

MAORI PURPOSES BILL

EXPLANATORY NOTE

THIS Bill makes miscellaneous changes to various enactments relating to Maoris and Maori land.

Clause 1 relates to the Short Title.

PART I

AMENDMENTS OF MAORI AFFAIRS ACT 1953

Clause 2 is a machinery provision.

Clause 3 provides for the constitution of a Rules Committee, which is to review and keep under review the Rules of Court. The Governor-General's present powers to make rules will, by virtue of the amendments made by *subclauses (2) and (3)* of this clause, require the concurrence of the Chief Judge and at least 2 other members of the Rules Committee.

Clause 4 amends the definition of the term "owner" for the purposes of Part XXIII of the principal Act, relating to the powers of assembled owners. The amendment, in effect, confers on administrators of deceased owners the same powers under that Part as the owners themselves would have if they were alive.

Clause 5 adds a new section 460A to the Maori Affairs Act 1953. It gives the Maori Land Board wider powers to advance money or provide other assistance to or for the benefit of any Maori. At present, the Board is restricted to assisting Maoris to farm, improve or develop lands that are owned or occupied by them, 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.

Clause 6 authorises the establishment of Kokiri Centres for any of the purposes specified in *subclause (1)*.

PART II

AMENDMENTS OF OTHER ACTS

Clause 7 amends the Maori Reserved Land Act 1955 by empowering the Maori Trustee to accept surrenders of leases subject to that Act, either unconditionally or upon such terms and conditions as the Maori Trustee

thinks fit. Upon any such surrender, the Maori Trustee may lease any land formerly subject to the surrendered lease, on such terms and conditions as he thinks fit.

Clause 8 amends section 30 of the Maori Trustee Act 1953 which requires the Maori Trustee to compile lists of unclaimed money that has been derived in various Maori Land Court Districts. Section 30 (5) (c) makes it mandatory to show in the list the source or the principal source from which the money was derived, where the total amount held on behalf of any beneficiary is \$2.00 or more. The amendment raises this amount to \$100.

Hon. Mr Couch

MAORI PURPOSES

ANALYSIS

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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:

1. Short Title and commencement—(1) This Act may be cited as the Maori Purposes Act 1980.

(2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

PART I

AMENDMENTS OF MAORI AFFAIRS ACT 1953

2. This Part to form part of 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
Amendment: 1974, No. 73

3. Constitution of Rules Committee—(1) The principal Act is hereby amended by inserting, after section 70, the following section:

“70A. (1) For the purposes of sections 25 and 40 of this Act there shall be a Rules Committee, to consist of— 5

“(a) The Chief Judge and 1 other Judge of the Court:

“(b) A person nominated by the New Zealand Maori Council:

“(c) The Secretary for Maori Affairs or a person nominated by him: 10

“(d) A barrister or solicitor of the High Court, nominated by the Council of the New Zealand Law Society.

“(2) The members of the Rules Committee, other than the Chief Judge and the Secretary for Maori Affairs, shall be appointed by the Chief Judge for a term not exceeding 15 3 years. Any such member may be reappointed, or may at any time resign his office by writing addressed to the Chief Judge.

“(3) The Rules Committee is hereby declared to be a statutory Board within the meaning of the Fees and 20 Travelling Allowances Act 1951.

“(4) There shall be paid out of money appropriated by Parliament for the purpose to the members of the Rules Committee such fees, allowances, travelling allowances, and 25 expenses as may be fixed in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

“(5) It shall be the principal function of the Rules Committee to review and keep under review the Rules of Court to ensure that they are such as to facilitate the expeditious, 30 inexpensive, and just dispatch of the business of the Courts and are otherwise appropriate for the due administration of justice in the Courts, and to make such recommendations as it thinks fit for the revocation or amendment of any existing rules or the making of any new rules relating 35 to the practice and procedure of the Courts.”

(2) Section 25 (1) of the principal Act is hereby amended by inserting, after the words “The Governor-General”, the words “, with the concurrence of the Chief Judge and any 2 or more of the other members of the Rules Committee,”. 40

(3) Section 40 (1) of the principal Act is hereby amended by inserting, after the words “The Governor-General”, the words “, with the concurrence of the Chief Judge and any 2 or more of the other members of the Rules Committee,”.

