

**Reprint
as at 1 July 2009**



Tarawera Forest Act 1967

Public Act 1967 No 45
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Contents

	Page
Title	2
1 Short Title	2
2 Interpretation	2
3 Preparation of diagram of block	3
4 Annexation of diagram to Maori Land Court order	3
5 Registration of order and issue of title in name of Māori Trustee	4
6 Incorporation of Maori Investments Limited	4
7 Transfer of shares and debenture stock to company by Māori Trustee	5
8 Allotment of shares and debenture stock by company	5
9 Memorandum and articles of association of company	7
10 Sale of shares and debenture stock allotted to Māori Trustee	7
11 Fractional beneficial interests in block	8
12 Disposal of missing shareholders' shares and debenture stock	9

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.

This Act is administered by the Te Puni Kōkiri.

12A	Succession to certain shareholders deceased before 1 April 1968	10
13	Exemptions from stamp duty <i>[Repealed]</i>	12
14	Companies Act 1955 to apply with exceptions	12
15	Part 2 of Land Settlement Promotion and Land Acquisition Act 1952 not to apply	12
16	Company deemed to be Maori investment company for purposes of Income Tax Act 2007	12

An Act to provide for the joint establishment and development of the Tarawera Forest

1 Short Title

This Act may be cited as the Tarawera Forest Act 1967.

2 Interpretation

In this Act, unless the context otherwise requires,—

block means all that piece of land named Tarawera 1 Block that is comprised and described in a Maori Land Court order dated 19 August 1966 made under section 435 of the Maori Affairs Act 1953

company means Maori Investments Limited, a company to be incorporated, subject to the provisions of this Act, under the Companies Act 1955

Chief Surveyor means the Chief Surveyor under the Land Act 1948 for the land district in which the block is situated

diagram means the diagram prepared by the Chief Surveyor under section 3

District Land Registrar means the District Land Registrar under the Land Transfer Act 1952 for the South Auckland Land Registration District

nominal value of the block means the amount at which the value of the block has been estimated for the purpose of the allotment of shares and debenture stock by Tarawera Forests Limited to the Māori Trustee

Registrar means the Registrar of the Maori Land Court under the Te Ture Whenua Maori Act 1993 for the Waiariki District of that court.

Section 2 **nominal value of the block**: amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

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

3 Preparation of diagram of block

- (1) As soon as practicable after the passing of this Act, the Registrar shall forward to the Chief Surveyor, from the records of the Maori Land Court, such information relating to the boundaries of the block as will, in the opinion of the Chief Surveyor, be sufficient to enable the Chief Surveyor to prepare a plan that will sufficiently identify and define the block.
- (2) On receipt of such information, the Chief Surveyor shall forthwith prepare such a plan, to be lodged in his records as his official plan of the block, and shall prepare a diagram of the block based on that plan.
- (3) On payment of the costs provided for by subsection (4), the Chief Surveyor shall endorse the plan and diagram to the effect that they have been prepared under, and sufficiently define the block for the purposes of, this section and that they sufficiently define the block for the purpose of the issue, under subsection (2) of section 5, of a certificate of title, limited as to parcels, and shall forward the diagram so endorsed to the Registrar.
- (4) The costs incurred by the Chief Surveyor in preparing the plan and diagram shall be paid to the Chief Surveyor by Tarawera Forests Limited (a duly incorporated company having its registered office at Kawerau).

4 Annexation of diagram to Maori Land Court order

On receipt of the diagram, the Registrar shall annex it to the Maori Land Court order described in the definition of the term block in section 2 and, notwithstanding the provisions of subsection (9) of section 34 of the Maori Affairs Act 1953, the order and the diagram annexed to it shall be sealed, and shall

then be signed in accordance with subsections (3) to (6) of the said section 34:

provided that before the order and the diagram are so sealed and signed an endorsement shall be made on the face of them to the effect that the order is limited as to parcels.

