

MAORI PURPOSES BILL

EXPLANATORY NOTE

PART I

AMENDMENTS TO MAORI AFFAIRS ACT 1953

Clause 3: The salaries of the Chief Judge and other Judges of the Maori Land Court are fixed at rates set out in section 21 of the principal Act. This clause provides that in future they are to be fixed by Order in Council instead of being set out in the Act. The salary of a Judge is not to be diminished by such an order during the continuance of his appointment.

Such an order may be made retrospective, and every such order must be laid before Parliament.

Clause 4 amends section 161A of the Maori Affairs Act 1953 so as to extend by 3 years the time within which applications for the investigation of the title to customary Maori land may be made and dealt with.

Clause 5: This clause makes several amendments to section 213 of the Maori Affairs Act 1953, which was inserted in substitution for the original version by the Maori Affairs Amendment Act 1967.

Subclause (1) repeals subsection (2) of section 213 of the principal Act (which deals with the making of vesting orders transferring interests in land), and substitutes new subsections (2) and (2A). The new subsection (2) provides that, where the interest proposed to be vested is of a value less than \$50, a vesting order shall not be made under the section unless—

- (a) The person in whom the interest is vested by the order already possesses a freehold interest in the same land; or
- (b) The interest vested by the order comprises the whole of the interest in the land to which the owner was entitled immediately before the making of the order.

The substance of paragraph (a) is to be found in the present subsection but paragraph (b) differs from the existing subsection. Paragraph (b) of the existing subsection prohibits the making of a vesting order which, if the total interest of the former owner is, in the opinion of the Court, of a value less than \$50, does not vest the whole of that interest in 1 person.

Subsection (2A) is new. It provides that in the case of Maori freehold land which is owned for a freehold estate in fee simple by more than 10 owners, no vesting order (other than an order in favour of a person such as an administrator) is to be made under section 213 of the principal Act unless the person in whom the interest is vested by the order is—

- (a) A Maori or a descendant of a Maori;
- (b) A Maori incorporation under Part IV of the Maori Affairs Amendment Act 1967;
- (c) The husband or wife, or a child or other defined relative, of the owner.

Subclause (2) makes consequential amendments.

Clause 6 repeals Part XXV of the Maori Affairs Act 1953 which deals with the utilisation of unproductive Maori lands. Under the provisions of that Part the Maori Land Court is empowered to appoint the Maori Trustee to act as the agent of the owners of Maori land to lease or dispose of it where the land is unoccupied, or has noxious weeds on it, or rates are unpaid, or the land is not being used to the best advantage. The provisions have been little used of recent years. In those cases in which it has been sought to apply them the Maori Land Court has, in general, preferred to use other parts of its jurisdiction such as the creation of a trust for a defined purpose under section 438 of the Act.

Clause 7 amends section 439 of the Maori Affairs Act 1953 so as to enable leases or licences of Maori reservations, granted for the purposes of education or health, to be granted with the consent of the Court, for a term which exceeds 7 years, with a right of renewal for 1 or more terms.

Cases have occurred where it is wished by all concerned to put a kindergarten building on a Marae reservation, but the Kindergarten Association concerned has sought a term of 21 years with a right of renewal before putting up a building.

Clause 8 amends section 33 of the Maori Affairs Amendment Act 1967. Some doubt exists whether the powers conferred on Maori incorporations by this section to adjust their shareholdings in various ways can be exercised by any incorporation more than once. For example under the present provision the incorporation may, among other things fix a minimum share unit, and this has been done in many cases. The effect of this is that there can be no transfer of a lesser number of shares than the minimum unit.

Some incorporations propose in due course to increase the minimum share unit and the purpose of this amendment is to make it clear that this can be done.

Clause 9, subclause (1): Under section 44 of the Maori Affairs Amendment Act 1967 the Maori Land Court has power to make an order amalgamating 2 or more Maori incorporations but does not have power to make such an order retrospective. To make an order under this section the Court requires statements of assets and liabilities of the incorporations affected and it is manifestly impossible to obtain such statements as at the date of the making of the order.

The purpose of this amendment is to enable such an order to be made retrospective.

Subclause (2): Under section 45 of the Maori Affairs Amendment Act 1967 the Maori Land Court has power to include Maori freehold land or European land owned by Maoris in an existing Maori incorporation by amending the subsisting order of incorporation but does not have power to make such an order retrospective. The order is required to set out the value of the land, together with the equity value of the incorporation immediately before the amending order. This is not practicable.

The purpose of this amendment is to enable the Court to make such an amending order retrospective.

Clause 10 substitutes a new section for section 61 of the Maori Affairs Amendment Act 1967. The existing section provides for the scrutiny by an examining officer of the Department of the accounts of Maori incorporations. If any such officer finds cause for dissatisfaction he makes his report to the Registrar who may lay the report, together with his comments thereon, before the Court.

