Reprint
as at 1 July 2013

Maori Purposes Act 1959

Public Act	1959 No 90
Date of assent	22 October 1959
Commencement	see section 2

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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

1 Short Title

This Act may be cited as the Maori Purposes Act 1959.

Part 1
Lake Rotoaira

2 Commencement

This Part shall come into force on 1 November 1959.

3 Interpretation

In this Part, unless the context otherwise requires,—

adjoining waters forming part of the Lake means—

(a) the Poutu inflow, being the water between Lake Rotoaira and the Poutu Dam; and

(b) the waters forming part of the Wairehau Canal for a distance of approximately 685 metres from Lake Rotoaira to the first hurdle; and

(c) the waters between Lake Rotoaira and the Tokaanu intake tunnel; and

(d) the waters that from time to time cover lands adjoining Lake Rotoaira resulting from any rise in the level of the Lake

entry permit means an entry permit issued by or on behalf of the Trustees under section 4

the Lake means the body of water known as Lake Rotoaira; and includes the adjoining waters forming part of the Lake

the Rotoaira Trust means the trust created by the Maori Land Court on 6 December 1956 in respect of Lake Rotoaira

stipendiary ranger means an employee of the Department of Internal Affairs or of the responsible Ministry who holds a warrant of appointment as an officer under section 198 of the Fisheries Act 1996 or as a ranger under the Wildlife Act 1953

the Trustees means the Trustees of Lake Rotoaira appointed by the Maori Land Court on 6 December 1956 pursuant to section 438 of the Maori Affairs Act 1953; and includes their successors; and also includes the committee of management of any body corporate incorporated under Part 13 of Te Ture Whenua Maori Act 1993 to which the powers and duties of the Trustees may at any time be assigned

warden means a warden appointed by the Trustees under section 7.

Section 3 **adjoining waters forming part of the Lake**: inserted, on 21 December 1977, by section 9(1) of the Maori Purposes Act 1977 (1977 No 103).

Section 3 **the Lake**: substituted, on 21 December 1977, by section 9(2) of the Maori Purposes Act 1977 (1977 No 103).

Section 3 **the said stream**: repealed, on 21 December 1977, by section 9(3) of the Maori Purposes Act 1977 (1977 No 103).

Section 3 **stipendiary ranger**: amended, on 1 October 2001, pursuant to section 314(1)(v) of the Fisheries Act 1996 (1996 No 88).

Section 3 **stipendiary ranger**: amended, on 1 July 1995, pursuant to section 6(1)(b) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31).

Section 3 **the Trustees**: amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

4 Permit required to enter on lake or fish in lake or stream

(1) Except as provided in subsection (7), no person shall enter or remain in or upon any part of the Lake, unless he is the holder of an entry permit for the time being in force.

(2) No person shall fish for or take trout or other fish of any kind in or from the Lake, unless he is the holder of an entry permit for the time being in force authorising him to enter on the Lake for the purpose of fishing and also a trout-fishing licence for the time being in force issued in respect of the Taupo Trout Fishing District pursuant to regulations made under any Act:

provided that the foregoing provisions of this subsection, in their application to persons who are beneficial owners under the Trust or who have beneficial interests in land bounded by the Lake or in the bed of the Lake, shall be read subject to the provisions of any regulations made pursuant to paragraph (d) of subsection (2) of section 15.

(3) The Trustees or their agents may from time to time issue entry permits authorising the holders to enter in and upon the Lake.

(4) The Trustees may from time to time prescribe the conditions under which any person or persons shall be permitted to enter in and upon the Lake and the purposes for which that entry may be made. No person to whom an entry permit is issued shall enter or remain in or upon the Lake in breach of those conditions or for any purposes other than those for which the permit was issued.

(5) The Trustees, in their discretion, may—

(a) decide the number of entry permits that may from time to time be issued:

(b) refuse to issue an entry permit to any person:

(c) revoke the entry permit of any person who commits a breach of any condition on which the permit was issued or enters or remains in or upon the Lake for any purpose other than a purpose for which the permit was issued.

(6) Every person whose entry permit is revoked shall, on demand, surrender it to the Trustees or their agent or to any warden.

