

[AS REPORTED FROM THE MAORI AFFAIRS COMMITTEE]

House of Representatives, 18 November 1976

Words struck out by the Committee are shown with black rule at beginning and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 9 December 1976.

Words struck out by the Committee are shown in italics within double bold round brackets; words inserted are shown in roman underlined with a triple rule, or with triple 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

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

No. 100—3

1. Short Title—This Act may be cited as the Maori Purposes Act 1976.

PART I

AMENDMENTS TO MAORI AFFAIRS ACT 1953

2. This Part to form part of the Maori Affairs Act 1953— 5
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. Judges may issue practice notes—The principal Act is hereby amended by inserting, after section 25, the following 10 section:

“25A. The Judges of the Court may from time to time, for the guidance of parties to any class or classes of proceedings and their advisers, issue such instructions or suggestions (not being inconsistent with this Act or any Rules of Court) by 15 way of practice notes as they think necessary or expedient for the proper conduct of such proceedings.”

4. Sittings of Court—Section 29 (2) of the principal Act is hereby amended by omitting the expression “first day of April”, and substituting the expression “1st day of January”. 20

5. Jurisdiction of Court in respect of termination of life interests—Section 30 (1) (1) of the principal Act (as added by section 2 (2) of the Maori Affairs Amendment Act 1962) is hereby amended by repealing the second proviso.

Struck Out

6. No review of Registrar's orders—(1) The principal Act 25 is hereby amended by inserting, after section 43, the following section:

“43A. **No appeal against Registrar's orders**—No appeal shall lie to the Appellate Court against any order made by a Registrar under this Act or any other enactment.” 30

(2) Section 452 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The Chief Judge shall not have jurisdiction under this section in respect of any order made by a Registrar.”

7. Swearing of affidavits outside New Zealand—(1) Section 55 of the principal Act is hereby amended by inserting, after the words “sworn or made”, the words “in New Zealand”.

5 (2) The said section 55 is hereby further amended by adding, as subsection (2), the following subsection:

“(2) Affidavits, declarations, or affirmations to be used in any proceeding before the Court may be sworn or made outside New Zealand in the manner for the time being prescribed
10 by rules of the Supreme Court in relation to affidavits, declarations, or affirmations to be sworn or made outside New Zealand for use in any proceeding in that Court.”

8. Court’s jurisdiction in respect of probate, family protection, and insolvent estates abolished—(1) Sections 118, 125,
15 126, and 128 to 130 of the principal Act are hereby repealed.

(2) Section 80 (1) of the Maori Affairs Amendment Act 1967 is hereby amended by omitting the words “who dies after the commencement of this Act”.

(3) The following enactments are hereby consequentially
20 repealed:

(a) Section 6 of the Maori Purposes Act 1961:

(b) Section 8 (1) of the Maori Affairs Amendment Act 1962:

(c) Sections 7 and 8 (2) of the Maori Purposes Act 1964:

25 (d) Subsections (5) to (10) of section 88 of the Maori Affairs Amendment Act 1967.

9. Time limits in respect of applications for confirmation—Section 225 (1) of the principal Act is hereby amended—

30 (a) By omitting the word “six”, and substituting the expression “3”:

(b) By omitting the word “twelve”, and substituting the expression “4”.

10. Confirmation of resolutions for alienation of land—Section 318 of the principal Act (as substituted by section 116
35 of the Maori Affairs Amendment Act 1967) is hereby amended by omitting from subsection (3) the words “other than the Crown”.

11. Interpretation for purposes of Part XXIV—(1) Section 326 of the principal Act (as amended by section 2 (3) of the Maori Affairs Amendment Act 1974) is hereby amended by adding the following definition:

“‘Ownership’, in relation to any land or any interest in land, includes the equitable ownership of that land or interest.” 5

(2) The said section 326 is hereby further amended by adding, as subsection (2), the following subsection:

“(2) For the purposes of this Part of this Act any land and any interest in land that is owned as joint tenants by 2 persons who are married to one another and of whom 1 is a Maori shall be deemed to be owned by a Maori.” 10

12. Land that may be declared subject to Part XXIV—Section 330 (2) (d) is hereby amended by inserting, after the expression “section 370”, the expression “or section 370A”. 15

13. Provisions as to review of rent during currency of lease and on renewal—(1) Section 346 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection: 20

“(3) In every lease that makes provision for the review of the rent during the currency of the lease, and in every lease that provides a right of renewal, the Board shall stipulate the formula by which the rent payable on the review or on the renewal is to be calculated.” 25

(2) No lease entered into by the Board under Part XXIV of the principal Act before the commencement of this section shall be held invalid or ineffectual by reason only of the fact that, at the time when it was entered into by the Board, it did not comply with subsection (3) of section 346 of the principal Act (as repealed by subsection (1) of this section) 30 if it complies with subsection (3) of that section (as substituted by subsection (1) of this section.