The purpose of this clause is to do away with the automatic checking of annual accounts of incorporations and to provide for the appointment of an examining officer and inquiry by the Court on application by shareholders or pursuant to a resolution of a general meeting of shareholders or of the Court's own motion where it appears to the Court that there is sufficient cause to exercise the jurisdiction.

The new section is based on the provisions of the Companies Act 1955 which relate to the investigation of a company's affairs.

PART II

MISCELLANEOUS AMENDMENTS TO MAORI LEGISLATION

Clause 11: The purpose of this clause, which comes into force on 1 January 1971, is to simplify the machinery by which Crown land is set apart for Maori housing purposes. At present a Proclamation is necessary. The proposal is that this be replaced by a notice issued by the Board of Maori Affairs and published in the *New Zealand Gazette*.

Clause 12: Section 15 of the Maori Purposes Act 1969 vested certain Crown land at Thorndon, Wellington, in the Maori Trustee on trust to lease it to the Ngati Poneke Maori Association as a site for a hall. The property is very valuable and if rates were levied upon it they would amount to a substantial sum.

The purpose of this clause (which is retrospective to 24 October 1969, the date of commencement of the Maori Purposes Act 1969) is to exempt this land from ordinary rating so long as it is earmarked for the purpose mentioned. The Wellington City Council has no objection to the proposal.

Clause 13: This clause corrects an incorrect cross reference in section 9B of the Maori Reserved Land Act 1955. The clause is retrospective to 1 April 1968, the date of the commencement of that section.

Clause 14: The purpose of this clause is to enable the owners of any Maori reserved land, under the Maori Reserved Land Act 1955, of which the legal title and the management is vested in the Maori Trustee, to decide by resolution of a duly conducted meeting that money held in respect of their land be set aside for some specified purpose—e.g., for a contribution to some communal purpose.

Clause 15: At present section 8 of the Maori Soldiers Trust Act 1957 provides that the Maori Soldiers Trust Committee shall comprise members of the Maori race to be appointed by the Minister of Maori Affairs. One member is required to be appointed for each Maori Land Court District. The Auckland Maori Land Court District was abolished by Order in Council made in 1969 but it is the wish of the Maori Soldiers Trust that 1 member should continue to represent Auckland. This clause therefore proposes that there is to be 1 member for each of the Maori Land Court Districts in existence up to 1969 when the Auckland Maori Land Court District was abolished.

Clause 16: The Maori Trustee administers a considerable quantity of Maori land under various statutory and other provisions for the benefit of particular groups of people. Much of this land is leased upon a perpetually renewable basis.

It is proposed by this clause to provide machinery for consultation with committees representative of the owners. An obstacle is that there are a number of people concerned and they are scattered all over the country (and sometimes beyond) so that the holding of a fully representative meeting to pick a committee is difficult or impossible. Nevertheless it is proposed that the Maori Trustee should be authorised to deal with a committee if, in his opinion, it has been elected or otherwise selected or appointed by the beneficiaries or a substantial part of them and is fairly representative of the owners.

The main purpose of a committee will be to receive reports on the current state of administration of the property, and to put to the Maori Trustee the owners' viewpoint on any question of policy.

The Maori Trustee is to have power to make a contribution towards the expenses of members of a committee and to give effect to a recommendation by a committee to pay money for a specific purpose (e.g., communal purpose) providing that no payment for such a purpose is to exceed \$50 and the total amount paid in a year is not to exceed 2½ percent of the money available for distribution to owners. *Clause 14* of this Bill enables the beneficial owners of Maori reserved land by a proper meeting of owners to set aside larger amounts by resolution, but a quorum of owners in many cases will be very hard to obtain.

Clause 17: The purpose of this clause is to make clear that when Maori vested land under the Maori Vested Lands Administration Act 1954 which is subject to a lease granted by the Maori Trustee is revested in the owners, those owners step completely into the shoes of the Maori Trustee as regards their rights and liabilities under the lease.

Clause 18: At the present time a subsidy to the New Zealand Maori Council is paid on expenditure which means that it is not until completion of the year's accounts that the Council knows what subsidy it will receive.

The purpose of this clause is to enable an appropriate sum to be fixed each year by the Minister and paid out of money appropriated by Parliament for the purpose.

PART III

EAST COAST MAORI TRUST LANDS

The East Coast Trust was constituted by statute many years ago to salvage for the Maori people of the area, the remnants of Maori lands which had become involved in the unsuccessful East Coast Settlement Company. An East Coast Commissioner was appointed who farmed the land concerned until the debts were paid off, and around the early 1950s various discussions and legal proceedings took place preparatory to the dissolution of the Trust and the vesting in the Maoris entitled of the land and other assets.

