned in full settlement and discharge of their claims: And whereas it is desirable to make provision for a settlement accordingly: Be it therefore enacted as follows:—

15 (1) In settlement of claims and demands which have heretofore been made or which may hereafter be made upon His Majesty's Government in New Zealand in respect of, or arising out of the cession to the Crown of the Patutahi Block in the Gisborne District, there shall
20 be paid to the Maori Trustee, from moneys appropriated by Parliament for the purpose, a sum of thirty-eight thousand pounds.

(2) Out of the said sum the Maori Trustee shall make the following payments:—

25 (a) A sum of one thousand pounds to the Treasurer of the Diocese of Waiapu to be invested by the Diocesan Board for the said Diocese in any investments for the time being authorized by law for the investment of trust funds, the in-
30 come from any such investments to be allocated towards the payment of the stipend of any Maori clergyman or clergymen holding office in the Turanga Maori Pastorate of the Church of England:

35 (b) A sum of six hundred pounds to the Maori Purposes Fund Board to be expended exclusively in furthering the education of the persons found by the Court to be entitled to any compensation which might be paid in settle-
40 ment of the claims hereinbefore recited (in this section referred to as the beneficiaries) or the descendants of any such persons:

(c) A sum of fifty pounds to the Maori Purposes Fund Board to be used in such manner as that Board determines:

(d) A sum of five hundred pounds to a person nominated by the beneficiaries to be used in settlement of costs incurred in prosecuting the claims of the beneficiaries, or for such purposes as the beneficiaries may agree upon. 5

(3) The balance of the said sum of thirty-eight thousand pounds shall be distributed by the Maori Trustee to the beneficiaries in the respective shares ascertained by the Court. 10

(4) The award of one thousand six hundred and fifty shares made by order of the Court dated the twenty-second day of November, nineteen hundred and twenty-three, to Heni Materoa and Wiremu Tutepuaki Pitt on behalf of all the beneficiaries is hereby cancelled and the total number of shares is hereby reduced accordingly. 15

Repeals. 1931, No. 32. (5) Sections ninety-three and ninety-four of the Maori Purposes Act, 1931, are hereby repealed. 20

Empowering Court to make an order vesting site of Kaiti Pa in persons found by Court to be entitled thereto. 1931, No. 32. 59. Whereas pursuant to section sixty-two of the Maori Purposes Act, 1931, a certain sum of money was paid to the Tairawhiti District Maori Land Board to be held in trust for certain Maoris: And whereas the whole of the said sum has now been expended by the said Board for various purposes including the acquisition of the land described in subsection *two* of this section and the erection of communal buildings thereon: And whereas it is desirable that the said Board should be discharged from the trust created by the said section and that the said land should be vested, either in the persons beneficially entitled thereto, or in any person or persons in trust for the persons beneficially entitled thereto: Now therefore be it enacted as follows:— 25 30

(1) The Court is hereby authorized and empowered to make such order or orders as it thinks necessary discharging the Tairawhiti District Maori Land Board from the trusts created by section sixty-two of the Maori Purposes Act, 1931, and vesting the land described in subsection *two* of this section in such persons as the Court finds to be beneficially entitled thereto or in any person or persons in trust for the persons or class or classes of persons beneficially entitled thereto. 35 40

(2) The land to which this section relates is more particularly described as follows: All that parcel of land situated in the Borough of Gisborne and in Block VII, Turanganui Survey District, containing eight acres six perches and six tenths of a perch, more or less, being Lots 1 and 2 on Deposited Plan Number 3086, being part of Kaiti 3371 Block, and being the whole of the land comprised and described in certificate of title, Volume 80, folio 151, Gisborne Registry.

(3) In making any order under this section the Court may declare any part of the said land to be Maori freehold land.

60. (1) Notwithstanding anything to the contrary in subsection twelve of section fifteen of the Maori Purposes Act, 1938, or in section two hundred and fifty-nine of the principal Act, or in any other enactment, a beneficiary of the Wi Pere Trust estate may dispose of, by way of sale or gift, the whole or any part of his beneficial interest in the said estate to any of his children or other descendants or to any other beneficiary of the said estate.

Authorizing beneficiaries in Wi Pere estate to transfer interest in estate to children or to other beneficiary.
1938, No. 23

(2) The provisions of Part XIII of the principal Act shall, with the necessary modifications, apply to any disposition made pursuant to this section.

