

# MAORI PURPOSES BILL

## EXPLANATORY NOTE

### PART I

#### LAKE ROTOAIRA

By section 22 of the Maori Purposes Act 1938 the right to fish for and take trout and other fish from Lake Rotoaira and part of the Poutu Stream from the point where it leaves the lake to the head of a waterfall some distance downstream was reserved to members of the Ngati-Tuwharetoa Tribe and their descendants, without the necessity of their taking out any licence or paying any fee.

The purpose of this Part of the Bill is to open the lake and stream for fishing by other persons under the control of the Trustees of Lake Rotoaira in whom the bed of the lake has been vested by order of the Maori Land Court.

*Clause 4: Subclause (1)* of this clause provides that, with certain exceptions, no person may enter or remain in or upon Lake Rotoaira, unless he is the holder of an entry permit issued by the Trustees.

*Subclause (2)* provides that no person may fish for trout or any other fish in Lake Rotoaira or in the part of the Poutu Stream to which this Part relates (in this note referred to as the stream), unless he is the holder of an entry permit authorising him to enter Lake Rotoaira and also a current trout-fishing licence for the Taupo Trout Fishing District.

Regulations under this Part may modify this requirement in the case of beneficial owners under the Trust or beneficial owners of land bordering on the lake or stream.

*Subclauses (3) to (5)* authorise the Trustees to issue entry permits, to prescribe the conditions applying to those permits and the purposes for which entry may be made, to decide the number of permits that may be issued, to refuse an entry permit to any person, and to revoke a permit for breach of its conditions.

*Subclause (6)* requires a revoked permit to be surrendered on demand to the Trustees or their agent or to any warden.

*Subclause (7)* provides that an entry permit will not be required in the case of any Trustee, wardens, employees of the Trust, constables, stipendiary rangers of the Department of Internal Affairs or of the Marine Department, beneficial owners under the Trust who hold a written authority to enter from the Trustees, beneficial owners of land bordering on the lake, surveyors entering in the exercise of powers conferred by the Public Works Act 1928 or the Land Act 1948, persons engaged in the planning, construction, maintenance, and operation of any public work, officers of the Department of Maori Affairs, and Judges of the Maori Land Court.

*Clause 5* authorises the Trustees to prescribe fees for entry permits. Those fees will be held by the Trustees for the purposes of the Trust.

*Clause 6* provides that an entry permit will not authorise the holder to enter on any private land without the consent of the occupier.

*Clause 7* authorises the Trustees to appoint wardens and to pay them remuneration, and defines the duties of wardens.

*Clause 8* defines the powers of wardens and stipendiary rangers. Their powers are substantially the same as those at present conferred on wardens for the lake and stream appointed under section 12 of the Maori Purposes Act 1948 by the Tuwharetoa Trust Board.

*Clause 9* provides that any warden or any stipendiary ranger of the Department of Internal Affairs or of the Marine Department who finds any person committing an offence against this Part of the Bill or any regulations thereunder may require the offender to desist from the offence and give his true name and address. If the offender continues the offence or refuses to give his true name and address or gives a false name or address, he commits a further offence.

*Clause 10* provides that any person commits an offence who does any act in contravention of or fails to comply with any provision of this Part of the Bill.

*Clause 11* prescribes a maximum penalty for offences of £50.

*Clause 12* provides that only a Trustee or a warden or stipendiary ranger of the Department of Internal Affairs or of the Marine Department may take proceedings for offences against this Part of the Bill.

*Clause 13* provides that fines recovered in proceedings for offences against this Part, less 5 per cent, are to be paid to the Trustees.

*Clause 14* modifies Part II of the Fisheries Act 1908 in its application to Lake Rotoaira and the stream. Section 90, which allows an occupier of land to fish upon his land without a licence or payment of any fee, is not to apply. Section 93 (relating to the duration of the close season) is suitably modified by substituting references to the Trustees for references to an acclimatisation society.

*Clause 15* authorises the making of regulations for the purposes of this Part of the Bill. Those regulations may include provisions regulating fishing in Lake Rotoaira and the stream, prescribing the extent to which the beneficial owners under the Trust and persons having a beneficial interest in land bordering on the lake or stream or in the bed of the stream may fish therein, empowering the Trustees to fix bag limits (not exceeding the current bag limits for the Taupo Trout Fishing District) and size limits, and prescribing the powers of wardens and stipendiary rangers.

*Clause 16* contains consequential repeals.

## PART II

### AMENDMENTS OF LAW RELATING TO MAORIS

*Clause 18*: Family protection. Section 119 (4) of the Maori Affairs Act 1953 requires the Maori Land Court to make inquiries as to whether a Maori testator has made in his will adequate provision for his widow or children or orphan grandchildren before it grants probate. Such an inquiry at that stage appears to be premature and the necessity to embark upon it then can cause inconvenient delays in granting probate. It is proposed therefore to repeal the subsection.

The new subsections in the Bill enable the Court to make amendments to vesting orders it has earlier made on succession if this is necessary to give effect to provisions which the Court considers should be made for family protection purposes.

*Clause 19:* Trust funds for alienation money. Section two hundred and thirty-one of the Maori Affairs Act 1953 enables the Maori Land Court to direct that any amounts in excess of one hundred pounds due to a Maori beneficiary for purchase money or royalties from Maori land shall be constituted a trust fund for the benefit of that beneficiary for housing or some other specific purpose. This clause increases that amount to one thousand pounds.

