

# **Maori Purposes Bill**

Government Bill

As reported from the Māori Affairs Committee

## **Commentary**

### **Recommendation**

The Māori Affairs Committee has examined the Maori Purposes Bill and recommends that it be passed with the amendments shown.

### **Introduction**

The Maori Purposes Bill is an omnibus bill that aims to make largely technical amendments to existing legislation relating to Māori, Māori land and other Māori purposes. The bill as introduced consisted of 22 clauses in 4 parts.

Part 1 proposes to amend Te Ture Whenua Maori Act 1993. Clauses 6, 10, 14 and 15 were considered to raise substantive policy issues which will be discussed later in this commentary.

Part 2 proposes to amend the Maori Purposes Act 1991 to enable the Wi Pere Trust to stagger appointment dates of its trustees.

Part 3 amendments relate to the Maori Purposes Fund Act 1935 and take account of the increase in the number of Māori electoral districts providing (without specifying the number) that the members of Parliament for Māori electoral districts are members of the Māori Purposes Fund Board.

Part 4 proposes to amend the Maori Soldiers Trust Act 1957 to allow money held on behalf of the Māori Soldiers Trust Committee to be invested by the Māori Trustee in investments other than the Common Fund.

Supplementary Order Paper No 23 was referred to the committee by the Minister of Māori Affairs on 15 May 2000 proposing a new Part 5 to amend the Maori Purposes Act 1993. This is discussed later in the commentary.

Supplementary Order Paper No 27 was referred to the committee on 31 May 2000 by the Minister of Māori Affairs. It proposes additions to Part 1 to make technical amendments in relation to Māori Reservations and is commented on later.

### **PART 1 Amendments to Te Ture Whenua Maori Act 1993**

Amendments proposed under clauses 2, 4, and 5 were accepted by us as being essentially technical in nature and raising no important issues. Neither were any submissions received in relation to them.

#### **Potential obstruction to the development of some lands**

Clause 3(1), which affects the definition of the term “alienation” in section 4 of Te Ture Whenua Maori Act 1993 (the principal Act), creates in consequence, a flow of amendments proposed in clauses 8, 9, 11, 12, 13 and 16 of the bill. The amendment makes it clear that the term of a lease includes the term of any renewal. It was submitted that the provision might have the effect of potentially obstructing development of some land, apparently due to the possibility that lease terms might not support viable investment. However, we satisfied ourselves that the provision would not prevent the leasing of land for periods that are longer than the lease term. An implication of the provisions however, and one considered positive, is that the alienation requires confirmation, and the right of first refusal given to the preferred class.

#### **Clause 6—Power of the Māori Land Court to give advice or make a determination on representatives for Māori**

The Māori Land Court (the Court) has in the past made determinations on representation for Māori. Subsequently, changes have been required to such representation due to death, resignation or the

desire to add members. There is currently no provision to alter representatives determined by the Court. The amendment in clause 6 is proposed to overcome this problem by enabling the Māori Land Court, at the request of the Chief Executive or Chief Judge, to review and add to, reduce or replace the representatives of a class or group of Māori.

Of the six submissions received, two address the issues raised by this clause in some depth, both questioning the “review” power proposed to be given to the Court. A related issue highlighted concerns about an inconsistency between sections 30(1)(a) and 30(1)(b), and the proposed section 30(2A).

We agree with submitters that the word “review” has the effect of expanding the powers of the Court beyond a technical power to make changes to Māori representatives to include the power to review earlier advice and determinations of the Court. It is not confined to a power to make changes to those representatives when required through death, resignation or the desire to add members. This raises serious considerations, both in relation to the Court holding a power of this nature on such a fundamentally important issue, and also that should the need arise for the Court to exercise it, the Court lacks an equitable process to conduct the review.

While this matter will be addressed in Te Ture Whenua Maori Amendment Bill, we recommend that clause 6 be amended now to ensure that:

- the Māori Land Court is limited to making changes to representatives when required through death or resignation or where there is a desire to add additional members; and
- in making changes to representatives when required through death or resignation or where there is a desire to add members, the Māori Land Court is empowered to act only upon the request of the court, commission or tribunal that made the original request under section 30(1)(a) or upon the request of the Chief Executive or the Chief Judge under section 30(1)(b).

