

MAORI PURPOSES BILL

EXPLANATORY NOTE

Clause 1 relates to the Short Title.

PART I

AMENDMENTS TO MAORI AFFAIRS ACT 1953

Clause 3: Under section 6 of the Maori Affairs Act 1953 the Board of Maori Affairs consists of—

- (a) The Minister of Maori Affairs;
- (b) The Member of the Executive Council (if any) appointed as such to represent the Maori race (or, if there is no such member, any member of the Executive Council appointed by the Governor-General to be a member of the Board);
- (c) The Secretary for Maori and Island Affairs;
- (d) The Secretary to the Treasury;
- (e) The Director-General of Lands;
- (f) The Valuer-General;
- (g) The Director-General of Agriculture and Fisheries;
- (h) Three other persons appointed by the Governor-General in Council.

Traditionally the 3 persons appointed under paragraph (h) are Maoris or descendants of Maoris although the section does not state this.

The purpose of this clause is:

- (a) To delete the provision for Treasury representation;
- (b) To make it a fixed requirement that the 3 appointed members under paragraph (h) must be Maoris or descendants of Maoris;
- (c) To provide for the appointment of 1 additional member on the nomination of the New Zealand Maori Council.

Clause 4: Interests in Maori land acquired by the Maori Trustee and paid for out of the Conversion Fund established under Part XIII of the Maori Affairs Act 1953 may be disposed of only—

- (a) To any Maori or descendant of a Maori; or
- (b) To any Maori Incorporation; or
- (c) To the Crown in the circumstances specified in section 152 of the Act.

It is now proposed to widen the class of persons to whom such interests in land may be sold by including Maori Trust Boards, and a trustee under any continuing trust of the land concerned. In the latter case the interests would be acquired on behalf of the remaining beneficial owners.

Clause 5: There has over many years in successive Acts been provision, when the Crown intends to negotiate for the purchase of any Maori land, for the Governor-General to issue an Order in Council prohibiting the alienation of the land named therein otherwise than to the Crown. After the issue of such an Order in Council any alienation entered into in breach of the prohibition is void, and negotiation for any such alienation is a offence punishable by imprisonment or fine.

No prohibition has been imposed for a number of years, but there are still in force prohibitions imposed many years ago.

The purpose of this clause is to remove the power to impose such prohibitions and to cancel any still in force. *Subclause (2)* provides for memorials of such prohibitions to be deleted from the Land Transfer Register.

Clause 6 empowers the Board of Maori Affairs, with the consent of the Minister of Finance, to subscribe for or otherwise acquire shares in any company which carries on or proposes to carry on business of a kind related to the Board's operations under Part XXIV of the Maori Affairs Act 1953 (which concerns Maori Land Development). The Board is authorised to exercise its rights as a shareholder, and to sell or otherwise dispose of the shares. The holding of shares in certain companies qualifies farmers to receive certain rebates or discounts, or to receive priority in the allocation of certain commodities.

Clause 7: Under section 359 (2) of the principal Act, the Board of Maori Affairs may not consent to any assignment or sublease in favour of anyone other than a Maori unless, in the opinion of the Board, there is no Maori who is ready and willing to accept a lease or sublease and is a fit and proper person to become the tenant of the land.

The purpose of this clause is to give to a Maori Incorporation or other similar group the same priority to take such a lease or sublease as an individual Maori.

Clause 8: Section 371A of the principal Act deals with water supplies constructed or purchased by the Board of Maori Affairs for the servicing of land under the Board's control. The purpose of this clause is to authorise the Board to dispose of such waterworks to any person and not just to Government Departments or local authorities as at present.

Clause 9: Section 383B of the Maori Affairs Act 1953 empowers the Board of Maori Affairs to remit interest on money owed to the Board of Maori Affairs in certain cases in respect of the Board's land development schemes or where the debt is due by individual settlers.

The power in relation to development schemes is expressed to apply only to money expended on development "for the purposes of subdivision and settlement." Since in many cases today it is clear that development schemes will not be subdivided and settled, but handed over to an incorporation of the owners or to trustees for the owners to run as a station, the words quoted are unnecessarily restrictive and *subclause (1)* of this clause proposes their omission from the section.

Subclause (2) enlarges the Board's powers to grant relief in the case of individual settlers, by making it necessary for the Board to be satisfied that such a course would be reasonable and equitable, and not as at present, that a case of hardship exists.

