



## ANALYSIS

Title	PART II
1. Short Title	
<b>PART I</b>	
AMENDMENTS TO MAORI AFFAIRS ACT 1953	
2. This Part to form part of the Maori Affairs Act 1953	
3. Appointment of temporary Judges	
4. Salaries of Judges	
5. Constitution of Maori reservations for communal purposes	
6. Missing owners of Maori land	
7. Investigation of incorporation's affairs	
8. Certification by Registrar of value of undivided interest in Maori land of deceased estate	
	<b>MISCELLANEOUS AMENDMENTS</b>
	9. Grants from Special Maori Housing Fund towards running costs of hostels
	10. Disposal by Maori Trustee of office premises, etc.
	11. Acquisition by Maori Trustee of uneconomic interests
	12. Membership of Tainui Maori Trust Board
	13. Gratuities payable on retirement or death of employees
	14. Annual accounts of Maori Trust Boards
	15. Tarawera Forest Act 1967 amended
	12A. Succession to certain shareholders deceased before the first day of April, nineteen hundred and sixty-eight

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1968, No. 127

**An Act to amend the law relating to Maoris and Maori land,  
and for other purposes** [17 December 1968]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title**—This Act may be cited as the Maori Purposes Act 1968.

**PART I**

AMENDMENTS TO MAORI AFFAIRS ACT 1953

**2. This Part to form part of the Maori Affairs Act 1953**—This Part of this Act shall be read together with and deemed part of the Maori Affairs Act 1953 (in this Part referred to as the principal Act).

**3. Appointment of temporary Judges**—Section 16A of the principal Act (as inserted by section 3 of the Maori Purposes Act 1966) is hereby amended by omitting the words “of two years or for two”, and substituting the words “not exceeding twelve months or for two or more such”.

**4. Salaries of Judges**—(1) Section 21 of the principal Act (as substituted by section 18 of the Maori Purposes Act 1959 and amended by section 3 of the Maori Purposes Act 1967) is hereby further amended by omitting from paragraph (b) of subsection (2) the word “May”, and substituting the word “April”.

(2) This section shall be deemed to have come into force on the first day of April, nineteen hundred and sixty-eight.

**5. Constitution of Maori reservations for communal purposes**—(1) Section 439 of the principal Act is hereby amended—

(a) By omitting from subsection (1) and also from subsection (2) the words “The Governor-General may, by Order in Council”, and substituting in each case the words “The Secretary may, by notice in the *Gazette*”:

(b) By omitting from subsection (3) and also from subsection (6) the words “Order in Council”, and substituting in each case the word “notice”.

(2) Section 439 of the principal Act is hereby further amended by repealing subsection (5), and substituting the following subsection:

“(5) On the recommendation of the Court the Secretary by notice in the *Gazette*, may, in respect of any Maori reservation made under this section, do any one or more of the following things:

“(a) He may exclude from the reservation any part of the land therein comprised:

“(b) He may cancel the reservation:

“(c) He may redefine the purposes for which the reservation is made:

“(d) He may redefine the persons or class of persons for whose use or benefit the reservation is made”.

(3) Section 439 of the principal Act is hereby further amended by omitting from subsection (8) the words “Where by reason of the revocation or variation of any Order in Council under this section any land ceases to be a Maori reservation or part of a Maori reservation, the land”, and substituting the

words "Upon the exclusion of any land from a reservation under this section or the cancellation of any such reservation the land excluded or the land formerly comprised in the cancelled reservation".

**6. Missing owners of Maori land**—Section 447 of the principal Act (as substituted by section 143 of the Maori Affairs Amendment Act 1967) is hereby amended by omitting from subsection (4) the words "interests in land specified in the instrument of election", and substituting the words "beneficial freehold interests in Maori freehold land owned by that person within the Maori Land Court district".

**7. Investigation of incorporation's affairs**—Section 61 of the Maori Affairs Amendment Act 1967 is hereby amended by omitting from subsection (2) the words "shall, after making any other investigations which seem to him desirable, lay the report before the Court", and substituting the words "shall lay the report, together with his comments thereon, before the Court if, after making such other investigations as seem to him desirable, he considers the report warrants consideration by the Court".

