

MAORI PURPOSES BILL

EXPLANATORY NOTE

PART I

WEST COAST SETTLEMENT RESERVES

This Part contains provisions relating to the equitable titles to the West Coast Settlement Reserves in Taranaki which are subject to the Maori Reserved Land Act 1955. The provisions give effect to proposals which have been put forward on behalf of the beneficial owners by their representatives. At the present time, the Reserves are comprised in 211 separate grants or titles containing, in the aggregate, an area of 71,643 acres. The total number of individual owners is about 7,500, but as the majority of the owners appear on an average in six of the grants, the total number of owners in all grants according to the titles, over 40,000. The proposals are, in essence,

- (a) That the equitable titles to all the grants be amalgamated so that henceforth there will be one equitable title for all the lands:
- (b) That any interest which, on the amalgamation, is uneconomic in the sense that it does not exceed the value of £10, shall be vested in the Taranaki Maori Trust Board for educational purposes:
- (c) That, henceforth, interests which, on the death of owners, would be uneconomic in the hands of successors, shall likewise vest in the Taranaki Maori Trust Board for the same purposes.

Clause 2: This clause provides that the provisions of the Part shall be read together with, and deemed part of, the Maori Reserved Land Act 1955.

Clause 3: This provides that the Court shall, on the application of the Maori Trustee, make an order constituting one equitable title for the whole of the lands, which will supersede the several existing equitable titles. For the purposes of fixing the values of the relative interests of the owners, the Court to adopt the existing Government roll valuations, adjusted in such way as the Valuer-General thinks necessary for the purpose of giving comparable values on the appropriate date. During the course of the proceedings for the amalgamation order, the Court will vest any interest worth not more than £10 in the Taranaki Maori Trust Board, and the effect of that vesting is to be gathered up in the final amalgamation order so that the Taranaki Maori Trust Board will appear as the owner of the aggregate of the uneconomic interests.

Clause 4: The effect of this clause is that, if the interests which the successors take on the death of the deceased owner would be uneconomic interests, the Court shall vest those interests in the Taranaki Maori Trust Board. Provision is made in the clause to the effect that the value of the interests shall be calculated by reference to the roll valuations subsisting at the time when the order is made.

Clause 5: This provides that no payment shall be made by the Taranaki Maori Trust Board for any uneconomic interest which is vested in it.

Clause 6: This authorises the Maori Trustee to sell to the Taranaki Maori Trust Board any interests which he has already acquired, or may hereafter acquire, from the beneficial owners. Under the 1955 Act, the Maori Trustee has authority to acquire any interest which the beneficial owner wishes to sell at an agreed price.

Clause 7: This provides that the Taranaki Maori Trust Board shall hold the interests which it acquires in the Reserves for the purposes of the Taranaki Maori Education Trust. The Board has already made a declaration to that effect that it stands possessed of certain property held by it on trust for the purposes of the Taranaki Maori Education Trust and the interests which the Trust Board acquires in the Reserves will form part of the corpus of that trust.

Subclause (2) authorises the Maori Trustee, where he is already holding interests, not exceeding the sum of 10s., in respect of any uneconomic interest which is vested in the Taranaki Maori Trust Board, to pay the amount thereof to the Taranaki Maori Trust Board for the purposes of the educational trust.

Clause 8: Through the creation of one trust for all the Reserves, the beneficial owners could be put at a disadvantage over land tax and the succession fees payable on death. This clause provides two formulae. The land tax to be paid annually is the amount which has been paid during the current year, varied only as the rate of land tax may hereafter be adjusted up or down in the annual taxing Act. As to the succession fee, this is at present assessed on each separate interest which a Maori holds in Maori land, the value of the several interests not being aggregated. *Subclause (2)* provides in effect, that the value of an owner's interest in the amalgamation order shall be divided by the number of separate interests which he held in the Reserves before the amalgamation order was made, and succession fees, payable, calculated on the resulting sums and then aggregated.

PART II

MISCELLANEOUS PROVISIONS

Clause 9: This clause authorises the Maori Trustee to borrow money for the general purposes of the Maori Soldiers Trust.

Clause 10: The purpose of this clause is to ensure that each Maori Land Court District is represented on the Maori Soldiers Trust Committee by one member.

Clause 11: This clause validates and gives effect to a settlement arrived at between Mr C. H. Thompson and the Proprietors of the Waimanu 2A Block in respect of a judgment for damages given against the Proprietors and not satisfied.

Hon. Mr Hanan

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 1962.

PART I

WEST COAST SETTLEMENT RESERVES

2. This Part to be read with Maori Reserved Land Act 1955—This Part of this Act shall be read together with and deemed part of the Maori Reserved Land Act 1955 (in this Part referred to as the principal Act).