*Clause 20:* Valuations for revision of rent. It is a common provision in leases of Maori land that there shall be a revision of rent during the currency of the lease. The lease will in many cases provide that the rent shall be revised on the basis of a certain percentage of the value as determined by a special valuation to be made by the Valuer-General under the Valuation of Land Act 1951. There is at present no actual statutory authority for any such valuations to be made, and this clause makes express provision for the point. It also makes provision for similar rights of objection to the valuation as are granted by sections 244 and 245 of the Maori Affairs Act 1953 where the valuation is made for the purpose of determining rights of compensation for improvements.

*Clause 21:* Rights of appeal in respect of incorporations. Section 42 of the Maori Affairs Act 1953, re-enacting section 61 of the Maori Land Act 1931, provides that, except as expressly provided to the contrary in that or any other Act, the Maori Appellate Court shall have jurisdiction to hear and determine appeals from any final order of the Maori Land Court. Section 382 (4) of the Maori Land Act 1931 provided that no appeal to the Maori Appellate Court should lie from an order of incorporation. Section 272 of the Maori Affairs Act 1953, however, extended the exemption from the right of appeal to cover all orders of the Maori Land Court under the section of the Act relating to incorporations. Representations have been made that many matters of great importance fall to be decided under this section and that persons affected by these orders should not be denied the fundamental right of appeal where they feel they have proper grounds to exercise that right. This clause restores the position to what it was under the Maori Land Act 1931, in respect of orders made after the first day of September 1959.

*Clause 22:* Bodies corporate. This clause makes miscellaneous amendments to the principal Act in respect of incorporated owners of Maori Land. *Subclause (1)* includes a provision permitting the revenues of a body corporate to be set aside for reserves. *Subclause (2)* requires the committee of management of a body corporate to determine the amount of revenue available for expenditure for purposes authorised by resolutions at general meetings and for distribution to owners after making provision for current outgoings and reserves, and prohibits the payment of any amount in excess of the amount determined. *Subclause (3)* provides that a member of a committee of management will continue in office until his successor is appointed. *Subclause (4):* At present two persons can ask for a poll. The amendment increases this to five persons present at a meeting or persons representing one-tenth of the voting strength of members present or represented.

*Clause 23:* Finance for formation of roads. Section 428 of the Maori Affairs Act 1953 enables the Maori Trustee to advance moneys from his General Purposes Account for the purpose of enabling roads laid off by the

Court to give access to Maori lands to be formed. The Funds available in the Maori Trustee's General Purposes Account are not adequate to meet all the cases where advances for roading are required and the Maori Trustee has not the technical staff to supervise and arrange this work. A number of local authorities have expressed willingness to assist with the work within their districts if suitable empowering legislation is enacted. The clause re-enacts the whole section, giving authority to local bodies to assist and recover their expenditure by a special rate against the lands which benefit, and retaining the present authority for the Maori Trustee to assist in appropriate cases.

*Clause 24:* Amalgamated titles. Section 435 of the Maori Affairs Act 1953 enables the Maori Land Court to make an order combining into one title continuous areas of Maori land where this is desirable to promote more effective use thereof. It has appeared that the requirement that the areas be continuous is unduly restrictive as in many cases properties may usefully be used in conjunction even although they are not continuous or adjoining. This clause enables the Court to order a combined title even if the areas are not continuous.

*Clause 25:* Dwelling sites. Section 440 of the Maori Affairs Act 1953 enables the Maori Land Court to vest a house site in husband and wife as tenants in common in equal shares. For a number of purposes joint tenancy would be more acceptable for housing loan purposes and this clause enables the Court to create a joint tenancy in appropriate circumstances.

*Clause 26:* Power of Court to grant relief in cases of encroachment. This clause enables the Maori Land Court to adjust the position where through some mistake a person puts improvements on land which he thought he owned but which subsequent survey or other investigation showed was owned by some other Maori. As many Maori land titles are not surveyed this type of mistake occurs from time to time.

*Clause 27:* Joint farming undertakings. Section 454 of the Maori Affairs Act 1953 makes provision for the division of profits and losses in respect of the owners of a number of blocks of land held in separate titles where these blocks have been farmed jointly either in a Maori land development scheme or as incorporated blocks. Subsection (5) enables the basis of apportionment to be fixed by special Government valuations or by the existing valuation roll. In the case of one scheme no special valuations were made at the inception and the roll valuation then existing was eighteen years out of date. This clause enables the capital values of the various blocks to be determined in such cases either by agreement or by the Maori Land Court, as is done in the case of assets other than land.

*Clause 28:* Special succession fee on trust funds. Section 3 of the Maori Purposes Act 1955 provided that the Maori succession fee on succession to Maori land interests should be two pounds per cent of the value of each interest which was worth over £1,000. Previously the figure was £200. It was not made quite clear that this alteration also applied to purchase money held by the Maori Trustee on behalf of a deceased Maori. This clause makes this point clear.

*Clause 29:* Removal of restrictions on alienation. This clause removes a number of restrictions on alienation which in the past have been placed on some Maori land titles. It is considered that the requirement of confirmation by the Maori Land Court affords all the protection which is needed under present conditions. The present restrictions necessitate an Order in Council whenever alienation of any such lands is proposed.