### **Clause 10 amending section 228 of Te Ture Whenua Maori Act 1993**

Clause 10 amends section 228 (1) and section 228 (3) of Te Ture Whenua Maori Act 1993 so that restrictions on trustees’ right to alienate land applies only to Māori freehold land rather than “any

land”. As the new section is currently worded, the restriction applies to any land, including general land. The implications of the proposed amendment will be discussed further in this section.

Two key issues presented for in depth consideration.

### **Apparent conflict between section 228(3) and section 243(7) of Te Ture Whenua Maori Act 1993**

One submission brought to light an apparent conflict between section 228(3) and section 243(7) of the principal Act, highlighting the fact that the relationship between these two sections is unclear. Section 228(3) provides that alienation of “any land” by way of sale must be confirmed by the Court. Section 243(7) provides that “No restrictions on alienation imposed by the provisions of this Act shall apply in respect of any land acquired by the trustees and retained by them as an investment.”

There is an issue in that, if trustees acquire Māori freehold land or an interest in Māori freehold land as an investment, any subsequent alienation of that land or interest then requires confirmation under section 228(3), or whether the “no restrictions” provisions of section 243(7) applies.

In considering these provisions and their potential application, we consider we had a duty to preserve the land retention principle that drove the introduction of the Act. Mindful of the historic Māori land march and the call of Māori that “not one acre more” of Māori land should be lost, we structured our final decisions on amendment proposals to reflect these sentiments.

We note that where trustees wish to sell Māori freehold land, there is some relief under section 137 of the Act. This provision empowers the Court to change the status of Māori freehold land to general land in circumstances where it is impracticable to obtain the necessary 75 percent approval.

### **Trustees powers of alienation**

We considered an equity issue of some importance concerning land that ceased to be Māori freehold land by virtue of status declarations under the Maori Affairs Amendment Act 1967. Under this Act, some Māori freehold land, where it was owned by less than four owners, underwent a status change to general land without the knowledge or consent of the owners.

We consider that such land should also be subject to restrictions on its alienation by trustees even if acquired as an investment and recommend accordingly that:

- section 228(1) be amended to make it subject both to an amended section 243(7) and section 228(2)
- section 228(1) be further amended by making it clear that trustees have no power to sell any Māori freehold land or land that ceased to be Māori freehold land by virtue of the registration of a status declaration issued under section 6 of the Maori Affairs Amendment Act 1967
- section 228(3) be amended by making clear that every alienation by trustees of Māori freehold land or land that ceased to be Māori freehold land by virtue of the registration of a status declaration issued under section 6 of the Maori Affairs Amendment Act 1967, shall be of no force or effect unless it is confirmed by the Court
- section 243(7) be amended by making clear that the restrictions on alienations imposed by any of the provisions of the Act shall apply to Māori freehold land or land that ceased to be Māori freehold land by virtue of the registration of a status declaration issued under section 6 of the Maori Affairs Amendment Act 1967.

#### **Clause 14 Aggregation orders**

Clause 14 amends section 308(4), which relates to aggregation orders. The rationale for the amendment is that upon cancellation of an aggregation order the Māori Land Court should be given power to award compensation to owners whose equity or income from their land has been used to effect improvements to lands that will be allocated to other owners.

One submission, while raising a number of concerns, stated that the Court should not have the power to partition land without the approval of the trustees. On the other hand, some of us consider that in situations where an owner, who may not have been an owner in a block of land immediately prior to the granting of an aggregation order, is eligible on the cancellation of that order to be granted compensation by the Court for money expended on improvements, such an owner might not enjoy the favour of the trustees and consequently, might not be granted the necessary consent.

We consider that the Court should be able to balance the competing equities in any situation but that in any event, the Court would be required to consult the trustees or committee of management before awarding compensation.

Accordingly, we propose that clause 14 be amended to include a requirement that where land is affected by the cancellation of an aggregation order, and it is land for which a trust is constituted under Part XII of the principal Act or is land vested in a Māori incorporation, the Court may not make an order under section 293 unless it has first consulted the trustees or the management committee.

We also propose that clause 14 be amended so that the Court may not, under section 293(1) (as applied by subsection (5)), award additional land to any owner unless it is satisfied that the owner of the additional land has been given a reasonable opportunity of recompensing the owner who effected the improvements that would be the basis for the award of additional land.