(7) The following persons may enter in and upon the Lake without being the holder of an entry permit, namely:

(a) any Trustee:

(b) any warden:

(c) any other person in the bona fide employment of the Trustees:

(d) any constable:

(e) any stipendiary ranger:

(f) any beneficial owner under the Rotoaira Trust authorised so to enter by written authority of the Trustees or their agent:

(g) *[Repealed]*

(h) any person authorised to enter on land by sections 110 and 111 of the Public Works Act 1981 or by section 53 of the Cadastral Survey Act 2002, which authorise the entry on land for purposes of survey:

(i) any person engaged, either directly or indirectly, in the planning, preparation, construction, maintenance, or operation of any public work within the meaning of the Public Works Act 1981, or in carrying out any investigation for the purposes of any proposed such work:

(j) any officer of Te Puni Kōkiri entering in the course of his duties as such:

(k) any Judge of the Maori Land Court entering in the exercise of his office as such:

(l) any officer, employee, or agent of a State enterprise within the meaning of section 2 of the State-Owned Enterprises Act 1986 that is a generator of electricity or of a mixed ownership model company (within the meaning of section 45P of the Public Finance Act 1989) that is a generator of electricity.

Section 4(1): amended, on 21 December 1977, by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

Section 4(2): amended, on 21 December 1977, by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

Section 4(2) proviso: amended, on 21 December 1977, by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

Section 4(3): amended, on 21 December 1977, pursuant to section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

Section 4(4): amended, on 21 December 1977, by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

Section 4(5)(c): amended, on 21 December 1977, by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

Section 4(7): amended, on 21 December 1977, by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

Section 4(7)(g): repealed, on 28 October 1965, by section 11 of the Maori Purposes Act 1965 (1965 No 121).

Section 4(7)(h): amended, on 1 June 2002, pursuant to section 68(2) of the Cadastral Survey Act 2002 (2002 No 12).

Section 4(7)(h): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Section 4(7)(i): amended, on 1 February 1982, pursuant to section 248(1) of the Public Works Act 1981 (1981 No 35).

Section 4(7)(j): amended, on 1 January 1992, pursuant to section 9(3)(a) of the Ministry of Maori Development Act 1991 (1991 No 145).

Section 4(7)(l): substituted, on 14 May 1999, by section 100 of the Electricity Industry Reform Act 1998 (1998 No 88).

Section 4(7)(l): amended, on 30 June 2012, by section 11 of the Public Finance (Mixed Ownership Model) Amendment Act 2012 (2012 No 45).

5 Fees for entry permits

(1) There shall be payable to the Trustees for every entry permit such fee as the Trustees prescribe from time to time, and different fees may be so prescribed in respect of entry permits for different purposes.

(2) All fees received by the Trustees for the issue of entry permits shall be held by the Trustees for the purposes of the Rotoaira Trust.

6 Holder of entry permit not to enter on private land without consent

Nothing in any entry permit shall entitle the holder to enter on any land not vested in the Trustees except with the consent of the occupier of the land:

provided that, where the waters of the Lake cover land adjoining Lake Rotoaira resulting from a rise in the level of the Lake, every owner of such adjoining land shall be deemed to have consented to entry on any portion of his land that for the time being forms part of the Lake.

Section 6 proviso: added, on 21 December 1977, by section 10 of the Maori Purposes Act 1977 (1977 No 103).

7 Wardens

(1) The Trustees may from time to time appoint a warden or wardens to exercise authority in respect of the Lake, and may at any time revoke any such appointment.

(2) The Trustees may pay to any warden such remuneration for his services as they think fit.

(3) It shall be the duty of every warden to ensure that all persons entering in or upon the Lake are acting in compliance with this Part and with the conditions of any entry permit and with any regulations under this Part.

Section 7(1): amended, on 21 December 1977 by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

Section 7(3): amended, on 21 December 1977 by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

8 Powers of wardens and stipendiary rangers

(1) Any warden and any stipendiary ranger may—

(a) at all times enter upon and pass along the Lake or the borders or banks thereof:

(b) at all times enter upon any boat or launch in or upon the Lake:

(c) exercise such powers as may be vested in wardens or stipendiary rangers, as the case may be, by this Part or by any regulations made under this Part.

(2) Every person who assaults, resists, or obstructs any warden or stipendiary ranger in the execution of any powers conferred on him by this Part or by any regulations under this Part commits an offence against this Part.

(3) The production by a warden or stipendiary ranger of his warrant of appointment shall be sufficient evidence of that appointment.

(4) Nothing in this section shall be construed to confer any power of apprehension or arrest on any warden or stipendiary ranger.

Section 8(1)(a): amended, on 21 December 1977, by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

Section 8(1)(b): amended, on 21 December 1977, by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

9 Offenders to give name and address

(1) Where any warden or stipendiary ranger discovers a person committing an offence against this Part, or against any regulations made under this Part, he may require the offender forthwith to desist from the offence and also to tell his real name and address.

