



ANALYSIS

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1958, No. 41

An Act to amend the law relating to Maoris and Maori land, and for other purposes *[25 September 1958]*

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—This Act may be cited as the Maori Purposes Act 1958.

2. Provisions of Maori Affairs Act 1953 to apply to this Act—Words and expressions used in this Act shall, unless the contrary intention appears, have the same meaning as in the Maori Affairs Act 1953 (hereinafter referred to as the principal Act), and the provisions of the principal Act, as far as they are applicable, shall extend and apply to the cases provided for in this Act in as full and ample a manner as if this Act had been incorporated with and formed part of the principal Act.

3. Amending provisions as to Board of Maori Affairs—

(1) Section six of the principal Act is hereby amended as follows:

- (a) By adding to paragraph (b) of subsection one the words “or, if there is no such member, any member of the Executive Council appointed by the Governor-General to be a member of the Board”:
- (b) By inserting in subsection two, after the words “member of the Board”, the words “appointed under paragraph (h) of subsection one of this section”:
- (c) By inserting in subsection three, after the words “appointed member”, the words “appointed under paragraph (h) of subsection one of this section”.

(2) Section seven of the principal Act is hereby amended by omitting from subsection three the words “represents the Maori race”, and substituting the words “is a member of the Board under paragraph (b) of subsection one of section six of this Act”.

4. Exchange orders affecting Crown land—Section two hundred and sixty-three of the principal Act is hereby amended by adding, as subsection two, the following subsection:

“(2) Any such exchange order having the effect of vesting in one party to the exchange the freehold of a defined area of Crown land shall constitute, without any other instrument of assurance, the title to the parcel of Crown land affected by the order, and the provisions of section one hundred and seventy-eight of this Act shall, with the necessary modifications, extend and apply to the registration of any such order.”

5. Modification of objects of incorporation—The principal Act is hereby amended by inserting after section two hundred and seventy, the following section:

“270A. (1) Upon application made to it by or on behalf of a body corporate, the Court may, from time to time, alter or redefine the objects for which the body corporate was established.

“(2) The provisions of this section shall extend to enable the Court to define or alter or redefine the objects of any subsisting body corporate established or deemed to have been established under Part XVII of the Maori Land Act 1931.”

6. Appointment of members of committee of management of incorporation—Section two hundred and ninety-three of the principal Act is hereby amended as follows:

(a) By repealing subsection eight, and substituting the following subsection:

“(8) Any member of a committee who vacates office pursuant to this section shall be eligible for re-election.”:

(b) By inserting, after subsection eight, the following subsection:

“(8A) The provisions of section two hundred and ninety-two of this Act shall, with the necessary modifications, apply to the appointment of members of a committee of management pursuant to this section.”

7. Powers of Court on amalgamating titles of adjoining land—Section four hundred and thirty-five of the principal Act is hereby amended as follows:

(a) By inserting, after subsection one, the following subsection:

“(1A) During the course of any proceedings for an order under this section substituting one title to the land, the Court may exercise the powers conferred upon it under paragraphs (b) and (c) of subsection one of section one hundred and eighty-one of this Act, and all the provisions of that section, so far as they relate to the exercise of the powers so conferred on the Court, shall extend and apply accordingly. Any such order substituting one title to the land affected shall be made to incorporate the effect of any orders made by the Court in the exercise of its powers under this subsection.”

(b) By adding the following subsection:

“(7) Notwithstanding the provisions of subsection one of this section, the powers conferred on the Court by this section may be exercised in respect of European land owned by Maoris, whether the other land to which the order of the Court will relate is Maori freehold land or European land owned by Maoris. Where one title is constituted for areas of Maori freehold land and European land owned by Maoris, the European land owned by Maoris shall thereupon become Maori freehold land.”

8. Signing of orders made by Chief Judge—Section four hundred and fifty-two of the principal Act is hereby amended by adding the following subsection:

“(13) Every order made by the Chief Judge under this section shall be signed by the Chief Judge and sealed with the seal of the Maori Land Court. The Chief Judge may at any time cause duplicates of any order made by himself or any former Chief Judge or any Deputy for the Chief Judge under this section or the corresponding provisions of any former enactment to be signed and sealed. Every such duplicate shall have the word ‘Duplicate’ written or stamped thereon and shall have the same evidentiary value as the order of which it is a duplicate.”

9. Tuhoe Maori Trust Board constituted—The Maori Trust Boards Act 1955 is hereby amended by inserting, after section nine, the following section:

“9A. Whereas the Urewera Lands Act 1921–22 authorised the appointment of Commissioners for the purpose of carrying into effect a scheme of consolidation of the lands described in the First Schedule thereto: And whereas the Commissioners were authorised by the said Act to inquire into certain purchases theretofore made by the Crown and to allot lands to the Crown in accordance therewith under the said scheme and to fix the boundaries thereof and, after providing for the portion of land to be allotted to the Crown, to allot the balance in suitable areas to persons to be named in the Commissioners’ orders as entitled thereto: And whereas the area so allotted to the Crown included land having a value of twenty thousand pounds or thereabouts which represented the proportionate contribution which the Commissioners considered should be made to the Crown in respect of the cost of certain new roads which the Crown then proposed to construct: And whereas for various reasons the roads were not constructed and are not now likely to be constructed: And whereas claims have been made against the Crown for compensation in respect of the land allotted to the Crown in respect of the cost of the roading as aforesaid: And whereas negotiations for the settlement of the said claims have been concluded between representatives of the Crown and the Maori claimants and it is desirable to give effect to the terms of the settlement: Be it therefore enacted as follows:

“(1) There is hereby constituted a body corporate to be known as the Tuhoe Maori Trust Board (in this section

referred to as the Board) which shall be a Maori Trust Board within the meaning and for the purposes of this Act.

“(2) The beneficiaries of the Board are hereby declared to be the persons to whom land was allotted under section seven of the Urewera Lands Act 1921–22 and their successors in title (being Maoris or the descendants of Maoris).

“(3) There shall, without further appropriation than this section, be paid to the Board out of the Consolidated Fund the sum of one hundred thousand pounds together with interest thereon at the rate of five per cent per annum from the sixth day of November, nineteen hundred and fifty-seven, to the thirty-first day of March, nineteen hundred and fifty-eight, and at the rate of four and a half per cent per annum from the first day of April, nineteen hundred and fifty-eight, until the date of payment; and the said payments shall be deemed to be in full satisfaction and discharge of all claims and demands against the Crown in respect of the land allotted to the Crown in the manner and for the purposes hereinbefore referred to. 19 ..

“(4) As soon as practicable after the commencement of this section there shall be appointed by the Governor-General not more than twelve persons to be the initial members of the Board for a term of three years.

“(5) All members, other than the initial members, shall be appointed in the manner prescribed by this Act.”
