



## Maori Affairs Amendment Act 1967

1967

- Citation:** No 124  
**Date of Assent:** 22 November, 1967  
**Commencement:** Majority of Act to come into operation 1 April, 1968. ss 134, 135, 141, 142 and 145 to come into force on date of assent.
- Repeal:** Still in Force
- Amendments:** 1968, No 127: s8 amends s78.  
1969, No 127: s7 amends s40.  
1970, No 120: s8 amends s33  
s9 amends s44  
s10 repeals and replaces s61.  
1971, No 11: s2 amends s78.  
1972, No 135: s13 amends ss84, 86 and 87.  
1973, No 106: s13(3) repeals Part I  
s17 inserts new s78A – MLCt may vest Maori land in successors without grant of administration.  
1974, No 73: See separate record.  
s23 repeals ss119, 120 relating to uneconomic interests.  
s26 amends s78A  
s27 repeals ss84, 85, 87(1)(2)  
s52 repeals s124 relating to compulsory acquisition.  
s54 repeals s136  
s55 repeals ss21, 126(2), 133(2)  
s64 amends s144  
s65 repeals s146  
s77 – declaration that land owned by incorporations shall be Maori land rather than European land which it had been previously under s68.  
s78 inserts new s37A – incorporation shares protected against bankruptcy and execution.  
1974, No 144: s5 amends s72.  
1975, No 135: s7 amends s41  
s8 inserts new s43A – Incorporations may accept trusts.  
s9 repeals ss152, 155 and 156.  
s17 amends ss31 and 65.  
1976, No 148: s15 amends s29  
s16 amends s46  
s17 amends s50  
s18 amends s76A

*Amendments to Relevant Sections continued over page*



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*s19* amends *s78A*

*s20* inserts new *s81A* – Transfer of interest in Maori land from administrator to persons beneficially entitled.

*s21* amends *s68*

*s24* repeals *ss128, 129* and *130*.

**1977, No 103:** *s4* amends *s38*

*s5* amends *s28*

*s6* amends *s47*.

**1978, No 70:** *s9* amends *s76A*.

**1982, No 124:** *s12* amends *s39*

*s13* amends *s78A*.

**1991, No 145:** See *schedule*.

**1993, No 4:** See separate record.

*Second Schedule* repeals Parts II, III, IV, V (except *ss89(4) (6)*), VI, VII (except *s130(2)*) *ss132 - 135, 137 - 145, 147*.

Public

**Type of Legislation:**

Status of Land

**Subject:**

Maori Land Court: Structures & Jurisdiction

Incorporations

Alienation of Maori Land

Survey Issues

Compulsory Acquis & Transfer of Control

Equitable Owners

Public/Native/Maori Trustee

**Relevant Sections:**

*Part I Status of Maori Land*

*s3:* This Part applies to Maori freehold land beneficially owned by up to four owners for a legal and beneficial estate in fee simple.

*s6:* Where Registrar is satisfied that land falls under *s3*, no owners are deceased, the land is suitable for effective use and occupation and a plan of the land has been prepared, a declaration shall be issued that the status of the land shall cease to be Maori land.

*s8:* Effect of change of status on existing encumbrances.

*s11:* Registrar to notify owners of change of status [ie. no consultation].

*Part II Promotion of Better Use and Administration of Maori Land*

*s15:* Main purpose to promote the effective and profitable use and efficient administration of Maori land.

*s16:* Secretary may institute investigation of the use and ownership of any Maori freehold land or class of Maori freehold land.

*Relevant Sections continued next page*



s17: Then determination to be made whether necessary to improve the fitness of the land or give it more efficient administration.

*Part IV Maori Incorporations*

s24: This Part into force 1 April, 1969.

s26: Owners of Maori land may be incorporated where 1 area owned by more than four owners.

s27: Objects of the incorporation include...

- a) occupy and manage the land as a farm ie. carry on an agricultural business,
- b) to use the land for growing timber etc,
- c) to engage in coal mining etc,
- d) to arrange for the alienation of the land.

s29: MLCt may make order of incorporation.

s31: On incorporation the owners of land shall become a body corporate.

s32: Shareholders of incorporation.

s33: Incorporations may resolve to fix a minimum share unit so that the incorporation "resumes" the shares of those with less than the minimum shares. Resolution to be confirmed by MLCt.

s35: Resumption of shares. Payment to deleted shareholders for the value of their shares.

s38: Shares shall be transferable personal property.