14. Advances for purchase of land—The principal Act is hereby amended by inserting, after section 369A (as substituted by section 5 (2) of the Maori Purposes Act 1966), the following heading and sections: 35

“Advances to Purchasers

“369B. **Advances to purchasers of freehold interests—**
Without prejudice to any provision of this Part of this
Act, the Board may from time to time make advances to
5 and take security from any person or persons for the purpose
of assisting him or them to purchase any freehold estate or
interest in any land in the same manner and to the same
extent as it may make advances to and take security from
any lessee under this Part; and the provisions of sections 368
10 and 369 of this Act shall, as far as applicable and with the
necessary modifications, extend and apply to any such
advances and the securities taken therefor.

“369C. **Advances to purchasers of leasehold interests—**
15 Without prejudice to any provision of this Part of this Act,
the Board may from time to time make advances to and take
security from any person or persons for the purpose of assist-
ing him or them to purchase any leasehold estate or interest
in any land that is subject to this Part in the same manner
and to the same extent as it may make advances to and take
20 security from any lessee under this Part, and the provisions
of sections 368 and 369 of this Act shall, as far as applicable
and with the necessary modifications, extend and apply to
any such advances and the securities taken therefor.”

25 **15. Advances to Maori occupiers of land that is not subject
to Part XXIV—**(1) Section 460 (1) of the principal Act is
hereby amended by inserting, after the words “any such
lands,” the words “or to assist in the purchase of any estate
or interest in any such lands,”.

30 (2) Section 460 of the principal Act (as amended by
section 4 of the Maori Purposes Act 1974) is hereby further
amended by adding the following subsection:

35 “(8) For the purposes of this section any land and any
interest in land that is owned as joint tenants by 2 persons
who are married to one another and of whom 1 is a Maori
shall be deemed to be owned by a Maori.”

16. Court may incorporate owners as from specified date—
Section 29 of the Maori Affairs Amendment Act 1967 is
hereby amended by adding the following subsection:

“(4) Notwithstanding anything to the contrary in section 34 of the principal Act, an order of incorporation may be made to take effect on a date specified by the Court, which may be a date later than the date of the minute thereof entered in the records of the Court.”

5

New

16A. Application of revenues of incorporation—Section 46 (1) of the Maori Affairs Amendment Act 1967 is hereby amended by adding the following paragraph:

“(h) In the purchase of any land or interest in land in accordance with section 50 of this Act.”

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16B. Land acquired by incorporation—Section 50 of the Maori Affairs Amendment Act 1967 is hereby amended by adding, as subsection (2), the following subsection:

“(2) The provisions of this Part of this Act shall apply to any land or interest in land acquired at any time by a Maori incorporation under subsection (1) of this section in the same manner and to the same extent as they apply to land vested in the incorporation by its order of incorporation.”

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17. Succession to undivided interests in Maori land on intestacy—Section 76A of the Maori Affairs Amendment Act 1967 (as substituted by section 25 of the Maori Affairs Amendment Act 1974) is hereby amended—

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(a) By omitting from subsection (2) the word “she” where it first occurs, and substituting the words “the spouse”:

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(b) By omitting from that subsection the word “she” where it secondly occurs, and substituting the words “he or she”.

18. Removal of limitation on value of land included in an order vesting Maori land in successors without grant of administration—Section 78A of the Maori Affairs Amendment Act 1967 (as inserted by section 17 of the Maori Purposes Act (No. 2) 1973) is hereby amended by repealing subsection (5).

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19. Transfer of interest in Maori land from administrator to persons beneficially entitled—(1) The Maori Affairs Amendment Act 1967 is hereby amended by inserting, after section 81, the following section:

“81A. (1) Where any beneficial freehold interest in Maori freehold land is held by any person as the administrator of any estate by virtue of an order made under section 81 of this Act that person may apply to the Registrar for, and the Registrar may make, an order vesting the interest in the person or persons beneficially entitled thereto.

“(2) The provisions of subsections (3) and (4) of section 81 of this Act, so far as they are applicable and with the necessary modifications, shall apply with respect to applications and orders made under subsection (1) of this section.

“(3) Nothing in this section shall limit or affect any right or remedy to which any person may be entitled in respect of any act done by any other person as administrator of any estate.”

