

[AS REPORTED FROM THE MAORI AFFAIRS COMMITTEE]
House of Representatives, 22 September 1958.

Words struck out by the Maori Affairs Committee are shown in roman enclosed in panel.

Right. Hon. Mr Nash

MAORI PURPOSES

ANALYSIS

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A BILL INTITULED

An Act to amend the law relating to Maoris and Maori land, 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:

1. Short Title—This Act may be cited as the Maori Purposes Act 1958.

2. Provisions of Maori Affairs Act 1953 to apply to this Act—Words and expressions used in this Act shall, unless the contrary intention appears, have the same meaning as in the Maori Affairs Act 1953 (hereinafter referred to as

the principal Act), and the provisions of the principal Act, as far as they are applicable, shall extend and apply to the cases provided for in this Act in as full and ample a manner as if this Act had been incorporated with and formed part of the principal Act.

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3. Amending provisions as to Board of Maori Affairs—

(1) Section six of the principal Act is hereby amended as follows:

- (a) By adding to paragraph (b) of subsection one the words “or, if there is no such member, any member of the Executive Council appointed by the Governor-General to be a member of the Board”:
- (b) By inserting in subsection two, after the words “member of the Board”, the words “appointed under paragraph (h) of subsection one of this section”:
- (c) By inserting in subsection three, after the words “appointed member”, the words “appointed under paragraph (h) of subsection one of this section”.

(2) Section seven of the principal Act is hereby amended by omitting from subsection three the words “represents the Maori race”, and substituting the words “is a member of the Board under paragraph (b) of subsection one of section six of this Act”.

4. Exchange orders affecting Crown land—Section two hundred and sixty-three of the principal Act is hereby amended by adding, as subsection two, the following subsection:

“(2) Any such exchange order having the effect of vesting in one party to the exchange the freehold of a defined area of Crown land shall constitute, without any other instrument of assurance, the title to the parcel of Crown land affected by the order, and the provisions of section one hundred and seventy-eight of this Act shall, with the necessary modifications, extend and apply to the registration of any such order.”

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5. Modification of objects of incorporation—The principal Act is hereby amended by inserting after section two hundred and seventy, the following section:

“270A. (1) Upon application made to it by or on behalf of a body corporate, the Court may, from time to time, alter or redefine the objects for which the body corporate was established.

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“(2) The provisions of this section shall extend to enable the Court to define or alter or redefine the objects of any subsisting body corporate established or deemed to have been established under Part XVII of the Maori Land Act 1931.”

5 **6. Appointment of members of committee of management of incorporation**—Section two hundred and ninety-three of the principal Act is hereby amended as follows:

(a) By repealing subsection eight, and substituting the following subsection:

10 “(8) Any member of a committee who vacates office pursuant to this section shall be eligible for re-election.”:

(b) By inserting, after subsection eight, the following subsection:

15 “(8A) The provisions of section two hundred and ninety-two of this Act shall, with the necessary modifications, apply to the appointment of members of a committee of management pursuant to this section.”

20 **7. Powers of Court on amalgamating titles of adjoining land**—Section four hundred and thirty-five of the principal Act is hereby amended as follows:

(a) By inserting, after subsection one, the following subsection:

25 “(1A) During the course of any proceedings for an order under this section substituting one title to the land, the Court may exercise the powers conferred upon it under paragraphs (b) and (c) of subsection one of section one hundred and eighty-one of this Act, and all the provisions of that section, so far as they relate to the exercise of the powers so conferred on the Court, shall extend and apply accordingly. Any such order substituting one title to the land affected shall be made to incorporate the effect of any orders made by the Court in the exercise of its powers under this subsection.”

(b) By adding the following subsection:

30 “(7) Notwithstanding the provisions of subsection one of this section, the powers conferred on the Court by this section may be exercised in respect of European land owned by Maoris, whether the other land to which the order of the Court will relate is Maori freehold land or European land owned by

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Maoris. Where one title is constituted for areas of Maori freehold land and European land owned by Maoris, the European land owned by Maoris shall thereupon become Maori freehold land."

