

MAORI PURPOSES BILL

EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to various enactments relating to Maori land and Maori affairs.

Clause 1 relates to the Short Title.

Amendment to Maori Affairs Act 1953

Clause 2 substitutes a new section 21 relating to salaries and allowances of Judges and Commissioners. Provision is now made for the payment to the Judges of a wider range of allowances. These allowances are to be prescribed by Order in Council or, in the case of travelling allowances, reimbursing allowances, and minor allowances, fixed by the Governor-General. The new section will require every Order in Council made under it to be published as if it were a statutory regulation.

Amendments to Maori Trustee Act 1953

Clause 3 amends sections 12A and 12B of the Maori Trustee Act 1953, which empowers the Maori Trustee to administer estates without a formal grant of administration. This is subject to a maximum value of \$7,500 in respect of new estates, and \$10,000 in respect of unadministered balances of estates. These limits are increased to \$15,000 and \$20,000 respectively.

Clause 4 allows the Maori Trustee's Account to be in overdraft at the end of any financial year in the circumstances described in the clause.

Amendments to Maori Trust Boards Act 1955

Clause 5 allows the Minister of Maori Affairs with the concurrence of the Minister of Finance, at the request and with the consent of the Tainui Maori Trust Board, to capitalise the annual sums to which the Board would be entitled under section 7 (2) of the Maori Trust Boards Act 1955 over the next 20 years, and pay the amount as a lump sum to the Board.

Clause 6 allows the Minister to appoint any person to countersign cheques drawn by a Maori Trust Board. At present, the Minister may only appoint a public servant for this purpose.

Amendment to Maori Reserved Land Act 1955

Clause 7 makes it clear that section 28A of the Maori Affairs Amendment Act 1967 (which empowers the Maori Land Court to redefine the objects of an incorporation) applies to incorporations constituted under section 15A of the Maori Reserved Land Act 1955.

Amendment to Queen Elizabeth II Postgraduate Fellowship Act 1963

Clause 8 increases from \$2,000 to \$3,000 the amount to be made available from the General Purposes Fund to be used by the Maori Education Foundation for a fellowship in postgraduate research or study of benefit to the Maori people.

Amendment to Maori Affairs Amendment Act 1967

Clause 9 amends section 76A of the Maori Affairs Amendment Act 1967 which provides that where a person dies intestate owning undivided interests in Maori land, his or her surviving spouse is entitled to take a life interest in those interests. The amendment provides that the surviving spouse will not be so entitled if he or she was separated from the deceased at her or his death pursuant to a decree of separation or a separation order.

Miscellaneous Amendments

Clause 10 vests land presently held by the Otaki and Porirua Trusts Board in the Wellington Diocesan Board of Trustees for the purposes of the Rangitea Church and burial ground in Otaki. This provision is made at the request of the two Boards.

Clause 11 vests certain land in the Proprietors of Wakatu Maori incorporation. The land was intended to be included in the Order in Council constituting the incorporation but was inadvertently omitted.

Hon. Mr MacIntyre

MAORI PURPOSES

ANALYSIS

Title	<i>Amendment to Maori Reserved Land Act 1955</i>
1. Short Title	7. Alteration of objects of Maori incorporations
<i>Amendment to Maori Affairs Act 1953</i>	<i>Amendment to Queen Elizabeth the Second Postgraduate Fellowship of New Zealand Act 1963</i>
2. Salaries and allowances of Judges and Commissioners	8. Annual payments to Maori Education Foundation increased
<i>Amendments to Maori Trustee Act 1953</i>	<i>Amendment to Maori Affairs Amendment Act 1967</i>
3. Elections to administer small estates, etc.	9. Surviving spouse's rights on intestacy
4. Temporary advances to Maori Trustee	<i>Miscellaneous Amendments</i>
<i>Amendments to Maori Trust Boards Act 1955</i>	10. Vesting of land in Otaki in Wellington Diocesan Board of Trustees for purposes of Rangitea Church and burial ground
5. Annual grants to Tainui Maori Trust Board may be capitalised	11. Vesting of additional lands in the Proprietors of Wakatu
6. Countersigning of cheques drawn by Maori Trust Boards	

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 1978.

