

[AS REPORTED FROM THE MAORI AFFAIRS COMMITTEE]

House of Representatives, 13 December 1983

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. Mr Couch

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 1982.

PART I

10 AMENDMENTS OF MAORI AFFAIRS ACT 1953

2. This Part to form part of 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).

*R.S. Vol. 8, p. 13

3. Exemption of certain Maori Land Court orders from registration fees—(1) Section 36 of the principal Act is hereby amended by adding the following subsection:

“(5) No fee shall be payable under this Act or the Land Transfer Act 1952 in respect of the registration of any order of the Court pronounced before the 1st day of August 1983.” 5

(2) Section 61 of the principal Act is hereby amended by adding the following subsection:

“(3) No fee shall be payable under this Act or the Land Transfer Act 1952 in respect of the making of any consequential amendments in the registration of the title to any land under subsection (2) of this section.” 10

(3) Section 452 of the principal Act is hereby amended by inserting, after subsection (10), the following subsection:

“(10A) No fee shall be payable under this Act or the Land Transfer Act 1952 in respect of the making of any necessary amendments in the register of the title to any land under subsection (10) of this section.” 15

Struck Out

4. Survey charges to bear interest—Section 409 (1) of the principal Act is hereby amended by inserting, after the words “the rate of 5 percent per annum”, the words “or such other rate as the Minister of Finance may from time to time determine”. 20

5. Partition of land to comply with Part XX of Local Government Act 1974 as to subdivisions—Section 432 of the principal Act (as substituted by section 3 (4) of the Local Government Amendment Act 1978) is hereby amended by omitting from subsection (13) the words “land in the County of Fiord and to”. 25 30

6. Court to determine beneficiaries of Crown land reserved for Maoris—Section 437 of the principal Act is hereby amended by inserting, after subsection (4), the following subsection:

“(4A) The Court may at any time, in respect of a trust constituted under this section, on the application of any person interested, do any of the following things: 35

“(a) It may add to or reduce the number of trustees, or may replace the trustees or any of them by making a further order vesting the land that is subject to the trust in any person or persons, (with their prior 40

consent) upon and subject to the existing trusts, whether or not those persons or any of them were previously trustees; or

5 “(b) It may vary the terms of the trust by making a new trust order in substitution for the existing trust order.

Struck Out

10 “(c) It may terminate the trust in respect of the whole or any portion of the land that is subject to the trust by making an order vesting that portion in the persons beneficially entitled to it in their respective shares or in such other persons and in such shares as the Court may determine, freed from the trust.”

15 **7. Objects of Maori incorporation**—Section 27 of the Maori Affairs Amendment Act 1967 is hereby amended by repealing paragraph (e), and substituting the following paragraph:

20 “(e) To carry on any other enterprise or do any other thing specified in the order (whether or not in relation to the land or other assets of the incorporation) that in the opinion of the Court is likely to advance the interests of the incorporation and its shareholders.”

PART II

VESTING OF TITI ISLANDS IN BENEFICIAL OWNERS

25 **8. Vesting of Titi Islands in beneficial owners**—(1) In this section, unless the context otherwise requires,—

“The islands” means the islands specified in **subsection (10)** of this section:

30 “The owners”, in relation to the islands, means the persons found by the Court to be beneficially entitled to the islands under and in accordance with the provisions of section 109 of the Maori Purposes Act 1931 and shown in the records of the Court as being so entitled at the commencement of this section:

35 “The principal Act” means the Maori Affairs Act 1953:

“Relative interests”, in relation to the owners, means the relative interests of the owners in the islands as determined by the Court in accordance with the said section 109 and shown in the records of the Court at the commencement of this section:

40 Terms defined in the principal Act have the meanings so defined.

(2) The islands are hereby vested in the owners in accordance with their relative interests.

(3) The islands shall hereafter be deemed to be Maori freehold land under and for the purposes of the principal Act, and, subject to the succeeding provisions of this section, the provisions of that Act shall apply accordingly.