4. Definition of “owners” in section 305 amended—
Section 305 (1) of the principal Act is hereby amended by inserting, after the words “legal or equitable”, the words “or, in the case of any such persons who are deceased, their
5 administrators (within the meaning of section 74 of the Maori Affairs Amendment Act 1967)”.

5. Advances and other assistance to Maoris—The principal Act is hereby amended by inserting, after section 460, the following section:

10 “460A. (1) The Maori Land Board may make advances and provide other assistance, in its discretion, to or for the benefit of any Maori for the purpose of assisting him to engage in any enterprise whatever.

15 “(2) All money advanced under this section shall bear interest at such rate as the Minister of Finance shall from time to time determine, and shall be upon such terms as to repayment and upon such security (if any) as may be required by the Board.

20 “(3) The provisions of subsections (5) to (8) and subsection (11) of section 460 of this Act shall, except insofar as those provisions may be inconsistent with the provisions of this section, apply in respect of advances under this section.”

**6. Authorising establishment and maintenance of Kokiri
25 Centres—**The principal Act is hereby amended by inserting, before section 465, the following section:

“464A. (1) In this section the term ‘Kokiri Centre’ means any premises in which training and tuition is given in respect of any of the following matters:

30 “(a) Any trade, profession, or occupation:

“(b) Any skill or art that promotes the general social well-being of the community:

35 “(c) Maori language, Maori customs and traditions, Maori arts and handicrafts, and other aspects of Maori culture essential to the identity of the Maori race:

“(d) Languages, customs and traditions, and arts and handicrafts of members of other races.

40 “(2) The Maori Land Board, with the approval of the Minister, may from time to time, on behalf of the Crown,—

- “(a) Purchase, take on lease, or otherwise acquire any land or premises for the purpose of establishing Kokiri Centres:
- “(b) Do all things necessary for the erection, replacement, repair, upkeep, improvement, maintenance, operation, furnishing and equipment of any building or premises on any land to which paragraph (a) of this subsection applies: 5
- “(c) Employ such persons and pay such remuneration or wages as the Maori Land Board thinks fit to any person employed at any such Kokiri Centre: 10
- “(d) Enter into such arrangements, whether by way of lease, licence, or otherwise, as it thinks fit with such persons (whether as trustees, managers, elders, or otherwise) as it thinks fit for the conduct of any such Kokiri Centre. 15
- “(3) Any land or premises acquired under this section may be sold, leased, or otherwise disposed of upon such terms and conditions as the Board thinks fit:
- “Provided that no such land or premises shall be sold without the consent of the Minister. 20
- “(4) In respect of any lease of, or licence to occupy any land to which subsection (2) of this section applies, the Board, on behalf of the Crown, may from time to time impose such charges as it thinks fit, and may prescribe such rules as it thinks necessary for regulating the management and control of any Kokiri Centre or any activity carried on therein. 25
- “(5) All expenditure incurred by the Board under this section shall be paid out of money appropriated by Parliament from the Consolidated Account and all income derived by the Maori Land Board under this section shall be paid into the Consolidated Account.” 30

PART II

AMENDMENTS OF OTHER ACTS

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7. Amendment of Maori Reserved Land Act 1955—The Maori Reserved Land Act 1955 is hereby amended by inserting, after section 42, the following section:

“42A. **Surrender of leases**—(1) Notwithstanding the foregoing provisions of this Act, the Maori Trustee may at any time accept a surrender of a subsisting lease of any land that is subject to the provisions of this Act. 40

“(2) Any surrender of lease may be upon such terms and conditions as the Maori Trustee thinks fit:

“Provided that, where the subsisting lease is subject to a mortgage, no surrender of that lease shall be accepted by
5 the Maori Trustee without the consent of the mortgagee.

“(3) Upon surrender of any lease under this section, the Maori Trustee may lease any land formerly subject to such lease, on such terms and conditions, and whether by way of public auction, public tender, or private contract, as he
10 thinks fit.”

8. Amendment of Maori Trustee Act 1953—Section 30 (6) of the Maori Trustee Act 1953 (as amended by section 7 of the Decimal Currency Act 1964) is hereby amended by omitting the expression “\$2”, and substituting the expression
15 “\$100”.