5 Registration of order and issue of title in name of Māori Trustee

- (1) As soon as the order and the diagram have been endorsed, sealed, and signed in accordance with section 4, the Registrar shall forward them to the District Land Registrar together with the vesting order dated 19 August 1966, made by the Maori Land Court under section 438 of the Maori Affairs Act 1953 whereby the block was vested in the Māori Trustee; and section 36 of that Act shall apply accordingly.
- (2) On registration of the orders described in subsection (1), the District Land Registrar shall forthwith issue in the name of the Māori Trustee a certificate of title under the Land Transfer Act 1952, limited as to parcels; and the provisions of Part 12 of that Act shall, so far as they are applicable and with the necessary modifications, apply to the certificate of title accordingly.

Section 5 heading: amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 5(1): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 5(2): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

6 Incorporation of Maori Investments Limited

- (1) As soon as practicable after the passing of this Act, the Māori Trustee shall take all such steps as may be necessary to form and incorporate a public limited liability company under the Companies Act 1955. The formation and incorporation of the company shall be subject to and in accordance with the following provisions:
 - (a) the name of the company shall be Maori Investments Limited:
 - (b) the company shall be a company limited by shares:

- (c) the nominal capital of the company shall be the sum of \$66,000 divided into 132 000 shares of a value of 50 cents each:
- (d) the principal objects of the company shall be—
 - (i) to administer its interests in Tarawera Forests Limited; and
 - (ii) to receive all money and other property from time to time payable or transferable to it by the Māori Trustee or by Tarawera Forests Limited.
- (2) Nothing in paragraph (d) of subsection (1) shall prevent the company from having any other objects.
- (3) *[Repealed]*
- (4) *[Repealed]*

Section 6(1): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 6(1)(d)(ii): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 6(3): repealed, on 1 July 1997, by section 2(2) of the Companies Act Repeal Act 1993 (1993 No 126).

Section 6(4): repealed, on 1 July 1997, by section 2(2) of the Companies Act Repeal Act 1993 (1993 No 126).

7 Transfer of shares and debenture stock to company by Māori Trustee

As soon as practicable after the incorporation of the company in accordance with section 6, the Māori Trustee shall transfer to the company all the shares and debenture stock that have been allotted to him by Tarawera Forests Limited.

Section 7 heading: amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 7: amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

8 Allotment of shares and debenture stock by company

- (1) On the transfer to the company by the Māori Trustee of the shares and debenture stock in accordance with section 7, the company shall allot to every person who, according to the records of the Māori Trustee and the records of the Maori Land Court, has (on the passing of this Act) a beneficial interest in the block—

- (a) 1 fully-paid share in the capital of the company; and
 - (b) debenture stock to the par value of \$1.50—
for every complete \$2 in the nominal value of the block to which the person is entitled.
- (2) Every beneficial entitlement in the nominal value of the block that has a value of less than \$2 (including every partial entitlement that, by virtue of its value being less than \$2, is not included in the value of any entitlement under subsection (1)) shall be aggregated; and on the transfer by the Māori Trustee to the company of the shares and debenture stock in accordance with section 7, the company shall allot to the Māori Trustee—
- (a) 1 fully-paid share in the capital of the company; and
 - (b) debenture stock to the par value of \$1.50—
for every complete \$2 in value of the aggregated beneficial entitlements.
- (3) For the purposes of subsections (1) and (2), the value of any person's beneficial interest in the nominal value of the block shall be determined by the Māori Trustee whose decision shall be final and conclusive.
- (4) As soon as practicable after its incorporation, the company shall take all such steps as may be necessary to provide for the delivery to the Registrar of Companies for registration of an appropriate debenture trust deed for the purpose of enabling it to create and issue debenture stock in accordance with subsections (1) and (2). The debenture trust deed shall be drawn so as not to be inconsistent with the terms and conditions of the instrument in writing produced to the Maori Land Court at Whakatane on 2 August 1966 and described as Exhibit A5, and shall provide for a charge on the undertaking and assets of the company both present and future and wherever situated.
- (5) The company shall keep a register of the holders of its debenture stock.

