

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 21 October 1969.

Words inserted by the Committee are shown with double rule before first line and after last line.

Hon. Mr MacIntyre

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**

5 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 1969.

No. 87—2

PART I

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). 5

New

2A. Salaries of Judges—(1) Section 21 of the principal Act is hereby amended by repealing subsections (1) and (2) (as substituted by section 3 of the Maori Purposes Act 1967 and as amended by section 4 of the Maori Purposes Act 1968), and substituting the following subsections: 10

“(1) The Chief Judge shall be paid a salary at the rate of \$8,920 a year.

“(2) Every other Judge shall be paid a salary at the rate of \$8,430 a year.” 15

(2) Section 3 of the Maori Purposes Act 1967 and section 4 of the Maori Purposes Act 1968 are hereby repealed.

(3) This section shall be deemed to have come into force on the 15th day of June 1969. 20

3. Interpretation of Maori wills—(1) Section 115 of the principal Act (as amended by subsection (2) of section 88 of the Maori Affairs Amendment Act 1967) is hereby amended by omitting from subsection (1), and also from subsection (2), the words “who has died before the first day of April, nineteen hundred and sixty-eight”. 25

(2) Subsection (2) of section 88 of the Maori Affairs Amendment Act 1967 is hereby repealed.

(3) Subsections (1) and (2) of this section shall be deemed to have come into force on the 1st day of April 1968. 30

(4) Subsections (1), (2), and (3) of section 115 of the principal Act are hereby repealed.

(5) Section 87 of the Maori Affairs Amendment Act 1967 is hereby amended by omitting from subsection (2) the words “sections 115, 116”, and substituting the words “subsection (2A) of section 115 and sections 116”. 35

(6) Subsections (4) and (5) of this section shall come into force on the 1st day of January 1970.

(7) Notwithstanding anything in subsections (4) to (6) of this section, but subject to the provisions of subsection (8) of this section, subsections (1), (2), and (3) of section 115 of the principal Act shall continue to have effect in respect of the will of any Maori which is executed before the commencement of the Status of Children Act 1969. 40

(8) All wills of Maoris who have died before the commencement of this Act shall be governed by the enactments and rules of law which would have applied to them if this section had not been passed.

5 **4. Term of leases of Maori freehold land**—(1) Section 235 of the principal Act (as amended by section 108 of the Maori Affairs Amendment Act 1967) is hereby amended by repealing subsection (1) and the proviso to that subsection (as
10 1962), and substituting the following subsection:

“(1) Except as may be otherwise expressly provided in any Act, no alienation of Maori freehold land by way of lease shall be for a longer term than 42 years (including any term or terms of renewal to which the lessee may be entitled).”

15 (2) Section 235 of the principal Act (as so amended) is hereby further amended by adding the following subsection:

“(4) Nothing in subsection (1) of this section shall restrict the term of any lease of Maori freehold land which is granted—

20 “(a) By the owners under Part XIX of this Act or pursuant to a resolution of assembled owners under Part XXIII of this Act; or

“(b) Exclusively or principally for afforestation purposes.”

25 (3) Section 108 of the Maori Affairs Amendment Act 1967 is hereby consequentially repealed.

(4) This section shall be deemed to have come into force on the 1st day of April 1968.

30 **5. Interest of deceased owner**—Section 10 of the Maori Affairs Amendment Act 1967 is hereby amended by omitting from subsection (1) the words “shown in the declaration as”.

6. Shareholders of Maori incorporation may cancel restriction on share transfers—Section 40 of the Maori Affairs Act Amendment Act 1967 is hereby amended by adding the following subsection:

35 “(6) A general meeting of shareholders may at any time resolve that the restrictions imposed by any resolution passed pursuant to subsection (1) of this section shall cease to have effect. The provisions of subsection (2) of this section shall apply to any such resolution as if it were a resolution under
40 subsection (1) of this section, and, upon confirmation by the Court, the resolution shall take effect to remove those restrictions accordingly as from the date of confirmation.”

PART II

MISCELLANEOUS AMENDMENTS

7. Deputy Secretary for Maori and Island Affairs—The Maori and Island Affairs Department Act 1968* is hereby amended by inserting, after section 4, the following section: 5

“4A. (1) There shall from time to time be appointed under the State Services Act 1962 a Deputy Secretary for Maori and Island Affairs who, subject to the control of the Secretary, shall have and may exercise all the powers, duties, and functions of the Secretary and be his deputy. 10

“(2) On the occurrence from any cause of a vacancy in the office of Secretary for Maori and Island Affairs (whether by reason of death, resignation, or otherwise), and in the case of the illness, absence, or other temporary incapacity of the Secretary for Maori and Island Affairs, and so long as any such vacancy, illness, absence, or incapacity continues, the Deputy Secretary for Maori and Island Affairs shall have and may exercise all the powers, duties, and functions of the Secretary for Maori and Island Affairs. 15