8. Signing of orders made by Chief Judge—Section four hundred and fifty-two of the principal Act is hereby amended by adding the following subsection:

"(13) Every order made by the Chief Judge under this section shall be signed by the Chief Judge and sealed with the seal of the Maori Land Court. The Chief Judge may at any time cause duplicates of any order made by himself or any former Chief Judge or any Deputy for the Chief Judge under this section or the corresponding provisions of any former enactment to be signed and sealed. Every such duplicate shall have the word "Duplicate" written or stamped thereon and shall have the same evidentiary value as the order of which it is a duplicate."

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9. Unclaimed money in Common Fund—The Maori Trustee Act 1953 is hereby amended by repealing section thirty, and substituting the following section:

"30. (1) Any money for the time being in the Common Fund shall become unclaimed money for the purposes of this section on the expiration of any period of ten years during which no claim in respect thereof has been established by or on behalf of the person beneficially entitled thereto.

"(2) In computing the period of ten years for the purposes of subsection one of this section, the period during which any such money was in the possession or under the control of a Maori Land Board shall be taken into account.

"(3) The aforesaid period of ten years shall commence to run on the date on which the money was allocated or credited to the account of the person beneficially entitled thereto.

"(4) The Maori Trustee may at any time compile for any Maori Land Court district a list of any unclaimed money that has been derived from that district, showing in respect of each amount specified therein—

"(a) The name of the beneficiary, as appearing in the records of the Maori Trust Office:

"(b) The amount held on account of each beneficiary:

"(c) The source or the principal source from which the money was derived:

"(d) Any other relevant particulars that he thinks fit.

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- 5 “(5) Where the total amount held on behalf of any beneficiary is less than one pound, it shall be sufficient compliance with the requirements of paragraph (b) of subsection four of this section, if the list discloses that fact, and in any such case it shall not be necessary to disclose the source from which any such money was derived.
- 10 “(6) On the compilation of a list of unclaimed money for any Maori Land Court district, a copy of that list shall be filed in the office of every Registrar of the Maori Land Court and shall be open for inspection during office hours without payment of any fee.
- 15 “(7) Notice of the filing of a list of unclaimed money for any district shall be published in the *Gazette* and shall also be given in such other manner as the Maori Trustee thinks adequate in the circumstances.
- 20 “(8) Any unclaimed money in respect of which claims are not established within twelve months after the date of the publication in the *Gazette* of a notice of the filing of a list thereof may be disposed of as follows:
- 25 “(a) Half the amount may, in the Maori Trustee’s discretion and subject to the provisions of subsection nine of this section, be transferred, by way of loan, to the Conversion Fund established under Part XIII of the Maori Affairs Act 1953;
- 30 “(b) An amount equal to ten per cent of the balance may, at the discretion of the Maori Trustee, be paid to the credit of the Maori Purposes Fund Account established under the Maori Purposes Fund Act 1934-35; and
- 35 “(c) The residue, together with any interest paid from time to time in accordance with the provisions of subsection nine of this section, shall be disposed of in accordance with a scheme of distribution prepared by a district committee as hereinafter provided.
- 40 “(9) With respect to any amount transferred to the Conversion Fund in accordance with the provisions of paragraph (a) of subsection eight of this section, the Maori Trustee shall, upon a date fixed in his discretion, and without further authority than this section, refund to the appropriate account, out of money in the General Purposes Fund, a sum equal to the amount transferred as aforesaid. Until any amount is so refunded, the Maori Trustee shall, in each year, out of money

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in the General Purposes Fund, pay to the appropriate account interest at the rate from time to time fixed in respect of money advanced by the Maori Trustee from the Common Fund on the security of a first mortgage of a freehold interest in land. When any amount is refunded as aforesaid, that amount shall be dealt with as if it were a residue of unclaimed moneys to be disposed of in accordance with the provisions of paragraph (c) of subsection eight of this section. 5

“(10) The Maori Trustee may, without complying with any of the provisions of subsection four of this section, dispose of money of the classes specified in subsection eleven of this section as if it was unclaimed money and whether or not it is unclaimed money within the meaning of this section. 10