*Clause 30:* Board may act as agent of borrower. In carrying out its functions under the Maori Housing Act 1935 the Board of Maori Affairs has frequently found it necessary to act as the agent of the borrower for the purpose of making any arrangements for the erection of or alteration to a building. There is no express power for the Board to do this in the Act at present and this clause gives the required authority.

*Clause 31:* Training of young Maoris. This clause gives the Board of Maori Affairs authority to train and employ young Maoris in carpentry and allied trades and makes it clear that any agreement entered into with the trainees is binding on them and does not have the result of making them members of the Public Service.

*Clause 32:* Charges for money advanced under Maori Housing Act 1935. Section twenty-one of the Maori Housing Amendment Act 1938 enables the Maori Land Court to make an order charging any land interest of the borrower or the wife or husband of the borrower or any other person deriving benefit from the land with repayment of advances made to the borrower under the Maori Housing Act 1935. The memorial of charge method of taking collateral security is simpler to operate from an administrative point of view.

*Clause 33:* Beneficiaries of the Tuhoe Maori Trust Board. Section 9A (2) of the Maori Trust Boards Act 1955 defines as the beneficiaries of the Tuhoe Maori Trust Board 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). This clause extends this definition to include the persons descended from those beneficiaries.

*Clause 34:* Maori Soldiers Trust Committee. This clause amends the Maori Soldiers Trust Committee provisions in the manner sought by the Maori veterans of the First World War. Three of the six nominated members will now retire after being three years in office and the remaining three in the following year. Thereafter nominated members will serve two-year terms but be eligible for reappointment.

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*Right Hon. Mr Nash*

## MAORI PURPOSES

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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 1959.

## PART I

### LAKE ROTOAIRA

**2. Commencement**—This Part of this Act shall come into force on the first day of November, nineteen hundred and fifty-nine. 5

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

“Entry permit” means an entry permit issued by or on behalf of the Trustees under section four of this Act: 10

“Lake Rotoaira” includes any land adjacent thereto that is vested in the Trustees for the purposes of the Rotoaira Trust:

“The Rotoaira Trust” means the trust created by the Maori Land Court on the sixth day of December, nineteen hundred and fifty-six, in respect of Lake Rotoaira: 15

“The said stream” means that portion of the Poutu Stream situated in Blocks VI and VII, Pihanga Survey District, in the Wellington Land District, between Lake Rotoaira and the head of a waterfall in the said stream, as more particularly delineated on the plan numbered 20161 lodged in the Wellington District Office, Department of Lands and Survey, and marked A-B thereon: 20 25

“Stipendiary ranger” means an employee of the Department of Internal Affairs or of the Marine Department who holds a warrant of appointment as an officer under section seventy-nine of the Fisheries Act 1908 or as a ranger under the Wildlife Act 1953: 30

“The Trustees” means the Trustees of Lake Rotoaira appointed by the Maori Land Court on the sixth day of December, nineteen hundred and fifty-six, pursuant to section four hundred and thirty-eight of the Maori Affairs Act 1953; and includes their successors; and also includes the committee of management of any body corporate incorporated under Part XXII of that Act to which the powers and duties of the Trustees may at any time be assigned: 35 40

“Warden” means a warden appointed by the Trustees under section seven of this Act.

**4. Permit required to enter on lake or fish in lake or stream**—(1) Except as provided in subsection seven of this section, no person shall enter or remain in or upon any part of Lake Rotoaira, unless he is the holder of an entry permit for the time being in force. 45

(2) No person shall fish for or take trout or other fish of any kind in or from Lake Rotoaira or the said stream, unless he is the holder of an entry permit for the time being in force authorising him to enter on Lake Rotoaira for the purpose of  
5 fishing and also a trout-fishing licence for the time being in force issued in respect of the Taupo Trout Fishing District pursuant to regulations made under any Act:

Provided that the foregoing provisions of this subsection, in their application to persons who are beneficial owners under  
10 the Trust or who have beneficial interests in land bounded by Lake Rotoaira or the said stream or in the bed of the said stream, shall be read subject to the provisions of any regulations made pursuant to paragraph (d) of subsection two of section fifteen of this Act.

15 (3) The Trustees or their agents may from time to time issue entry permits authorising the holders to enter in and upon Lake Rotoaira.

(4) The Trustees may from time to time prescribe the conditions under which any person or persons shall be permitted  
20 to enter in and upon Lake Rotoaira and the purposes for which that entry may be made. No person to whom an entry permit is issued shall enter or remain in or upon Lake Rotoaira in breach of those conditions or for any purposes other than those for which the permit was issued.

25 (5) The Trustees, in their discretion, may—

- (a) Decide the number of entry permits that may from time to time be issued:
- (b) Refuse to issue an entry permit to any person:
- (c) Revoke the entry permit of any person who commits a  
30 breach of any condition on which the permit was issued or enters or remains in or upon Lake Rotoaira for any purpose other than a purpose for which the permit was issued.

(6) Every person whose entry permit is revoked shall, on  
35 demand, surrender it to the Trustees or their agent or to any warden.