“(3) The person holding office as Deputy Secretary for Maori and Island Affairs at the commencement of this section shall be deemed to have been appointed under this section. 20

“(4) The fact that the Deputy Secretary for Maori and Island Affairs exercises any power, duty, or function of the Secretary for Maori and Island Affairs shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether the occasion has arisen requiring or authorising him to do so.” 25

8. Housing assistance for Polynesians—(1) The Maori Housing Act 1935† is hereby amended by inserting, after section 2, the following section: 30

“2A. For the purposes of this Act, the term ‘Maori’ shall be deemed to include any Polynesian who is a native of any island of the South Pacific Ocean and any person who is a descendant of such a Polynesian if, in either case,— 35

“(a) He is a New Zealand citizen; or

“(b) He has lived in New Zealand for 5 years and is permanently resident in New Zealand.”

(2) Section 13 of the Maori Purposes Act 1966 is hereby repealed. 40

*1968, No. 115

†1957 Reprint, Vol. 9, p. 5

9. Interim administration of estates of Maoris by Maori Trustee—Section 12 of the Maori Trustee Act 1953* is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

5 “(1) Where any Maori dies, whether testate or intestate, (and notwithstanding that some person other than the Maori Trustee is appointed executor, or is entitled to letters of administration), the Maori Trustee may, if he thinks fit, until
10 of the deceased person all such powers and authorities and do all such acts and things as he would have or could exercise or do if the deceased had died intestate and the Maori Trustee had obtained administration:

15 “Provided that the Maori Trustee shall not sell, lease, exchange, mortgage, or partition any portion of the property unless the property is ordered to be sold, leased, exchanged, mortgaged, or partitioned by a Judge of the Supreme Court on the application of the Maori Trustee, which order a
20 Judge of the Supreme Court is hereby authorised to make:

25 “Provided also that the Maori Trustee may sell, without obtaining an order of a Judge of the Supreme Court, any portion of the personal estate that is of a perishable nature or is liable to deteriorate or is for any other reason liable to decrease unduly in value if retained; and the decision of the
30 Maori Trustee as to whether any portion of the personal estate is of a perishable nature or is liable to deteriorate or is for any reason liable to decrease unduly in value if retained shall be conclusive and binding upon all persons whomsoever.

35 “(2) Before the Maori Trustee first acts under this section in respect of any estate he shall give notice, in writing or by telegram, to any person in New Zealand known to him who is of full age and full mental capacity and would be entitled to obtain administration, that he intends to so act unless that person forthwith proceeds to apply for administration.

40 “(2A) If that person does not, within a period of 21 days after the posting of the notice or the dispatching of the telegram, give notice, in writing or by telegram, to the Maori Trustee at Wellington that he intends to apply for administration, or if that person gives such notice but fails for 14 days thereafter so to apply, or makes such application and it fails, then, unless the Court otherwise orders, the Maori Trustee may proceed to exercise all or any of the powers and authorities conferred by subsection (1) of this section.

*1957 Reprint, Vol. 9, p. 203
Amendment: 1962, No. 46

“(2B) If more persons than one are entitled to take out administration, it shall be sufficient to give notice to one of those persons only.

“(2C) Nothing in this section shall, where it is not actually known to the Maori Trustee that there is in New Zealand any person entitled to obtain administration, or in any case of emergency (of which emergency the Maori Trustee shall be the sole judge) prevent the Maori Trustee from exercising the powers and authorities given by subsection (1) of this section without giving such notice as aforesaid.”

10. Use of Maori Trustee’s General Purposes Fund—
 (1) Section 32 of the Maori Trustee Act 1953 is hereby amended by repealing paragraph (a) of subsection (1), and substituting the following paragraph:

“(a) He may advance moneys for the benefit of Maoris or descendants of Maoris upon such terms as to repayment as he sees fit; and upon such security (if any) as he sees fit:”

(2) Section 32 of the Maori Trustee Act 1953 is hereby further amended by omitting from paragraph (c) of subsection (1) (as amended by section 7 (1) of the Decimal Currency Act 1964) the words “twenty thousand dollars”, and substituting the expression “\$30,000”.

11. Maori Trustee may register memorial of charge against land—Section 49 of the Maori Trustee Act 1953 is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) Any such memorial of charge may be registered against the title to that land by the District Land Registrar or Registrar of Deeds, as the case may be, of the Land Registration District in which the land is situated; and when so registered the memorial of charge shall have the same force and effect as if it were a valid mortgage to the Maori Trustee of all the land therein described to secure the repayment of the principal moneys and the payment of interest thereon; and the power of sale and all other powers expressed by the Land Transfer Act 1952 or the Property Law Act 1952, as the case may be, in respect of mortgages, shall be implied in the memorial.