Clause 10: Section 415 of the principal Act requires that before the Maori Land Court lays out a roadway the consent in writing be obtained of the appropriate roading authority. Section 421 of the Act requires a similar consent before a roadway is declared by Proclamation to be a road or street.

Among the consents required is that of the National Roads Board in the case of a State highway or proposed State highway outside a borough, together with that of the local authority concerned. It is now proposed that the consents be required whether the State highway or proposed State highway is within or outside a borough.

Clause 11: Section 439 of the Maori Affairs Act 1953 enables the creation of Maori reservations by which areas, usually of Maori land, are set aside for the benefit of the owners or of a specified class of Maori as a meeting place, burial ground, place of scenic or historical interest, and so on.

The purpose of this clause is to extend the provisions of section 439 to enable areas to be set aside, if the owners agree, as reservations for the public generally. If the reservation is removed, the land reverts to its former owners or their descendants.

Such a reservation can be made only on the recommendation of the Court which must first be satisfied that this is the general wish of the owners and that the local authority has consented.

Clause 12: The Board of Maori Affairs is authorised by section 460 of the principal Act to advance money on mortgage to individual Maoris or descendants of Maoris or to Maori incorporations for farming purposes. This clause extends the power to grant financial relief to borrowers of money advanced under that section. A similar power is given in the case of individual settlers by section 383B of the principal Act as proposed to be amended by *clause 9* of this Bill, i.e., that relief can be given where the Board is satisfied that this would be reasonable and equitable.

Clause 13: The Maori Affairs Amendment Act 1967 made important changes in the law relating to succession to Maori land and to the administration of Maori estates. Briefly it provided that in the case of Maori people dying on or after 1 April 1968, their interests in Maori land should fall into their estates and be administered in the ordinary way in accordance with the general law instead of being dealt with by succession orders of the Maori Land Court. It also provided that probate of the will or administration of the estate of such persons should be granted by the Supreme Court instead of the Maori Land Court.

As regards Maoris who had died before 1 April 1968, the old procedures and jurisdiction of the Maori Land Court was continued but only up to 31 March 1973. On 1 April 1973 the Maori Land Court is to lose this jurisdiction and other machinery is provided to deal with the interests of these people who died before 1 April 1968 but whose property has not been dealt with before 1 April 1973.

The purpose of this clause is to defer for another 2 years—i.e., until 1 April 1975—the time when this final change will be made.

Subclause (1) amends section 87 of the Maori Affairs Amendment Act 1967 by fixing 1 April 1975 instead of 1 April 1973 as the date when the jurisdiction of the Maori Land Court in respect of the interests in Maori land and of the estate of Maoris who died before 1 April 1968 shall formally cease.

Subclause (2) as a consequence of the above amends section 84 of the Maori Affairs Amendment Act 1967 by extending from 1 April 1973 to 1 April 1975 the date when remaining interests in Maori land of persons deceased before 1 April 1968 automatically vest in the Maori Trustee to be administered for the benefit of those entitled.

Subclause (3) amends section 86 of the Maori Affairs Amendment Act 1967 by deferring from 1 April 1973 to 1 April 1975 the time when the jurisdiction of the Court to deal with the shares in Maori incorporations of shareholders who died before 1 April 1968 is to cease and the incorporation itself acquires power to deal with the balance of such shares.

Subclause (4) amends subsection (3) of section 17 of the Maori Reserved Land Act 1955 (as inserted by section 90 of the Maori Affairs Amendment Act 1967) by noting the extension for another 2 years of the jurisdiction of the Court to effect succession to the interests in Maori reserved land of Maoris who died before 1 April 1968.

PART II

MISCELLANEOUS AMENDMENTS TO MAORI LEGISLATION

Clause 14: Under section 7 of the Maori Purposes Fund Act 1934-35 the Maori Purposes Fund Board consists of—

- (a) The Minister of Maori Affairs;
- (b) The Secretary for Maori and Island Affairs;
- (c) The Director-General of Education;
- (d) The Director-General of Health;
- (e) The 4 members of the House of Representatives representing the Maori race;
- (f) Not more than 4 other persons appointed by the Governor-General in Council.

This clause provides for the appointment of 1 additional member on the nomination of the New Zealand Maori Council.

Clause 15: The original beneficiaries of the Maori Trust Board, set up to administer a modest sum of compensation payable in respect of a land claim, were declared to be the members of the Ngati Kahungunu tribe resident within the Wairoa County. It has recently been pointed out that in terms this excludes members of the tribe who move into the Borough of Wairoa and the purpose of this clause is to include residents of the borough.

