

MAORI PURPOSES BILL

EXPLANATORY NOTE

Amendments to Maori Affairs Act 1953

Clause 2: The purpose of this clause is to enable the Crown, the Maori Trustee or any other State Loan Department, when a transfer of shares in a Maori incorporation has been taken as security for an advance, to appoint the transferor or borrower as the general agent of the transferee in respect of those shares so that he will be given notices of meetings and can vote thereat, notwithstanding that he is not at the time the holder of the shares.

Clause 3: The purpose of this clause is to empower the Maori Land Court, where, on the winding up of any Maori incorporation it makes an order vesting the land of the incorporation in the shareholders or any of them, to give that land again the technical status of Maori freehold land. This will enable the future recording of titles in the Maori Land Court registry.

Amendment to Maori Reserved Land Act 1955

Clause 4: There exists in Auckland a substantial trust fund set up many years ago and administered by the Maori Trustee which is used for the purpose of providing and maintaining hostels for Maoris and for making grants towards such hostels.

The purpose of this clause is to enable the making from the fund of donations towards the provision of Maraes and other centres to be used by Maoris.

Amendments to Maori Trustee Act 1953

Clause 5: The purpose of this clause is to provide for a fixed annual payment of \$5,000 to the New Zealand Maori Council from the profits of the Maori Trustee, so that the Council may plan its administrative arrangements accordingly. In addition to the fixed amount the clause authorises further discretionary payments of up to \$5,000 in any year.

Clause 6: This clause follows section 105 of the Public Trust Office Act 1957 (as substituted by section 6 of the Public Trust Office Amendment Act 1971).

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The proposal is that the Maori Trustee shall have power, without going to the Supreme Court, to bar claims against him if the claimant does not, after notice, commence legal proceedings within 3 months. The section does not apply in respect of claims over \$1,000 in amount.

Clause 7: This clause raises monetary limits contained in certain sections of the Maori Trustee Act 1953.

Under section 12A the Maori Trustee may elect to administer the estate of a Maori. Under section 12B the Maori Trustee may elect to administer the unadministered balance of the estate of a Maori. The maximum value of the estate in respect of which such an election can be filed is raised from \$2,000 to \$7,500. At present if the value of the estate is later found to exceed \$3,000 a formal grant of administration must be obtained. This figure is raised to \$10,000. These amendments correspond to amendments made this year, in the case of the Public Trustee, by sections 4 and 5 of the Public Trust Office Amendment Act 1971.

The amendment to section 33 lifts from \$500 to \$2,500 the amount that the Maori Trustee may spend out of the General Purposes Fund for Maori hostel purposes without the approval of the Minister of Maori Affairs.

The amendment to section 35 increases from \$1,000 to \$2,000 the amount that the Maori Trustee may spend out of the General Purposes Fund in any year in donations for philanthropic purposes. The amount that may be expended for any one purpose without the consent of the Minister is increased from \$40 to \$200.

The amendment to section 38 increases from \$500 to \$2,000 the amount which the Maori Trustee can advance, without the approval of the Board of Maori Affairs, for the purpose of any trust administered by him.

Amendment to Maori Trust Boards Act 1955

Clause 8: By section 24B of the Maori Trust Boards Act 1955 (inserted in 1962) Boards are empowered to administer property as charitable trusts. The purpose of this clause is to make it clear that a Board may accept property on trust for beneficiaries or beneficiaries and other persons, to be dealt with in terms of the trust and not under the general provisions of the Act. An example would be to act as trustee of a Maori Reservation.

Amendments to Maori Welfare Act 1962

Clause 9: Maori Committees are normally grouped under a Maori Executive Committee, the latter coming under a District Maori Council. It sometimes occurs in a particular locality that, in fact, the Executive Committee does not operate and direct contact is maintained between the committees and the District Council. This clause is intended to make provision for such a position.

Clause 10 changes the method of constitution of Maori Council Districts under the Maori Welfare Act 1962. At the present time section 14 provides for such districts to be constituted by the Minister of Maori Affairs by notice in the *Gazette*. The proposal is that any change in future should be made by the New Zealand Maori Council by resolution.

Clause 11: The purpose of this clause is to enable the regular triennial election for any particular Maori Committee to be dispensed with by the District Maori Council, if, on the date fixed for the election, the members of the Committee will have been in office for less than 6 months. This can quite easily happen where a dormant committee has recently been brought back into operation.