Methods for the transfer of shares.

s40: Resolutions restricting sales of shares. Confirmation by MLCt.

s41: Persons to whom shares may be transferred.

s48: Power of incorporation to alienate land and deal with assets as if it were a private person except that sales of land require a resolution from a general meeting of shareholders.

s52: Appointment of committee of management.

s57: The powers and functions of a Maori incorporation may be exercised on its behalf by its committee of management and not otherwise.

s60: Share valuer.

s63: Meetings of shareholders.

s68: Registered Bodies corporate under principal Act to become Maori incorporations under this Act.

s72: Provisions as to tax.



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*Part V Wills and Succession*

**s76:** Persons entitled to succeed on the intestacy of a Maori shall be determined in the same manner as if the deceased person were a European.

**78:** Beneficial freehold interests in land of any Maori shall be included in his dutiable estate.

**s80:** MLCt not to have jurisdiction under Family Protection Act 1955, but Supreme Court jurisdiction to extend to estates of Maori including interests in Maori freehold land.

*Part VI Provisions relating to Alienations*

**s100:** Inserts new section 227A – Consideration of Alienation.

**s116:** Inserts new sections 318A, 318B – Confirmations of resolutions for alienation of land.

**s117:** Inserts new sections 325A – Proceeds of Alienation, 325B – Payment of compensation, 325C – New lease where compensation not satisfied.

*Part VII Provisions relating to Conversion*

**s119:** Uneconomic interests.

**s121:** Inserts new section 148A – Vested and reserved land excluded from operation of Part XIII.

**s124:** Inserts new section 151A – Maori Trustee may acquire uneconomic interests during exercise of Courts jurisdiction in certain cases.

**s128:** Inserts new sections relating to Reserved land and Vested land:–

– **s41A:** Reserved and Vested Land Purchase Fund.

– **s41B:** Payments out of Purchase Fund.

– **s41C:** Maori Trustee may purchase interests in reserved land and vested land.

– **s41D:** Maori Trustee may acquire uneconomic interests in reserved land and vested land.

– **s41E:** Disposition of interests acquired.

*Part VIII Miscellaneous Amendments to Enactments Affecting Maori*

**s136:** Inserts new section 161A – Period for investigation of customary land limited.

**s147:** Inserts new section 445A – Vesting land in Official Assignee.

**s148:** Makes amendments to Maori Trustee Act 1953: –

– **s12A:** Power of Maori Trustee to elect to administer small estates without grant of administration.

*Relevant Sections and Commentary continued next page*



- s12B: Elections in respect of administered balance of estate.
- s12C: Intestate estates.
- s12D: Application to probate intestate estates.
- s12E: Place of Application.
- s13A: Maori Trustee not required to give bond.
- s16A: Payment of claims where assets insufficient.
- s46B: Assignment of money in hands of Maori Trustee.
- s46C: Power of Maori Trustee to make small payouts without order.
- s46D: Disposition of small sums held for beneficiaries.
- s150: Inserts new section 4A into Maori Vested Lands Administration Act 1954 – Alienation powers of equitable owners.
- s151: Inserts new section 4B into Maori Vested Lands Administration Act 1954 – Security over vested land.
- s152: Inserts new section 61A into Maori Vested Lands Administration Act 1954 – Sale of vested land to lessees.
- s154: Inserts new section 10A into Maori Reserved Land Act 1955 – Registration of security.
- s155: Inserts new section 9A into Maori Reserved Land Act 1955 – Sale of reserved land to lessees.
- s156: Inserts new section 9B into Maori Reserved Land Act 1955 – Powers of Maori Trustee in respect of leases.

**Commentary:** This Act was largely based on the recommendations of the Prichard Report on Laws Affecting Maori Land and Powers of the Maori Land Court. The Report made several recommendations for the “better use” of Maori land, most of which were in reaction to the urbanisation of Maori. The Report was later opposed by the Maori Council, and when the Bill was before Parliament it attracted strong opposition. Rata said that most of the submissions to the Maori Affairs Committee were against the Bill, and it was hotly debated in the House. Butterworth says the Act “outraged the whole of Maori opinion and engendered vehement nationwide opposition”. The Prichard report had recommended that the conversion scheme for compulsory acquisition by the Maori Trustee of uneconomic interests should be expanded to include interests under the value of £100 however the Government did not go that far and the Act raises the level to £50. Hanan’s argument for the purchase of uneconomic interests is related to the perception of the urbanised Maori reflected in the Prichard Report. It was argued that Maori in towns would

*Commentary continued over page*



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prefer to realise the value of their interest in order to finance a house and furnishings in the towns and that urbanised Maori would no longer want to maintain their ties with a small piece of "idle" land. Hanan said "There are no tribal rights as such, only the rights of owners" (meaning individual interests) and "to what extent should the rights of the individual owner to realise his interest to the best advantage to him be subordinated to the interests of the group wishing to hold property to the exclusion of outsiders?"

