

[AS REPORTED FROM THE MAORI AFFAIRS COMMITTEE]

House of Representatives, 4 December 1979.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr Couch

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, as follows: 5

1. **Short Title**—This Act may be cited as the Maori Purposes Act 1979.

PART I

AMENDMENTS OF MAORI AFFAIRS ACT 1953

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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).

3. **Notice of lessee's objection to valuation to be given to Valuer-General**—Section 245 (6) of the principal Act is here-
by amended by inserting, after the words "Maori Trustee",
the words "and to the Valuer-General". 15

Struck Out

4. **Recommendation by Maori Land Advisory Committee where meeting of owners lapses for want of quorum**—(1)
Section 315A of the principal Act (as inserted by section 37
of the Maori Affairs Amendment Act 1974) is hereby amended
by inserting in subsection (4), after the word "Minister", the
words "or to such other person or body of persons as it con- 25
siders appropriate in the circumstances,".

(2) The said section 315A is hereby further amended by
repealing subsection (5), and substituting the following sub-
section:

"(5) The Minister or other person or body of persons to
whom such recommendations are made may, after studying
the recommendations, arrange for a proposal in respect of the
land to be submitted to the Maori Land Board or, if the Minis-
ter or other person or body of persons considers it expedient,
he or it may request the Committee to lodge an appropriate
application to the Court, in which case the Committee shall
lodge such an application accordingly." 30 35

5 **5. Interpretation for the purposes of Part XXIV**—Section 326 of the principal Act is hereby amended by inserting in subsection (2) (as added by section 10 (2) of the Maori Purposes Act 1976), after the words “joint tenants”, the words “or tenants in common”.

10 **6. General land owned for benefit of Maoris may be declared subject to Part XXIV**—Section 330 (2) (b) of the principal Act is hereby amended by inserting, after the words “owned (by”, *the words “or for the benefit of”*) by Maoris”, the words “, or any general land owned for the benefit of Maoris,”.

15 **7. Amendment of power of Maori Land Board to acquire shares in companies**—Section 338A of the principal Act (as inserted by section 6 of the Maori Purposes Act 1972) is hereby amended by adding to subsection (1) the following proviso:

“Provided that the approval of the Minister of Finance shall not be necessary where the value of the shares does not exceed \$10,000.”

20 **8. Notice of lessee’s objection to valuation to be given to Valuer-General**—Section 348 (6) of the principal Act is hereby amended by inserting, after the word “Secretary”, the words “and to the Valuer-General”.

25 **9. Money may be advanced for purposes of Part XXIV from money appropriated for the purposes of land not subject to Part XXIV**—Section 382 of the principal Act is hereby amended by inserting in subsection (1), after the word “Part” where it secondly occurs, the words “or section 460 of this Act”.

30 **10. Relief from interest payment**—(1) The principal Act is hereby amended by repealing section 383B, and substituting the following section:

“383B. If, in any case where—

35 “(a) The Board expends money for the development of any land under this Part of this Act; or

“(b) Any person owes money to the Board in respect of any advance made by the Board under section 368 or section 369A or section 369B or section 369c of this Act,—

40 the Board is satisfied that the affording of relief would be reasonable and equitable, it may, subject to such terms and

conditions as it thinks fit, postpone or remit the payment of interest payable in respect of such money or, in the case of money repayable by instalments, postpone the payment of any instalment or remit the interest portion of any instalment or both.”

(2) The following enactments are hereby consequentially repealed:

(a) Section 13 of the Maori Purposes Act 1960:

(b) Section 9 of the Maori Purposes Act 1972.

11. Property other than land to be held by trustees for beneficial owners of land in proportion to their interests in land— Section 438 of the principal Act (as substituted by section 142 (1) of the Maori Affairs Amendment Act 1967) is hereby amended by adding the following subsections:

“(10) All property (other than land or interests in land) for the time being held by the trustee or trustees in respect of any particular area of land shall be held in trust for the persons beneficially entitled to that area in proportion to their several interests therein.