Hon. Mr MacIntyre

MAORI PURPOSES

ANALYSIS

Title	<i>Amendments to Maori Trustee Act 1953</i>
1. Short Title	5. Payment by Maori Trustee to New Zealand Maori Council
<i>Amendments to Maori Affairs Act 1953</i>	6. Maori Trustee may bar small claims
2. Appointment of general agent by transferee of shares in Maori incorporation	7. Miscellaneous amendments to Maori Trustee Act 1953
3. Status of Maori incorporation land on winding up	<i>Amendment to Maori Trust Boards Act 1955</i>
<i>Amendment to Maori Reserved Land Act 1955</i>	8. Maori Trust Board may accept trusts
4. Trust for Auckland and Onehunga Hostels Endowment	<i>Amendments to Maori Welfare Act 1962</i>
	9. Direct representation of Maori Committee on District Maori Council
	10. Maori Council Districts
	11. Election of Maori Committees Schedule

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 1971.

Amendments to Maori Affairs Act 1953

2. Appointment of general agent by transferee of shares in Maori incorporation—The Maori Affairs Amendment Act 1967 is hereby amended by inserting, after section 41, the following section:

“41A. (1) Upon the lodging with an incorporation for registration of a share transfer in favour of the Maori Trustee, or any other State Loan Department or the Crown, or at any time thereafter, the transferee may give notice to the incorporation that some person or persons named in the notice shall be the general agent of the shareholder in respect of the shares, and the incorporation shall note the register accordingly by adding to the entry relating to the shares concerned words indicating that the person named is the general agent of the shareholder and showing his address.

“(2) The shareholder may at any time by notice to the incorporation cancel the appointment of a general agent and the incorporation shall delete from the register the note made in relation thereto.

“(3) Where any person is shown in the share register as the general agent of the shareholder, all notices in relation to the shares concerned shall be sent to both the general agent and the shareholder, and the general agent may attend and vote at any meeting of the shareholders in the same manner and to the same extent as if he were the duly appointed proxy of the shareholder for that meeting in respect of those shares.”

3. Status of Maori incorporation land on winding up—Section 65 of the Maori Affairs Amendment Act 1967 is hereby amended by adding to subsection (5) the words “and may, if it considers this expedient, by the order declare the land to be Maori freehold land within the meaning of the principal Act, when the land shall for all purposes be and be deemed to be Maori freehold land accordingly.”

Amendment to Maori Reserved Land Act 1955

4. Trust for Auckland and Onehunga Hostels Endowment—Section 89 of the Maori Reserved Land Act 1955 is hereby amended by adding to subsection (1) the following paragraph:

- 5 “(d) The making of grants towards the provision and maintenance (including the payment of existing debts) of any marae, community centre, sports ground, or cultural centre, or other centre of a similar nature, which in the Maori Trustee’s opinion is or will be principally or substantially used by Maoris or the descendants of Maoris.”

Amendments to Maori Trustee Act 1953

- 10 **5. Payment by Maori Trustee to New Zealand Maori Council**—Section 32 of the Maori Trustee Act 1953 is hereby amended by inserting, after subsection (1A), the following subsection:

- 15 “(1B) The Maori Trustee shall in every financial year pay out of the General Purposes Fund to the New Zealand Maori Council established by the Maori Welfare Act 1962 the sum of \$5,000, and may in any financial year pay to the Council from the Fund such additional sum or sums (if any) as he in his absolute discretion may determine:

- 20 “Provided that the payments made pursuant to this section shall not, in any one financial year, exceed in total the sum of \$10,000.”

- 6. Maori Trustee may bar small claims**—The Maori Trustee Act 1953 is hereby amended by inserting, after section 48, the following section:

- 25 “48A. (1) Where any person claims, or the Maori Trustee believes a person may claim, to recover from the Maori Trustee any money, chattels, or things under \$1,000 in value, as estimated by the Maori Trustee, and the Maori Trustee rejects the claim or desires to reject the claim, the Maori Trustee may serve upon the person by whom or on whose behalf the claim is made, or may be made, a notice in writing calling upon such person to take legal proceedings within a period of 3 months to establish or enforce the claim and also to prosecute the proceedings with all due diligence.