**8. Certification by Registrar of value of undivided interest in Maori land of deceased estate**—Section 78 of the Maori Affairs Amendment Act 1967 is hereby amended by repealing subsection (4), and substituting the following subsection:

"(4) On application by the administrator of an estate the Registrar shall certify as to the value of any undivided freehold interest in Maori freehold land if the value of the interest, in his opinion, does not exceed two thousand dollars. The value so certified shall be accepted for the purposes of the Estate and Gift Duties Act 1955."

## PART II

### MISCELLANEOUS AMENDMENTS

**9. Grants from Special Maori Housing Fund towards running costs of hostels**—Section 18 of the Maori Housing Amendment Act 1938 (as substituted by section 15 of the Maori Purposes Act 1961) is hereby amended by adding to subsection (4) the following paragraph:

"(h) The making to any body or organisation of grants by way of contribution towards the cost of accommodating in a hostel administered or operated by

that body or organisation young Maoris who are undergoing any apprenticeship or other training for any trade or occupation.”

**10. Disposal by Maori Trustee of office premises, etc.**—Section 36 of the Maori Trustee Act 1953 is hereby amended by adding the following subsection:

“(3) The Maori Trustee may, in such manner and upon such terms and conditions as he thinks fit, sell, lease, or otherwise dispose of any real or personal property held by him for the purpose of office premises or for purposes related to office premises, whether the property was acquired under this section or otherwise.”

**11. Acquisition by Maori Trustee of uneconomic interests**—Section 41D of the Maori Trustee Act 1953 (as inserted by section 128 of the Maori Affairs Amendment Act 1967) is hereby amended by repealing subsection (6).

**12. Membership of Tainui Maori Trust Board**—Section 7 of the Maori Trust Boards Act 1955 is hereby amended by inserting, after subsection (4), the following subsection:

“(4A) Notwithstanding the provisions of section 14 of this Act as to the number of members of Boards, there may from time to time be appointed to the Tainui Maori Trust Board by the Governor-General under that section, on the nomination of the Minister, and without election, a member additional to the number of members prescribed pursuant to section 14 and representing the head of the Kahui Ariki for the time being recognised by the Tainui tribes. Except as provided in this subsection, the provisions of sections 14, 15, and 16 of this Act shall apply to any such member”.

**13. Gratuities payable on retirement or death of employees**—(1) The Maori Trust Boards Act 1955 is hereby amended by inserting, after section 19, the following section:

“19A. (1) On the retirement from the service of any Board of any employee whose total length of service with the Board has been not less than ten years, the Board may, with the prior approval of the Minister, pay to him, by way of gratuity, an amount not exceeding an amount equal to six months’ pay at the rate payable to him at the time of his retirement.

“(2) On the death of any such employee (whether before or after his retirement but before he has received a gratuity

under subsection (1) of this section) the Board may, with the prior approval of the Minister, pay to his dependants or any of them, by way of gratuity, an amount not exceeding an amount equal to six months' pay at the rate payable to him at the time of his retirement or (if he died before retirement) at the time of his death."

(2) All payments made by any Board by way of gratuity to retiring employees before the passing of this Act are hereby validated.

**14. Annual accounts of Maori Trust Boards—**(1) Section 31 of the Maori Trust Boards Act 1955 is hereby amended by omitting from subsection (1) the words "year ending on the thirty-first day of March", and substituting the words "financial year".

(2) The said section 31 is hereby further amended by adding the following subsection:

"(4) The financial year of each Board shall end on the thirty-first day of March in each year:

"Provided that the Minister may from time to time in respect of any Board fix a financial year ending on some other date."

(3) Section 32 of the Maori Trust Boards Act 1955 is hereby amended—

(a) By omitting from subsection (1) the words "of April", and substituting the words "following the close of its financial year":

(b) By omitting from subsection (1) the words "year ending on the thirty-first day of March next following", and substituting the words "ensuing financial year".