### **Clause 15 Occupation orders**

Clause 15 extends the Māori Land Court's power to make an occupation order under section 328 of the Act to houses that have already been built rather than only land that is to be used as a site for a house. Two of the six submissions raised a number of complex issues associated with section 328 orders and papakainga housing. We recognise that a more thorough examination of the issues in the context of Te Ture Whenua Maori Amendment Bill would be desirable and recommend the omission of this clause.

### **Supplementary Order Paper No 27 Maori Reservations Regulations 1994**

On 31 May 2000 the Minister of Māori Affairs referred to the Committee a supplementary order paper proposing additions to Part 1 of the bill to make technical amendments:

- clarifying the effect and application of Te Ture Whenua Maori Act 1993 to Maori reservations
- clarifying matters relating to trustees
- repealing regulation 3(d) of the Maori Reservations Regulations 1994 and addressing consequential issues.

We agree to the inclusion of the proposed amendments in the bill.

**Parts 2, 3 and 4**

These latter three parts propose technical amendments on which no issues were raised in submissions.

**Supplementary Order Paper No 23—Ngāti Whātua Iwi Authority**

A Supplementary Order Paper was referred to the committee by the Minister of Māori Affairs on 15 May 2000 proposing a new Part 5 to amend the Maori Purposes Act 1993. The amendment acknowledges that Te Rūnanga o Ngāti Whātua (Te Rūnanga) is, and has always been, a mana authority in place of Ngāti Whātua o Ōrakei Māori Trust Board (the Trust Board), as if Te Rūnanga had entered into the relevant mana contract with the Crown and not the Trust Board.

We support the inclusion of the new part in the bill, with minor drafting changes.

## **Appendix**

### **Committee process**

The Maori Purposes Bill 1999 was introduced by the former Government on 29 June 1999 and received its second reading and was referred to the Māori Affairs Committee on 13 July 1999. The Māori Affairs Committee was considering the bill when the 45th Parliament was dissolved. The requested enactment for the bill is 31 August 2000.

The closing date for submissions was 26 September 1999. We received and considered six submissions from interested groups and individuals. We heard one submission orally in Wellington. Hearing evidence took 17 minutes and consideration took 3 hours 17 minutes. We received advice from Te Puni Kōkiri.

### **Committee membership**

John Tamihere (Chairperson)  
Willie Jackson (Deputy Chairperson)  
Joe Hawke  
Māhara Okeroa  
Mita Ririnui  
Hon Doug Kidd  
Hon Georgina te Heuheu  
Dr Wayne Mapp  
Hon Richard Prebble

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**Key to symbols used in reprinted bill****As reported from a select committee****Struck out (unanimous)**

<b>Subject to this Act,</b>	Text struck out unanimously
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**New (unanimous)**

<b>Subject to this Act,</b>	Text inserted unanimously
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*(Subject to this Act,)* Words struck out unanimously

Subject to this Act, Words inserted unanimously

Note: This bill has been reformatted in accordance with the resolution of the House of 22 December 1999.

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*Hon Dover Samuels*

# Maori Purposes Bill

Government Bill

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Maori Purposes Act **1999**.

**1A Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent. 5

**Part 1**

**Amendments to Te Ture Whenua Maori Act 1993**

**2 Te Ture Whenua Maori Act 1993 called principal Act in this Part** 10

In this Part, Te Ture Whenua Maori Act 1993<sup>1</sup> is called “the principal Act”.

<sup>1</sup> 1993 No 4

**2A Commencement**

This Part comes into force on the day after the date on which this Act receives the Royal assent. 15

**3 Interpretation of English terms**

(1) Section 4 of the principal Act is amended by inserting in paragraph (c)(iv) of the definition of the term **alienation**, after the word “years”, the words “(including any term or terms of renewal)”. 20

(2) Section 4 of the principal Act is amended by repealing the definition of the term **order**, and substituting the following definition:

“**order**, in relation to the Court,— 25

“(a) means—

“(i) an order, judgment, decision, or determination of the Maori Land Court or the Maori Appellate Court; and

“(ii) an order made by a Registrar in the exercise of a jurisdiction or power pursuant to section 39(1); and 30

“(iii) an order made by the Chief Judge under section 44; and

“(b) includes a refusal to make an order, judgment, decision, or determination of a kind referred to in **paragraph (a)(i) or paragraph (a)(ii) or paragraph (a)(iii)**”.