“(11) The disposition by operation of law or otherwise of the interest of any person beneficially entitled in any such area shall, whether so expressed or not in any instrument of disposition, be deemed to include a disposition of that person's corresponding interest in any other property held by the trustee or trustees in trust for that person in respect of that land, and such person shall not be competent to dispose of any interest in any other such property otherwise than as provided in this section.”

12. Advances to Maori occupiers of land that is not subject to Part XXIV—(1) The principal Act is hereby amended by repealing section 460, and substituting the following section:

“460. (1) For the purpose of assisting Maoris to farm, improve, or develop lands that are owned or occupied by them but are not subject to Part XXIV of this Act, or to discharge any liabilities charged on or existing in respect of any such lands, or to assist in the purchase of any estate or interest in any such lands, the Maori Land Board may from time to time authorise the making of advances out of money to be appropriated by Parliament for the purposes of this section or Part XXIV of this Act.

“(2) Any money advanced under this section may, at the discretion of the Board, be paid to the owners or occupiers or be expended by the Board on their behalf.

5 “(3) All money advanced under this section shall bear interest at such rate as the Minister of Finance shall from time to time determine, and, except as provided in subsection (4) of this section, shall be secured by way of mortgage over the land or interest in land in respect of which the advance is made.

10 “(4) In addition to or instead of the security required by subsection (3) of this section, the Board may require security by way of mortgage to be given over any other land or interest in land, and may also require collateral security to be given over any chattels.

15 “(5) Every instrument of security given for the purposes of this section shall contain such terms and conditions as the Board may require or prescribe.

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

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

“(8) The authority conferred on the Maori Land Board under this section to make advances may be exercised by it in respect of any body corporate constituted under (*Part XXII of this Act*) Part IV of the Maori Affairs Amendment Act 1967 or any company registered under the Companies Act 1955 in which the majority of the share capital is owned by or held for the benefit of Maoris, and all the provisions of this section shall, with the necessary modifications, extend
35 and apply to any advance so made.

“(9) Notwithstanding the foregoing provisions of this section, the Board shall have authority to make advances under this section, on such security (whether or not land) as the Board thinks fit, to any Maori for the purpose of assisting him
40 to engage in any dairy, cropping, or other farming enterprise carried on or to be carried on by him on land owned and occupied by any other person.

“(10) For the purposes of this section any land and any interest in land that is owned as joint tenants or tenants in common by 2 persons who are married to one another and of whom
45 1 is a Maori shall be deemed to be owned by a Maori.

“(11) All money received by the Board under this section shall, unless the Minister of Finance otherwise directs, be paid into the Consolidated Account.”

(2) The following enactments are hereby consequentially repealed: 5

- (a) Section 15 of the Maori Purposes Act 1963:
- (b) Section 12 of the Maori Purposes Act 1972:
- (c) Section 4 of the Maori Purposes Act 1974:
- (d) Section 14 of the Maori Purposes Act 1976.

13. Provisional registration of mortgages of leasehold, etc., to Her Majesty or to a State Loan Department— 10
(1) Section 461 of the principal Act is hereby amended by inserting in subsection (1), after the words “freehold land”, the words “, or a memorandum of lease or other disposition of any such land,”. 15

(2) The said section 461 is hereby further amended by repealing paragraph (c) of subsection (6), and substituting the following paragraph:

- “(c) An order of the Court or other instrument (including a memorandum of lease) transferring, transmitting, 20 or otherwise conferring title to or on any person who has executed any such mortgage or whose interest in the land is subject to any such charge:”.

14. Registrar’s power to certify value of undivided interest increased— 25
Section 78 (4) of the Maori Affairs Amendment Act 1967 (as substituted by section 8 of the Maori Purposes Act 1968) is hereby amended by omitting the words “two thousand dollars”, and substituting the expression “\$8,000”.