Some of the property was, by the Maori Purposes Act 1951, earmarked to be used to compensate the owners of land which at an earlier stage had been sold to keep afloat the rest of the enterprise. In particular one Trust

Estate known as Mangaotane was to become the property of the persons who were found by the Maori Land Court to be entitled by reason of their right to the land which had been sold. In 1953 special statutory provision was made for the formation into incorporations of the owners of the various blocks of land (including that in the Mangaotane Estate) and the transfer to them of the property.

Most of the land and other property has long since been transferred leaving only the Mangaotane Trust for which the ownership has not for different reasons yet been finally determined by the Maori Land Court, though the beneficial ownership of Mangatu Nos. 5 and 6 Blocks has recently been determined.

In the meantime the East Coast Trust cannot be dissolved because of this last property nor can the appointment of East Coast Commissioner be terminated. The proposal of this Part is that pending determination of the owners for this property it be vested in the Maori Trustee as caretaker, and the Trust dissolved. This has the general agreement of the Maori spokesmen for the district.

The property now comprises about 13,000 acres of substantially bushed and reverted land situated in Mangatu Nos. 5 and 6 Blocks, subject to a grazing arrangement, and about \$7,000 in cash. It is doubtful whether the land is capable of effective and economic use. Its worth is assessed as perhaps \$25,000.

The Part also makes other arrangements for the winding up of the Trust and the handing over to the owners of the Mangaotane property when the owners are ascertained.

Clause 19 defines the term "Commissioner" for the purposes of this Part of the Bill.

Clause 20 provides for the Commissioner to hand over the Mangaotane Trust Estate land as described in *subclause (2)* and other assets to the Maori Trustee.

Clause 21 requires the Commissioner, after paying taxes and other liabilities, to dispose of remaining General Reserve in the manner proposed in his report to the Court.

Clause 22 provides that upon filing a certificate of his compliance with *clauses 20 and 21* the Commissioner is discharged from office and, in so far as he has acted reasonably and honestly, from all liability in respect of his administration.

Clause 23 requires the Maori Trustee, pending the Court's determination, to hold the Mangaotane land in trust for whoever is found by the Court to be entitled thereto. Once the Court determines the ownership, the land is to vest in the owners.

Clause 24 provides that 4 months after the determination of the owners, the Maori Trustee is to distribute the money held to the owners. The delay is to give the owners a chance, if they wish, to resolve that the money be used in some other way.

Clause 25 repeals and overrides existing provisions.

PART IV

POHO-O-RAWIRI MARAE

Clauses 26 to 31 (Part IV): The purpose of this Part is to make special provision for the administration of Poho-o-Rawiri Marae at Gisborne, for the benefit of all the East Coast Maori people. This is the principal marae of the Poverty Bay - East Coast area and differs from other marae in that it was set up several generations ago to serve not only the local tribes but others living to the north and south of Gisborne.

The land is set apart as a Maori reservation under section 439 of the Maori Affairs Act 1953. Administration of the reservation is to be conducted by a Committee with corporate existence, the members of which are to be elected each year at a general meeting of members of the tribes concerned.

Hon. Mr MacIntyre

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, 5
as follows:

1. Short Title—This Act may be cited as the Maori
Purposes Act 1970.

PART I

AMENDMENTS TO MAORI AFFAIRS ACT 1953 10

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. Salaries of Judges—(1) Section 21 of the principal Act 15
(as substituted by section 18 of the Maori Purposes Act 1959)
is hereby amended by repealing subsections (1) and (2) (as
substituted by section 3 (1) of the Maori Purposes Act 1969)
and subsection (3), and substituting the following subsections:

“(1) There shall be paid to the Judges of the Maori Land 20
Court out of the Consolidated Revenue Account, without
further appropriation than this section, salaries at such rates
as the Governor-General, by Order in Council, from time to
time determines.

“(2) The salary of a judge shall not be diminished by 25
Order in Council under this section during the continuance
of his appointment.

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

“(3A) Every Order in Council under subsection (1) of this
section, and every provision of any such order, in respect of 35
which no date is specified as aforesaid shall come into force
on the date of the making of the order.

“(3B) The provisions of section 8 of the Regulations Act 1936 (which relates to the laying of regulations before Parliament) shall extend and apply to every Order in Council made under subsection (1) of this section.”

5 (2) Section 3 of the Maori Purposes Amendment Act 1969 is hereby consequentially repealed.

(3) Notwithstanding anything in the foregoing provisions of this section, the salary payable to a Judge of the Maori Land Court shall continue to be paid at the rate fixed by
10 subsection (1) or, as the case may be, subsection (2) of section 21 of the principal Act (as in force immediately before the passing of this Act) until that rate is increased by an order made under subsection (1) of section 21 of the principal Act (as substituted by subsection (1) of this section).