(4) The Court shall continue to have exclusive jurisdiction to determine relative interests and succession to such interests of deceased owners and appoint trustees for persons under disability in respect of the beneficial ownership of the islands; and in determining any such succession the Court may exercise its jurisdiction in the same manner as it did before the commencement of this section, notwithstanding any of the provisions of the principal Act relating to succession on intestacy to undivided beneficial freehold interests in common in Maori freehold land.

(5) The Chief Judge may exercise the jurisdiction conferred on him by section 452 of the principal Act in respect of any order of the Court relating to the islands or any of the owners, whether the order was made before or after the commencement of this Act.

(6) Except as provided in **subsection (4)** of this section, no owner shall have power to alienate any interest in the islands, and no will shall have any effect in so far as it purports to affect any such interest.

(7) If the Court makes an order under section 438 of the principal Act vesting the islands in trustees, it may issue a request in writing to the Chief Surveyor for the Southland Land District to prepare a survey plan of the islands, and the Chief Surveyor shall, without charge, prepare such a plan and lodge it for deposit in the office of the District Land Registrar for that District, who shall thereafter, without charge, issue a certificate of title under the Land Transfer Act 1952 in respect of the islands.

(8) Nothing in this section shall limit or affect the power to make regulations in respect of the islands conferred by section 23 (2) of the Land Act 1948, nor limit or affect any regulations made under that section.

(9) Section 109 of the Maori Purposes Act 1931 is hereby repealed, and the Crown is hereby freed and discharged from the responsibilities of trustee imposed on it by that section.

(10) This section applies to the following islands:

Name	Description
1. Owen Island or Horomamae Island	All that parcel of land in the Southland Land District, Stewart Island County, containing 35.2000 hectares, more or less, situated in Block X, Lords River Survey District (S.O. Plan 10461).
2. Wharepuaitaha Island	All that parcel of land in the Southland Land District, Stewart Island County, containing 18.2000 hectares, more or less, situated in Block XI, Lords River Survey District (S.O. Plan 10461).
3. Kaihuka Island	All that parcel of land in the Southland Land District, Stewart Island County, containing 10.000 hectares, more or less, situated in Block XI, Lords River Survey District (S.O. Plan 10461).
4. Potuatua Island	All that parcel of land in the Southland Land District, Stewart Island County, containing 1.3000 hectares, more or less, situated in Block XI, Lords River Survey District (S.O. Plan 10461).
5. Pomatakiarehua Island	All that parcel of land in the Southland Land District, Stewart Island County, containing 2.9000 hectares, more or less, situated in Block XI, Lords River Survey District (S.O. Plan 10461).
6. Tia Island or Entrance Island	All that parcel of land in the Southland Land District, Stewart Island County, containing 20.600 hectares, more or less, situated in Block XI, Lords River Survey District (S.O. Plan 10461).
7. Taukihepa Island or Big South Cape Island	All that parcel of land in the Southland Land District, Stewart Island County, containing 910.000 hectares, more or less, situated in Block IV, South Cape Survey District (S.O. Plan 10461).
8. Rerewhakaupoko Island or Solomon Island	All that parcel of land in the Southland Land District, Stewart Island County, containing 27.8000 hectares, more or less, situated in Block IV, South Cape Survey District (S.O. Plan 10461).
9. Mokonui Island or Big Moggy Island	All that parcel of land in the Southland Land District, Stewart Island County, containing 99.5000 hectares, more or less, situated in Block IX, South Cape Survey District (S.O. Plan 10461).
10. Mokoiti Island or Little Moggy Island	All that parcel of land in the Southland Land District, Stewart Island County, containing 10.1000 hectares, more or less, situated in Block IX, South Cape Survey District (S.O. Plan 10461).