(7) The following persons may enter in and upon Lake Rotoaira without being the holder of an entry permit, namely:

- (a) Any Trustee:
- (b) Any warden:
- (c) Any other person in the bona fide employment of the Trustees:
- (d) Any constable:
- (e) Any stipendiary ranger:
- 45 (f) Any beneficial owner under the Rotoaira Trust authorised so to enter by written authority of the Trustees or their agent:



- (g) Any person having a beneficial interest in any land bounded by Lake Rotoaira:
- (h) Any person authorised to enter on land by section one hundred and seven of the Public Works Act 1928 or by section thirty-four of the Land Act 1948, which authorise the entry on land for purposes of survey: 5
- (i) Any person engaged, either directly or indirectly, in the planning, preparation, construction, maintenance, or operation of any public work within the meaning of the Public Works Act 1928, or in carrying out any investigation for the purposes of any proposed such work: 10
- (j) Any officer of the Department of Maori Affairs entering in the course of his duties as such:
- (k) Any Judge of the Maori Land Court entering in the exercise of his office as such. 15

**5. Fees for entry permits**—(1) There shall be payable to the Trustees for every entry permit such fee as the Trustees prescribe from time to time, and different fees may be so prescribed in respect of entry permits for different purposes. 20

(2) All fees received by the Trustees for the issue of entry permits shall be held by the Trustees for the purposes of the Rotoaira Trust.

**6. Holder of entry permit not to enter on private land without consent**—Nothing in any entry permit shall entitle the holder to enter on any land not vested in the Trustees except with the consent of the occupier of the land. 25

**7. Wardens**—(1) The Trustees may from time to time appoint a warden or wardens to exercise authority in respect of Lake Rotoaira and the said stream, and may at any time revoke any such appointment. 30

(2) The Trustees may pay to any warden such remuneration for his services as they think fit.

(3) It shall be the duty of every warden to ensure that all persons entering in or upon Lake Rotoaira or the said stream are acting in compliance with this Part of this Act and with the conditions of any entry permit and with any regulations under this Part of this Act. 35

**8. Powers of wardens and stipendiary rangers**—(1) Any warden and any stipendiary ranger may— 40

- (a) At all times enter upon and pass along Lake Rotoaira or the said stream or the borders or banks thereof:

(b) At all times enter upon any boat or launch in or upon Lake Rotoaira or the said stream:

5 (c) Exercise such powers as may be vested in wardens or stipendiary rangers, as the case may be, by this Part of this Act or by any regulations made under this Part of this Act.

(2) Every person who assaults, resists, or obstructs any warden or stipendiary ranger in the execution of any powers conferred on him by this Part of this Act or by any regulations  
10 under this Part of this Act commits an offence against this Part of this Act.

(3) The production by a warden or stipendiary ranger of his warrant of appointment shall be sufficient evidence of that appointment.

15 (4) Nothing in this section shall be construed to confer any power of apprehension or arrest on any warden or stipendiary ranger.

**9. Offenders to give name and address—**(1) Where any warden or stipendiary ranger discovers a person committing  
20 an offence against this Part of this Act, or against any regulations made under this Part of this Act, he may require the offender forthwith to desist from the offence and also to tell his real name and address.

(2) If any such offender, after being so required, fails  
25 to tell his real name or address, or gives a false name or address, or gives such a description of his address as is illusory for the purpose of discovery, or wilfully continues the offence, he commits a further offence against this Act.

(3) Nothing in this section shall be construed to confer  
30 any power of apprehension or arrest on any warden or stipendiary ranger.

**10. Offences—**Every person commits an offence against this Part of this Act who does any act in contravention of this  
35 Part of this Act or fails to comply with any provision of this Part of this Act.

**11. Penalty for offences—**Every person who commits an offence against this Part of this Act is liable on summary conviction to a fine not exceeding fifty pounds.

**12. Who may commence proceedings for offences—**No proceedings  
40 may be commenced for an offence against this Part of this Act except on the information of a Trustee or warden or stipendiary ranger.

**13. Application of fines**—From any fines recovered in proceedings for offences against this Part of this Act there shall be deducted and credited to the Consolidated Fund an amount equal to five per cent of the amount of the fine, and the residue thereof after that deduction has been made shall be paid to the Trustees. 5

**14. Modification of provisions of Fisheries Act 1908**—The operation of the Fisheries Act 1908, in its application to Lake Rotoaira and the said stream, is hereby modified as follows:

- (a) Section ninety of that Act shall not apply: 10
- (b) Section ninety-three of that Act, as substituted by subsection one of section five of the Fisheries Amendment Act 1953, shall have effect as if—
  - (i) For the words “any registered acclimatisation society” wherever they occur there were substituted in each case the words “the Trustees”: 15
  - (ii) For the words “in the district of that society” in subsection two there were substituted the words “of Lake Rotoaira and the said stream”.