Because subsection (2) of section 10 of the Maori Trust Boards Act 1955 was already amended by the Lake Waikaremoana Act 1971 (which added to the Board's beneficiaries the Kahungunu owners of Lake Waikaremoana and changed the Board's name to the Wairoa-Waikaremoana Maori Trust Board) the subsection is completely repealed and substituted.

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**

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 Pur-
poses Act 1972.

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 5
as the principal Act).

3. Membership of Board of Maori Affairs altered—

(1) Section 6 of the principal Act is hereby amended—
(a) By repealing paragraph (d) of subsection (1):
(b) By inserting in paragraph (h) of subsection (1), after 10
the word “persons”, the words “, being Maoris or
descendants of Maoris,”.

(2) Section 6 of the principal Act is hereby further amended
by adding to subsection (1) the following paragraph:

“(i) One person to be appointed by the Governor-General 15
on the nomination of the New Zealand Maori
Council constituted by section 17 of the Maori
Welfare Act 1962.”

(3) Section 6 of the principal Act is hereby further amended
by inserting in subsection (2), and also in subsection (3), after 20
the words “paragraph (h)”, the words “or paragraph (i)”.

4. Interests paid for out of Conversion Fund—Section 152
of the principal Act is hereby amended by inserting in sub-
section (3) (as substituted by section 125 (2) of the Maori
Affairs Amendment Act 1967), after paragraph (b), the 25
following paragraphs:

“(ba) To a Maori Trust Board within the meaning of the
Maori Trust Boards Act 1955; or

“(bb) To the trustee under any continuing trust of the
land concerned, on behalf of the remaining bene- 30
ficial owners; or”.

5. Power to prohibit alienations revoked—(1) Sections 254
to 256 of the principal Act are hereby repealed.

(2) Any prohibition imposed by an Order in Council issued
pursuant to section 254 of the principal Act or under the 35
corresponding provisions of any former Act shall cease to have
any force or effect; and any District Land Registrar is hereby
authorised, on his own motion, or on the presentation for

registration of any instrument affecting land to which any such prohibition relates, to cancel any memorial on the certificate of title to the effect that the land comprised therein is subject to any such prohibition.

5 **6. Board may acquire shares in companies**—The principal Act is hereby amended by inserting, after section 338, the following section:

10 “338A. (1) The Board may from time to time, with the approval of the Minister of Finance, subscribe for or otherwise acquire shares in any company incorporated in New Zealand which carries on or proposes to carry on business of a kind related to the Board’s operations under this Part of this Act.

15 “(2) The Board may exercise in respect of any shares acquired under subsection (1) of this section all rights and powers as the holder of the shares, and may at any time sell or otherwise dispose of the shares as it thinks fit.”

20 **7. Restriction on lessee’s powers of disposition**—Section 359 of the principal Act is hereby amended by adding to subsection (2) the following sentence “For the purpose of this subsection the word ‘Maori’ includes a Maori incorporation as defined by section 25 of the Maori Affairs Amendment Act 1967 and any other corporate body whose members, shareholders, or beneficiaries are principally Maoris or descendants of Maoris.”

25 **8. Disposal of water supplies**—Section 371A of the principal Act (as inserted by section 10 of the Maori Purposes Act 1960) is hereby amended by omitting from subsection (8) the words “to a local authority or Department of State”.

30 **9. Relief from interest payment**—(1) Section 383B of the principal Act (as inserted by section 13 of the Maori Purposes Act 1960) is hereby amended by omitting from paragraph (a) the words “for the purposes of subdivision and settlement”.

35 (2) Section 383B of the principal Act is hereby further amended by omitting from paragraph (b) the words “establishes a case of hardship to the satisfaction of the Board”, and substituting the words “satisfies the Board that the affording of relief would be reasonable and equitable”.

10. Consent to laying out of roadways by Maori Land Court—(1) Section 415 of the principal Act is hereby amended by omitting from paragraph (a) of subsection (3) (as substituted by section 22 (3) of the Maori Affairs Amendment Act 1967) the words “outside a borough”. 5

(2) Section 421 of the principal Act is hereby amended by omitting from paragraph (a) of subsection (3) the words “outside a borough”.

