

# MAORI PURPOSES BILL

## EXPLANATORY NOTE

### PART I

#### AMENDMENTS TO MAORI AFFAIRS ACT 1953

*Clause 3* provides for a revised scale of salaries payable to Maori Land Court Judges.

*Clause 4:* This clause provides for the amendment of section 309 of the principal Act, stipulating the procedure at meetings of the assembled owners of land under Part XXIII of that Act.

At the present time, only another owner or the husband or wife of an owner may act as a proxy at such a meeting, and the only requirement in the way of a quorum is that three persons (being either owners or proxies) must be present throughout the meeting.

As the resolution of such a meeting may result in the sale or other alienation of land, it is considered that a larger quorum ought in general to be required and that to make this practicable, any person should be able to act as a proxy.

The amendments proposed by the clause—

- (a) Throw open the class of proxy to any person of full age and capacity:
- (b) Retain as an overriding requirement the present rule that three individuals entitled to vote be present throughout the meeting:
- (c) Authorise the Court to fix a quorum but provide that unless a quorum is so fixed owners must be present owning one quarter of the beneficial interest in the land and must number not less than ten or one quarter of the total number of owners (whichever is the less). If the total number of owners is not a multiple of four, the one quarter is taken as of the next highest number which is a multiple of four.

### PART II

#### MISCELLANEOUS AMENDMENTS

*Clause 5:* This clause inserts in the Maori Trustee Act 1953 a new section, designed to ensure that money held by solicitors, public accountants, or real estate agents for payment to the owners of Maori land, is, if not so paid within six years from their receipt, to be paid over to the Maori Trustee. If the Maori Trustee is unable to find the person entitled to the money, it will eventually find its way to the Maori Education Foundation as unclaimed.

*Clause 6:* Under a provision made by section 19 of the Maori Purposes Act 1960, the Board of Maori Affairs is authorised to make an advance for the payment of any single premium payable in respect of a housing mortgage

repayment policy. Doubt has arisen as to whether the words are sufficiently wide to include a premium payable under a debt repayment policy taken out in the case where a house is purchased by a Maori from the Crown by way of an agreement for sale and purchase.

*Clause 7:* Section 4A of the Maori Housing Amendment Act 1938 (inserted by section 32 of the Maori Purposes Act 1959) provides for the training of young Maoris in carpentry and other trades associated with house building, under an agreement entered into with the Board of Maori Affairs. Sub-section (3) provides that nothing in the Apprentices Act 1948 or in the Master and Apprentice Act 1908 or in section 39 of the War Legislation and Statute Law Amendment Act 1918 shall apply to any such agreement.

The last two mentioned enactments are being repealed by *clause 8* of the Finance (No. 2) Bill, as they at present apply only to apprentices in the Post Office and the Government Railways Department, for whom special provision is being made in amendments of the Post Office Act 1959 and the Government Railways Act 1949. Apprentices in the State Services will be covered by provisions in the State Services Act 1962, the Post Office Act 1959, or the Government Railways Act 1949, and this clause substitutes in section 4A (3) of the Maori Housing Amendment Act 1938 a reference to those three Acts in place of the references to the spent enactments being repealed by *clause 8* of the Finance (No. 2) Bill.

*Clause 8:* The present definition of the term "meeting place" in the Maori Welfare Act 1962 is worded in such a way as to include a public building such as a Town Hall on occasions when it is used for a Maori gathering. Some misunderstandings have occurred as to the respective responsibilities of Maori Wardens and the police over liquor questions in cases where these buildings have been so used. The proposed amendment makes it clear that the jurisdiction of Maori Wardens and Maori Committees under the Maori Welfare Act 1962 in relation to the use of liquor at meeting places will be limited to the case where the gathering is being held in a building which is owned or controlled by Maoris or trustees for Maoris.

*Clause 9:* Under Part II of the Maori Purposes Act 1966, the Court was authorised to provide for an amalgamation of the equitable titles to the several areas of land in the Wanganui district which are vested in the Maori Trustee under the Maori Vested Lands Administration Act 1954. The Court has done the amalgamation, but there are one or two small points to be cleared up. The name of the combined block is to be shortened; the inclusion of certain areas of closed road in the combined block is validated; and any necessary adjustments to the Court order or the Land Transfer register are authorised to be made.

*Clause 10:* Many years ago, strips of Maori land in the district lying between Taumarunui and Taupo were conveyed to the Tongariro Timber Company Limited for the purposes of a railway to be used in the Company's timber-cutting operations. The timber grants to the Company were later cancelled and the Company went out of existence. The railway land has reverted to the Crown, and the Crown has agreed that, so far as the railway passes through blocks of Maori land, the land in the railway should be granted back to the Maori owners. This clause authorises the Court to deal with the railway land in such a way that it can be included in the titles to the appropriate Maori blocks.