“(11) The money to which subsection ten of this section relates is— 15

“(a) Any money credited to the account of any beneficiary in respect of whom money theretofore credited to his account has been disposed of as unclaimed:

“(b) Any money held by the Maori Trustee in a separate account in the Common Fund in respect of which the records of the Maori Trust Office do not disclose the persons on whose behalf the money was paid or is held: 20

“(c) Any money held as aforesaid which, by reason of the smallness of the amount, cannot, in the Maori Trustee’s opinion, be distributed to the persons beneficially entitled thereto without undue expense or trouble. 25

“(12) The Minister may from time to time as occasion requires appoint for each Maori Land Court district a committee to prepare a scheme for the distribution of unclaimed money derived from that district, and available for distribution. Any such scheme may provide for the making of payments— 30

“(a) To a Tribal Executive or Tribal Committee appointed under the Maori Social and Economic Advancement Act 1945: 35

“(b) To any organisation operating in the district and having for its object or one of its objects the welfare of women and children of the Maori race: 40

“(c) For the education, training, recreation, social and moral welfare, or generally for the benefit of Maoris or descendants of Maoris:

“(d) For any other purpose which the committee deems appropriate. 45

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“(13) Any scheme of distribution so prepared by a committee shall be sufficient authority to the Maori Trustee to make payments in accordance therewith.

5 “(14) If in respect of any unclaimed money disposed of in accordance with the foregoing provisions of this section, a claim is lawfully established, the amount of that claim shall be paid out of the General Purposes Fund which may at any time thereafter be reimbursed out of other unclaimed money.”

10. Tuhoe Maori Trust Board constituted—The Maori Trust Boards Act 1955 is hereby amended by inserting, after section nine, the following section:

“9A. Whereas the Urewera Lands Act 1921–22 authorised the appointment of Commissioners for the purpose of carrying into effect a scheme of consolidation of the lands described in the First Schedule thereto: And whereas the Commissioners were authorised by the said Act to inquire into certain purchases theretofore made by the Crown and to allot lands to the Crown in accordance therewith under the said scheme and to fix the boundaries thereof and, after providing for the portion of land to be allotted to the Crown, to allot the balance in suitable areas to persons to be named in the Commissioners’ orders as entitled thereto: And whereas the area so allotted to the Crown included land having a value of twenty thousand pounds or thereabouts which represented the proportionate contribution which the Commissioners considered should be made to the Crown in respect of the cost of certain new roads which the Crown then proposed to construct: And whereas for various reasons the roads were not constructed and are not now likely to be constructed: And whereas claims have been made against the Crown for compensation in respect of the land allotted to the Crown in respect of the cost of the roading as aforesaid: And whereas negotiations for the settlement of the said claims have been concluded between representatives of the Crown and the Maori claimants and it is desirable to give effect to the terms of the settlement:

Be it therefore enacted as follows:

“(1) There is hereby constituted a body corporate to be known as the Tuhoe Maori Trust Board (in this section referred to as the Board) which shall be a Maori Trust Board within the meaning and for the purposes of this Act.

“(2) The beneficiaries of the Board are hereby declared to be the persons to whom land was allotted under section seven of the Urewera Lands Act 1921–22 and their successors in title (being Maoris or the descendants of Maoris).

“(3) There shall, without further appropriation than this section, be paid to the Board out of the Consolidated Fund the sum of one hundred thousand pounds together with interest thereon at the rate of five per cent per annum from the sixth day of November, nineteen hundred and fifty-seven, to the thirty-first day of March, nineteen hundred and fifty-eight, and at the rate of four and a half per cent per annum from the first day of April, nineteen hundred and fifty-eight, until the date of payment; and the said payments shall be deemed to be in full satisfaction and discharge of all claims and demands against the Crown in respect of the land allotted to the Crown in the manner and for the purposes hereinbefore referred to.

“(4) As soon as practicable after the commencement of this section there shall be appointed by the Governor-General not more than twelve persons to be the initial members of the Board for a term of three years.

“(5) All members, other than the initial members, shall be appointed in the manner prescribed by this Act.”