11. Extension of purpose of Maori reservation—(1) Section 439 of the principal Act (as amended by section 5 of the Maori Purposes Act 1968 and section 7 of the Maori Purposes Act 1970) is hereby further amended by inserting at the beginning of subsection (3) the words “Except as provided by subsection (12) of this section,”. 10

(2) Section 439 of the principal Act is hereby further amended by adding the following subsections: 15

“(12) The notice constituting a Maori reservation under this section may, upon the express recommendation of the Court, specify that the reservation shall be held for the common use and benefit of the people of New Zealand, and the reservation shall accordingly be held in that fashion. 20

“(13) Before issuing a recommendation that a Maori reservation under this section be held for the common use and benefit of the people of New Zealand, the Court shall be satisfied that this course is in accordance with the views of the owners, and that the local authority consents thereto. 25

“(14) In appointing trustees for any Maori reservation under this section which is held for the common use and benefit of the people of New Zealand, the Court may, on the nomination of the local authority, appoint one or more persons to represent the local authority.” 30

12. Relief for borrowers—(1) Section 460 of the principal Act is hereby amended by repealing subsection (5) (as substituted by section 8 (5) of the Maori Purposes Act 1965), and substituting the following subsections: 35

“(5) The amount to be advanced or readvanced under this section shall be determined in each case by the Board.

“(5A) Where the Board is satisfied that it would be reasonable or equitable to afford relief, it may, subject to such terms and conditions as it thinks fit, postpone or remit the payment of interest payable in respect of money owed by any person 40

in respect of advances made to him under this section or, in the case of money payable by instalments, postpone the payment of any instalment and also remit the interest portion of any instalment.”

- 5 (2) Section 8 of the Maori Purposes Act 1965 is hereby consequentially repealed.

13. Operative date for deletion of provisions of Part XII and certain provisions of Part XI of principal Act extended—

- 10 (1) Section 87 of the Maori Affairs Amendment Act 1967 (as amended by section 4 (5) of the Maori Purposes Act 1969) is hereby further amended by omitting the words “nineteen hundred and seventy-three” wherever they occur, and substituting in each case the words “nineteen hundred and seventy-five”.

- 15 (2) Section 84 of the Maori Affairs Amendment Act 1967 is hereby amended by omitting from subsection (1), and also from subsection (2), the words “nineteen hundred and seventy-three”, and substituting in each case the words “nineteen hundred and seventy-five”.

- 20 (3) Section 86 of the Maori Affairs Amendment Act 1967 is hereby amended by omitting from subsection (2), and also from subsection (5), the words “nineteen hundred and seventy-three”, and substituting in each case the words “nineteen hundred and seventy-five”.

- 20 (4) Section 17 of the Maori Reserved Land Act 1955 (as amended by section 89 (4) of the Maori Affairs Amendment Act 1967) is hereby further amended by omitting from subsection (3) the words “nineteen hundred and seventy-three”, and substituting the words “nineteen hundred and
30 seventy-five”.

PART II

MISCELLANEOUS AMENDMENTS TO MAORI LEGISLATION

- 14. Membership of Maori Purposes Fund Board—**(1) Section 7 of the Maori Purposes Fund Act 1934–35 is hereby
35 amended by inserting in subsection (2), after paragraph (e), the following paragraph:

- “(ea) One person to be appointed by the Governor-General
in Council on the nomination of the New Zealand
Maori Council constituted by section 17 of the
40 Maori Welfare Act 1962:”.

(2) Section 7 of the Maori Purposes Fund Act 1934-35 is hereby consequentially amended by omitting from paragraph (f) of subsection (2) the words "(hereinafter called appointed members)".

15. Wairoa-Waikaremoana Trust Board beneficiaries— 5

(1) Section 11 of the Maori Trust Boards Act 1953 is hereby amended by repealing subsection (2) (as amended by section 10 (2) of the Lake Waikaremoana Act 1971), and substituting the following subsection:

"(2) The beneficiaries of the Board are hereby declared to be the members of the Ngati Kahungunu tribe residing in the Borough of Wairoa or the County of Wairoa together with the persons (wherever resident) whose names are comprised in the Ngati Kahungunu portion of the list of owners of Lake Waikaremoana, as certified by the Registrar of the Maori Land Court pursuant to subsection (3) of section 9 of the Lake Waikaremoana Act 1971, and the descendants (wherever resident) of those persons." 10 15

(2) Section 10 of the Lake Waikaremoana Act 1971 is hereby consequentially amended by repealing subsection (2). 20