**15. Regulations**—(1) The Governor-General may from time to time, by Order in Council, make all such regulations as he thinks necessary or expedient for the purpose of giving full effect to the provisions of this Part of this Act and for the due administration thereof. 20

(2) Without limiting the generality of the powers conferred by subsection one of this section, it is hereby declared that regulations may be made under this section for all or any of the following purposes: 25

- (a) Prescribing the conditions under which, and the extent to which, persons to whom an entry permit is issued shall be entitled to fish in and upon Lake Rotoaira and the said stream, and regulating the conditions of such fishing: 30
- (b) Prescribing the form of entry permits:
- (c) Prescribing the manner in which the conditions of entry permits may be altered by the Trustees: 35
- (d) Prescribing the extent to which beneficial owners under the Trust and persons having a beneficial interest in any land bordering on Lake Rotoaira or the said stream or in the bed of the said stream may fish in and upon Lake Rotoaira and the said stream: 40
- (e) Empowering the Trustees from time to time to fix the daily limits of numbers and types of fish to be taken in Lake Rotoaira and the said stream, and to specify the size, type, and numbers of fish that may be taken during any given period: 45

5 Provided that the Trustees shall not be entitled, pursuant to any such regulations, to fix a limit of numbers and types of fish that may be taken on any day or during any period in excess of the limit in that behalf for the time being fixed in respect of the Taupo Trout Fishing District by regulations made under any Act:

- (f) Prescribing the powers of wardens and stipendiary rangers:
- 10 (g) Prescribing the manner in which the Trustees shall give public notice of the number of entry permits that may from time to time be issued, the fees payable for entry permits, the conditions on which entry permits are issued and any alterations in those conditions, and such other matters as are specified in the regulations:
- 15 (h) Prescribing fines not exceeding fifty pounds for offences against the regulations.

20 (3) No regulations made under this section shall be deemed to be invalid solely on the ground that they delegate to the Trustees any powers, including the power from time to time to impose or vary limits as to the size, species, and number of the fish that may be taken from Lake Rotoaira or the said stream during any prescribed period, or any other matters affecting the management and control of Lake Rotoaira and the said stream.

25 (4) All regulations under this section shall be laid before Parliament.

30 **16. Repeals**—The following enactments are hereby repealed:

- (a) Section twenty-two of the Maori Purposes Act 1938:
- (b) Section forty-eight of the Maori Purposes Act 1947:
- (c) Section twelve of the Maori Purposes Act 1948.

## PART II

35 AMENDMENTS OF LAW RELATING TO MAORIS

40 **17. Provisions of Maori Affairs Act 1953 to apply to this Part**—Words and expressions used in this Part of 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 Part in as full and ample a manner as if this Part had been incorporated with and formed part of the principal Act.

*Amendments to Principal Act*

**18. Family Protection**—Section one hundred and nineteen of the principal Act is hereby amended by repealing subsection four, and substituting the following subsections:

“(4) For the purposes of this section the power to appoint an interest in the real estate of the deceased shall be deemed to include a power to appoint an interest in any real property which has ceased to be part of the real estate of the deceased by reason of the making of any order under section one hundred and thirty-six or section one hundred and forty-five of this Act. 5 10

“(4A) In any case to which subsection four of this section applies, the Court may, without any further application, but with such notice to any person who may be affected as the Court deems necessary, either amend its earlier order or cancel the earlier order and substitute therefor such other order under the appropriate section as may be necessary. 15

“(4B) No order shall be made under subsection four A of this section if the making of the same would deprive any person other than the person in whose favour the earlier order was made of any estate or interest in such property acquired in good faith for valuable consideration and without notice that any application had been made or was intended to be made under the provisions of this section with the intention of affecting such property. 20 25

“(4c) If any person in whom property was vested by any such earlier order has effected improvements thereon before he became aware that an application was lodged or intended under this section, the Court may as a condition of making any order under subsection four A of this section make an order for the payment of reasonable compensation for the value of the improvements so effected and may specify the manner in which and the time within which any such payment shall be made. If any such payment is not made in the manner and within the time so specified the Court may, as an alternative to the method of enforcement contained in section sixty-five of this Act, make an order charging any land interest of the person liable to make payment with the payment of the money owing under its order. No order under subsection four A of this section shall be made in any case where the Court is of the opinion that it is not practicable to make any order or other arrangements which will adequately compensate for the value of any such improvements.” 30 35 40

**19. Trust funds for alienation money**—Subsection three of section two hundred and thirty-one of the principal Act is hereby amended by omitting the words “one hundred”, and substituting the words “one thousand”.

5   **20. Valuations for revision of rent**—The principal Act is hereby amended by inserting, after section two hundred and forty-nine, the following section:

10   “249A. (1) Where any lease of Maori freehold land or of European land owned by Maoris contains a provision for the revision of the rent during the term of the lease and the basis for the computation of the revised rent is expressed to be a special Government valuation of the land comprised in the lease, the provisions of this section shall apply to the making of any such valuation.

15   “(2) The Valuer-General shall, at the request of the lessee or the lessor or the Maori Trustee or any person acting on behalf of the lessee or the lessor, and upon payment of the fee prescribed by the Valuer-General in that behalf, make a special Government valuation for the purposes of this section.

20   “(3) Every person who requests the Valuer-General to make a special Government valuation for the purposes of this section shall supply to him either an original or counterpart copy of the lease or a copy verified by statutory declaration as being a true copy of the clauses of the lease relating to the revision of the rent, the area of the land, the term of the lease, the original rent, and any record contained in the lease identifying improvements existing on the land at the commencement of the lease and in respect of which no capital payment has been made by the lessee at the commencement of the lease.

25   “(4) Where the lease provides that improvements effected by the lessee during the term of the lease or any class of any such improvements shall not be taken into account for the purpose of revising the rent, the value of any such improvements shall be shown separately in the valuation made for the purposes of this section.

35   “(5) Subsections two to five of section two hundred and forty-four and section two hundred and forty-five of this Act shall, as far as they are applicable and with the necessary modifications, apply to valuations made for the purpose of this section.”