#### 4 **New section 24A inserted**

The principal Act is amended by inserting, after section 24, the following section: 5

##### “24A **Powers of Court under Contracts (Privity) Act 1982 and Contractual Remedies Act 1979**

“(1) Subject to **subsection (2)**, the Court may exercise any power conferred on the High Court— 10

“(a) by the Contracts (Privity) Act 1982; or

“(b) by any of the provisions of sections 4, 7(6), 7(7), and 9 of the Contractual Remedies Act 1979.

“(2) A power conferred on the Court by **subsection (1)** may be exercised only if the occasion for the exercise of that power arises in the course of proceedings (other than an application made for the purposes of section 7(1) of the Contracts (Privity) Act 1982 or section 7(6) or section 9 of the Contractual Remedies Act 1979) properly before the Court under section 18(1)(d) of this Act.” 15 20

#### 5 **Power of Court to make order to restore effect of lost instruments of alienation**

Section 25 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:

“(3) Instead of or in addition to making an order declaring the nature and effect of the instrument, the Court may, on an application under this section, make an order vesting land or an interest in land to which the instrument related in— 25

“(a) any person or persons claiming under the instrument; or

“(b) any other person or persons claiming under or through the person or persons specified in **paragraph (a)**.” 30

**Struck out (unanimous)****6 Power of Maori Land Court to give advice or make determination as to representatives of class or group of Maori**

Section 30 of the principal Act is amended by inserting, after subsection (2), the following subsection: 5

“(2A) The Maori Land Court may, at the request of the Chief Executive or the Chief Judge,—

“(a) review the representatives of a class or group of Maori determined by the Court under subsection (1)(a) or subsection (1)(b); and 10

“(b) on a review under **paragraph (a)**,—

“(i) add to or reduce the number of representatives; or

“(ii) replace any of the representatives; or

“(iii) exercise both its powers under **subparagraph (i)** and its powers under **subparagraph (ii)**.” 15

**New (unanimous)****6 New section 30A inserted**

(1) The principal Act is amended by inserting, after section 30, the following section:

**“30A Review of representatives**

“(1) The Maori Land Court may at any time review any advice supplied by it under section 30(1)(a) if— 20

“(a) it is requested to do so by the court, commission, or tribunal at whose request that advice was supplied; and

“(b) it is satisfied that a review of that advice is necessary because— 25

“(i) any representative specified in that advice has died or resigned; or

“(ii) the court, commission, or tribunal considers that there is a need for additional representatives.

“(2) The Maori Land Court may at any time review any determination made by it under section 30(1)(b) if— 30

“(a) it is requested to do so by the Chief Executive or the Chief Judge; and

**New (unanimous)**

- “(b) it is satisfied that a review of the determination is necessary because—
- “(i) any representative specified in that determination has died or resigned; or
- “(ii) the Chief Executive or the Chief Judge considers that there is a need for additional representatives. 5
- “(3) The Court may on any review under **subsection (1) or subsection (2)** change any advice supplied by it under section 30(1)(a) or amend any determination made by it under section 30(1)(b), as the case may require, for the purpose of— 10
- “(a) filling vacancies caused by death or resignation; or
- “(b) satisfying the need for additional representatives; or
- “(c) both.”
- (2) Section 33(1) of the principal Act is amended by inserting, after the expression “section 30(1)”, the expression “or **section 30A**”. 15

**7 Chief Judge may correct mistakes and omissions**

- (1) Section 44(1) of the principal Act is amended by inserting, after the words “the Court” where they first appear, the words “or a Registrar (including an order made by a Registrar before the commencement of this Act)”. 20
- (2) Section 44(4) of the principal Act is amended by omitting the expression “Part V”, and substituting the expression “Part VI”.

**8 Appointment of receiver to enforce charges, etc**

Section 83(6) of the principal Act is amended by inserting, after the word “years”, the words “(including any term or terms of renewal)”. 25

**9 Court not to grant confirmation unless satisfied of certain matters**

Section 152(1)(g) of the principal Act is amended by inserting, after the word “longer”, the words “(including any term or terms of renewal)”. 30

**Struck out (unanimous)****10 Trustees' powers of alienation**

- (1) Section 228(1) of the principal Act is amended by omitting the word "land" where it first appears, and substituting the words "Maori freehold land".
- (2) Section 228 (3) of the principal Act is amended by omitting the word "land", and substituting the words "Maori freehold land".

