

MAORI PURPOSES BILL

EXPLANATORY NOTE

THIS Bill effects miscellaneous changes in the law relating to Maori Affairs.

Clause 1 relates to the Short Title.

PART I

AMENDMENTS OF MAORI AFFAIRS ACT 1953

Clause 2 is a machinery provision.

Clause 3 makes provision for the Maori Land Board to accept grants, subsidies, and loans in pursuance of any scheme or policy designed to assist or encourage farming or pastoral operations on any land under its control, or for the improvement of any such land.

Clause 4 amends section 38 (2) of the Maori Affairs Amendment Act 1967 which provides that, in general, a transfer of shares in an incorporation may be registered on the application of the transferee. The amendment exempts from this provision cases where the transferor is the executor or administrator of the deceased owner's will or estate.

Clause 5 enables the Maori Land Court to give wider powers of investment (including the purchase of land and the erection of buildings) to incorporations that, in effect, are disposing of a diminishing capital asset by, for example, selling minerals or timber, or selling the land itself. In this way the original land asset can be replaced by other assets of a capital nature.

Subclause (1) defines the class of incorporation to which the provisions apply.

Subclause (2) empowers such incorporations to invest the proceeds of disposal of assets in any manner approved by the Court.

Subclause (3) enables the Court to direct an incorporation under this section to keep its accounts and deal with its revenues in a manner consistent with the mode of investment authorised.

Subclause (4) makes it clear that the Court can validate a transaction of the sort discussed by giving its subsequent approval.

Clause 6 amends section 47 of that Act, relating to unclaimed dividends payable in respect of shares in incorporations. It brings within the section, in respect of an incorporation of Maori Reserved Land, rent money held by the Maori Trustee and subsequently transferred to the incorporation. It also enables the period for which the money was held by the Maori Trustee to be taken into account when treating such money as unclaimed dividends.

PART II

MISCELLANEOUS AMENDMENTS OF MAORI LEGISLATION

Clause 7 reduces from 5 to 3 years the period of residence in New Zealand required of Polynesians from South Pacific islands as a criterion of eligibility for housing assistance under the Maori Housing Act 1935.

Clause 8 increases the amount of certain annual grants payable to the Arawa, Taranaki, Tainui, and Tuwharetoa Maori Trust Boards.

Clauses 9 and 10 redefine Lake Rotoaira for the purposes of Part I of the Maori Purposes Act 1959, which controls fishing on the Lake. The redefinition is made necessary by the effect on the Lake and environs of the Tongariro Power Scheme development.

Hon. Mr MacIntyre

MAORI PURPOSES

ANALYSIS

Title		
1. Short Title		6. Unclaimed dividends
	PART I	PART II
	AMENDMENTS OF MAORI AFFAIRS ACT 1953	MISCELLANEOUS AMENDMENTS OF MAORI LEGISLATION
2. This Part to form part of the Maori Affairs Act 1953		7. Eligibility for Maori Housing assistance
3. Board may accept money for incentive shares etc.		8. Grants to Maori Trust Boards
4. Transfer of Incorporation shares from administrators		9. Waters comprising Lake Rotoaira redefined
5. Powers of investment of certain Maori incorporations		10. Entry on private land under water from Lake Rotoaira 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 1977.

PART I

10 **AMENDMENTS OF 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).

*Reprinted, 1968, Vol. 3, p. 2199
Amendments: 1974, No. 73

3. Board may accept money for incentive shares, etc.—
The principal Act is hereby amended by inserting, after section 384, the following section:

“384A. Nothing in this Part of this Act shall prevent the Board from receiving, from the Crown or from any State agency or from any local authority or other body or organisation, in respect of any area of land under its control, any money made available to it in furtherance of any scheme or policy for the assistance or encouragement of farming or pastoral operations or the improvement of the land, whether the money is in the form of a grant, or subsidy, or is to be repaid in any circumstances. The Board shall have and may exercise all powers necessary for the acceptance, use, and (where required) the repayment of any such money.”

4. Transfer of Incorporation shares from administrators—
Section 38 (2) of the Maori Affairs Amendment Act 1967 is hereby amended by adding the following proviso:

“Provided that, in the case of a transfer of shares by the executor of the will or administrator of the estate of a deceased shareholder, a share transfer may be registered on the application of the executor or administrator notwithstanding that it does not bear the signature of the transferee.”

5. Powers of investment of certain Maori incorporations—
The Maori Affairs Amendment Act 1967 is hereby amended by inserting, after section 46, the following section:

“46A. (1) The provisions of this section shall apply to any incorporation substantially engaged in operations that involve the disposal of the incorporation’s assets or any part of them, including the disposal of rock, soil, timber trees (other than planted trees), minerals, and the like, so as to result in their conversion into money or credit in the hands of the incorporation.

“(2) Notwithstanding anything in this Part of this Act, an incorporation to which the provisions of this section apply may invest the proceeds of the disposal of its assets in any manner approved by the Court, including (but not by way of limitation) the purchase of land, the making of improvements, the purchase of shares in companies, and the advancing of money on the security of a mortgage or debenture. The approval of the Court may be given from time to time in respect of specific transactions or generally in respect of a class or classes of transaction, and may be made subject to such conditions or limitations as the Court thinks fit.

“(3) The Court may issue, in respect of any incorporation to which the provisions of this section apply, directions as to the keeping of accounts and the application of revenue or profits otherwise than as specified in this Part of this Act, and those directions shall effectively authorise the incorporation to act in accordance with their tenor, notwithstanding any other provision of this Part of this Act.

“(4) The Court’s power of approval under subsection (2) of this section shall extend to empower the approval of transactions or dealings already entered into or effected by an incorporation to which the provisions of this section apply. Any transaction approved under this subsection shall be deemed to have been properly and legally effected.”