(2) Section 213A of the principal Act (as substituted by section 28 (1) of the Maori Affairs Amendment Act 1974) is hereby amended by inserting in subsection (1), after the words “this Act”, the words “, other than as administrator of an estate,”.

20. Certain General land may again become Maori land—

(1) Section 68 (2) of the Maori Affairs Amendment Act 1974 is hereby amended by omitting the words “made within 2 years after the date of the commencement of this Act,”.

(2) Section 68 of the Maori Affairs Amendment Act 1974 is hereby further amended by adding the following subsections:

“(5) Notwithstanding any of the foregoing provisions of this section, the Court may, on the application of an owner or the Registrar, exercise the jurisdiction conferred on it by subsection (2) of this section in respect of any land to which this section applies if it is satisfied that at the time when the status declaration was made **((the land was not land to which Part I of the Maori Affairs Amendment Act 1967 applied))** an owner of the land was deceased.

“(6) For the purposes of subsection (5) of this section the term “owner” includes any person claiming to be entitled to any interest in the land under the will or on the intestacy of a deceased owner.”

PART II

MISCELLANEOUS AMENDMENTS TO MAORI LEGISLATION

21. Delegation of powers of Maori Trustee—Section 9 of the Maori Trustee Act 1953 is hereby amended by adding the following subsection:

“(7) Notwithstanding any rule of law to the contrary, where an officer of the Maori Trust Office is empowered, by virtue of a delegation made under this section, to attend, vote, and act at a meeting of assembled owners held pursuant to Part XXIII of the Maori Affairs Act 1953 he may, instead of exercising those powers personally, appoint any other officer of that Office as a proxy to exercise them at the meeting on his behalf.” 5

22. Grant to New Zealand Maori Council out of unclaimed moneys—Section 30 (9) of the Maori Trustee Act 1953 (as substituted by section 16 (1) of the Maori Purposes Act 1961) is hereby amended by inserting, after paragraph (a), the following paragraph: 10

“(aa) An amount equal to 90 percent thereof or the sum of \$10,000, whichever is the lesser, shall be paid to the credit of the New Zealand Maori Council constituted by section 17 of the Maori Welfare Act 1962:”. 15

23. Reserved and Vested Land Purchase Fund abolished—

(1) The Fund established by section 41A of the Maori Trustee Act 1953 (as inserted by section 128 of the Maori Affairs Amendment Act 1967) and known as the Reserved and Vested Land Purchase Fund is hereby abolished. 20

(2) All interests in reserved land and vested land purchased by the Maori Trustee out of the Reserved and Vested Land Purchase Fund and held by him at the date of the commencement of this section shall, as from that date, be held by the Maori Trustee as assets of and for the purposes of the Conversion Fund established by Part XIII of the Maori Affairs Act 1953, and, for the purposes of that Part of that Act, shall be deemed to have been acquired by the Maori Trustee and paid for out of the said Conversion Fund. 25 30

(3) A sum equal to the aggregate value of all interests in land to which subsection (2) of this section applies, as shown in the books of the Maori Trustee at the date of the commencement of this section, together with all money standing to the credit of the Reserved and Vested Land Purchase Fund at that date, shall, on that date, be paid by the Maori Trustee to the credit of the General Purposes Fund established by section 23 (1) (c) of the Maori Trustee Act 1953. 35 40

(4) The following enactments are hereby consequentially repealed:

(a) Sections 41A to 41F of the Maori Trustee Act 1953 (as inserted by section 128 of the Maori Affairs Amendment Act 1967): 45

- (b) Sections 17 (3) (f) (as added by section 129 (1) of the Maori Affairs Amendment Act 1967), 23 (1) (g) (as added by section 129 (2) of that Act), and 23 (4A) (as inserted by section 129 (3) of that Act)
- 5 of the Maori Trustee Act 1953:
- (c) Section 23 of the Maori Reserved Land Act 1955:
- (d) Sections 128, 129, and 130 (3) of the Maori Affairs Amendment Act 1967.
- (5) Section 10 of the Maori Reserved Land Act 1955 (as
- 10 inserted by section 153 (1) of the Maori Affairs Amendment Act 1967) is hereby consequentially amended by repealing paragraph (b) of subsection (1).

24. Special Maori Housing Fund abolished—(1) The Fund established by section 18 of the Maori Housing Amendment

15 Act 1938 (as substituted by section 15 of the Maori Purposes Act 1961) and known as the Special Maori Housing Fund is hereby abolished.