Name	Description
11. Timore Island or (<i>Little</i>) Chimneys Island	All that parcel of land in the Southland Land District, containing 5.7000 hectares, more or less, situated in Block IX, South Cape Survey District (S.O. Plan 10461).
12. Kaimohu Island	All that parcel of land in the Southland Land District, Stewart Island County, containing 10.8000 hectares, more or less, situated in Block IV, South Cape Survey District (S.O. Plan 10461).
13. Huirapa Island	All that parcel of land in the Southland Land District, Stewart Island County, containing 4.4000 hectares, more or less, situated in Block IV, South Cape Survey District (S.O. Plan 10461).
14. Tamaitemioka Island	All that parcel of land in the Southland Land District, Stewart Island County, containing 14.000 hectares, more or less, situated in Block IV, South Cape Survey District (S.O. Plan 10461).
15. Pohowaitai Island	All that parcel of land in the Southland Land District, Stewart Island County, containing 38.000 hectares, more or less, situated in Block IV, South Cape Survey District (S.O. Plan 10461).
16. Herekopare Island or Te Marama Island	All that parcel of land in the Southland Land District, Stewart Island County, containing 24.1000 hectares, more or less, situated in Block XVII, Paterson Survey District (S.O. Plan 10461).
17. Pikomamaku Island or Womens Island	All that parcel of land in the Southland Land District, Stewart Island County, containing 8.2000 hectares, more or less, situated in Block XVII, Paterson Survey District (S.O. Plan 10461).
18. Poutama Island	All that parcel of land in the Southland Land District, Stewart Island County, containing 37.5000 hectares, more or less, situated in Block IV, South Cape Survey District (S.O. Plan 10461).

MAORI TRUST BOARDS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Maori Trust Boards Act 1955. It provides that no person other than a beneficiary is eligible for membership of a Board. Further, where members are to represent specific sections or divisions of the beneficiaries, only members of a section or division may be elected to represent that section or division.

Both these rules are presently prescribed by regulation 2 of the Maori Trust Board Regulations 1960, but doubt has arisen recently as to whether or not they are properly authorised by the regulation-making powers in the principal Act.

The Bill also deals with the situation where the beneficiaries are divided into sections or divisions for the purposes of elections of members and a person is qualified to belong to more than one section or division. In such a case, section 42 (6) of the principal Act requires him to choose in which section or division he wishes to be enrolled. Section 47 (4) of the principal Act then allows him a fresh choice as to the section or division in which he wishes to stand for election.

Under the Bill, such a person will be eligible to stand for election as the representative only of the section or division in which he has chosen to be enrolled.

Hon. Mr Couch

MAORI TRUST BOARDS AMENDMENT

ANALYSIS

Title	1. Short Title 2. Qualification of members
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A BILL INTITULED

An Act to amend the Maori Trust Boards Act 1955 so as to ensure that only beneficiaries are eligible for election or appointment to a Board

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

10 **1. Short Title**—This Act may be cited as the Maori Trust Boards Amendment Act 1983, and shall be read together with and deemed part of the Maori Trust Boards Act 1955* (hereinafter referred to as the principal Act).

2. Qualification of members—(1) Section 14 of the principal Act is hereby amended by adding the following subsections:

15 “(4) No person shall be capable of being elected or appointed to be, or of being, a member of a Board unless he is, in relation to that Board, a beneficiary.

*R.S. Vol. 8, p. 683

“(5) Where the members of a Board are to be elected or appointed to represent different sections or divisions of the beneficiaries, no beneficiary shall be capable of being elected or appointed to be, or of being, a member representing a particular section or division unless he himself belongs to that section or division. 5

“(6) Where a person is qualified to belong to more than one section or division of the beneficiaries, he shall not be capable of being elected or appointed to be, or of being, a member representing a section or division other than the one in which he elects to be enrolled in accordance with section 42 (6) of this Act.” 10

(2) Section 47 (4) of the principal Act is hereby repealed.

(3) Subclauses (2) and (3) of regulation 2 of the Maori Trust Board Regulations 1960 (S.R. 1960/103) are hereby revoked. 15