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**New (unanimous)****10 New section 228 substituted**

- (1) The principal Act is amended by repealing section 228, and substituting the following section:

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**"228 Trustees' powers of alienation**

- "(1) Despite anything in the trust order, but subject to **subsection (2)** and to section 243(7), the trustees of a trust constituted under this Part of this Act have no power to sell any land (being Maori freehold land or land that ceased to be Maori land by reason of the registration of a status declaration issued under section 6 of the Maori Affairs Amendment Act 1967) vested in them for the purposes of the trust unless the proposal to sell has the consent of—

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"(a) at least three-quarters of the owners, where no owner has a defined share in the land; or

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"(b) the persons who together own at least 75% of the beneficial freehold interest in the land.

- "(2) **Subsection (1)** and section 147(2) do not apply in any case where the Court is satisfied that it is necessary for the trustees to sell, for the purpose of effecting minor boundary adjustments, part of the land vested in the trustees for the purposes of the trust.

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- "(3) Every alienation of any land (being Maori freehold land or land that ceased to be Maori land by reason of the registration of a status declaration issued under section 6 of the Maori Affairs Amendment Act 1967) by way of sale or gift by the trustees of a trust constituted under this Part of this Act is of

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**New (unanimous)**

no force or effect unless and until it is confirmed by the Court under Part VIII.”

- (2) Section 13 of Te Ture Whenua Maori Amendment Act 1994 is consequentially repealed.

**10A Acquisition of land by trustees**

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Section 243(7) of the principal Act is amended by inserting, after the word “land”, the words “(other than Maori freehold land or land that ceased to be Maori land by reason of the registration of a status declaration issued under section 6 of the Maori Affairs Amendment Act 1967)”.

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**11 Incorporation’s powers of alienation**

Section 254(1)(a)(ii) of the principal Act is amended by inserting, after the word “years”, the words “(including any term or terms of renewal)”.

**12 Certain instruments require noting by Registrar**

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Section 255(b)(i) of the principal Act is amended by inserting, after the word “years”, the words “(including any term or terms of renewal)”.

**13 Disposal of land on winding up of incorporation**

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Section 283(2) of the principal Act is amended by inserting, after the word “years”, the words “(including any term or terms of renewal)”.

**Struck out (unanimous)****14 Aggregation orders**

- (1) Section 308(4) of the principal Act is amended by omitting the word “The”, and substituting the words “Subject to **subsection (5)**, the”.

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- (2) Section 308 of the principal Act is amended by adding the following subsection:

**Struck out (unanimous)**

“(5) Despite subsection (4), the provisions of section 293 relating to the Court’s power to award compensation for improvements in a partition order apply, with any necessary modifications, to the cancellation of aggregation orders under this section.”

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**New (unanimous)****14 Aggregation orders**

(1) Section 308(4) of the principal Act is amended by omitting the word “The”, and substituting the words “Subject to **subsection (5)**, the”.

(2) Section 308 of the principal Act is amended by adding the following subsections: 10

“(5) Despite subsection (4), but subject to **subsections (6) and (7)**, the provisions of section 293 relating to the Court’s power to award, in a partition order, compensation for improvements effected on the land to which the order relates apply, with any necessary modifications, to the cancellation of any aggregation order under this section. 15

“(6) Where land that will be affected by the cancellation of an aggregation order is— 20  
 “(a) land in respect of which a trust is constituted under Part XII; or

“(b) land vested in a Maori incorporation,—  
 the Court may not exercise the power conferred on the Court by **subsection (5)** unless it has first consulted the trustees or the management committee of the incorporation, as the case may require. 25

“(7) The Court may not, under section 293(1) (as applied by **subsection (5)**), award additional land to any owner unless it is satisfied that the owner of the additional land has been given a reasonable opportunity of recompensing the owner who effected the improvements that would be the basis for the award of additional land.” 30

**Struck out (unanimous)****15 Occupation orders**

Section 328(1) of the principal Act is amended by adding the words “(including a house that has already been built and is located on that land when the order is made)”.

