



Maori Affairs Amendment Act 1974

- Citation:** No 73
Date of Assent: 8 November, 1974
Commencement: Date of Assent
- Repeal:** Repealed 1993, No 4
Amendments: 1991, No 145: See schedule.
Type of Legislation: Public
Subject: Maori Land Boards
 Maori Land Court: Structures & Jurisdiction
 Alienation of Maori Land
 Public/Native/Maori Trustee
 Leased Land
 Public Works
 Compulsory Acquis & Transfer of Control
 Wahi Tapu & Non Tangible Resources
- Relevant Sections:** *Preamble:* Refers to desire for official recognition of Maori language as the 'ancestral tongue of that part of the population of New Zealand of Maori descent'.
Part II Department of Maori Affairs
s4: Inserts a new Part II regarding Department of Maori Affairs.
 – *s4:* Objects of Department – a) the retention of Maori land in the hands of its owners, b) the preservation and transmission of Maori language, customs, arts etc, c) the qualifications of Maori for trades, professions and occupations.
Part III Trade Training and Employment
s6: Minister may authorise preparation and carrying out of schemes for, eg the recruitment and placement of Maori in employment, the arranging of apprenticeships for Maori.
Part IV Abolition of Board of Maori Affairs and Constitution of Maori Land Board
s9: Inserts new replacement sections –
 – *s5:* Establishes Maori Land Board
 – *s6:* Maori Land Board to implement Policy of Government.
Part V Maori Land Advisory Committees
s13: Maori Land Advisory Committees established.
 Functions of Committee:
 – to assist in consideration of proposals to improve the title of any Maori land or for a change in the use of Maori land,
 – to exercise powers delegated to it by Maori Land Board.
- Relevant Sections continued next page*



Part VI Succession to Maori

s24: Inserts new *s145A* – Vesting orders in respect of interests in European land of deceased Maori.

Part VII Alienation of Maori Land

s28: Inserts new replacement sections –

– *s213*: Transfer of interests by Court Vesting orders.

– *s213A*: Vesting in persons beneficially entitled, interests held in representative capacity.

– *s213B*: Application to vesting orders of Land Settlement Promotion and Land Acquisition Act 1952.

s33: Inserts new *s234B* – Leases not to contain option to purchase.

s37: Inserts new *s315A* – Reference to Maori Land Advisory Committee where meeting lapses.

s39: Inserts new *s317A* – Payment of money on filing application for confirmation.

Part VIII Miscellaneous Amendments to Maori Affairs Act 1953

s50: Inserts new *s57A* – Maori Land Court Special Aid Fund.

s51: Inserts new *s77A* – Recognition and encouragement of Maori language.

s52: Repeals sections in relation to compulsory acquisition by Maori Trustee of uneconomic interests.

s56: Survey and other charges in favour of Crown discharged.

s57: Inserts new *s453A* – European land may be declared Maori Land.

s58: Inserts new *s439A* – Aggregation of ownership.

s60: Inserts new *s439A* – MLCt may consider proposals for Maori reservations.

s68: Certain European land may again become Maori land.

Part IX Representation of Owners of Maori Land

s70: Purpose of this Part to provide for more effective and direct representation of the owners of Maori land in multiple ownership.

s71: Notice to owners of land in multiple ownership.

s73: MLCt may appoint agents of owners. Agents may be appointed for a variety of purposes eg receiving notices, negotiating with the Crown.

s76: Extension of this Part to other Maori land where the owner is deceased or his whereabouts is unknown.

s77: Declaration of land owned by incorporations as Maori land rather than European land which it had been previously under *s68* Maori Affairs Amendment Act 1967.

Relevant Sections, Commentary and Cross Reference continued over page



Maori Affairs Amendment Act 1974 *continued*

s78: Inserts new s37A into Maori Affairs Amendment Act 1967 –
Incorporation shares protected against bankruptcy and execution.

Commentary: This Act represents the Labour Government's policy on Maori affairs and Rata said that the basic philosophy was that "the continued alienation of Maori land to non-Maoris ought not to be facilitated" and that the legislation "repairs the invasion of the rights of the Maori people brought about by the legislation of 1967". As such it allows Maori owners of European land to apply to have its status returned to Maori land and land held by incorporations is no longer automatically deemed European land. The quorum required for alienation by assembled owners is increased to 75% of the interests in the land and the Conversion Fund scheme established in 1953 is repealed. Part V establishes Maori Land Advisory Committees to assist with title improvement work and to implement Government policy at a local level rather than centralised in Wellington. Changes are made to the procedure for taking land for Public Works, with notices now to be sent through the Maori Land Court. One of the most controversial changes was to the definition of Maori, which is widened to include any person who is a descendant of a Maori. The Act is based on the White Paper of 1973 (AJHR 1975) and also followed extensive consultation with Maori at hui.

Cross Reference: NZPD vol 391 (1974) 2687 - 2695
 NZPD vol 394 (1974) 4775 - 4787
 NZPD vol 395 (1974) 5090 - 5113
 AJHR (1980) H - 3 pp.14 - 34
 (*McCarthy Commission on Maori Land Courts*)
 AJHR (1975) E - 20
 (*White Paper on Proposed Amendments to Maori Affairs Acts*)
 Butterworth G & Young H *Maori Affairs*
 (GP Books, Wellington, 1990) 109.