61. (1) Section twenty-five of the Maori Purposes Act, 1947, is hereby amended by repealing subsection four and substituting the following subsection:—

Amending provisions relating to administration of Mangatu Blocks.
1947, No. 59

“(4) Except as otherwise provided by this section, six of the members of the Committee shall be elected by the recognized hapus into which the equitable owners as a tribe are subdivided—namely, Ngariki, Wahia, and Taupara. The Ngariki Hapu shall elect one member of the Committee, the Taupara Hapu shall elect two members, and the Wahia Hapu shall elect three members: No equitable owner shall vote in more than one hapu. The equitable owners as a whole shall elect one member of the Committee.”

(2) The said section twenty-five is hereby further amended by omitting from subsection five the words “ thirtieth day of June in each succeeding year ”, and substituting the words “ fifteenth day of August in each succeeding year ”.

(3) The said section twenty-five is hereby further amended by repealing subsection nine and substituting the following subsection:—

“(9) Where any member of the Committee retires in accordance with subsection five of this section, the vacancy created shall be filled by the appointment of a person elected in the same manner as his predecessor in office ”. 5

(4) The said section twenty-five is hereby further amended by adding to subsection twelve the words “ No person shall hold office as a member of the Committee unless and until such an order confirming his election or appointment has been made. The Court may, on sufficient cause being shown, refuse to make any such order, and shall thereupon order that a new election shall be held, or a new appointment made, as the case may be, to fill the vacancy purporting to be filled by the election or appointment of the person in respect of whom the order has been refused.” 10 15

(5) Section twenty-six of the Maori Purposes Act, 1947, is hereby amended by omitting the words “ the month of October in each year ”, and substituting the words “ the month of August in each year ”. 20

(6) Section thirty-two of the Maori Purposes Act, 1947, is hereby amended by inserting in subsection two, after the word “ management ”, the word “ farming ”. 25

(7) Section thirty-three of the Maori Purposes Act, 1947, is hereby amended as follows:—

(a) By omitting the words “ with the approval of the Minister ” : 30

(b) By adding the words: “ Where any land is so set aside for the purpose of erecting dwellings thereon, the body corporate may set aside land for roading purposes or for reserves.”

(8) Section thirty-six of the Maori Purposes Act, 1947, is hereby amended as follows:— 35

(a) By omitting from subsection one the words “ with the precedent consent of the Minister,”:

(b) By omitting from subsection two the word “ No ”, and substituting the word “ Every ”. 40

(9) Section thirty-eight of the Maori Purposes Act, 1947, is hereby amended by repealing subsections two, three, four, and five and substituting the following subsections:—

“(2) Every such transfer shall be subject to confirmation by the Court and when so confirmed shall be effectual to vest in the transferee the beneficial interest of the transferor expressed to be thereby vested subject
5 to the legal estate of the body corporate, and shall be acted upon accordingly by the body corporate.

“(3) An equitable owner may transfer to the body corporate any share or interest held by him in the said land. Every such transfer shall be subject to con-
10 firmation by the Court and when so confirmed shall pass any such share or interest to the Committee to be held in trust for the remaining owners of the land affected in the same proportion as the shares to which they were theretofore beneficially entitled.

15 “(4) The provisions of Part XIII of the principal Act shall, with the necessary modifications, apply to the confirmation of any transfer under the provisions of this section.”

(10) Section forty-one of the Maori Purposes Act,
20 1947, is hereby amended by omitting the word “Minister”, and substituting the word “Court”.

(11) Section forty-two of the Maori Purposes Act,
25 1947, is hereby amended by omitting the words “one banking account” and substituting the words “a banking account or banking accounts”.

(12) Section forty-three of the Maori Purposes Act,
1947, is hereby amended by omitting the words “thirtieth day of June”, and substituting the words “thirty-first day of May”.

30 (13) Section forty-five of the Maori Purposes Act, 1947, is hereby repealed. Repeal.