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*Hon. Mr Hanan*

## MAORI PURPOSES

### ANALYSIS

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PART I	
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3. Salaries of Judges	
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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  
5 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 1967.

### PART I

10 AMENDMENTS TO MAORI AFFAIRS ACT 1953

**2. This Part to form part of the Maori Affairs Act 1953**—  
This Part of this Act shall be read together with and deemed part of the Maori Affairs Act 1953 (in this Part referred to as the principal Act).

**3. Salaries of Judges**—(1) Section 21 of the principal Act (as substituted by section 18 of the Maori Purposes Act 1959 and amended by section 4 of the Maori Purposes Act 1966) is hereby further amended by repealing subsections (1) and (2), and substituting the following subsections: 5

“(1) The Chief Judge shall be paid a salary at the following rates:

“(a) During the year ending with the thirty-first day of March, nineteen hundred and sixty-eight, at the rate of seven thousand seven hundred and forty dollars a year: 10

“(b) On and after the first day of April, nineteen hundred and sixty-eight, at the rate of eight thousand two hundred dollars a year.

“(2) Every other Judge shall be paid a salary at the following rates: 15

“(a) During the year ending with the thirty-first day of March, nineteen hundred and sixty-eight, at the rate of seven thousand three hundred and ten dollars a year: 20

“(b) On and after the first day of May, nineteen hundred and sixty-eight, at the rate of seven thousand seven hundred and fifty dollars a year.”

(2) Section 4 of the Maori Purposes Act 1966 is hereby repealed. 25

**4. Procedure at meetings of assembled owners**—(1) Section 309 of the principal Act is hereby amended by omitting from subsection (1) the word “No”, and substituting the words “Notwithstanding that a quorum constituted in accordance with this section is present, no”. 30

(2) Section 309 of the principal Act is hereby further amended by omitting from subsection (2) the words “in writing”, and substituting the words “in accordance with regulations under this Act”.

(3) Section 309 of the principal Act is hereby further amended by adding to subsection (4) the words “or his interest has otherwise been vested in him”. 35

(4) Section 309 of the principal Act is hereby further amended by repealing subsection (6), and substituting the following subsections: 40

“(6) Any person of full age and capacity shall be qualified to be appointed and act as a proxy for the purposes of a meeting of assembled owners.

“(6A) The Court may on application fix a quorum for any meeting of assembled owners.

“(6B) Where no quorum is fixed by the Court, the quorum for any such meeting shall be ten owners or one-quarter of 5 the total number of owners (whichever is the less) and whether, in either case, the owners attend in person or by proxy:

“Provided that, notwithstanding the foregoing provisions of this subsection, a quorum shall not be deemed to be present 10 unless the owners constituting the quorum own not less than one-quarter of the beneficial freehold interest in the land in respect of which the meeting is called.

“(6C) For the purposes of subsection (6B) of this section, where the total number of owners is not a multiple of four, 15 one-quarter of the number of owners shall be deemed to be one-quarter of the next highest number which is a multiple of four.”

(5) This section shall come into force on the first day of April, nineteen hundred and sixty-eight.

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## PART II

### MISCELLANEOUS AMENDMENTS

**5. Payment to Maori Trustee of proceeds of Maori land held for six years or more—**(1) The Maori Trustee Act 1953 is hereby amended by inserting, after section 45, the following 25 section:

“45A. (1) This section shall apply to any money deriving from the alienation of Maori land and which is held, subject to an obligation to pay the same to any owner or former owner of the land, by any solicitor, or by any person practising as a public accountant, or engaged in business as a 30 real estate agent under the Real Estate Agents Act 1963.

“(2) Any solicitor, public accountant, or real estate agent who has held any money to which this section applies for a period of six years or more, whether the money was received 35 by him before or after the commencement of this section, shall within the period of six months after the commencement of this section or, as the case may require, after the expiration of the said period of six years, pay the money, together with any other money to which this section applies held by him 40 for the same person, to the Maori Trustee.