**21. Rights of appeal in respect of incorporations**—

(1) Section two hundred and seventy-two of the principal Act is hereby amended by omitting the words “or other order”.

45   (2) This section shall be deemed to have come into force on the first day of September, nineteen hundred and fifty-nine.

**22. Bodies corporate**—(1) Subsection one of section two hundred and eighty-five of the principal Act is hereby amended by inserting, after paragraph (d), the following paragraph:

“(dd) In setting aside reserves for contingencies or for capital expenditure or for expansion in accordance with the objects of the body corporate or in retaining in an accumulated profit account any portion of the profits which the committee of management thinks it prudent not to distribute to incorporated owners:”

(2) Section two hundred and eighty-five of the principal Act is hereby amended by adding the following subsection:

“(4) Before any revenues of a body corporate are applied for any of the purposes authorised by paragraph (e) or paragraph (f) of subsection one of this section, it shall be the duty of the committee of management of the body corporate to determine the total amount which may, at the date of the determination, be made available for any such purposes after adequate and prudent provision has been made for payment of the amounts authorised to be paid under paragraphs (a) to (dd) of that subsection and the total payments under the said paragraphs (e) and (f) shall not exceed the total amount determined by the committee of management as aforesaid.”

(3) Section two hundred and ninety-three of the principal Act is hereby amended by adding the following subsection:

“(10) Notwithstanding anything to the contrary in this section, every member of a committee of management, unless he sooner vacates his office, shall continue in office until his successor comes into office, or until the expiration of four months after the date when he is due to retire in accordance with the foregoing provisions of this section, whichever is the sooner.”

(4) Subsection four of section three hundred of the principal Act is hereby amended by omitting the words “two persons present thereat”, and substituting the words “five persons present in person at the meeting, or by any person or persons entitled to exercise not less than one tenth of the total votes of those present in person or by proxy at the meeting”.

**23. Finance for formation of roads**—The principal Act is hereby amended by repealing section four hundred and twenty-eight, and substituting the following section:

“428. (1) Where a roadway has heretofore been or is hereafter laid out by the Court over any Maori land, European land, or Crown land to provide access to any Maori land or to European land owned by Maoris, but a road has not been constructed or the construction of a road has not been completed, the Court pursuant to an application in that behalf

may issue a roading certificate under this section if it is satisfied as to the following matters:

- 5           “(a) That the construction or completion of a road would facilitate the use of the land to which the road will give access, or a considerable area of the land, for residential, farming, or other useful economic purposes;
- 10           “(b) That the cost of forming the road would not be disproportionate to the benefit that would accrue therefrom to the persons having interests in the said land; and
- 15           “(c) That there is no meritorious objection to the application from any person having an interest in the said land having regard to the benefit likely to accrue to the other persons affected.
- “(2) A roading certificate under this section may be given to the Maori Trustee or to the local authority of the district in which the land is situated.
- 20           “(3) No roading certificate under this section shall be given without the prior written consent of the Maori Trustee or the local authority, as the case may be, except where the Maori Trustee or the local authority is the applicant for the certificate.
- 25           “(4) A roading certificate under this section shall define the type and standard of the road to be constructed, being a type and standard acceptable in the circumstances to the local authority of the district in which the land is situated.
- 30           “(5) On the issue of a roading certificate under this section or at any time thereafter the Court may fix the proportions in which the cost of and incidental to the construction of the road shall be recoverable from the several owners or the several groups of owners of the lands to which the road will give access, and may also fix the maximum amount which may be expended under the authority of the certificate, and may
- 35           at any time thereafter, with the consent of the Maori Trustee or the local authority, as the case may be, make any amendments to the maximum amount or the proportions so fixed if circumstances arise which in the opinion of the Court make it just and equitable to do so.
- 40           “(6) The issue of a roading certificate under this section shall be sufficient authority for the Maori Trustee or the local authority, as the case may be, to construct or complete the construction of the road to which the certificate refers, and for the Maori Trustee or the local authority, their workmen,
- 45           servants, or agents, to enter upon any such land and do therein all things necessary in the construction of the road:



“Provided that the issue of any such certificate shall not impose any obligation on the Maori Trustee or any local authority to undertake the construction of any road.

“(7) Upon receipt of a statement by the local authority that the construction of a road under the provisions of this section has been completed to its satisfaction the roadway may be proclaimed a road under section four hundred and twenty-one of this Act without a recommendation by the Court under subsection two of that section. 5

“(8) Any money expended by the Maori Trustee under this section shall be debited to his General Purposes Account and the repayment thereof may be secured in the manner provided by section forty-nine of the Maori Trustee Act 1953. 10

“(9) Any money expended by a local authority under this section may be debited to a separate account in its local fund account or to its special loan account and may be recovered, together with interest at the ruling rate for local body loans, by the making of a special rate upon the owners and occupiers of the lands in the proportions fixed by the Court under subsection five of this section. Except with the consent of the Court or the agreement of the persons affected, no such special rate shall be calculated upon the basis of a shorter period than ten years. All the provisions of the Rating Act 1925 as to the collection of special rates on land of the type affected shall apply to special rates levied under this section. 15 20 25

“(10) Nothing in section twenty of the Limitation Act 1950 shall apply so as to bar any action or other proceeding for the enforcement of any charge in favour of the Maori Trustee under this section or of any charging order made under section one hundred and eight of the Rating Act 1925 for the purpose of securing any special rate under this section. 30

