



## Maori Affairs Restructuring Act 1989

1989

- Citation:** No 68  
**Date of Assent:** 25 September, 1989  
**Commencement:** 1 October, 1989
- Repeal:** Still in Force  
**Amendments:** 1991, No 42: s2 inserts new s13A  
s3 amends s16  
s4 inserts new s86A  
s5 amends s43  
s6 amends s90.  
1991, No 145: s9, Schedule amend s2(1)  
s10 repeals ss4 - 8, 10 - 12, 13(1), 91 and the *First* and *Second Schedules*.  
1993, No 4.  
1993, No103.
- Type of Legislation:** Public  
**Subject:** Govt Admin Specific to Maori/Maori Land  
Maori Land Development Schemes
- Relevant Sections:** s4: Department of Maori Affairs restructured to form the Iwi Transition Agency.  
s6: Primary objective of ITA to help iwi to develop and strengthen iwi authorities to provides services for their members and for other Maori within the rohe of the iwi.  
ss14 - 84: *Maori Land Development*.  
s14: Purpose of this Part of the Act to promote the occupation of Maori freehold land by Maori and the use of such land by Maori for farming purposes.  
s19: Land previously subject to Part XXIV Maori Affairs Act 1953 subject to this part of the Act. Also any suitable Maori freehold land, and general land owned by Maori, any Crown land to which s331 relates and land acquired by the General Manager of the ITA may be declared subject to this Part of the Act.  
s24: Any land that is subject to this Part may be utilised by the General Manager in certain ways.  
s25: On any land subject to this Act the General Manager may undertake works for the improvement and development of the land eg survey, reclamation, fencing, grassing, construction.  
s26: Any land subject to this Act may be used as a base farm for breeding stock, training Maori in farm management etc.

*Relevant Sections and Commentary continued over page*



**Maori Affairs Restructuring Act 1989** *continued*

- s29:* General Manager may license certain persons to be the nominated operator of any area of land.
- s31:* General Manager may grant leases of any land that is subject to this Part of the Act. No lease or other alienation of Maori freehold land under this Part of the Act shall require to be confirmed by the MLCt.
- s32:* Preference for granting of leases to be given to Maori.
- s34:* Term of leases in respect of Maori land shall not exceed 50 years.
- s35:* Term of leases in respect of Crown land shall not exceed 30 years. Any such lease may contain a perpetual right of renewal.
- s40:* Compensation for improvements.
- s42:* All rents payable to be paid to the Maori Trustee.
- s53:* Money expended by the General Manager in respect of any area of Maori freehold land or of General land owned by Maori shall be a charge on that land.
- s56:* Enforcement of charges.
- s57:* General Manager may advance money to the lessees of any land for certain purposes, eg purchase of livestock, seeds, machinery etc.
- s59:* Advances to owners of freehold land.
- s64:* Land may be vested in owners.
- s67:* General Manager may engage advisors for Maori farmers.
- s68:* General Manager may cut and remove trees or timber from any land that is subject to this Part of the Act.
- s72:* Use of land for afforestation purposes.
- s85:* Advances of Public money to Maori occupiers of land that is not subject to Part II of this Act.
- s86:* General Manager may make advances to, or for the benefit of, any Maori for the purpose of assisting him or her to engage in any enterprise whatsoever.
- s87:* Authorising establishment and maintenance of Kokiri Centres.

**Commentary:** This Act is part of the Labour Government's devolution policy outlined in *He Tirohanga Rangapu*. It effectively abolishes the Department of Maori Affairs by creating the Iwi Transition Agency and transferring servicing the Maori Land Court to the Department of Justice. Wetere says the policy is the "restoration, development, and resourcing of iwi". The Iwi Transition Agency is seen as being

*Commentary and Cross Reference continued next page*



temporary, with the purpose of assisting iwi to become self-sufficient. The iwi structures are incorporated into government structures by the Runanga Iwi Act 1990. During the Debates the opposition, and also Dr. Gregory, expressed concern at the abolition of the Department of Maori Affairs. These changes were rejected by the National Government with the Runanga Iwi Act Repeal Act 1991 and the Ministry of Maori Development Act 1991. The Act also re-enacts Part XXIV of the Maori Affairs Act 1953 without substantial amendment despite the criticisms of that framework for Maori Land Development schemes by the Waitangi Tribunal in its Waiheke Island Report.

- Cross Reference:** NZPD vol 497 (1989) 10058 - 10077  
NZPD vol 500 (1989) 12230 - 12241  
NZPD vol 501 (1989) 12444 - 12465, 12550 - 12556  
AJHR (1987 - 1990) E - 13  
(*Maori Affairs Department 1989*)  
E - 38HY, E - 38A (*Iwi Transition Agency*)  
Butterworth G & Butterworth S *The Maori Trustee*  
(The Maori Trustee, Wellington, 1991) 142 - 146  
Minister of Maori Affairs *He Tirohanga Rangapu/Partnership Perspectives*  
(Wellington, 1988)  
Waitangi Tribunal *Report of the Waitangi Tribunal on the Waiheke Island Claim Wai 10* (1987)  
(Waitangi Tribunal, Wellington, 1989).