**15. Tarawera Forest Act 1967 amended—**(1) The Tarawera Forest Act 1967 is hereby amended by inserting, after section 12, the following section:

**"12A. Succession to certain shareholders deceased before the first day of April, nineteen hundred and sixty-eight—**

(1) In this section, unless the context otherwise requires,—

'Deceased shareholder' means a person whose name appears on the list referred to in subsection (1) of section 9 of this Act and who has died before the first day of April, nineteen hundred and sixty-eight:

'Unit of debenture stock' means debenture stock to the par value of one dollar fifty cents mentioned in paragraph (b) of subsection (1) of section 8 of this Act.

“(2) This section shall apply to the shares and units of debenture stock allotted or to be allotted, pursuant to section 8 of this Act to a deceased shareholder.

“(3) The Maori Land Court may, at any time before the first day of April, nineteen hundred and seventy-three, on the application of the Maori Trustee or any person claiming to be interested, determine the persons beneficially entitled to any shares or units of debenture stock of a deceased shareholder and the proportions in which such persons are entitled to hold the same, in the same manner and to the same extent as if the shares or units of debenture stock were beneficial freehold interests in Maori land.

“(4) The directors of the company may at any time after the thirty-first day of March, nineteen hundred and seventy-three, and before the expiry of the period of ten years referred to in subsection (1) of section 12 of this Act, determine the persons beneficially entitled to any shares or units of debenture stock of a deceased shareholder and the proportions in which such persons are entitled to hold the same, in the same manner and to the same extent as if the shares or units of debenture stock were beneficial freehold interests in Maori land.

“(5) Any determination made pursuant to subsection (3) of this section shall be duly embodied in an order of the Maori Land Court, and any determination made pursuant to subsection (4) of this section shall be embodied in an instrument in writing under the seal of the company.

“(6) An order or instrument created pursuant to subsection (5) of this section shall, notwithstanding anything contained in the articles of association of the company relating to restrictions on the transfer of shares in the company, be dealt with by the company as if it were a duly executed form of transfer of shares or units of debenture stock valid in all respects transferring the shares or units of debenture stock of the deceased shareholder therein mentioned to the persons and in the proportions therein specified:

“Provided that, notwithstanding the provisions of any such order or instrument as to the entitlement of any person to any shares or units of debenture stock, there shall not be transferred to any person any fractional part of a share or unit (whether by itself or with any whole number of shares or units); and any share or unit which, but for this proviso, would be divided into fractional parts shall be transferred to such of the persons who would be entitled to such fractional parts as the directors, by lot, shall select.

“(7) In any case where before the first day of April, nineteen hundred and seventy-three, the Chief Judge of the Maori Land Court may have made an order pursuant to the provisions of section 452 of the Maori Affairs Act 1953 with reference to the beneficial estate or interest of a deceased shareholder held or formerly held by that shareholder in the block then, to give effect to such order, the Registrar shall, under his hand and the seal of the Maori Land Court, issue a certificate specifying the nature of the adjustment to be made by the company to its register of shareholders or its register of holders of debenture stock, and such certificate shall, on presentation to the company, be dealt with by the company, as if the same were an order created pursuant to subsection (5) of this section:

“Provided that no order made by the Chief Judge of the Maori Land Court pursuant to section 452 of the Maori Affairs Act 1953 shall be capable of derogating from any transfer of any share or unit of debenture stock made in good faith and for valuable consideration and lodged with the company before the date of the receipt, by the company, of the certificate relating to such order.

“(8) Notwithstanding anything to the contrary in the Estate and Gift Duties Act 1955, shares and units of debenture stock dealt with pursuant to this section shall not, for the purposes of that Act, be deemed to form part of the estate of a deceased shareholder.”

(2) The Tarawera Forest Act 1967 is hereby further amended by omitting from paragraph (a) of section 13 the words “or section 12”, and substituting the words “section 12, or section 12A”.

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This Act is administered in the Maori and Island Affairs Department.

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