

1948
NEW ZEALAND

**REPORT AND RECOMMENDATION ON PETITION No. 51 OF 1947, OF
TAUNATAPU RIMENE AND OTHERS, AND PETITION No. 70 OF
1947, OF NGAONE TE TEIRA AND OTHERS, PRAYING THAT
THE WELLINGTON TENTHS BENEFIT FUND BE ABOLISHED**

*Presented to Parliament in pursuance of the Provisions of Section 55 of the Maori Purposes
Act, 1947*

Maori Land Court (Chief Judge's Office),
P.O. Box 3006, Wellington C. 1, 17th June, 1948.

Memorandum for the Right Hon. the MINISTER OF MAORI AFFAIRS.

WELLINGTON TENTHS BENEFIT FUND

PURSUANT to section 55 of the Maori Purposes Act, 1947, I transmit to you the report of the Court on the claims and allegations contained in petition No. 51 of 1947, of Taunatapu Rimene and others, and petition No. 70 of 1947, of Ngaone te Teira and others, praying that the Wellington Tenths Benefit Fund be abolished.

The subject-matter of this petition is the Benefit Fund established from a portion of the revenue arising from certain Maori reserves known as the Wellington Tenths, which are vested in and administered by the Maori Trustee. The position with regard to the Fund and the purposes for which it may be applied are set out in the report by the Court.

The Court does not recommend that the Fund be abolished, as sought by the petition, but it does recommend that the provisions as to the Fund be varied. I agree with the recommendations made by the Court, and recommend that they be given effect to by appropriate legislation amending the Maori Trustee Act, 1930.

D. G. B. MORISON, Chief Judge.

In the matter of the Wellington Tenths; and in the matter of an application under section 55 of the Maori Purposes Act, 1947, for inquiry and report on petition No. 51 of 1947, of Taunatapu Rimene and others, and petition No. 70 of 1947, of Ngaone Te Teira and others, praying that the Wellington Tenths Benefit Fund be abolished, on reference by the Chief Judge.

REPORT TO THE CHIEF JUDGE

This matter came before the Court to-day, the 20th May, 1948, and I have the honour to report as follows :—

A number of the petitioners attended in person and they were represented by Mr. Love. No one was present to oppose, but Mr. Henshilwood, of the Maori Trustee's Office, attended for the purpose of supplying necessary particulars if called upon. No

useful purpose would have been served by delaying the inquiry for additional representation, as it is most unlikely that any owner opposed to the prayer in the petitions would be found.

The rents and proceeds of lands known as the Wellington Tenths are collected by the Maori Trustee, and by section 36 of the Maori Trustee Act, 1930, they are to be applied as follows :—

- (a) A part, not exceeding three-fourths thereof, shall be from time to time distributed by the Maori Trustee amongst the Maori beneficiaries entitled thereto in shares determined by the Maori Land Court.
- (b) The residue thereof shall be applied by the Maori Trustee, at such times and in such manner as in his discretion he thinks fit, towards the physical, social, moral, and pecuniary benefit of the Maoris individually or collectively interested therein, or their children, and the relief of such of them as are poor or distressed.

The residue above referred to is the fund described in the petitions as the Wellington Tenths Benefit Fund. The allocation to the Benefit Fund has been on this basis since 1925, but prior to that date the allocation was one-half of the rents and profits, which would indicate that notice has already been taken of changing conditions. The average amount allocated each year to the Benefit Fund during the past three years is £631 and the average distribution during that period has been £312, the present credit balance being £2,650 or thereabouts.

There can be no doubt that when the Fund was created it served a very useful purpose, but conditions for indigent Maoris are now very much better than they were even a few years ago, and there is no urgent necessity for such a Fund. It may well be, however, that assistance should be given to certain beneficiaries in circumstances not provided for by the present social security legislation, and it would be unwise to abolish the Benefit Fund entirely. The petitioners approved of a suggestion by the Court that a sum of approximately £2,500 would be adequate for all future requirements which could reasonably be anticipated as deserving of assistance from the Fund, and surplus rents and profits should be distributed.

After taking into account all the relevant circumstances and the representations of the petitioners, the Court is of opinion that the present credit balance of £2,600 is adequate to meet all claims for assistance which can reasonably be anticipated in the future, and recommends as follows :—

- (1) That the Wellington Tenths Benefit Fund be retained.
- (2) That the present credit balance of the Fund in the hands of the Maori Trustee be administered by him as in the past in accordance with the objects and purpose of the Fund.
- (3) That no further appropriation of rent moneys be made to the Fund.
- (4) That the rent moneys be distributed in full to the owners.
- (5) That the Maori Trustee Act, 1930, be amended accordingly.

A. A. WHITEHEAD, Judge.

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