“(11) Upon receipt of an application for a roading certificate under this section the Registrar shall give notice thereof by letter, post, or in such other manner as a Judge or Commissioner of the Court may direct to the owner or the principal owner or owners of each block of land to which the road, when completed, will give access. On receipt of the notice the owner may, within three weeks, inform the Registrar if he objects to the application or desires to be heard on it, and if any owner so objects or advises that he desires to be heard, the application shall not be dealt with by the Court unless it is satisfied that adequate notice of the time and place fixed for the hearing has been given to each such owner or owners. For the purposes of this subsection a principal owner shall be deemed to be an owner the value of whose interest computed by reference to the latest valuation under the Valuation of Land Act 1951 is not less than fifty pounds.” 35 40 45

**24. Amalgamated titles**—Section four hundred and thirty-five of the principal Act is hereby amended as follows:

- (a) By omitting from subsection one the word “continuous”;
- (b) By repealing subsection two.

5 **25. Dwelling sites**—Subsection two of section four hundred and forty of the principal Act is hereby amended by inserting after the word “wife” the words “as joint tenants or”.

**26. Power of Court to grant relief in cases of encroachment**—The principal Act is hereby amended by inserting, 10 after section four hundred and fifty-three thereof, the following new section:

“453A. (1) Subject to the provisions of this section, the Court may exercise with respect to Maori freehold land all of the powers conferred upon the Supreme Court by section one 15 hundred and twenty-nine of the Property Law Act 1952 (as substituted by section five of the Property Law Amendment Act 1957) excepting subsection six of that section.

“ (2) The erection of a building wholly upon land adjoining land owned by the person by whom or on whose behalf the 20 building has been erected shall be deemed to be an encroachment for the purposes of this section in any case where the boundary between the two parcels of land has not been defined by a survey carried out by a registered surveyor before the commencement of the erection of the building.

25 “ (3) Instead of awarding damages to the owner of the land encroached upon the Court may, in its discretion, award to the owner such portion of the encroaching owner’s land as the Court considers will be reasonable compensation for the encroachment. Any land so awarded shall be vested in the 30 owner of the land encroached upon by means of a vesting order.

“ (4) An order may be made under this section notwithstanding that the encroachment took place before the commencement of this section.”

35 **27. Joint farming undertakings**—(1) Subsection five of section four hundred and fifty-four of the principal Act is hereby amended by inserting the following proviso:

“Provided that where a special valuation was not made and the district valuation roll was, in the opinion of the Valuer- 40 General, out of date at the commencement of the joint undertaking, the capital value shall be determined by agreement among the several owners and, failing any such agreement shall be determined by the Court on application in that behalf made by any of the owners or by the Board of Maori Affairs.”

**28. Special succession fee on trust funds—**(1) Section four hundred and fifty-six of the principal Act is hereby amended by repealing paragraph (c) of subsection four, and substituting the following paragraph:

“(c) The trust fund shall not be computed as part of the 5  
dutable estate of the beneficiary under the Estate  
and Gift Duties Act 1955 or be subject to estate  
duty under that Act, but shall be subject to the  
special succession fee imposed by subsection four of  
section one hundred and thirty-one of this Act in 10  
the same manner as if the trust fund had been  
Maori freehold land and the grant of probate or  
other order of the Court by which the interest  
passes were a vesting order under section one hun-  
dred and thirty-six of this Act.” 15

(2) This section shall be deemed to have come into force on the first day of January, nineteen hundred and fifty-six.

*Amendments of Other Acts Relating to Maoris*

**29. Removal of restrictions on alienation—**(1) All prohibi- 20  
tions or restrictions on the alienation of Maori land or on the  
alienation of land by a Maori which have been imposed by  
any Crown grant, certificate of title, order of the Maori Land  
Court, or other instrument of title under the authority of  
section eleven of the Native Land Amendment Act 1912 as  
amended by section thirteen of the Native Land Amendment 25  
Act 1914 or of section five hundred and twenty-seven of the  
Maori Land Act 1931 or of section eighty of the Maori  
Purposes Act 1931 shall, with respect to any alienation made  
after the commencement of this Act, be of no force or effect.

(2) The District Land Registrar shall, when any document 30  
relating to any dealing affecting any land to which this section  
applies is presented to him for registration, remove any  
prohibition or restrictions to which subsection one of this  
section relates from the certificate of title in respect of the  
land and the outstanding duplicate thereof. 35

(3) Section one hundred and ten of the Maori Purposes  
Act 1931 is hereby amended by omitting from subsection five  
the words “Notwithstanding anything in the principal Act  
contained, no alienation hereafter made by way of sale or  
exchange of land mentioned in the last preceding subsection 40  
to any person other than the Crown shall be valid without  
the consent of the Governor-General in Council.”

**30. Board may act as agent or borrower—**The Maori  
Housing Act 1935 is hereby amended by inserting, after  
section twelve, the following section: 45

“12A. (1) The Board may in its discretion act as the agent of any person who applies for an advance under this Act for the purpose of arranging for the erection or repair of a house for him, and for that purpose, may on that person’s behalf  
5 employ workmen, purchase materials, enter into contracts, and generally do all things which the Board is empowered to require any such person to do for the purposes of this Act and the regulations thereunder.