**16 Maori reservations for communal purposes**

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(1) Section 338(12) of the principal Act is amended by inserting, after the word “years”, the words “(including any term or terms of renewal)”.

(2) Section 338(14) of the principal Act is amended by inserting, after the word “years”, the words “(including any term or terms of renewal)”.

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**New (unanimous)****16A Maori reservations for communal purposes**

(1) Section 338(8) of the principal Act is amended by inserting, after the words “in accordance with”, the words “, and be subject to,”.

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(2) Section 338 of the principal Act is amended by repealing subsection (17), and substituting the following subsection:

“(17) Where any Maori reservation (set apart under any Act repealed by this Act or the corresponding provisions of any former Act) is subsisting at the commencement of this Act, this Act, and any regulations made under this Act, have effect,—

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“(a) in relation to the Maori reservation, as if it were a Maori reservation set apart under this section; and

“(b) in relation to any vesting order made in respect of the Maori reservation (under any Act repealed by this Act or the corresponding provisions of any former Act), as if that vesting order were a vesting order made under this section. ”

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**16B New section 338A inserted**

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The principal Act is amended by inserting, after section 338, the following section:

## New (unanimous)

- “338A Regulations relating to trustees of Maori reservations**
- “(1) Regulations made under section 338(15) may, in relation to the trustees of Maori reservations generally or in relation to the trustees of any specified Maori reservation or of any specified class of Maori reservations,— 5
- “(a) specify—
- “(i) terms for which those trustees or any of them are to be appointed:
- “(ii) circumstances in which those trustees or any of them cease to hold office: 10
- “(iii) circumstances in which those trustees or any of them may be removed from office by the Court:
- “(iv) powers, authorities, and discretions that may be exercised by those trustees (in addition to those conferred on them by this Act) and the manner in which those trustees or any of them may exercise their powers, authorities, and discretions (including those conferred on them by this Act or the Trustee Act 1956 or both): 15
- “(v) powers, authorities, and discretions conferred by the Trustee Act 1956 that may not be exercised by those trustees: 20
- “(vi) conditions that must be complied with by those trustees.
- “(b) authorise the Court to exercise in relation to those trustees (but not to the exclusion of the High Court) any of the powers and authorities conferred on the High Court by the Trustee Act 1956. 25
- “(2) Nothing in **subsection (1)** limits—
- “(a) the powers of the Court under section 338(8); or 30
- “(b) the generality of section 338(15).”
- 16C Maori Reservations Regulations 1994**
- (1) Subject to **subsections (2) to (4)**, the Maori Reservations Regulations 1994 (SR 1994/57) are deemed to be, and to have always been, valid. 35

**New (unanimous)**

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|-----|---|----|
| (2) | Regulation 3 of the Maori Reservations Regulations 1994 is amended, as from the commencement of those regulations, by revoking paragraph (d).   |    |
| (3) | Despite <b>subsection (2)</b> ,—  |    |
| (a) | the action of any person, in vacating office before the commencement of this Act, in accordance with regulation 3(d) of the Maori Reservations Regulations 1994, is deemed to be, and to have always been, valid:   | 5  |
| (b) | the action of any person, in declining to vacate office in accordance with regulation 3(d) of the Maori Reservations Regulations 1994, is deemed to be, and to have always been, valid:   | 10 |
| (c) | the action of the Court, in appointing any person as a trustee of a Maori reservation in the place of a person who has, before the commencement of this Act, vacated office in accordance with regulation 3(d) of the Maori Reservations Regulations 1994, is deemed to be, and to have always been, valid. | 15 |
| (4) | Despite <b>subsections (2) and (3)</b> , a trustee of a Maori reservation who has, before the commencement of this Act, vacated office in accordance with regulation 3(d) of the Maori Reservations Regulations 1994 is not entitled, and is deemed never to have been entitled,—                           | 20 |
| (a) | to be reinstated in office; or  |    |
| (b) | to receive any compensation for loss of office by reason of his or her vacation of office in accordance with regulation 3(d).   | 25 |

**Part 2****Amendment to Maori Purposes Act 1991**

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| 17 | <b>Maori Purposes Act 1991 called principal Act in this Part</b> | 30 |
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In this Part, the Maori Purposes Act 1991<sup>2</sup> is called “the principal Act”.

<sup>2</sup> 1991, No 38

**17A Commencement**

This Part comes into force on the day after the date on which this Act receives the Royal assent.