15. Composition of Maori Land Advisory Committees altered— 30
Section 14 (1) of the Maori Affairs Amendment Act 1974 is hereby amended—

- (a) By omitting the expression “7”, and substituting the expression “8”:
- (b) By omitting from paragraph (c) the expression “4”, and substituting the expression “5”. 35

PART II

MISCELLANEOUS PROVISIONS

16. Membership of Maori Purposes Fund Board altered— 40
(1) Section 7 of the Maori Purposes Fund Act 1934–35 is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The Board shall consist of—

“(a) The Minister of Maori Affairs, who shall be the Chairman:

“(b) The Secretary for Maori Affairs:

5 “(c) The 4 members of the House of Representatives representing the Maori race:

“(d) 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 Maori Community Development Act 1962:

10 “(e) Not more than 6 other persons to be appointed by the Governor-General in Council.”

(2) The following enactments are hereby consequentially repealed:

(a) Section 14 of the Maori Purposes Act 1972:

15 (b) So much of the First Schedule to the Maori Affairs Amendment Act 1974 as relates to section 7 (2) of the Maori Purposes Fund Act 1934–35.

17. Appointment of Maori Trustee and his deputy—(1)

20 The Maori Trustee Act 1953 is hereby amended by repealing section 4, and substituting the following section:

“4. (1) For the purposes of this Act there shall be a Maori Trustee and a Deputy Maori Trustee, who shall be officers of the Department of Maori Affairs.

25 *Struck Out*

“ (2) Any person may be appointed as the Maori Trustee or as the Deputy Maori Trustee.

New

30 “(2) The Secretary for Maori Affairs may from time to time, with the prior consent of the State Services Commission, confer on an officer of the Department of Maori Affairs the office of Maori Trustee or of Deputy Maori Trustee. The conferring of either such office pursuant to this subsection shall not be deemed to be an appointment for the

35 purposes of the State Services Act 1962.

“ (3) In the absence of any such (*appointment*) conferment of office,—

“(a) The Secretary for Maori Affairs shall be the Maori Trustee:

40 “(b) The Deputy Secretary for Maori Affairs shall be the Deputy Maori Trustee.”

(2) The Maori Affairs Amendment Act 1974 is hereby consequentially amended by omitting so much of the First Schedule as relates to section 4 of the Maori Trustee Act 1953.

18. Constitution of Maori incorporations under Maori Reserved Land Act 1955—Section 15A of the Maori Reserved Land Act 1955 (as inserted by section 11 of the Maori Purposes Act 1975 and amended by section 7 of the Maori Purposes Act 1978) is hereby amended by omitting the expression “28A”, and substituting the expression “28”. 5

19. Proceeds of Wellington tenths sales may be used to acquire land or erect buildings—The Maori Reserved Land Act 1955 is hereby amended by inserting, after section 88, the following section: 10

“88A. Notwithstanding the provisions of sections 9 and 88 of this Act, on application by the beneficial owners and with the prior consent of the Minister, the Maori Trustee may sell any part of the Maori reserves in the Wellington Provincial District known as the reserved tenths; and he may retain all capital money arising therefrom, whether purchase money, compensation, royalties, or otherwise, and apply the same in the acquisition of other land to be held for the same purposes and in the erection of buildings thereon or on other of the said reserves retained by him.” 15 20

20. Altering Short Titles of Maori Welfare Act 1962 and amendment—(1) The Maori Welfare Act 1962 may hereafter be cited as the Maori Community Development Act 1962.

(2) The Short Title of the Maori Welfare Act 1962 and the Short Title of the Maori Welfare Amendment Act 1963 are hereby consequentially amended, in each case, by omitting the word “Welfare”, and substituting the words “Community Development”. 25

(3) Every reference to the Maori Welfare Act 1962 in any enactment or in any regulation, rule, order, agreement, deed, instrument, application, licence, notice, or other document whatever, shall, unless the context otherwise requires, be read hereafter as a reference to the Maori Community Development Act 1962. 30 35

21. Salaries and allowances of Judges and Commissioners—Section 2 (2) (a) of the Maori Purposes Act 1978 is hereby amended by omitting the expression “1958”, and substituting the expression “1959”.