“(2) All money spent by the Board while acting as agent  
10 under this section shall, after allowing for any cash contributions made by the borrower, be deemed to be part of the advance or a further advance, as the case may be, within the meaning of any mortgage or other security given to secure the repayment of money advanced under this Act and shall  
15 be recoverable from the borrower accordingly.”

**31. Training of young Maoris**—The Maori Housing Amendment Act 1938 is hereby amended by inserting, after section four, the following section:

“4A. (1) The Board may from time to time employ young  
20 Maoris in carpentry and other trades associated with house building and may from time to time make suitable arrangements for the training of any such persons.

“(2) Every young Maori who desires to receive any such employment and training shall execute an agreement with the  
25 Board setting out the conditions and terms under which the training shall be given, and any such agreement shall be binding upon the parties notwithstanding that any party to the agreement may be under the age of twenty-one years.

“(3) Nothing in the Apprentices Act 1948 or in the Master  
30 and Apprentice Act 1908 or in section thirty-nine of the War Legislation and Statute Law Amendment Act 1918 shall apply to any such agreement.”

**32. Charges for money advanced under Maori Housing Act 1935**—The Maori Housing Amendment Act 1938 is hereby  
35 amended as follows:

(a) By repealing subsections two and three of section twenty-one, and substituting the following subsections:

“(2) Where any land is subject to a charge created by  
40 subsection one of this section, the Board may execute a memorial of charge against the land for the purpose of evidencing the charge.

“(3) Where any land is subject to a charge under this section, the Board may, by executing a memorial of charge,  
45 create a collateral charge over any other land or interest in land of the person whose land is charged under subsection

one of this section or of any relative of that person who has agreed to his land being so charged:

Provided that no such collateral charge shall be created without the prior consent in writing of the person owning the estate or interest over which it is proposed to create the collateral charge. 15

“(4) Every memorial of charge under this section and every agreement required under subsection three of this section shall be in such form as may be prescribed by regulations under the principal Act. 10

“(5) A copy of every memorial of charge executed by the Board shall be served upon the person or persons whose interest is charged.

“(6) The principal money secured under any such memorial of charge shall be due upon the date or dates to be named therein in that behalf, and interest shall be payable on any such principal sum from the date of commencement specified in the memorial with half-yearly rests on the last days of March and September in each year at the rate or rates specified therein, being the rate or rates contained in the principal security for the loan. 15 20

“(7) A memorial of charge under this section may be registered against the title to the land affected under the Land Transfer Act 1952 or the Deeds Registration Act 1908. Where any orders of Court which constitute the title of or confer title on the person whose interest is charged are not so registered, the memorial of charge may be deposited with the Registrar of the Maori Land Court for filing with the orders of the Court. If the said orders or subsequent orders which affect the interest charged are subsequently registered it shall be the duty of the Registrar of the Maori Land Court to send the memorial of charge with the orders for registration and to notify the Board that he has done so. 25 30

“(8) When so registered or deposited a memorial of charge under this section shall have the same force and effect as if it were a valid mortgage to Her Majesty the Queen of all the land therein described to secure the repayment of the principal money and the payment of interest thereon; and the power of sale and all other powers conferred by the Land Transfer Act 1952 and the Property Law Act 1952 in respect of mortgages shall be implied in the memorial of charge. The production of any certificate of title shall not be necessary for the purpose of registering a memorial of charge under this section against the land in that title. 35 40

“(9) The Board may at any time release or discharge in whole or in part the charge evidenced or created by any memorial of charge executed under this section or may vary any such memorial of charge by reducing the rate of interest or the rate of repayment or by extending the term thereof. 45

“(10) The Board may at any time discharge in whole or in part the charge evidenced or created by any charging order made under this section before the commencement of this subsection.”

5 (b) By repealing section twenty-two and subsection one of section twenty-three.

(2) Section five of the Maori Purposes Act 1942 is hereby repealed.

**33. Beneficiaries of the Tuhoe Maori Trust Board**—Sub-  
10 section two of section nine A of the Maori Trust Boards Act 1955 (as inserted by section nine of the Maori Purposes Act 1958) is hereby amended by adding the words “and the descendants of any persons hereinbefore declared to be beneficiaries”.

15 **34. Maori Soldiers Trust Committee**—Section eight of the Maori Soldiers Trust Act 1957 is hereby amended by repealing subsection four, and substituting the following subsections:

“(4) Subject to the provisions of this section, every member  
20 of the Committee appointed under paragraph (c) of subsection two of this section shall be appointed for a term of two years but any member retiring from office may from time to time be reappointed.

“(4A) At the expiration of three years after the date of the  
25 initial appointment of any such members in office at the commencement of this subsection, three of those members, who shall be selected by the Committee by unanimous vote of the Committee or, failing any such vote, by lot, shall retire from office. At the end of the next succeeding year the remain-  
30 ing three members shall retire and thereafter the members shall retire at the expiration of two years after the date of their appointment.

“(4B) Any such member may be removed from office by the  
35 Minister for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister, or may at any time resign his office by writing addressed to the Minister. In the case of a vacancy in the membership of the Committee, the Minister may appoint some qualified person to fill the  
40 vacancy. Any such appointment shall be made in the same manner as the appointment of the vacating member. Every person so appointed shall hold office for the residue of the term for which his predecessor was appointed.”