Section 8(1): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 8(2): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 8(3): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

9 Memorandum and articles of association of company

- (1) As soon as practicable after the passing of this Act, the Māori Trustee shall prepare a list, in alphabetical order, of the names of the persons, including himself, who are entitled to have shares in the company allotted to them in accordance with section 8. The list shall also contain the address (if known) of every such person and the number of shares to which that person is so entitled.
- (2) For the purposes of forming the company, the Māori Trustee shall send the list prepared under subsection (1), together with all other documents required under the Companies Act 1955, to the Registrar of Companies; and, so long as at least 7 subscribers have signed the memorandum of association and the articles of association of the company in accordance with sections 13, 15, and 20 of that Act, every person named on the list shall, notwithstanding anything to the contrary in that Act, be deemed to be a subscriber of the memorandum of association and to have written in the memorandum the number of shares he takes in the company, being the number of shares to which the list shows him to be entitled, and every such person shall also be deemed to have signed the memorandum of association and the articles of association accordingly.

Section 9(1): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 9(2): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

10 Sale of shares and debenture stock allotted to Māori Trustee

- (1) All shares and debenture stock that have been allotted to the Māori Trustee under subsection (2) of section 8 shall be offered for sale by the Māori Trustee in the manner provided by the articles of association of the company; and the proceeds of every such sale shall, subject to subsection (2), be paid by the Māori Trustee to the company.
- (2) Before paying to the company the proceeds of any sale made under subsection (1), the Māori Trustee shall deduct—
 - (a) an amount equal to the sum of all money paid by him in the discharge of any encumbrance or charge that af-

- fecting any of the land that now comprises the block, together with a fair and reasonable amount to cover the costs, charges, expenses, and disbursements directly and indirectly incurred by him in relation to the use of any such land; and
- (b) a fair and reasonable amount to cover the costs, charges, expenses, and disbursements directly and indirectly incurred by him in carrying out his duties under the vesting order described in section 5 and his duties under this section.
- (3) The Securities Act 1978 shall not apply in respect of the offer of any shares and debenture stock by the Māori Trustee under this section.

Section 10 heading: amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 10(1): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 10(2): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 10(3): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 10(3): amended, on 1 July 1994, by section 65 of the Companies Amendment Act 1993 (1993 No 108).

11 Fractional beneficial interests in block

- (1) Notwithstanding anything in section 10, every person whose beneficial entitlement or partial beneficial entitlement has (by virtue of its value being less than \$2) been aggregated in accordance with subsection (2) of section 8 shall have the right, to be exercised not later than 1 year after the date of the incorporation of the company, to pay to the Māori Trustee a sum of money equal to the difference between the value of the entitlement or partial entitlement and \$2; and on receipt of the money the Māori Trustee shall transfer to that person 1 fully-paid share in the capital of the company and debenture stock that has been allotted by the company to the par value of \$1.50:
- provided that this subsection shall apply only while there are shares and debenture stock available for the purpose.

- (2) All money received by the Māori Trustee under subsection (1) shall be paid by him to the company.

Section 11(1): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 11(2): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

12 Disposal of missing shareholders' shares and debenture stock

- (1) On the expiry of a period of 10 years after the date of the incorporation of the company, the company shall prepare a schedule containing the name of every shareholder whose name appears on the list prepared under subsection (1) of section 9 and whose address or location has not, during that period, been discovered by the company. The persons whose names are included in the schedule are hereinafter referred to as the **missing shareholders**.
- (2) On the completion of the schedule in accordance with subsection (1), the shares and debenture stock that are owned by the missing shareholders shall vest in the directors of the company and shall be dealt with in accordance with the following provisions:
- (a) for a period of 10 years after the date on which the shares and debenture stock are vested in the directors, the directors shall hold them in trust for the missing shareholders:
 - (b) if, during that period, a claim to any of the shares and debenture stock is established, to the satisfaction of the directors, by a missing shareholder or by someone claiming through or under him, the claimant shall be registered as the proprietor of the relevant shares and debenture stock:
 - (c) on the expiry of that period all the shares and debenture stock remaining in trust and unclaimed shall be sold in accordance with the articles of association of the company, and the proceeds of every such sale shall be held in trust for the company.

