

[AS REPORTED FROM THE MAORI AFFAIRS COMMITTEE]

House of Representatives, 13 October 1965

Words struck out by the Maori Affairs Committee are shown with black rule at beginning and after last line of struck out matter; words inserted are shown in roman underlined with a double rule.

Hon. Mr Hanan

MAORI PURPOSES

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A BILL INTITULED

An Act to amend the law relating to Maoris and Maori land, and for other purposes

BE IT ENACTED by the General Assembly of New Zealand
5 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 1965.

No. 115—2

Price 6d.

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.) 5

3. Vesting of reserves made on partition—The principal
 Act is hereby amended by inserting, after section 181B (as
 inserted by section 15 of the Maori Affairs Amendment Act
 1962) the following section: 10
 “181C. Where in the course of making a partition the
 Court thinks it proper so to do, it may set aside land for
 the purposes of a public reserve, and where any land is so
 set aside, the Court may, in and by a partition order, vest
 the land in Her Majesty or in the corporation of the 15
 appropriate local authority, as the case may require.”

4. Investigation of incorporations's affairs—The principal
 Act is hereby amended by inserting, after section 298, the
 following section:
 “298A. (1) In this section, unless the context otherwise 20
 requires—

“‘Examining officer’ means an officer of the Department
nominated by the Secretary or a person appointed
 as such by the Court under subsection (4) of this
section for the purposes of this section: 25

“‘Officers or servants of the body corporate’ includes
 past, as well as present, officers and servants of the
 body corporate.

“(2) The provisions of this section shall extend and apply
 to any body corporate which, whether or not it is authorised 30
 by the order of incorporation so to do, is occupying and
 managing as a farm the land or any portion of the land
 vested in the body corporate and carrying on any agricultural
 or pastoral business thereon.

“(3) When the accounts of any body corporate to which 35
 this section applies have been filed in the Court pursuant
 to section 298 of this Act, the Registrar shall refer the
 same to an examining officer for investigation; and if as
 a result of his investigation the examining officer finds cause
 for dissatisfaction, whether because of apparent excessive 40
 expenditure, excessive stock losses, inadequate expenditure
 for maintenance of pastures and improvements, apparent mis-
 management or poor administration, inadequate reserves,

or for any other reason, he shall report the cause of his dissatisfaction to the Registrar, who shall, after making any other investigations which seem to him desirable, lay the report before the Court.

5 “(4) If as the result of the report of the examining officer the Court thinks it necessary so to do, it may require further investigations to be made into the affairs of the body corporate, either by the same examining officer or by another examining officer appointed by the Court for the purpose;
10 and the Court may, at the same time or at any time thereafter, direct the Registrar to require any member of the committee of management or the secretary or other officer or servant of the body corporate to furnish within a time stipulated by the Court an explanation in writing on any matter or question
15 referred to in the reports of the examining officers.

“ (5) It shall be the duty of the members of the committee of management, or the secretary, or other officers or servants of the body corporate to produce to the examining officer all books and papers of or relating to the body corporate and
20 otherwise to give to the examining officer all assistance which they are reasonably able to give, and to furnish to the Court any explanation required by the Court to be given; and if any person fails in that duty, the Court may inquire into the failure, and after hearing any statement which may be
25 offered in defence, punish the offender in like manner as if he had been guilty of contempt of the Court.

“ (6) Where, after having considered the reports of the examining officers and any explanation which has been furnished under subsection (4) of this section, the Court is of
30 opinion that any matter or question affecting the body corporate should be the subject of inquiry at a sitting of the Court, or that a prima facie case for the exercise of any of the powers conferred upon the Court by subsection (7) of this section appears, the Court may appoint a time and
35 place for a sitting of the Court and give such directions for service of notice of the sitting, and of the matters to be dealt with, as it thinks fit.

“ (7) Where as the result of any investigation or examination into the affairs of a body corporate the Court thinks it
40 necessary so to do, it may, notwithstanding any of the provisions of this Part, exercise all or any of the following powers—

“ (a) It may remove from office any member or members of the committee of management:

- “(b) It may appoint for such period as it thinks fit some person or persons to hold office as an additional member or additional members of the committee of management:
- “(c) It may suspend for such term as it thinks fit the powers of the members of the committee of management and appoint one or more competent persons to exercise all the powers of the committee: 5
- “(d) It may impose such restrictions, conditions, or exceptions as it thinks fit on the powers of the body corporate: 10
- “(e) It may give such directions as it thinks fit for the conduct of the business of the body corporate:
- “(f) It may order the winding up of the body corporate.
- “(8) The Court may make such orders as it thinks fit for the payment by the body corporate of a reasonable sum to defray the cost of any investigation made pursuant to this section, whether by an examining officer or otherwise: 15
- “Provided that no such order shall be made in respect of any investigation under subsection (3) of this section.” 20
- “(9) Without prejudice to the authority hereinbefore conferred on the Court, the Court may at any time, on the application of any of the beneficial owners of the land vested in a body corporate, and with proper cause shown, or of its own motion, require the same investigations to be made as it can require to be made as a result of the report of an examining officer, and the provisions of this section shall, with the necessary modification, apply to any such investigations.” 25