Ikaroa District

62. Whereas by Warrant under the hand of the
35 Governor-General dated the eighth day of June, nineteen hundred and twenty, a Commission of Inquiry was appointed to inquire into and report upon certain Maori claims, amongst others, touching the acquisition by the Crown of the Aorangi Block in the Waipukurau District:
40 And whereas the members of the Commission in the report of the Commission which is reproduced in Paper G-5 of the Appendices to the Journals of the House of Representatives for the year nineteen hundred and

Settlement of
claims in
respect of
Aorangi
Block.

twenty-one, came to the conclusion that the Maoris had been deprived of the said block by mistakes arising out of various transactions which took place in respect of the land: And whereas the Maoris concerned in the said claims, by their representatives, have agreed to accept payment of the sum hereinafter mentioned in full settlement and discharge of their claims: And whereas it is desirable to make provision for a settlement accordingly and for the control and administration of the moneys paid thereunder: Be it therefore enacted as follows:—

(1) In settlement of all claims and demands which have heretofore been made or which may hereafter be made upon His Majesty's Government in New Zealand in respect of or arising out of the acquisition by the Crown of the Aorangi Block in the Waipukurau District, there shall be paid to the Maori Trustee, from moneys appropriated by Parliament for the purpose, a sum of fifty thousand pounds.

(2) Out of the said sum the Maori Trustee shall distribute the sum of twenty-two thousand five hundred pounds to the persons (in this section referred to as the beneficiaries) found by the Court to be entitled thereto in the respective shares ascertained by the Court.

(3) Out of the remainder of the said sum of fifty thousand pounds the Maori Trustee shall cause to be paid a sum of five thousand pounds to such persons and in such proportions as the beneficiaries shall agree upon in settlement of costs incurred in prosecuting the claims of the beneficiaries in respect of the Aorangi Block aforesaid.

(4) The balance of the said sum of fifty thousand pounds shall be paid by the Maori Trustee to such trustees as may be appointed pursuant to subsection *five* of this section upon such trusts for the benefit of the beneficiaries or their descendants as may be declared by the Governor-General by Order in Council.

(5) On the recommendation of the Minister of Maori Affairs, the Governor-General in Council may appoint three or more trustees for the purpose of administering trusts declared under subsection *four* of this section.

(6) In making any recommendation under subsection *five* of this section, the Minister shall have regard to, but shall not be bound by any nominations for appointment that may be made and submitted to him pursuant to a resolution passed by a majority of beneficiaries according to shares at a meeting of beneficiaries called for the purpose.

(7) Notwithstanding any rule of law or equity to the contrary, no trustee who is a beneficiary shall be debarred, by virtue of his trusteeship, from receiving any benefit from the trust fund:

Provided that the written consent of the Minister to any trustee receiving any such benefit is first had and obtained.

(8) Section one hundred and eight of the Maori Purposes Act, 1931, and section twenty-one of the Maori Purposes Act, 1935, are hereby repealed.

Repeals.
1931, No. 32
1935, No. 39

63. (1) Nothing in Part XII of the principal Act shall apply to the land referred to in subsection *two* of this section.

Excluding certain land from provisions of Part XII of Maori Land Act, 1931

(2) The land to which this section relates is particularly described as follows:—

(a) All that area of land containing approximately six acres twenty-three perches and nine tenths of a perch situate in Block I, Belmont Survey District, and known as Takapuwahia A North No. 2A, being all the land comprised and described in certificate of title, Volume 237, folio 200, Wellington Land Registry (now provisional certificate of title, Volume 16, folio 160, Wellington Registry):

(b) All that area of land containing approximately thirty acres two roods and twenty-nine perches, situate in Block I, Belmont Survey District, and known as Takapuwahia A North No. 1, being all the land comprised and described in certificate of title, Volume 237, folio 199, Wellington Land Registry (now provisional certificate of title, Volume 16, folio 161, Wellington Registry):

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- (c) All that area of land containing approximately four hundred and fifty-seven acres three roods and twelve perches, situate in Block I, Belmont Survey District, being subdivision A 4 of the Komangarautawhiti Block and subdivisions 2A, 2B, 2C, 2D, and 2E 1 of the Wairere Block, being part of the land comprised and described in certificate of title, Volume 467, folio 235, Wellington Land Registry (now provisional certificate of title, Volume 16, folio 162, Wellington Registry): 5
- (d) All that area of land containing twenty-eight acres and twenty-three perches, more or less, situate in Block I, Belmont Survey District, being Wairere 2E Section 2 and being all the land comprised and described in certificate of title, Volume 563, folio 19, Wellington Registry. 15
- (3) This section shall be deemed to have come into force on the thirty-first day of January, nineteen hundred and fifty. 20