No. 115—1

3. Title amalgamation order—(1) On an application made to it by the Maori Trustee, the Court shall make an order (in this Part referred to as the amalgamation order) declaring that all the settlement reserves shall be held in common ownership under one equitable title by all the owners of the settlement reserves and their successors in title. The amalgamation order shall take effect on a date to be specified by the Court, and on taking effect, shall supersede and prevail over all former orders of the Court or other instruments constituting the equitable titles to the settlement reserves. 10

(2) The description to be assigned in the amalgamation order to the lands affected by it shall be the Paraninihi-ki-Waitotara Reserve (in this Part referred to as the reserve).

(3) Subject to the provisions of subsection (4) of this section, the Court shall set forth in the amalgamation order the relative interests of the owners in the reserve and the relative interests shall be determined by reference to the relative values of the interests to which the owners were entitled in the several separate settlement reserves. For the purpose of determining the relative values of the interests, the Court shall adopt the unimproved values of the lands comprised in the separate settlement reserves as appearing, on the first day of October, nineteen hundred and sixty-one, in the district valuation rolls in force under the Valuation of Land Act 1951 with such modifications as the Valuer-General may determine as being necessary to give the unimproved values of the separate settlement reserves a comparable value as on the date aforesaid. No appeal shall lie against any determination of the Valuer-General under this subsection. 20

(4) During the course of the proceedings for the amalgamation order, the Court shall vest in the Taranaki Maori Trust Board constituted under section 9 of the Maori Trust Boards Act 1955 the interest which any owner would have taken under the amalgamation order if the value of that interest does not exceed the value of ten pounds calculated by reference to the unimproved value ascertained in accordance with subsection (3) of this section; and the amalgamation order shall be made to incorporate the effect of any vesting made under this subsection. 30

(5) The amalgamation order shall not operate in any way to affect the legal estate in the lands to which it relates; and those lands shall, subject to the provisions of this Part, continue to be settlement reserves for the purposes of the principal Act. 40

4. Disposition of uneconomic interests on succession—

(1) For the purposes of the disposition of the interests of a deceased owner pursuant to section 20 of the principal Act, the value of an uneconomic interest in the reserve shall be ten
65 pounds ascertained in accordance with the following provisions:

(a) Not later than the thirty-first day of May in each year, the Valuer-General shall furnish to the Maori
10 Trustee a certificate showing the aggregate unimproved value appearing in the district valuation rolls in force as at the preceding thirty-first day of March of all the settlement reserves included in the amalgamation order:

(b) The value of the interest shall be calculated by reference to the amount disclosed by the said certificate or by reference to the aggregate of the unimproved values adopted for the purpose of determining the relative interests of the owners under the amal-
15 gamation order, whichever sum is the greater.

(2) Every uneconomic interest shall be vested in the
20 Taranaki Maori Trust Board, and the provisions of sections 19 and 20 of the principal Act shall, so far as they relate to settlement reserves, be read and construed accordingly.

5. No payment for uneconomic interests—No payment to
25 any person interested shall be made by the Taranaki Maori Trust Board in respect of any interest vested in it pursuant to section 3 or section 4 of this Act.

6. Disposition of interests acquired by Maori Trustee—

(1) Notwithstanding anything in the principal Act, the Maori
30 Trustee may, on such terms as are agreed upon between him and the Taranaki Maori Trust Board, dispose of any equitable interest acquired by the Maori Trustee in the settlement reserves, whether before or after the commencement of this Part.

(2) The powers to acquire land conferred on Maori Trust
35 Boards by section 26 of the Maori Trust Boards Act 1955 shall extend to enable the Taranaki Maori Trust Board to acquire interests to which this section relates.

(3) Where the Maori Trustee has disposed of any equitable
40 interest to the Taranaki Maori Trust Board in accordance with subsection (1) of this section, he shall sign and seal a certificate to that effect, and the certificate shall operate to vest the interest in the Taranaki Maori Trust Board. A copy of every such certificate shall be filed with the Registrar of the Maori Land Court for the appropriate district.

7. Trust Board to hold interests for Education Trust—

(1) The Taranaki Maori Trust Board shall stand possessed of the equitable interests vested in it pursuant to this Part of this Act upon the trusts declared by it in respect of the Taranaki Maori Educational Trust, and the interests as aforesaid shall form part of the corpus of the trust fund created in respect of that trust. 5

(2) Notwithstanding anything in the principal Act or any other Act, the Maori Trustee shall pay to the Taranaki Maori Trust Board any sum, not in excess of ten shillings, held by him in respect of any interest which is vested in the Board pursuant to section 3 or section 4 of this Act, and any sums so paid to the Board shall form part of the corpus of the trust fund referred to in subsection (1) of this section. 10