“(3) Any person paying money to the Maori Trustee under this section shall supply to the Maori Trustee all information in his possession as to the origin of the money, the date of its receipt by him, the person beneficially entitled to the money and, in the case of money payable as rent, or as any other periodic payment, the period in respect of which the money has been paid by the alienee. 5

“(4) Any money paid to the Maori Trustee under this section shall be received by him subject to an obligation to pay it, after the making of all appropriate deductions, to the person who, in accordance with the information supplied to him under subsection (3) of this section, is entitled to receive payment thereof. The receipt of the Maori Trustee for any such money shall, to the extent thereof, be a good discharge to the person making the payment to the Maori Trustee. 10 15

“(5) For the purposes of section 30 of the Maori Trustee Act 1953 (relating to the disposal of unclaimed money), any money received by the Maori Trustee under this section shall be deemed to have been in his possession since it first came into the possession of the solicitor or other person by whom it was paid to the Maori Trustee. 20

“(6) Nothing in this section shall be construed to require payment to the Maori Trustee of money which is retained by any person with the express authority of the person beneficially entitled to the money or which is held subject to any trust or obligation other than a trust or obligation to pay it to that person. 25

“(7) The provisions of this section shall apply notwithstanding any provision of the Unclaimed Moneys Act 1908, the Law Practitioners Act 1955, the Trustee Act 1956, the Real Estate Agents Act 1963, or of any other enactment.” 30

(2) This section shall come into force on the first day of April, nineteen hundred and sixty-eight.

**6. Maori Housing Advances**—(1) The Maori Housing Act 1935 is hereby amended by repealing paragraph (g) of section 3 (as inserted by section 19 of the Maori Purposes Act 1960) and inserting the following paragraph: 35

“(g) For the payment of any single premium payable to an insurer approved by the Board in that behalf in respect of any mortgage or debt repayment insurance policy.” 40

(2) Section 19 of the Maori Purposes Act 1960 is hereby consequentially repealed.

7. **Training of young Maoris**—Section 4A of the Maori Housing Amendment Act 1938 (as inserted by section 32 of the Maori Purposes Act 1959) is hereby amended by omitting from subsection (3) the words “the Master and Apprentice  
5 Act 1908 or in section 39 of the War Legislation and Statute Law Amendment Act 1918”, and substituting the words “the State Services Act 1962 or in the Government Railways Act 1949 or in the Post Office Act 1959”.

8. **Definition of Maori meeting place**—Section 2 of the  
10 Maori Welfare Act 1962 is hereby amended by inserting in the definition of the term meeting place, after the words “(other than a private dwellinghouse)”, the words “owned or controlled by Maoris or trustees for Maoris and”.

9. **Amalgamation of titles to Whanganui Vested lands**—

15 (1) Notwithstanding anything in section 9 of the Maori Purposes Act 1966, the description to be assigned to the land in the amalgamation order referred to in that section shall be the Atihau-Whanganui Block, and that block shall comprise the lands shown on the plan lodged in the office of  
20 the Chief Surveyor at Wellington under No. M.L. 5162L.

(2) Where the Chief Surveyor has included in the plan aforesaid any areas formerly comprised in any closed road, those areas shall be deemed to have been validly included therein and shall form part of the Atihau-Whanganui Block  
25 aforesaid.

(3) The Registrar is hereby authorised and directed to amend the amalgamation order made under the said section 9 in such way as may be necessary to make it accord with the provisions of subsection (1) of this section, both as to  
30 the description of the block and the lands comprised in it.

(4) The District Land Registrar is hereby authorised and directed to amend any existing certificate of title which affects any of the lands comprised in the Atihau-Whanganui Block in such way as may be necessary to make it accord,  
35 whether as to description or area, with the appropriate description or area shown on the plan referred to in subsection (1) of this section, or to issue such new certificates of title as he thinks necessary for the purpose.

(5) If the Court at any time makes an equitable partition  
40 of the lands comprised in the Atihau-Whanganui Block, the Court shall give to the areas included in the partition orders such descriptions as shall be prescribed by the Chief Surveyor.

**10. Disposal of Tongariro Timber Company railway land—**

(1) The Court is hereby authorised and directed, on the application of the Maori Trustee, to exercise in respect of the lands referred to in subsection (2) of this section the jurisdiction conferred upon it by section 424 of the Maori Affairs Act 1953 in the same manner as if the said lands had been comprised in an order laying out a roadway which had been cancelled by the Court; and, upon the making of any order pursuant to this subsection, the land affected thereby shall vest in the owners named in the amended instrument of title in the relative shares shown in that instrument, freed of any reservation or condition to which the land was subject immediately before the order was made. 5 10

(2) The lands referred to in subsection (1) of this section are the several parcels comprised in certificates of title No. 6A/1216 and No. 6A/1217, South Auckland Land Registry, and certificate of title No. 5B/908, Wellington Land Registry. 15

(3) If the Court makes any order under section 435 of the Maori Affairs Act 1953 amalgamating the titles to the lands adjoining that comprised in certificate of title No. 5B/909, Wellington Land Registry, the Court may, on the application of the Maori Trustee, include within the scope of the order the land comprised in that title; and any order made by the Court shall vest that land, freed of any reservation or condition to which it was subject immediately before the order was made, in the owners of the other lands in the same relative shares as the Court may fix in respect of the other lands. 20 25