15 **4. Period for investigation of customary land extended—**
Section 161A of the Maori Affairs Act 1953 (as inserted by section 136 of the Maori Affairs Amendment Act 1967) is hereby amended—

20 (a) By omitting from subsection (1) the words “nineteen hundred and seventy”, and substituting the words “nineteen hundred and seventy-three”:

(b) By omitting from subsection (2) the words “nineteen hundred and seventy-one”, and substituting the words “nineteen hundred and seventy-four”:

25 (c) By omitting from subsection (3) the words “nineteen hundred and seventy-two”, and substituting the words “nineteen hundred and seventy-five”.

5. Vesting orders transferring interests in land—(1) Section 213 of the principal Act (as substituted by section 90 of the
30 Maori Affairs Amendment Act 1967) is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) No order shall be made under this section in respect of any interest which in the opinion of the Court, is of a
35 value less than \$50 unless—

“(a) The person in whom the interest is vested by the order already possesses a freehold interest in the same land; or

40 “(b) The interest vested by the order comprises the whole of the interest in the land to which the owner was entitled immediately before the making of the order.

“(2A) In the case of Maori freehold land which is owned for a freehold estate in fee simple by more than 10 owners, no order (other than an order made pursuant to subsection (4) of this section) shall be made under this section unless the person in whom the interest is vested by the order is— 5

“(a) A Maori or a descendant of a Maori:

“(b) A Maori incorporation under Part IV of the Maori Affairs Amendment Act 1967:

“(c) The husband or wife, or a child or remoter issue, of the owner: 10

“(d) A brother, sister, or parent, of the owner:

“(e) A brother or sister of a parent of the owner, a child or remoter issue of such a parent or of a brother or sister of such a parent.” 15

(2) Section 213 of the principal Act is hereby further amended by omitting from subsection (3), and also from subsection (5), the words “subsection (2)”, and substituting in each case the words “subsections (2) and (2A)”.

6. Repeal of Part XXV of principal Act—Part XXV of the principal Act is hereby repealed. 20

7. Leasing of Maori reservations—Section 439 of the principal Act is hereby amended by inserting, after subsection (9), the following subsection:

“(9A) Notwithstanding anything in subsection (9) of this section, any lease or licence which is granted pursuant to the proviso to that subsection and which is granted for the purposes of education or health may be for a term exceeding 7 years and may confer on the lessee or licensee a right of renewal for one or more terms.” 25 30

8. Adjustment of shareholding by incorporations—Section 33 of the Maori Affairs Amendment Act 1967 is hereby amended by inserting in subsection (1), after the words “may at any time”, the words “and from time to time”.

9. Orders amalgamating incorporations and orders including in incorporations owners of additional land owned by Maoris may be retrospective—(1) Section 44 of the Maori Affairs Amendment Act 1967 is hereby amended by adding the following subsection: 35

“(7) Notwithstanding anything to the contrary in section 34 of the principal Act, an order of incorporation may be made 40

to take effect on a date specified by the Court which may be a date earlier than the date of the minute thereof entered in the records of the Court.”

(2) Section 45 of the Maori Affairs Amendment Act 1967 is hereby amended by adding the following subsection:

“(5) Notwithstanding anything to the contrary in section 34 of the principal Act, an amending order may be made to take effect on a date specified by the Court which may be a date earlier than the date of the minute thereof entered in the records of the Court.”

10. Investigation of incorporations’ affairs—(1) The Maori Affairs Amendment Act 1967 is hereby amended by repealing section 61 (as amended by section 7 of the Maori Purposes Act 1968), and substituting the following section:

“61. (1) The Court may appoint one or more persons (hereinafter in this section referred to as ‘examining officers’) to investigate the affairs of an incorporation and to report thereon to the Court in such manner as the Court directs. The person or persons so appointed may (with the consent of the Secretary) be officers of the Department.

“(2) The Court’s jurisdiction under subsection (1) of this section may be exercised:

“(a) On the application of shareholders together owning not less than one-tenth of the shares; or

“(b) Pursuant to a declaration by special resolution passed by a general meeting of shareholders that the affairs of the incorporation should be investigated; or

“(c) On the Court’s own motion where it appears to the Court that there is sufficient cause to exercise that jurisdiction.

“(3) It shall be the duty of the members of the committee of management, and the secretary, and other officers or servants of the incorporation (whether past or present)—

“(a) To produce to the examining officers all books and papers of or relating to the incorporation and otherwise to give to the examining officers all assistance which they are reasonably able to give; and

“(b) To furnish any explanation required, pursuant to any direction of the Court, on any matter or question referred to in any report of the examining officers.