**18 Wi Pere Trust**

- (1) Section 2 of the principal Act is amended by inserting, after subsection (6), the following subsection: 5

“(6A) Despite subsection (5), where the term of office of a trustee expires, that trustee, unless sooner vacating office or being removed from office under subsection (7) or subsection (8), continues to hold office by virtue of the appointment for the expired term until— 10

“(a) the trustee is reappointed; or

“(b) a successor to the trustee is appointed.”

- (2) **Section 2(6A)** of the principal Act (as inserted by **subsection (1)** of this section) has effect, and is deemed always to have had effect, in relation to every trustee whose term of office expired before the commencement of this Act as if that subsection had been in force at the expiration of his or her term of office. 15

**Part 3****Amendment to Maori Purposes Fund Act 1934–35** 20**19 Maori Purposes Fund Act 1934–35 called principal Act in this Part**

In this Part, the Maori Purposes Fund Act 1934–35<sup>3</sup> is called “the principal Act”.

<sup>3</sup> 1934–35 No 45

**19A Commencement** 25

This Part comes into force on the day after the date on which this Act receives the Royal assent.

**20 Maori Purposes Fund Board established**

Section 7(2) of the principal Act is amended by repealing paragraph (c), and substituting the following paragraph: 30

“(c) the members of Parliament for the Maori electoral districts:”.

## Part 4

### Amendment to Maori Soldiers Trust Act 1957

- 21 Maori Soldiers Trust Act 1957 called principal Act in this Part**
- In this Part, the Maori Soldiers Trust Act 1957<sup>4</sup> is called “the principal Act”.
- <sup>4</sup> 1957 No 29
- 21A Commencement**
- This Part comes into force on the day after the date on which this Act receives the Royal assent.
- 22 New section 5A inserted**
- The principal Act is amended by inserting, after section 5, the following section:
- “5A Investment otherwise than in Maori Trustee’s Common Fund**
- “(1) Despite sections 4 and 5, the Trust Committee may, under section 24 of the Maori Trustee Act 1953, direct the Maori Trustee to invest, otherwise than in the Maori Trustee’s Common Fund, money held for the purposes of the Trust.
- “(2) The care, diligence, and skill that a prudent person of business would exercise in managing the affairs of others must be exercised—
- “(a) by the Trust Committee in giving directions under section 24 of the Maori Trustee Act 1953; and
- “(b) subject to directions given by the Trust Committee, by the Maori Trustee in investing money held for the purposes of the Trust.”

## New (unanimous)

**Part 5****Amendments to Maori Purposes Act 1993**

- 23 Maori Purposes Act 1993 called principal Act in this Part** 5  
 In this Part, the Maori Purposes Act 1993<sup>5</sup> is called “the principal Act”.  
<sup>5</sup> 1993 No 103
- 24 Commencement**  
 This Part comes into force on the day after the date on which this Act receives the Royal assent.
- 25 Interpretation** 10  
 In this Part, unless the context otherwise requires,—  
**specified mana contract** means the mana contract entered into in 1988 by the Crown and the Trust Board  
**Te Runanga** means Te Runanga o Ngati Whatua constituted by section 4 of Te Runanga o Ngati Whatua Act 1988 15  
**Trust Board** means Ngati Whatua o Orakei Maori Trust Board constituted by section 4 of the Orakei Block (Vesting and Use) Act 1978 and referred to in section 6A of the Maori Trust Boards Act 1955.
- 26 Te Runanga o Ngati Whatua deemed to be mana authority in place of Ngati Whatua o Orakei Maori Trust Board** 20  
 For the purposes of the principal Act, Te Runanga is, and has always been, a mana authority in place of the Trust Board as if Te Runanga and not the Trust Board was and had always been the party to the specified mana contract. 25
- 27 Application of sections 5 to 12 of principal Act to Te Runanga o Ngati Whatua** 30  
 Sections 5 to 12 of the principal Act apply, and are deemed always to have applied, to Te Runanga as if, on 29 April 1994, an Order in Council (made under section 4(1) of the principal Act and applying sections 5 to 7 of the principal Act to Te

**Legislative history**

29 June 1999	Introduction and first reading (Bill 306-1)
13 July 1999	Second reading and referral to the Māori Affairs Committee

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