**12A Succession to certain shareholders deceased before
1 April 1968**

- (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 and who has died before 1 April 1968
unit of debenture stock means debenture stock to the par value of \$1.50 mentioned in paragraph (b) of subsection (1) of section 8.
- (2) This section shall apply to the shares and units of debenture stock allotted or to be allotted, pursuant to section 8 to a deceased shareholder.
- (3) The Maori Land Court may, at any time before 1 April 1975, on the application of the Māori 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 31 March 1975, and before the expiry of the period of 10 years referred to in subsection (1) of section 12, 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) shall be duly embodied in an order of the Maori Land Court, and any determination made pursuant to subsection (4) shall be embodied in an instrument in writing under the seal of the company.
- (6) An order or instrument created pursuant to subsection (5) 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 1 April 1975, 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):
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.

Section 12A: inserted, on 17 December 1968, by section 15(1) of the Maori Purposes Act 1968 (1968 No 127).

Section 12A(3): amended, on 1 July 2009, pursuant to section 30(2)(a) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 12A(3): amended, on 20 October 1972, by section 13(5) of the Maori Purposes Act 1972 (1972 No 135).

Section 12A(4): amended, on 20 October 1972, by section 13(5) of the Maori Purposes Act 1972 (1972 No 135).

Section 12A(7): amended, on 20 October 1972, by section 13(5) of the Maori Purposes Act 1972 (1972 No 135).

13 Exemptions from stamp duty

[Repealed]

Section 13: repealed, on 20 May 1999, by section 7 of the Stamp Duty Abolition Act 1999 (1999 No 61).

14 Companies Act 1955 to apply with exceptions

- (1) Except as otherwise provided in this Act, all the provisions of the Companies Act 1955, other than section 117 of that Act, shall apply to the company so far as they are applicable.
- (2) Sections 57 to 60 of the Companies Act 1955 shall not apply in respect of shares to be allotted or sold in accordance with this Act.

15 Part 2 of Land Settlement Promotion and Land Acquisition Act 1952 not to apply

Part 2 of the Land Settlement Promotion and Land Acquisition Act 1952 shall not apply to any contract or agreement in terms of which the block or any of the land referred to in paragraph (c) or paragraph (d) of section 13 is to be transferred to Tarawera Forests Limited.

Section 15 heading: amended, on 19 December 1968, pursuant to section 2(3) of the Land Settlement Promotion and Land Acquisition Amendment Act 1968 (1968 No 152).

Section 15: amended, on 19 December 1968, pursuant to section 2(3) of the Land Settlement Promotion and Land Acquisition Amendment Act 1968 (1968 No 152).

16 Company deemed to be Maori investment company for purposes of Income Tax Act 2007

The company shall be deemed to be a Maori investment company within the meaning of section YA 1 of the Income Tax Act 2007.

Section 16 heading: amended, on 1 April 2008, by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Section 16: amended, on 1 April 2008, by section ZA 2(1) of the Income Tax Act 2007 (2007 No 97).

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes**1 *General***

This is a reprint of the Tarawera Forest Act 1967. The reprint incorporates all the amendments to the Act as at 1 July 2009, 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)*

Māori Trustee Amendment Act 2009 (2009 No 12): section 30(2)(a)

Income Tax Act 2007 (2007 No 97): section ZA 2(1)

Stamp Duty Abolition Act 1999 (1999 No 61): section 7

Companies Act Repeal Act 1993 (1993 No 126): section 2(2)

Companies Amendment Act 1993 (1993 No 108): section 65

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

Maori Purposes Act 1972 (1972 No 135): section 13(5)

Land Settlement Promotion and Land Acquisition Amendment Act 1968 (1968 No 152): section 2(3)

Maori Purposes Act 1968 (1968 No 127): section 15(1)