(2) If any such offender, after being so required, fails to tell his real name or address, or gives a false name or address, or gives such a description of his address as is illusory for the purpose of discovery, or wilfully continues the offence, he commits a further offence against this Act.

(3) Nothing in this section shall be construed to confer any power of apprehension or arrest on any warden or stipendiary ranger.

10 Offences

Every person commits an offence against this Part who does any act in contravention of this Part or fails to comply with any provision of this Part.

11 Penalty for offences

Every person who commits an offence against this Part is liable on conviction to a fine not exceeding $100.

Section 11: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

12 Who may commence proceedings for offences

No proceedings may be commenced for an offence against this Part except on the information of a Trustee or warden or stipendiary ranger.

13 Application of fines

From any fines recovered in proceedings for offences against this Part there shall be deducted and credited to a Crown Bank Account an amount equal to 5% of the amount of the fine, and the residue thereof after that deduction has been made shall be paid to the Trustees.

Section 13: amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

14 Modification of provisions of Conservation Act 1987

The operation of the Conservation Act 1987, in its application to the Lake, is hereby modified as follows:

(a) section 26ZO of that Act shall not apply:

(b) section 26R(4)(b) of that Act shall apply as if the Trustees were a Fish and Game Council established under that Act, and the words "the area" in that provision were the words "the Lake".

Section 14: substituted, on 10 April 1990, by section 37 of the Conservation Law Reform Act 1990 (1990 No 31).

15 Regulations

(1) The Governor-General may from time to time, by Order in Council, make all such regulations as he thinks necessary or expedient for the purpose of giving full effect to the provisions of this Part and for the due administration thereof.

(2) Without limiting the generality of the powers conferred by subsection (1), it is hereby declared that regulations may be made under this section for all or any of the following purposes:

(a) prescribing the conditions under which, and the extent to which, persons to whom an entry permit is issued shall be entitled to fish in and upon the Lake, and regulating the conditions of such fishing:

(b) prescribing the form of entry permits:

(c) prescribing the manner in which the conditions of entry permits may be altered by the Trustees:

(d) prescribing the extent to which beneficial owners under the Trust and persons having a beneficial interest in any land bordering on the Lake or in the bed of the Lake may fish in and upon the Lake:

(e) empowering the Trustees from time to time to fix the daily limits of numbers and types of fish to be taken in the Lake, and to specify the size, type, and numbers of fish that may be taken during any given period:

provided that the Trustees shall not be entitled, pursuant to any such regulations, to fix a limit of numbers and types of fish that may be taken on any day or during any period in excess of the limit in that behalf for

the time being fixed in respect of the Taupo Trout Fishing District by regulations made under any Act:

provided also that the Trustees shall not be entitled, pursuant to any such regulations, to fix a size limit of fish that may be taken which differs from the limit in that behalf for the time being fixed in respect of the Taupo Trout Fishing District by regulations made under any Act:

(f) prescribing the powers of wardens and stipendiary rangers:

(g) prescribing the manner in which the Trustees shall give public notice of the number of entry permits that may from time to time be issued, the fees payable for entry permits, the conditions on which entry permits are issued and any alterations in those conditions, and such other matters as are specified in the regulations:

(h) prescribing fines not exceeding $100 for offences against the regulations.

(3) No regulations made under this section shall be deemed to be invalid solely on the ground that they delegate to the Trustees any powers, including the power from time to time to impose or vary limits as to the size, species, and number of the fish that may be taken from the Lake during any prescribed period, or any other matters affecting the management and control of the Lake.

Section 15(2)(a): amended, on 21 December 1977, by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

Section 15(2)(d): substituted, on 21 December 1977, by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

Section 15(2)(e): amended, on 21 December 1977, by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

Section 15(3): amended, on 21 December 1977, by section 9(4) of the Maori Purposes Act 1977 (1977 No 103).

16 Repeals

The following enactments are hereby repealed:

(a) *Amendment(s) incorporated in the Act(s)*.

(b) *Amendment(s) incorporated in the Act(s)*.

(c) *Amendment(s) incorporated in the Act(s)*.

Part 2
Amendments of law relating to Maoris

[Spent]

Part 2: spent, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

17 Provisions of Maori Affairs Act 1953 to apply to this Part

[Spent]

Section 17: spent, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Amendments to principal Act

[Spent]

Heading: spent, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

18 Salaries and travelling allowances of Judges and Commissioners

[Repealed]

Section 18: repealed, on 16 October 1978, by section 2(2)(a) of the Maori Purposes Act 1978 (1978 No 70).