“(2A) The principal moneys secured under any such memorial of charge shall be due upon a date to be named therein in that behalf, and interest shall be payable thereon at a rate to be specified therein, being not more than the
5 rate chargeable under this Act in respect of moneys advanced from the Common Fund of the Maori Trustee’s Account on the security of freehold lands.

“(2B) Interest on the principal moneys secured as aforesaid shall be payable on dates to be specified in the memorial.”

10 **12. Supervision of activities of Maori Wardens**—(1) Section 7 of the Maori Welfare Act 1962* is hereby amended by repealing subsection (2) and subsection (2A) (as inserted by section 2 of the Maori Welfare Amendment Act 1963), and substituting the following subsection:

15 “(2) Every Maori Warden shall have the powers conferred on him by this Act or by regulations under this Act, and shall exercise those powers under the control and supervision and subject to any express directions of the District Maori Council or of any Maori Association to which the Council
20 may delegate its powers pursuant to subsection (6) of section 16 of this Act.”

(2) Section 16 of the Maori Welfare Act 1962 is hereby further amended by adding the following subsections:

25 “(5) Subject to subsection (6) of this section, each District Maori Council shall have exclusive power and authority to control and supervise the activities of Maori Wardens carrying out duties within its district, and may assign to any such warden any specified duties, consistent with this Act, within the district.

30 “(6) Any District Maori Council may, by notice in writing to any Maori Committee or Maori Executive Committee within its district, delegate to the Committee in respect of any specified warden or wardens, the power and authority to control and supervise and to assign duties conferred on the
35 Council by subsection (5) of this section.

“(7) Every delegation under subsection (6) of this section shall be revocable at will.”

(3) Section 2 of the Maori Welfare Amendment Act 1963 is hereby consequentially repealed.

*1962, No. 133

Amendment: 1963, No. 53

13. Vesting in Crown islands in Mercury Island Group—
 Whereas a meeting of the assembled owners of the land described in subsection (4) of this section, held under the provisions of Part XXIII of the Maori Affairs Act 1953, has resolved to transfer the land to the Crown by way of gift: 5
 And whereas the resolution of the owners has been duly confirmed by the Maori Land Court: And whereas doubts have been expressed as to the validity of any transfer to the Crown in terms of the confirmed resolution: Be it therefore enacted as follows: 10

(1) Notwithstanding any provision of the Maori Affairs Act 1953 or of any other Act, the land described in subsection (4) of this section is hereby, subject to the provisions of subsections (2) and (3) of this section, vested in Her Majesty the Queen for the purposes of a scenic reserve and a wildlife sanctuary. 15

(2) Any minerals in, on, or under the land, and the right to enter upon the land for the purposes of prospecting and mining, are hereby reserved to the former owners of the land, their heirs, and successors. 20

(3) In the event that the land at any time ceases to be used for the purposes specified in subsection (1) of this section it shall be returned by the Crown to the former owners or their heirs and successors.

(4) The land to which this section relates consists of the Whakau, Middle, Green, and Korapuki Islands, of the Mercury Island group, all situated in the North Auckland Land District and containing together 559 acres, more or less. 25

14. Hall site for Ngati Poneke Maori Association—(1) The land described in subsection (5) of this section (in this section hereinafter referred to as the land) is hereby vested in the Maori Trustee for an estate in fee simple for the purposes of this section. 30

(2) The Maori Trustee may lease the land to the Ngati Poneke Maori Association, or to trustees for the Association, for such term or terms and, subject to the provisions of subsections (3) and (4) of this section, upon such conditions as, with the approval of the Minister of Maori Affairs, may be agreed on, for the purpose of a site for a hall to be built and occupied by the Association for the Association's purposes and for the general benefit of the Maori community in and around the Wellington metropolitan area. 35 40

(3) Any lease granted pursuant to subsection (2) of this section shall provide for the termination of the lease if the land or any hall erected on it is not used or ceases to be used by the Ngati Poneke Maori Association for the purposes set
5 out in the lease for a time to be fixed by the lease.

(4) Any lease granted pursuant to subsection (2) of this section shall provide for payment of a rent (which may be a nominal rent), and for the review of the rent at intervals of 5 years from the commencement of the lease, at each of which
10 reviews the Maori Trustee with the consent of the Minister of Maori Affairs shall fix a rent for the ensuing 5 years.

(5) The land to which this section relates is more particularly described as follows:

All that piece of land in the Wellington Land District containing 1 rood 2.3 perches, more or less, situated in
15 Block VII, Port Nicholson Survey District, being Section 1269, Town of Wellington (City of Wellington), and being part of the land comprised and described in Proclamation 3396 and certificate of title, Volume 401, folio 66, limited as
20 to parcels, Wellington Land Registry (S.O. Plan 27831).