5: Compensation where frontage set back—Section 430 of the principal Act is hereby amended by repealing subsection (7), and substituting the following subsection: 30

“(7) The owners of the land so dedicated shall be entitled to compensation in accordance with subsection (5) of the said section 128, and the provisions of that subsection shall apply to the assessment of any such compensation.” 35

6. Orders vesting land in trustees—Section 438 of the principal Act is hereby amended as follows:

(a) By repealing subsections (4) and (5) and substituting the following subsections: 40

“(4) No order vesting land in the Maori Trustee under this section shall be made without his consent.

- 5 “(5) Where the Court proposes to make an order under this section vesting land in the Maori Trustee, the Registrar shall give to the Maori Trustee a sufficient notice of the Court’s intention and of the trusts upon which the land is to be held, and if the Maori Trustee does not within two months after the receipt of the notice file an objection in the Court, he shall be deemed to have consented to the making of the vesting order.”:
- 10 (b) By omitting from subsection (6) the words “On the approval by the Minister of a vesting order under this section, the order”, and substituting the words “A vesting order under this section”:
- 15 (c) By omitting from subsection (8) thereof the words “with the approval of the Minister” and the words “with the like approval”.

20 **7. Power of Chief Judge to award costs**—Subsection (2) of section 452 of the principal Act is hereby amended by adding the words “The Chief Judge shall have and may exercise in respect of any application or proceedings under this section the same power as the Court possesses under section 57 of this Act to make such order as it thinks just as to the payment of costs, and the provisions of that section shall, with any necessary modification, apply accordingly.”

25 **8. Advances to Maori occupiers of land**—Section 460 of the principal Act is hereby amended by repealing subsection (5) and substituting the following subsection:

30 “(5) The amount to be advanced or to be readvanced under this section shall be determined in each case by the Board, and the Board may, in its discretion and on being satisfied that it would be reasonable and equitable to afford relief, at any time and from time to time extend the time for payment of the whole or any part of the money advanced by it or interest thereon.”

PART II

AMENDMENTS TO OTHER ACTS

9. Service of notices—The Maori Housing Act 1935 is hereby amended by inserting, after section 14, the following section:

“14A. Any notice which, for the purposes of this Act, is required to be served on any person shall be deemed to be sufficiently served if it is served in accordance with section 152 of the Property Law Act 1952, and all the provisions of that section shall, with any necessary modifications, apply to any such notice accordingly.”

10. Repeal of provisions relating to accounts—(1) The following enactments are hereby repealed—

- (a) Section 15 of the Maori Housing Act 1935 (as substituted by subsection (1) of section 3 of the Maori Purposes Act 1954):
 - (b) Subsection (8) of section 18 of the Maori Housing Amendment Act 1938 (as substituted by section 15 of the Maori Purposes Act 1961):
 - (c) Section 51 of the Maori Trustee Act 1953.
- (2) Subsection (1) of section 3 of the Maori Purposes Act 1954 is hereby consequentially repealed.

11. Entry on Lake Rotoaira—Paragraph (g) of subsection (7) of section 4 of the Maori Purposes Act 1959 is hereby repealed.

12. Property of former Maori Tribal Committees and Maori Tribal Executive Committees—The Maori Welfare Act 1962 is hereby amended by inserting after section 40 the following section:

“40A. (1) All the real and personal property which was on the first day of January 1963 vested in any Maori Tribal Committee or in any Maori Tribal Executive Committee shall as from that date, without the necessity of any instrument of transfer or other assurance, be transferred to and vest in the corresponding Maori Committee or Maori Executive Committee under this Act.

- “(2) Where any property transferred as aforesaid consists of land or any interest in land, or of any mortgage or encumbrance of land, any security over stock or chattels, any lien, bonds, stocks, shares, debentures, or any like security, 5 it shall be the duty of every Registrar of Deeds, District Land Registrar, Registrar of the Supreme Court, or other person charged with the duty of keeping any register, on the application of the Maori Association in which such property is so vested, and without the payment of any fee, to register 10 that Maori Association in the appropriate register or registers as the owner, mortgagee, encumbrancer, or grantee as the case may require and to do all such other things as may be necessary to give effect to this section.

Struck Out

- 15 “(3) No stamp duty or other duty shall be payable in respect of the transfer of any property to a Maori Association pursuant to the provisions of this section.”