- 35 “(2) If the proceedings are not commenced by such person within the said period, the claim shall thereupon be barred, and the money, chattels, or things shall become irrecoverable, and the Maori Trustee may proceed to administer and distribute the estate disregarding the claim.

“(3) This section shall apply to every such claim, whether arising or made before or after the commencement of this section, and whether the claim is or may be made by any person as creditor or next of kin or beneficiary or otherwise.

“(4) The powers given by this section shall be in addition to the powers conferred by section 75 of the Trustee Act 1956.” 5

7. Miscellaneous amendments to Maori Trustee Act 1953—

The Maori Trustee Act 1953 (as amended by section 7 (1) of the Decimal Currency Act 1964) is hereby amended in the manner indicated in the Schedule to this Act. 10

Amendment to Maori Trust Boards Act 1955

8. Maori Trust Board may accept trusts—The Maori Trust Boards Act 1955 is hereby amended by inserting, after section 24B (as inserted by section 3 of the Maori Trust Boards Amendment Act 1962), the following section: 15

“24c. Notwithstanding anything in any other provision of this Act, a Board may accept and hold or otherwise deal with any property upon trust for the benefit of the Board’s beneficiaries or any of them or for the benefit of any group of persons which includes any such beneficiaries. Any property held by a Board pursuant to this section shall be dealt with in accordance with the terms of the trust and shall not constitute an asset of the Board for the general purposes of this Act.” 20

Amendments to Maori Welfare Act 1962

9. Direct representation of Maori Committee on District Maori Council—The Maori Welfare Act 1962 is hereby amended by inserting, after section 10, the following section: 25

“10A. (1) A District Maori Council may at any time, by resolution, determine that a designated Maori Committee shall have direct representation to the District Maori Council and shall, in such case, fix the manner and extent of the representation. Any such Maori Committee shall thereupon be subject in all things to the control of the District Maori Council as if the Council were a Maori Executive Committee, and the Council shall have such of the powers of a Maori Executive Committee as the Council determines. 30

“(2) A determination under subsection (1) of this section may at any time in like manner be varied or revoked.” 35

10. Maori Council Districts—(1) Section 14 of the Maori Welfare Act 1962 is hereby amended by repealing subsection (1), and substituting the following subsection:

5 “(1) The New Zealand Maori Council may at any time by resolution declare any specified part of New Zealand to be a Maori Council District for the purposes of this Act and may assign a name by which the District shall be known.”

10 “(2) Section 14 of the Maori Welfare Act 1962 is hereby further amended by repealing subsection (4), and substituting the following subsection:

15 “(4) The New Zealand Maori Council may at any time by resolution alter the boundaries of any Maori Council district or amalgamate two or more districts or constitute a new district over part of an existing district, and may at the same time amend the name of any district or assign a new name thereto.”

11. Election of Maori Committees—Section 19 of the Maori Welfare Act 1962 is hereby amended by adding the following subsection:

20 “(6) Notwithstanding any other provision of this Act or of any regulations made under this Act, where the members of any Maori Committee (being a committee revived after being in recess) will have been in office for less than 6 months on the date fixed by this section for the election of Maori Committees, no election of members of that Committee shall be
25 held on that date if the District Maori Council concerned has by resolution determined that no such election be held and, in such case, the members of that committee in office on that date shall continue in office as if they had been elected on
30 that date.

Section 7

SCHEDULE

AMENDMENTS TO MAORI TRUSTEE ACT 1953

Section Amended	Amendment
Section 12A	By omitting from subsection (1) the expression "\$2,000", and substituting the expression "\$7,500".
	By omitting from subsection (6) the expression "\$3,000", and substituting the expression "\$10,000".
Section 12B	By omitting from subsection (1) the expression "\$2,000", and substituting the expression "\$7,500".
	By omitting from subsection (3) the expression "\$3,000", and substituting the expression "\$10,000".
Section 33	By omitting from subsection (2A) the expression "\$500", and substituting the expression "\$2,500".
Section 35	By omitting from subsection (2) the expressions "\$1,000" and "\$40", and substituting the expressions "\$2,000" and "\$200" respectively.
Section 38	By omitting from the proviso to subsection (1) the expression "\$500", and substituting the expression "\$2,000".