“(4) If any person fails in any duty imposed on him by subsection (3) of this section, the Court may inquire into

the failure and, after hearing any witnesses who may be produced against or on behalf of the alleged offender and after hearing any statement which may be offered in defence, punish the offender in like manner as if he had been guilty of contempt of the Court.

“(5) Where, after having considered the reports of the examining officers and any explanation which has been furnished under subsection (4) of this section, the Court is of opinion that any matter or question affecting the incorporation should be the subject of inquiry at a sitting of the Court, or that a prima facie case for the exercise of any of the powers conferred upon the Court by subsection (6) of this section appears, the Court may appoint a time and place for a sitting of the Court and give such directions for service of notice of the sitting, and of the matters to be dealt with, as it thinks fit.

“(6) Where as the result of any investigation or examination into the affairs of an incorporation the Court thinks it necessary so to do, it may, notwithstanding any of the provisions of this Part of this Act,—

“(a) Remove from office any member or members of the committee of management:

“(b) Appoint for such period as it thinks fit some person or persons to hold office as an additional member or additional members of the committee of management:

“(c) Suspend for such term as it thinks fit the powers of the members of the committee of management and appoint one or more competent persons to exercise all the powers of the committee:

“(d) Impose such restrictions, conditions, or exceptions as it thinks fit on the powers of the incorporation:

“(e) Give such directions as it thinks fit for the conduct of the business of the incorporation:

“(f) Order the winding up of the incorporation:

“(g) Refer any matter to the Attorney-General to consider whether any information should be laid or any prosecution commenced against any person or persons.

“(7) The Court may, before appointing an examining officer require security for the cost of the examination, not exceeding \$100, to be given by the applicant; and may on completion of the investigation or at any stage thereof make such order as it thinks fit for the payment by the incorporation or by a shareholder or any other person of a reasonable sum to defray the costs of the examination and of any inquiry before the Court.

- “(8) The Court may, in respect of any vacancies in the membership of a committee of management created by the exercise of its powers under paragraph (a) of subsection (6) of this section—
- 5 “(a) Order an election to fill the vacancies; or
“(b) Fill the vacancies by appointment under subsection (4) of section 52 of this Act; or
“(c) Order that the vacancies remain unfilled pending a further order of the Court.
- 10 “(9) Any additional member appointed to a committee of management pursuant to paragraph (b) of subsection (6) of this section shall not, for the purposes of the provisions as to the retirement of members contained in section 55 of this Act, be included in the number of members of the committee
15 but for all other purposes shall have all the powers and be subject to all the provisions relating to the members of committees. The appointment of any such member may at any time be terminated by the Court, notwithstanding that the period for which he was appointed has not yet expired.”
- 20 (2) Section 7 of the Maori Purposes Act 1968 is hereby consequently repealed.

PART II

MISCELLANEOUS AMENDMENTS TO MAORI LEGISLATION

- 11. Setting apart land for purposes of Maori Housing Act**
25 **1935—**(1) The Maori Housing Amendment Act 1938 is hereby amended by repealing section 2 (as amended by section 14 (1) of the Maori Purposes Act 1961), and substituting the following section:
- “2. (1) The Board of Maori Affairs may by notice published in the *Gazette*—
- 30 “(a) Set apart for the purposes of the principal Act, any land which is Crown land under the Land Act 1948 or is State Housing land within the meaning of the Housing Act 1955 and which is not subject to any lease or licence:
- 35 “(b) Vary or revoke any Proclamation issued under this section before the 1st day of January 1971 or any notice issued under this section.
- “ (2) When any land has, whether before or after the commencement of this Act, been set apart pursuant to this section or is under section 3 of this Act deemed to be set
40 apart for the purposes of the principal Act, the District

Land Registrar, at the request of the Board of Maori Affairs, shall endorse on the existing certificate of title to the land a memorial that the land is subject to the Maori Housing Act 1935, or if no certificate of title already exists for the land, the District Land Registrar shall issue a certificate in the name of Her Majesty the Queen and shall endorse such a memorial thereon; and shall, at the like request, cancel the memorial as to the whole or any part of the land.” 5

(2) Section 5 of the Maori Purposes Act 1945 and subsection (1) of section 14 of the Maori Purposes Act 1961 are hereby consequentially repealed. 10

(3) This section shall come into force on the 1st day of January 1971.

12. Hall site for Ngati Poneke Maori Association—(1) Section 15 of the Maori Purposes Act 1969 is hereby amended by inserting, after subsection (4), the following subsection: 15

“(4A) While it remains vested in the Maori Trustee in accordance with the provisions of this section, the land shall be deemed not to be rateable property, in the same manner and to the same extent as if it were land described in the First Schedule to the Rating Act 1967 and subject to the provisions of section 5 of that Act.” 20

(2) This section shall be deemed to have come into force on the 24th day of October 1969.