(2) All money standing to the credit of the Special Maori Housing Fund Account at the date of the commencement of

20 this section shall, on that date, be transferred to the credit of the Works and Trading Account constituted by section 38 of the Public Revenues Act 1953 (as substituted by section 3 of the Public Revenues Amendment Act 1963).

(3) All money hereafter received by the Maori Land

25 Board on account of principal or interest owing to the Board in respect of any advance made by the Board before the commencement of this section out of the Special Maori Housing Fund Account shall be paid to the credit of the said Works and Trading Account.

(4) The following enactments are hereby consequentially

30 repealed:

- (a) Section 18 of the Maori Housing Amendment Act 1938:
- (b) Section 15 of the Maori Purposes Act 1961:
- 35 (c) Section 9 of the Maori Purposes Act 1968.
- (5) This section shall come into force on the 31st day of March 1977.

25. Pukepuke Tangiora Estate—For the purpose of giving effect (with some modifications) to the recommendation of

40 the Maori Affairs Committee of the House of Representatives on Petition numbered 44 of 1974 of Allan Gerald Sievers and Brian Grossman concerning the estate of Pukepuke Tangiora, of Pakipaki, deceased: Be it enacted as follows:

(1) In addition to the powers conferred upon them by section 17 of the Maori Purposes Act 1943, section 16 of the Maori Purposes Act 1946, section 19 of the Maori Purposes Act 1948, section 37 of the Maori Purposes Act 1951, and section 19 of the Maori Purposes Act 1963, the trustees of the said estate of Pukepuke Tangiora, of Pakipaki, deceased, may, for the purpose of erecting a dining and meeting hall on the piece of land owned by the Estate and known as Kakiraawa 2B2F3 Block,—

(a) Expend any money held by the trustees on behalf of the Estate:

(b) Borrow any further amount of money that may be necessary for the purpose.

(2) Without limiting subsection (1) of this section, the trustees may expend any such money for the purposes of site investigations, surveys, the preparation of plans, the supervision of construction, the purchase and installation of fittings and fixtures, and any other purposes ancillary to the erection and completion of the hall.

(3) The trustees may give such security, whether by way of mortgage, pledge, or otherwise, in respect of any money borrowed by them under this section, and upon such terms and subject to such conditions, as they think fit.

(4) The provisions of this section shall apply notwithstanding any of the provisions of the enactments referred to in subsection (1) of this section and notwithstanding anything in the will of the said deceased.

New

26. Vesting of Arahura River Bed in the Proprietors of Mawhera—(1) In this section “the Incorporation” means the Maori incorporation known as the Proprietors of Mawhera constituted pursuant to section 15A of the Maori Reserved Land Act 1955 by the Mawhera Incorporation Order 1976.

(2) The land to which this section applies is hereby vested in the Incorporation, subject to all leases, licences, charges, and other encumbrances affecting the same at the date of the commencement of this section.

(3) The land shall be, in the hands of the Incorporation, Maori freehold land.

(4) The provisions of Part IV of the Maori Affairs Amendment Act 1967 shall apply to the land hereby vested in the Incorporation in the same manner and to the same extent as they apply to land vested in the Incorporation by its order of incorporation.

New

(5) The Chief Surveyor for the Westland Land District shall forthwith, without charge, prepare a survey plan of the land and shall deposit the plan in the office of the District
5 Land Registrar of that district. The District Land Registrar shall then, without charge, issue a certificate of title pursuant to the Land Transfer Act 1962 for the land in the name of the Proprietors of Mawhera.

(6) This section applies to the following land:
10 First, all that parcel of land in the Westland Land District, containing 23 hectares, more or less, situated in Blocks XIII and XIV, Turiwhate Survey District, being Part Rural Section 5590, and being part of the land described in the
15 *Gazette* of 1920 at page 2840 (being the land marked "A" on S.O. Plan 9742); and

Secondly, all that parcel of land in the Westland Land District, containing 7 hectares, more or less, situated in Block XIV, Turiwhate Survey District, being Part Rural Section 5590 (formerly Part Rural Section 5140), and being part of
20 the land described in the *Gazette* of 1935 at page 1010 (being the land marked "B" on S.O. Plan 9742); and

Thirdly, all that parcel of land in the Westland Land District, containing 252.9700 hectares, more or less, situated
25 in Blocks III, IV, VII, VIII, and XII, Kaniere Survey District, Blocks IX, XIII, XIV, and XV, Turiwhate Survey District, and Blocks II, III, and VI, Brownings Pass Survey District, being Rural Sections 5590, 5591, and 5592 (S.O. Plan 9742).