*Amendment to Maori Affairs Act 1953***2. Salaries and allowances of Judges and Commissioners—**

(1) The Maori Affairs Act 1953 is hereby amended by repealing section 21 (as substituted by section 18 of the Maori Purposes Act 1959), and substituting the following section: 5

“21. (1) There shall be paid to every Judge of the Maori Land Court out of the Consolidated Account, without further appropriation than this section,—

“(a) A salary at such rate as the Governor-General, by Order in Council, from time to time determines; and 10

“(b) Such allowances as are from time to time prescribed by the Governor-General by Order in Council; and 15

“(c) Such additional allowances, being travelling allowances or other incidental or minor allowances, as may be fixed from time to time by the Governor-General.

“(2) The salary of a Judge shall not be diminished by an Order in Council under this section during the continuance of his appointment. 20

“(3) Any Order in Council made under paragraph (a) or paragraph (b) of subsection (1) of this section and any determination made under paragraph (c) of that subsection, and any provision of any such order or determination, may be made so as to come into force on a date to be specified in that behalf in the order or determination, being the date of the making of the order or determination or any other date, whether before or after the date of the making of the order or determination or the date of the commencement of this section. 25 30

“(4) Every such Order in Council or determination, and every provision of any such order or determination, in respect of which no date is specified as aforesaid shall come into force on the date of the making of the order or determination. 35

“(5) Every Order in Council made under subsection (1) of this section shall be deemed to be a regulation for the purposes of the Regulations Act 1936.

“(6) Every Commissioner shall be entitled to such salary and travelling and other allowances as shall from time to time be determined in accordance with the State Services Act 1962.” 40

(2) The following enactments are hereby consequentially repealed:

- (a) Section 18 of the Maori Purposes Act 1958:
 - (b) Section 4 of the Maori Purposes Act 1968:
 - 5 (c) Section 3 of the Maori Purposes Act 1970.
- (3) Notwithstanding anything in the foregoing provisions of this section, the travelling and other allowances payable to every Judge in accordance with the Maori Land Court Judges' Travelling Allowances Regulations 1960 shall continue to be paid in accordance with those regulations until those allowances are replaced by allowances prescribed or fixed under section 21 of the Maori Affairs Act 1953 (as substituted by subsection (1) of this section).

Amendments to Maori Trustee Act 1953

15 **3. Elections to administer small estates, etc.**—(1) Section 12A of the Maori Trustee Act 1953 (as inserted by section 148 (1) of the Maori Affairs Amendment Act 1967 and amended by section 7 of the Maori Purposes Act 1971) is hereby amended—

- 20 (a) By omitting from subsection (1) the expression “\$7,500”, and substituting the expression “\$15,000”:
- (b) By omitting from subsection (6) the expression “\$10,000”, and substituting the expression “\$20,000”.

25 (2) Section 12B of the Maori Trustee Act 1953 (as inserted by section 148 (1) of the Maori Affairs Amendment Act 1967 and amended by section 7 of the Maori Purposes Act 1971) is hereby amended—

- 30 (a) By omitting from subsection (1) the expression “\$7,500”, and substituting the expression “\$15,000”:
- (b) By omitting from subsection (3) the expression “\$10,000”, and substituting the expression “\$20,000”.

4. Temporary advances to Maori Trustee—Section 24A of the Maori Trustee Act 1953 (as inserted by section 2 of the Maori Trustee Amendment Act 1962) is hereby amended by adding the following subsection:

- 40 “(4) Where accommodation by way of overdraft is approved under this section in any financial year of the Maori Trust Office the Maori Trustee's Account may be in overdraft at the end of that financial year.”

Amendments to Maori Trust Boards Act 1955

5. Annual grants to Tainui Maori Trust Board may be capitalised—Section 7 of the Maori Trust Boards Act 1955 is hereby amended by inserting, after subsection (2), the following subsection: 5

“(2A) Notwithstanding anything in subsection (2) of this section, at the request of the Board made to him at any time before the 1st day of April 1979, the Minister of Maori Affairs with the concurrence of the Minister of Finance may, subject to such terms and conditions as he thinks fit, authorise the payment to the Board, at any time during the financial year commencing with the 1st day of April 1979, of the sum of \$127,700, being the capitalised value of the annual payments to which the Board would be entitled under subsection (2) of this section during the period of 20 years commencing with the said 1st day of April 1979, which sum, if its payment is so authorised, shall be paid out of the Consolidated Account without further appropriation than this subsection. If such payment is made to and accepted by the Board, no payment shall be made to the Board under subsection (2) of this section during the said period of 20 years, but nothing in this subsection shall affect the Board’s right to any sum payable to it under subsection (3) of this section.” 10 15 20