In reply Tirikatene-Sullivan argued that it is a myth that having multiple ownership is a barrier to development, and cites the example of the successful Mangatu Incorporation.

In order to fulfill the purpose of Part II "to promote the effective and profitable use and the efficient administration of Maori Land" an Improvement Officer is created to determine the best action for use of the land, including the power to order alienation. Rata pointed out that such extreme compulsory measures for the use Maori land are unreasonable because the amount of idle Crown and private land is similar but Pakeha would not accept being subject to such controls. This Part of the Act was perhaps the most objected to at the time but it was repealed by the Maori Purposes Act 1970 s6, the debate for which records that it had been a dead letter provision as the Maori Land Court had preferred to use powers under s438 of the principal Act to vest land owing rates etc. in trustees for management.

The Act continues the National Government's policy of removing legislative distinctions between Maori and Pakeha, with Hanan saying that it "was based on the proposition that the Maori is the equal of the European". However, Tirikatene-Sullivan replied that the contention that the Bill makes Maori and Pakeha equal is "nothing more than sugar coating on an otherwise bitter pill of accelerated alienation of Maori Land". The major provision towards "equality" of landholding is that Maori Freehold land with less than 4 owners is automatically declared to be European land. Rata said that Maori did not want the status of their land changed as there had only been about 7 applications under s433 of the principal Act. In 1970 the Maori Affairs Department reported that 3,410 declarations of changed status of land had been made since the passing of this Act, only 586 of which had been at the request of the owners. These provisions were repealed by the Labour Government in 1973 in recognition of general Maori dislike of the change of status.

*Commentary and Cross Reference continued next page*



Sections 152 and 155 allow the Maori trustee to sell to the lessees the freehold of vested and reserve land. Tirikatene-Sullivan said that selling the lands would be breaking the trust whereby the lands were vested originally and destroying the provisions made for future generations to have land holdings. The Prichard Report had recommended that this should be allowed. It concluded that Maori owners would never be able to resume such lands because the compensation payable for improvements would always be too expensive (due to rising inflation and reasonably static rents) and that it would better if Maori were able to capitalise their interests instead of continuing to receive rents. The 1975 Commission on Reserved Lands concluded that these provisions should be repealed as, by 1973, the sale of nearly 18,000 acres had been permitted, causing fears about how much more land may be lost. Following that Commission, the Maori Purposes Act 1975 repealed the provisions and enabled Reserved Lands to be administered by Incorporations or Trusts to satisfy the beneficial owners' desire for control over their lands. The Act also makes changes to the Incorporation system following the Prichard Report, which had recommended changes to make them more like a business entity. As part of this the Act provides that the interests of owners in the land will be converted to shares in the corporate body. This means that the owners lose their direct link to their interests in the land, their *Turangawaewae*. Overall, the Act reflects the attitude that Maori land holdings should be individual and that the individual should ultimately have the same freedom of alienation as Pakeha. It thus does not recognise the concept of tribal land or that Maori might not want their land to become "Europeanised" in status.

- Cross Reference:** NZPD vol 350 (1967) 46 - 49  
NZPD vol 353 (1967) 3655 - 3669, 3737 - 3730  
NZPD vol 354 (1967) 4005 - 4074, 4366 - 4376  
AJHR (1968) G - 9 pp.21 - 23  
(*Maori Affairs Department*)  
AJHR (1969) G - 9 p.21 - 22  
(*Report of Maori and Island Affairs Department*)

*Cross Reference continued over page*



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*Report of Committee of Inquiry into Laws Affecting Maori Land and Powers of the Maori Land Court*

(Government Printer, Wellington, 1965) (Prichard Report – not printed in AJHR)

AJHR (1975) H - 3 pp. 50 - 55, 268 - 269

(*Maori Reserved Land Commission*)

AJHR (1976) E - 13 p.11

(*Department of Maori Affairs*)

Butterworth G & Butterworth S *The Maori Trustee*

(Maori Trustee, Wellington, 1991) 98, 107

Butterworth G & Young H *Maori Affairs*

(GP Books, Wellington, 1991) 105 - 106

Waitangi Tribunal *The Ngai Tahu Report* Wai 27

(Brooker & Friend, Wellington, 1991) 140.