6. Unclaimed dividends—Section 47 (1) of the Maori Affairs Amendment Act 1967 is hereby amended—

- (a) By adding to the definition of the term “dividends” the words “; and also includes any money that, pursuant to section 15A (6) of the Maori Reserved Land Act 1955, has been paid to the Incorporation by the Maori Trustee on behalf of an individual beneficial owner to whom it has been allocated:”.
- (b) By inserting in the definition of the term “Unclaimed dividends”, after the words “body corporate”, the words “(including the Maori Trustee)”.

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PART II

MISCELLANEOUS AMENDMENTS OF MAORI LEGISLATION

7. Eligibility for Maori Housing assistance—Section 2A of the Maori Housing Act 1953 (as inserted by section 9 of the Maori Purposes Act 1969) is hereby amended by omitting from paragraph (b) the figure “5”, and substituting the figure “3”.

8. Grants to Maori Trust Boards—(1) The Maori Trust Boards Act 1955 is hereby amended—

- (a) By omitting from section 4 (2) the expression “Six thousand pounds”, and substituting the expression “\$18,000”:
- (b) By omitting from section 7 (2) the expression “five thousand pounds”, and substituting the expression “\$15,000”:
- (c) By omitting from section 9 (2) the expression “five thousand pounds”, and substituting the expression “\$15,000”:

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(d) By omitting from section 10 (2) the words “three thousand pounds”, and substituting the expression “\$9,000”.

(2) This section shall be deemed to have come into force on the 1st day of April 1977. 5

9. Waters comprising Lake Rotoaira redefined—(1) Section 3 of the Maori Purposes Act 1959 is hereby amended by inserting, before the definition of the term “entry permits”, the following definition:

“Adjoining waters forming part of the Lake” means— 10

(a) The Poutu inflow, being the water between Lake Rotoaira and the Poutu Dam; and

(b) The waters forming part of the Wairehu Canal for a distance of approximately 685 metres from Lake Rotoaira to the first hurdle; and 15

(c) The waters between Lake Rotoaira and the Tokaanu intake tunnel; and

(d) The waters that from time to time cover lands adjoining Lake Rotoaira resulting from any rise in the level of the lake:”. 20

(2) The said section 3 is hereby further amended by omitting the definition of the term “Lake Rotoaira”, and substituting the following definition:

“‘The Lake’ means the body of water known as Lake Rotoaira; and includes the adjoining waters forming part of the Lake:”. 25

(3) The said section 3 is hereby further amended by omitting the definition of the term “the said stream”.

(4) Part I of the Maori Purposes Act 1959 is hereby consequentially amended in the manner indicated in the Schedule to this Act. 30

10. Entry on private land under water from Lake Rotoaira—Section 6 of the Maori Purposes Act 1959 is hereby amended by adding the following proviso:

“Provided that, where the waters of the Lake cover land adjoining Lake Rotoaira resulting from a rise in the level of the Lake, every owner of such adjoining land shall be deemed to have consented to entry on any portion of his land that for the time being forms part of the Lake.” 35

SCHEDULE

Section 9 (4)

AMENDMENTS OF PART I OF MAORI PURPOSES ACT 1959

Section	Amendment
<p>Section 4</p>	<p>By omitting from subsection (1) the words "Lake Rotoaira", and substituting the words "the Lake".</p> <p>By omitting from subsection (2) the words "Lake Rotoaira or the said stream", and substituting the words "the Lake".</p> <p>By omitting from that subsection the words "Lake Rotoaira", and substituting the words "the Lake".</p> <p>By omitting from the proviso to that subsection the words "Lake Rotoaira or the said stream or in the bed of the said stream", and substituting the words "the Lake or in the bed of the Lake".</p> <p>By omitting from subsection (4) the words "Lake Rotoaira" in both places where they occur, and substituting in each case the words "the Lake".</p> <p>By omitting from subsection (5) (c) the words "Lake Rotoaira", and substituting the words "the Lake".</p> <p>By omitting from subsection (7) the words "Lake Rotoaira", and substituting the words "the Lake".</p>
<p>Section 7</p>	<p>By omitting from subsection (1) the words "Lake Rotoaira and the said stream", and substituting the words "the Lake".</p> <p>By omitting from subsection (3) the words "Lake Rotoaira or the said stream", and substituting the words "the Lake".</p>
<p>Section 8 (1)</p>	<p>By omitting from paragraph (a) and from paragraph (b) the words "Lake Rotoaira or the said stream", and substituting in each case the words "the Lake".</p>
<p>Section 14</p>	<p>By omitting the words "Lake Rotoaira and the said stream" in both places where they occur, and substituting in each case the words "the Lake".</p>
<p>Section 15</p>	<p>By omitting from paragraph (a) of subsection (2) the words "Lake Rotoaira and the said stream", and substituting the words "the Lake".</p>

SCHEDULE—*continued*AMENDMENTS OF PART I OF MAORI PURPOSES ACT 1959—*continued*

Section	Amendment
Section 15— <i>continued</i>	<p>By repealing paragraph (d) of that subsection, and substituting the following paragraph:</p> <p style="padding-left: 40px;">“(d) Prescribing the extent to which beneficial owners under the Trust and persons having a beneficial interest in any land bordering on the lake or in the bed of the Lake may fish in and upon the Lake.”.</p> <p>By omitting from paragraph (e) of that subsection the words “Lake Rotoaira and the said stream”, and substituting the words “the Lake”.</p> <p>By omitting from subsection (3) the words “Lake Rotoaira or the said stream”, and substituting the words “the Lake”.</p> <p>By omitting from that subsection the words “Lake Rotoaira and the said stream”, and substituting the words “the Lake”.</p>