13. Powers of Maori Trustee in respect of leases of reserved land—(1) Section 9B of the Maori Reserved Land Act 1955 (as inserted by section 156 of the Maori Affairs Amendment Act 1967) is hereby amended by omitting from paragraph (b) of subsection (2) the words “him under subsection (5)”, and substituting the words “the lessee under subsection (4)”. 25 30

(2) This section shall be deemed to have come into force on the 1st day of April 1968.

14. Beneficial owners may resolve to apply money for specified purpose—(1) Section 10 of the Maori Reserved Land Act 1955 (as substituted by section 153 (1) of the Maori Affairs Amendment Act 1967) is hereby amended by adding the following subsection: 35

“(4) A meeting of the assembled owners of any reserved land summoned and held in accordance with the provisions of Part XXIII of the Maori Affairs Act 1953 may pass a resolution under paragraph (f) of subsection (1) of section 315 of that Act, and the provisions of that Part shall apply accordingly.” 40

(2) Section 471 of the Maori Affairs Act 1953 is hereby amended by inserting at the commencement thereof the words "Except as provided in subsection (4) of section 10 of the Maori Reserved Land Act 1955".

5 **15. Constitution of Maori Soldiers Trust Committee—**

(1) Section 8 of the Maori Soldiers Trust Act 1957 (as amended by section 10 of the Maori Purposes Act 1962) is hereby amended by omitting from paragraph (c) of subsection (2) the words "under section 23 of the Maori Affairs Act 1953", and substituting the words "by an Order in Council, made pursuant to section 23 of the Maori Affairs Act 1953 on the 8th day of August 1962, and published in the *Gazette* of the 16th day of August 1962".

(2) This section shall be deemed to have come into force on the 14th day of December 1962.

16. Maori Trustee may recognise committee of beneficial owners—The Maori Trustee Act 1953 is hereby amended by inserting, after section 14, the following section:

20 "14A. (1) The provisions of this section shall apply in respect of any land which is by statute or otherwise vested in the Maori Trustee to administer for the benefit of specified Maoris or descendants of Maoris (hereinafter in this section referred to as 'the beneficiaries').

25 "(2) For the purpose of advising the beneficiaries of the progress of his administration and of assisting him in the administration of any land in respect of which the provisions of this section apply, the Maori Trustee may recognise a committee of the beneficiaries of that land.

30 "(3) The Maori Trustee shall recognise a committee for the purposes of subsection (2) of this section if, in his opinion, the committee has been elected at a meeting or meetings of beneficiaries or otherwise selected or appointed by the beneficiaries or a substantial part of them and is fairly representative of the beneficiaries.

35 "(4) The Maori Trustee may, from money held by him for the beneficiaries of any land in respect of which the provisions of this section apply:

40 "(a) Make such contribution as he sees fit towards the expenses of members of any committee recognised by him; and

“(b) Set aside and expend for tribal or community purposes pursuant to a recommendation of a committee recognised by him, such sum as he sees fit, but not exceeding the sum recommended and not in any one case exceeding \$50: 5

“Provided that payment made pursuant to this section from money held in respect of any land shall not in any one year exceed in total an amount equal to 2½ percent of the money available for distribution to the beneficiaries in that year. 10

“(5) Except as provided by subsection (4) of this section, nothing in this section shall be construed to authorise the Maori Trustee to act otherwise than in accordance with the terms and conditions governing his administration of any land or of the proceeds thereof. 15

“(6) A committee recognised by the Maori Trustee pursuant to this section shall not be or be deemed to be an advisory trustee in terms of section 49 of the Trustee Act 1965.”

17. Position with regard to leases when Maori vested land revested in owners—Section 70 of the Maori Vested Lands Administration Act 1954 is hereby amended by adding the following subsection: 20

“(6) Subject to the provisions of subsection (5) of this section, the rights, duties, and obligations of the Maori Trustee under any leases granted by him pursuant to this Act shall, upon the revesting by an order under this section of the land comprised in any such lease, be exercisable by and enforceable against the legal owner or owners for the time being of the land; and all the provisions of the lease and any provisions of this Act incorporated in the lease, either directly or by reference, and relating to the service of notices, the taking of applications, and the like, upon to and by the Maori Trustee shall be read accordingly.” 25 30

18. Subsidy to New Zealand Maori Council—Section 25 of the Maori Welfare Act 1962 is hereby amended by adding the following subsection: 35

“(3) There shall be paid each year to the New Zealand Maori Council out of money appropriated by Parliament for the purpose such sum as is approved by the Minister.” 40

PART III

EAST COAST MAORI TRUST LANDS

19. **Interpretation**—In this Part of this Act, unless the context otherwise requires, “Commissioner” means the East Coast Commissioner under Part IV of the Maori Purposes Act 1931, and includes the deputy appointed under that Part of that Act to exercise the powers and functions of the Commissioner.

