



Maori Trustee Act 1953

- Citation:** No 95
- Date of Assent:** 26 November, 1953
- Commencement:** 1 April, 1954
- Repeal:** Still in Force
- Amendments:**
- 1955, No 106:** s10 amends s38.
 - 1960, No 120:** s21 repeals and replaces s30, amends ss17, 23.
 - 1961, No 129:** s16 amends s30
s17 amends s32.
 - 1962, No 46:** s2 inserts new s24A – Temporary advances to Maori Trustee.
s3 amends s30
s4 amends s37
s5 amends s38
s6 inserts new s46A – Maori Trustee not obliged to act on orders for payment.
 - 1963, No 123:** s16 amends s33.
 - 1966, No 106:** s12 amends ss19, 20, 21.
 - 1967, No 124:** See separate record.
s148 inserts new ss12A, 12B, 12D, 12E, 13A, 16A, 46B, 46C, 46D.
 - 1967, No 145:** s5 inserts new s45A – Payment to Maori Trustee of proceeds of Maori land held by any solicitor, accountant or real estate agent for six years or more.
 - 1968, No 127:** s10 amends s36
s11 amends s41D.
 - 1969, No 127:** s10 amends s12 – Interim administration of estates of Maori by Maori Trustee.
s11 amends s32
s12 amends s49 – Maori Trustee may register memorial of charge against land.
 - 1970, No 120:** s16 inserts new s14A – Maori Trustee may recognise committee of beneficial owners.
 - 1971, No 151:** s5 amends s32
s6 inserts new s48A – Maori Trustee may bar small claims.
s7 contains minor amendments to the principal Act increasing \$ amounts in line with inflation.
 - 1973, No 106:** s18 amends ss18 - 21
s19 amends s41E.
 - 1975, No 135:** s9 amends s41E(1)(a)

Amendments to Relevant Sections continued next page



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s12 repeals *s34*.

1976, No 148: *s22* amends *s9*

s23 amends *s30*

s24 abolishes the Reserved and Vested Land Purchase Fund.

s24 repeals *s41A* to *41F*.

1977, No 70: *s3* amends *s12A* and *s12B*

s4 amends *s24A*.

1978, No 4.

1979, No 136: *s16* repeals and replaces *s4* .

1982, No 124: *s15* amends *s12A*

s16 amends *s12B*

s17 amends *s17*

s18 repeals and replaces *s22*

s19 repeals and replaces *s24A*

s20 amends *s38*.

1985, No 116.

1991, No 41: *s2* inserts new *s12DA* – appointment of Maori Trustee by executors, administrators and trustees.

s3 inserts new *s13B* – Maori trustee may enter into joint ventures.

s4 inserts new *s30A* – Unclaimed agency money.

s5 inserts new *s32A* – Guarantees and indemnities.

1991, No 145: See schedule.

Type of Legislation:

Public

Subject:

Public/Native/Maori Trustee

Maori Land Court: Structures & Jurisdiction

Public Works

Relevant Sections:

s6: Maori Trustee incorporated.

s11: Maori Trustee may hold in trust for Maori any land or other property that may be vested in him. Where land is held otherwise than by the Maori Trustee in trust for Maori, the trustees may vacate their office and appoint him to be a sole trustee in their place.

s12: Maori Trustee may administer estates of deceased Maori pending grant of probate and administration.

s14: Maori Trustee may use revenues of land administered by him in acquisition of other land required for incidental purposes.

s16: Where the Maori Trustee has possession or control over any personal property he may sell that property.

ss17 - 22: Maori Trustee's Account.

Relevant Sections and Commentary continued over page



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s24: Maori Trustee may receive money for investment on behalf of any Maori for otherwise than the Common Fund.

ss25 - 30: Investment and deposit of money in the Common Fund.

ss31 - 41: General Purposes Fund.

s32: Money in General Purposes Fund may be advanced for the benefit of Maori on security of a mortgage of any freehold or leasehold interest. Money advanced for a Co-op Dairy Co etc. of which the majority of shares is held by Maori may be secured by way of floating charge.

s33: Authorising establishment and maintenance of Maori hostels out of General Purposes Fund.

s35: Limited authority to make donations out of General Purposes Fund for philanthropic or other purposes.

s39: Maori Trustee may acquire land on behalf of Maori.

s40: Maori Trustee may acquire land to provide sites for Maori dwellings.

s44: If any Maori has defaulted in money payable to the Maori Trustee, the Maori Trustee may apply any money standing in credit of the debtor in the Trustees account in satisfaction of the debt.

s46: MLCt may direct that rents in respect of Maori land be paid to Maori Trustee.

s47: MLCt may direct payment to Maori Trustee of compensation for land taken under Part IV of Public Works Act 1928.

s48: Maori Trustee entitled to charge commission in respect of services rendered by him.

Commentary: The Act is mainly a consolidation of Maori Trustee legislation with the changes relating to the arrangement of the Trustee Account, giving the Maori Trustee power to buy land for housing, and providing for the delegation of powers so enquiries do not have to be made in Wellington only. It also sets up a new system for the distribution of accumulated unclaimed funds. Lists are to be drawn up and published, and if the money remains unclaimed after 1 year 10% is to go to the Maori Purposes Fund and the remaining 90% to a disposal scheme (see AJHR (1957) G - 9). The Maori Education Foundation Act 1961 provided that the 90% would be paid to the Maori Education Foundation and by 1971 \$710,185 had been paid.

Cross Reference continued next page



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Cross Reference: NZPD vol 301 (1953) 2322 - 2324, 2406

AJHR (1954) G - 9 pp.13 - 17
(*Department of Maori Affairs*)

AJHR (1957) G - 9 pp.10 - 12
(*Maori Affairs Department*)

AJHR(1971) G - 9 p.15
(*Report of Department of Maori Affairs*)

Butterworth G & Butterworth S *The Maori Trustee*
(Maori Trustee, Wellington, 1991) 94 - 95.