6. Countersigning of cheques drawn by Maori Trust Boards—Section 29 of the Maori Trust Boards Act 1955 is hereby amended— 25

- (a) By omitting from subsection (1) the words “an officer of the Public Service”, and substituting the words “any person”: 30
- (b) By omitting from subsection (2) the words “a countersigning officer”, and substituting the words “any person”:
- (c) By omitting from subsection (3) the words “countersigning officer”, and substituting the word “person”: 35
- (d) By omitting from subsection (4) the words “countersigning officer”, and substituting the words “person to whom it is given”.

Amendment to Maori Reserved Land Act 1955

7. Alteration of objects of Maori incorporations—Section 15A of the Maori Reserved Land Act 1955 (as inserted by section 11 of the Maori Purposes Act 1975) is hereby amended by inserting in subsection (1), after the words “Part IV of 40

that Act”, the words “(including section 28A of that Act which empowers the Court, on application, to redefine the objects of an incorporation or add new objects)”.

5 *Amendment to Queen Elizabeth the Second Postgraduate Fellowship of New Zealand Act 1963*

8. Annual payments to Maori Education Foundation increased—The Queen Elizabeth the Second Postgraduate Fellowship of New Zealand Act 1963 (as amended by section 7 of the Decimal Currency Act 1964) is hereby amended—

- 10 (a) By omitting from section 3 (1) the expression “\$2,000”, and substituting the expression “\$3,000”:
(b) By omitting from section 4 (3) the expression “\$2,000”, and substituting the expression “\$3,000”.

Amendment to Maori Affairs Amendment Act 1967

15 **9. Surviving spouse’s rights of intestacy**—Section 76A of the Maori Affairs Amendment Act 1967 (as substituted by section 25 of the Maori Affairs Act 1974) is hereby amended by adding to subsection (2) the following proviso:

- 20 “Provided that the surviving spouse shall not be so entitled if, at the death of the intestate, a decree of separation or a separation order is in force in respect of the marriage between the surviving spouse and the intestate.”

Miscellaneous Amendments

25 **10. Vesting of land in Otaki in Wellington Diocesan Board of Trustees for purposes of Rangitea Church and burial ground**—(1) Notwithstanding anything in the Otaki and Porirua Trusts Act 1943, the land to which this section applies, being part of the land vested by that Act in the Otaki and Porirua Trusts Board established under that Act,
30 is hereby vested, at the request and with the consent of that Board, in the Wellington Diocesan Board of Trustees for an estate in fee simple, freed and discharged from all trusts affecting the land under the said Act, to be held by the said Board of Trustees on the same trusts as it presently holds
35 the land comprising the Rangitea Church and burial ground at Otaki.

(2) This section applies to all that parcel of land in the Wellington Land District, containing 1826 square metres, more or less, situated in the Borough of Otaki, being Lot 1
40 on Deposited Plan 48780, and being part of the land comprised and described in certificate of title, Volume 484, folio 44, Wellington Registry.

11. Vesting of additional lands in the Proprietors of Wakatu—(1) In this section “the Incorporation” means the Maori incorporation known as the Proprietors of Wakatu constituted pursuant to section 15A of the Maori Reserved Land Act 1955 by the Wakatu Incorporation Order 1977. 5

(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. 10

(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. 15

(5) The District Land Registrar for the Nelson Land District shall forthwith, without charge, issue certificates of title pursuant to the Land Transfer Act 1952 in respect of each parcel of land in the name of the Proprietors of Wakatu. 20

(6) This section applies to all those parcels of land in the Nelson Land District, together containing 21.1578 hectares, more or less, being— 25

- (a) Part Lots 2 and 3 on Deposited Plan 4948, and being the balance of the land comprised and described in certificate of title, Volume 58, folio 13, Nelson Registry; and
- (b) The balance of Lot 6 on Deposited Plan 1488, and being the balance of the land comprised and described in certificate of title, Volume 1A, folio 378, Nelson Registry; and 30
- (c) Lot 1 on Deposited Plan 5144, and being the balance of the land comprised and described in certificate of title, Volume 105, folio 9, Nelson Registry; and 35
- (d) Lot 1 on Deposited Plan 2508, and being the balance of the land comprised and described in certificate of title, Volume 88, folio 143, Nelson Registry.