20. **Disposition by Commissioner of remaining assets**—

10 (1) The Commissioner is hereby authorised and directed as soon as conveniently may be after the commencement of this Act, to transfer to the Maori Trustee the title to the land comprised in the Mangaotane Trust Estate, established by section 12 of the Maori Purposes Act 1951, as the same is described in subsection (2) of this section, and, after meeting all legal and other costs, charges, and expenses incurred in respect of the estate, to pay, deliver and transfer to the Maori Trustee all money and other assets comprised in the Trust Estate.

20 (2) The land affected by subsection (1) of this section, being the land comprised in the Mangaotane Trust Estate, consists of:

(a) All those pieces of land containing 9,178 acres, more or less, being Lot 3 on Deposited Plan 2395 and Lot 4 on Deposited Plan 2396, and being all the land comprised and described in certificate of title, No. 1D/1207, Gisborne Registry, subject to Memorandum of Lease No. 88102;

30 (b) All those pieces of land containing 4,438 acres 3 roods 5 perches, more or less, being Lot 2 on Deposited Plan 2394 and Lot 1 on Deposited Plan 3525, and being all the land comprised and described in certificate of title, No. 1D/1208, Gisborne Registry, subject to the fencing covenant in Transfer 20920 and to Memorandum of Lease No. 88102.

21. **Disposal of remaining assets by Commissioner**—After disposing of the assets of the Mangaotane Trust Estate pursuant to section 20 of this Act the Commissioner shall—

40 (a) Pay from his General Reserve the taxation and other liabilities provided for and shown in his audited balance sheet at the 30th day of June 1970; and

- (b) Dispose of the balance of his General Reserve in the manner proposed in his report made to the Court pursuant to section 14 of the Maori Purposes Act 1953 for the year ended on that day and already filed in the Court with an application for confirmation under that section. 5

22. Discharge of Commissioner—Upon the Commissioner filing in the Court a certificate that he has complied with the requirements of sections 20 and 21 of this Act he shall be and be deemed to have been discharged from his office and, in so far as he has acted honestly and reasonably, from all liability in respect of his administration. 10

23. Land to be held by Maori Trustee pending determination of owners—(1) Pending the making by the Court of an order under section 17 of the Maori Purposes Act 1951 in respect of the land transferred to the Maori Trustee pursuant to section 20 of this Act, he shall hold it in trust for the persons who shall by that order be declared to be the owners thereof. 15

(2) Upon and by the making by the Court of that order under section 17 of the Maori Purposes Act 1951, the land referred to in subsection (1) of this section shall become and be deemed to be Maori land and shall vest for a legal and beneficial estate in fee simple in the persons set out in the order and in the shares shown therein. The Registrar of the Court shall transmit the order to the District Land Registrar who shall amend his records accordingly. 25

24. Disposition by Maori Trustee of assets other than land—(1) Subject to the provisions of subsection (2) of this section, the Maori Trustee shall, upon the expiry of 4 months after the date of the making of the order under section 17 of the Maori Purposes Act 1951, convert into money all remaining property transferred to him by the Commissioner pursuant to section 20 of this Act not then consisting of money and shall distribute the fund then held, after payment of any expenses and charges, to the owners of the land affected by that order as if it were money derived from the alienation of the land. 30 35

(2) Nothing in subsection (1) of this section shall be construed to prevent the Maori Trustee from giving effect to any lawful order of the Court for the payment of money otherwise than as provided by that subsection or to any confirmed resolution of the assembled owners of the land passed under Part XXIII of the Maori Affairs Act 1953 as to the application of the money.

25. Repeals—(1) Section 18 of the Maori Purposes Act 1951, and subsection (1) of section 6 and section 16 of the Maori Purposes Act 1953, are hereby repealed.

(2) The provisions of this Part of this Act shall prevail over and supersede the provisions of Part IV of the Maori Purposes Act 1931, Part II of the Maori Purposes Act 1951, and Part I of the Maori Purposes Act 1953 to the extent that they are inconsistent with those provisions.

PART IV

POHO-O-RAWIRI MARAE

26. Poho-o-Rawiri Marae set apart as a Maori Reservation—(1) The land described in subsection (2) of this section (hereinafter in this section referred to as Poho-o-Rawiri Marae) is hereby set apart as a Maori reservation under section 439 of the Maori Affairs Act 1953 for the common use and benefit of the members of the tribes named in subsection (3) of this section as a Maori community centre.