8. Incidence of land tax and succession fee—(1) Notwithstanding anything in the Land and Income Tax Act 1954 the Maori Trustee shall not be obliged to furnish any return for the purposes of the assessment of land tax on the reserve, but the Maori Trustee shall pay to the Commissioner of Inland Revenue in each year after the thirty-first day of March, nineteen hundred and sixty-three, in satisfaction of the liability for land tax in respect of the reserve, a sum equal to the total land tax levied and paid in respect of all the settlement reserves for the year ended on the thirty-first day of March, nineteen hundred and sixty-three, subject to an increase or decrease proportionate to the increase or decrease in the rates of land tax fixed from time to time in the annual taxing Act within the meaning of the Land and Income Tax Act 1954. 15 20 25

(2) On the death of an owner whose name appears in the amalgamation order, no special succession fee which is required to be paid in accordance with section 25 of the principal Act shall be payable in respect of the interest of that owner if the sum ascertained by dividing the value of his interest by the number of separate interests which he held in the separate settlement reserves immediately before the making of the amalgamation order does not exceed one thousand pounds. Where the sum ascertained as aforesaid exceeds one thousand pounds, the special succession fee shall be assessed in respect of each of the separate sums as though each sum were the value of a separate interest in land, and the amount payable as the special succession fee on the interest of the deceased owner shall be the aggregate of the fees assessed on the several sums. 30 35 40

PART II

MISCELLANEOUS PROVISIONS

9. Maori Trustee may borrow money for purposes of Maori Soldiers Trust—Section 3 of the Maori Soldiers Trust Act

5 1957 is hereby amended by adding the following subsection:

“(3) Without limiting the authority conferred on the Maori Trustee by subsection (2) of this section, it is hereby declared that he may, with the prior approval of the Trust Committee, borrow money for the general purposes of the Trust
10 upon the security of any property held by him on behalf of the Trust.”

10. Constitution of Maori Soldiers Trust Committee—Subsection (2) of section 8 of the principal Act is hereby amended by repealing paragraph (c), and substituting the following

15 paragraph:

“(c) Such number of members of the Maori race, to be appointed from time to time by the Minister, as is necessary to give each Maori Land Court District for the time being defined under section 23 of the
20 Maori Affairs Act 1953 one representative on the Committee:

“Provided that, for the purposes of this paragraph, the South Island and the Ikaroa Maori Land Court Districts may be treated as one district
25 only.”

11. Provisions as to judgment of Clifford Hakariwhi Thompson—Whereas by a judgment of the Supreme Court at

Wanganui dated the twelfth day of October, nineteen hundred and fifty-nine (in this section referred to as the judgment),

30 Clifford Hakariwhi Thompson, of Taumarunui (in this section referred to as the claimant), was awarded the sum of five thousand nine hundred pounds and eight shillings as general

damages, together with the sum of six hundred and seventy-five pounds and sixteen shillings as costs, and interest on both

35 sums from the date of judgment, against the Proprietors of Waimanu 2A Block Incorporated (in this section referred to as the Incorporation): And whereas the judgment remains largely unsatisfied: And whereas an agreement for the satisfaction of the judgment has been reached between the parties

and incorporated in a deed of compromise and release dated

40 the twenty-eighth day of November, nineteen hundred and sixty-two (in this section referred to as the deed): And whereas it is expedient that effect be given to the terms of the settlement: Be it therefore enacted as follows:

(1) Notwithstanding the provisions of the Maori Affairs Act 1953 or of any other enactment, the deed shall be deemed to have been validly executed on behalf of the Incorporation and shall, without confirmation by the Maori Land Court, confer on the claimant—

(a) A right to the payment from the Incorporation of one thousand pounds; and

(b) A right to a lease from the Incorporation of the land described in subsection (4) of this section (in this section referred to as the land) free from liability to pay rent and conferring on the claimant the right, either for himself or his servants, agents, grantees, or licensees to fell and remove timber and timber trees from the land and to sell the same in satisfaction of the judgment and of the costs incurred by the claimant after the date of the judgment,

in accordance with the provisions of the deed. No such lease shall require confirmation by the Maori Land Court.

(2) If the Incorporation fails on or before the twenty-eighth day of February, nineteen hundred and sixty-three, to pay to the claimant the sum of one thousand pounds and to execute a lease in accordance with the provisions of the deed, the claimant may file in the Maori Land Court at Wanganui an affidavit deposing to the failure, and the Court, if satisfied that the Incorporation has without good cause failed to comply with the provisions of the deed as aforesaid, shall make an order vesting the land in the claimant for an estate in fee simple free from any right, title, estate, or interest of the Incorporation or of the beneficial owners of the land.

(3) Any sum of money received by the claimant under the deed or under the lease referred to in subsection (1) of this section shall be deemed to be damages for the purposes of section 125 of the Workers' Compensation Act 1956.

(4) The land to which this section relates is all that piece or parcel of land described as Waimanu 2A Block, containing one thousand and three acres, more or less, and situated in Blocks I and II, Pihanga Survey District.