19 Family protection

[Repealed]

Section 19: repealed, on 1 April 1963, by section 8(2) of the Maori Affairs Amendment Act 1962 (1962 No 45).

20 Trust funds for alienation money

[Repealed]

Section 20: repealed, on 25 October 1963, by section 7(3) of the Maori Purposes Act 1963 (1963 No 123).

21 Valuations for revision of rent

[Repealed]

Section 21: repealed, on 1 July 1993, by section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

22 Rights of appeal in respect of incorporations

[Repealed]

Section 22: repealed, on 1 April 1968, by section 73(2)(d) of the Maori Affairs Amendment Act 1967 (1967 No 124).

23 Bodies corporate

[Repealed]

Section 23: repealed, on 1 April 1968, by section 73(2)(d) of the Maori Affairs Amendment Act 1967 (1967 No 124).

24 Finance for formation of roads

[Repealed]

Section 24: repealed, on 1 April 1963, by section 33(2) of the Maori Affairs Amendment Act 1962 (1962 No 45).

25 Amalgamated titles

[Repealed]

Section 25: repealed, on 22 November 1967, by section 141(2)(b) of the Maori Affairs Amendment Act 1967 (1967 No 124).

26 Dwelling sites

[Repealed]

Section 26: repealed, on 1 July 1993, by section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

27 Power of court to grant relief in cases of encroachment

[Repealed]

Section 27: repealed, on 1 July 1993, by section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

28 Joint farming undertakings

[Repealed]

Section 28: repealed, on 1 July 1993, by section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

29 Special succession fee on trust funds

[Repealed]

Section 29: repealed, on 1 April 1963, by section 34(3) of the Maori Affairs Amendment Act 1962 (1962 No 45).

Amendments of other Acts relating to Maoris

[Spent]

Heading: spent, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

30 Removal of restrictions on alienation

[Repealed]

Section 30: repealed, on 1 July 1993, by section 362(2) of Te Ture Whenua Maori 1993 (1993 No 4).

31 Board may act as agent of borrower

Amendment(s) incorporated in the Act(s).

32 Training of young Maoris

Amendment(s) incorporated in the Act(s).

33 Charges for money advanced under Maori Housing Act 1935

(1) *Amendment(s) incorporated in the Act(s).*

(2) *Amendment(s) incorporated in the Act(s).*

34 Beneficiaries of the Tuhoe Maori Trust Board

Amendment(s) incorporated in the Act(s).

35 Maori Soldiers Trust Committee

Amendment(s) incorporated in the Act(s).

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1 General

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1 General

This is a reprint of the Maori Purposes Act 1959. The reprint incorporates all the amendments to the Act as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* http://www.pco.parliament.govt.nz/reprints/.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, *see* http://www.pco.parliament.govt.nz/editorial-conventions/ or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted

enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as "of this section" and "of this Act")
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as "the 1st day of January 1999" is now expressed as "1 January 1999")
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)

- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 List of amendments incorporated in this reprint (most recent first)

Public Finance (Mixed Ownership Model) Amendment Act 2012 (2012 No 45): section 11

Criminal Procedure Act 2011 (2011 No 81): section 413

Cadastral Survey Act 2002 (2002 No 12): section 68(2)

Electricity Industry Reform Act 1998 (1998 No 88): section 100

Fisheries Act 1996 (1996 No 88): section 314(1)(v)

Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31): section 6(1)(b)

Te Ture Whenua Maori Act 1993 (1993 No 4): section 362(2)

Ministry of Maori Development Act 1991 (1991 No 145): section 9(3)(a)

Conservation Law Reform Act 1990 (1990 No 31): section 37

Public Finance Act 1989 (1989 No 44): section 65R(3)

Public Works Act 1981 (1981 No 35): section 248(1)

Maori Purposes Act 1978 (1978 No 70): section 2(2)(a)

Maori Purposes Act 1977 (1977 No 103): sections 9, 10

Maori Affairs Amendment Act 1967 (1967 No 124): sections 73(2)(d), 141(2)(b)

Maori Purposes Act 1965 (1965 No 121): section 11

Maori Purposes Act 1963 (1963 No 123): section 7(3)

Maori Affairs Amendment Act 1962 (1962 No 45): sections 8(2), 33(2), 34(3)

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