(2) The land comprised in Poho-o-Rawiri Marae consists of:

- (a) All those pieces of land containing 8 acres 6.6 perches, more or less, being Lots 1 and 2 on Deposited Plan 3086 and being all the land comprised and described in certificate of title, No. 111/23, Gisborne Registry:
- (b) All those pieces of land containing 1 rood 29.8 perches, more or less, being Lot 1 on Deposited Plan 5090 and part Lot 2 on Deposited Plan 4952, and being all the land comprised and described in certificate of title, No. 1A/300, Gisborne Registry:
- (c) All that piece of land containing 4 acres, more or less, being Kaiti 322 Block, and being all the land comprised and described in certificate of title, No. 3A/905, Gisborne Registry, subject to Memorandum of Lease No. 58667.

(3) The tribes for whose use and benefit the Poho-o-Rawiri Marae is set apart are:

Ngationeone.

Ngatiporou (and its constituent hapus).

Rongowhakaata.

Aitanga-a-Mahaki.

Ngai Tamanuhiri.

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27. Poho-o-Rawiri Marae Committee—(1) The persons holding office at the commencement of this Act as members of the committee of management of the Maori incorporation known as “The Proprietors of Poho-o-Rawiri” are hereby constituted a body corporate with perpetual succession and a common seal under the name of “Poho-o-Rawiri Marae Committee”.

(2) Members of the Poho-o-Rawiri Marae Committee shall be elected and appointed and shall retire and may resign or be removed from office as if they were members of the committee of management (consisting of 7 members) of a Maori incorporation under Part IV of the Maori Affairs Amendment Act 1967, constituted in the year 1969, and the provisions of subsections (4) and (5) of section 52, section 53, subsections (1) to (6) of section 54, and sections 55 and 56 of that Act and of the Maori Incorporations Regulations 1969 shall with the necessary modifications apply accordingly:

Provided that the meetings required by subsection (1) of section 28 of this Act shall for the purposes of the provisions abovementioned stand in place of the annual general meetings of shareholders.

28. Meetings of Committee—(1) The Poho-o-Rawiri Marae Committee shall once in each year within 6 months after the 31st day of March arrange for and hold a general meeting of members of the tribes named in subsection (3) of section 26 of this Act for the purpose of receiving a report on the administration of the Poho-o-Rawiri Marae and the financial statement required to be prepared under subclause (3) of regulation 5 of the Maori Reservations Regulations 1963 and of discussing the same and the administration of the Marae and (if necessary) of electing a person or persons to fill any vacancies in the committee, and may arrange for and hold special general meetings for any such purpose.

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(2) If any question shall arise at any general meeting as to whether any person is or is not a member of one of the tribes named in subsection (3) of section 26 of this Act the question shall be decided in the first instance by the Chairman of the meeting after such consultation as he thinks fit. The Chairman's decision shall be final for that meeting and, unless within 7 days after the meeting any person interested appeals in writing to the Committee against the decision, it shall be final for all purposes. If an appeal is made to the Committee its decision after hearing the appellant, and the person concerned if he be not the appellant, shall be final.

29. Land vested in Committee—(1) The land described in subsection (2) of section 26 of this Act is hereby vested for an estate in fee simple in the Poho-o-Rawiri Marae Committee to hold and administer it subject to the provisions of this section as trustees under and in accordance with section 439 of the Maori Affairs Act 1953 and any regulations made under that section.

(2) The District Land Registrar for the Gisborne Land Registration District is hereby authorised and directed without fee to enter upon the certificates of title to the said land a memorial of the vesting effected by subsection (1) of this section.

30. Authority to sell, lease, or exchange land—Except in respect of the land comprised in certificate of title, No. 111/23, and notwithstanding the provisions of subsection (9) of section 439 of the Maori Affairs Act 1953, the Poho-o-Rawiri Marae Committee may, with the consent of the Court, sell, lease, or exchange any of the land for the time being vested in it.

31. Dissolution of the Proprietors of Poho-o-Rawiri and provision incidental thereto—(1) The Maori incorporation known as The Proprietors of Poho-o-Rawiri is hereby dissolved and all the personal property and all the rights, powers, and privileges appertaining to that incorporation are hereby vested in the Poho-o-Rawiri Marae Committee, which shall also become subject to and liable for all claims and liabilities to which that incorporation was subject.

(2) The order made by the Court at Gisborne on the 1st day of September 1954 under section 438 of the Maori Affairs Act 1953 and registered in the Land Registry Office at Gisborne under No. 51869 in respect of part of the land described in subsection (2) of section 26 of this Act is hereby revoked. 5

(3) The order made by the Court on the 3rd day of December 1883 under the provisions of the Native Land Court Act 1880 and the Native Land Division Act 1882 vesting part of the land described in subsection (2) of section 26 of this Act in 3 trustees is hereby revoked. 10