22. Constitution of certain lands and water vested in Kaiapoi Reserve Board as Maori reservation—Whereas, pursuant to the provisions of section 66 of the Maori Purposes Act 1931, the land and water described in subsection (9) of
5 this section are held by Her Majesty as reserves for the Maoris to whom they were promised and the descendants of those Maoris, and the control and management of the reserves is vested in the Kaiapoi Reserve Board: And whereas it is desired that the land and water comprising the reserves
10 be vested in trustees as hereinafter provided for the purposes of a marae, meeting place, recreation ground, sports ground, Church site, burial ground, a place of emotional association, and a place of historical significance and scenic interest, for the common use and benefit of the Tuahuriri Hapu (or sub-
15 tribe) of the Ngai Tahu people (in this section referred to as the intended purposes): Be it enacted therefore as follows:

(1) The land and water described in subsection (9) of this section is hereby set apart as a Maori reservation, (in this section referred to as the said reservation) to be known
20 as Kaiapohia Pa or Te Pa of Turakautahi or Te Kohaka a Kaikai a Waro, for the intended purposes.

(2) As soon as practicable after the commencement of this Act, the Minister of Maori Affairs shall apply to the Maori Land Court for an order vesting the said reservation, for an
25 estate in fee simple, in the trustees mentioned in subsection (3) of this section, who shall be known as Kaiapohia Pa Trustees, to hold and administer subject to the provisions of this section and in accordance with section 439 of the Maori Affairs Act 1953 and the Maori Reservation Regulations
30 1963; and the Maori Land Court shall thereupon make such order.

(3) The trustees in whom the Maori Land Court shall vest the said reservation shall comprise 3 persons nominated
35 by the people commonly known as the Ngai Tuahuriri Runanga, and 1 person nominated by the Ngaitahu Maori Trust Board.

(4) Any new trustee or new trustees appointed by the Court pursuant to section 439 (7) of the Maori Affairs Act 1953 shall be a person or persons nominated by the people
40 commonly known as the Ngai Tuahuriri Runanga, except that a new trustee to be appointed in the place of a person who was appointed on the nomination of the Ngaitahu Maori Trust Board shall be a person nominated by that Board.

(5) The trustee appointed by the Court on the nomination of the said Board shall be Chairman, and the trustees may from time to time appoint a Deputy Chairman who may act for and shall have all the powers of the Chairman during such time as the Chairman, in the opinion of the other trustees, is incapacitated by illness, absence, or other sufficient cause, from performing the duties of Chairman. 5

(6) Upon the date on which the said reservation vests in trustees in accordance with subsections (2) to (5) of this section, the Board of Managers called the Kaiapoi Reserve Board shall cease to exist, and all the personal property and all the rights, powers, and privileges appertaining to the Kaiapoi Reserve Board shall vest in the trustees appointed in accordance with this section, who shall become subject to and liable for all claims and liabilities to which the Kaiapoi Reserve Board was subject immediately before that date. 10 15

(7) If any of the said land is excluded from the said reservation, or if the said reservation is cancelled, the provisions of section 439 (8) of the Maori Affairs Act 1953 shall not enure so as to vest the same in Her Majesty the Queen; but otherwise the persons entitled shall be as determined by an order of the Court pursuant to the said section 439 (8), except that the Court at any time, upon application being made to it by the trustees, shall vest the beneficial interest in the said reservation in the Ngaitahu Maori Trust Board or such other body as appears to the Court to represent the general Ngai Tahu tribal interest in the said land. 20 25

(8) The provisions of section 66 of the Maori Purposes Act 1931 shall cease to have effect and shall be deemed to be repealed as from the date on which the said reservation vests in trustees in accordance with subsections (2) to (5) of this section. 30

(9) This section relates to—

(a) All that parcel of land, containing 6.4517 hectares, more or less, situated in the Rangiora Survey District, called Reserve 873A, and known as the old Maori Pa at Kaiapoi: 35

(b) All that land and water, containing 9.7127 hectares, more or less, situated in Block VIII, Rangiora Survey District, being the balance or southern portion of Reserve 1873, and known as the Waikuku Lagoon. 40