



## Native Land Rating Act 1904

- Citation:** 4 Edw. VII, No 41  
**Date of Assent:** 8 November, 1904  
**Commencement:** 1 April, 1905
- Repeal:** Repealed and re-enacted 1908, No 163  
**Amendments:** –
- Type of Legislation:** Public  
**Subject:** Rating  
 Public/Native/Maori Trustee  
 Reserved Land  
 Maori Land Court: Structures & Jurisdiction  
 Maori Land Boards
- Relevant Sections:**
- s2: (1) Native land liable for full rates,  
 (a) if there is a European occupier,  
 or if the land,  
 (b) is in a town or borough or within 10 miles of one,  
 (c) is within 5 miles of any public road,  
 (d) has at any time been acquired by purchase or lease,  
 (e) has at any time been liable for full rates,  
 (f) is incorporated under Native Land Court Act 1894.
- (2) Native lands whose title has been ascertained shall be liable to half normal rates. Native lands whose title is unascertained shall be exempt from all rates unless the Minister thinks the Native owners are delaying bringing land before the NLCt in order to avoid rates. In that case the Minister shall apply to the NLCt to ascertain the title.
- (3) All Native lands held by the Public Trustee shall be rateable, but he shall only be liable to the extent of money available from the land.
- s3: Governor, by Gazette notice, may declare Native lands which are not within the above categories and are not papatupu land to be liable to full rates, or may exempt any Native lands from rates.
- s4: Rateable lands to be entered on valuation-roll.
- s5: For incorporated land, name of chairman to be entered.
- s6: If relative interests have been defined in partitioned land the name of each owner and value of his interest shall be entered.
- s7: If land not partitioned or if relative interests have not been defined, Valuer-General to choose who he enters as "nominated Native occupiers" (not exceeding one for every 25 owners).

*Relevant Sections and Commentary continued next page*



Nominated occupiers deemed to represent all owners and may be sued.

*s8:* No judgment for rates to be enforced without consent of Minister.

*s9:* Minister may authorise Maori Land Council to administer lands on default of payment of rates, and

- (a) notice of authorisation to be published in *Gazette* and *Kahiti*,
- (b) lands shall be vested in Council,
- (c) Council may administer the land as if it had been transferred under Maori Lands Administration Act 1900,
- (d) Council may pay rates.

*s10:* Minister may pay judgment for rates and lodge caveat.

*s11:* Where Minister has paid rates in arrears, the NLCT may, when any application for partition is heard, set aside and vest in the Crown a portion of land equal in value to the rates paid.

*s12:* Alterations in valuation-roll.

*s13:* Rates paid by one owner on behalf of several owners may be recovered from other owners. Judge may issue a certificate to have the effect of a caveat in favour of paying owner.

*s14:* Judgment for rates may be given against Native owners within three years.

*s15:* Amendments to Rating Act 1894.

*s16:* Native lands exempted from the definition of rateable property in Rating Act 1894 shall continue to be exempt.

*s17:* Native reserves in the Middle [South] Island shall not be liable to more than half rates.

**Commentary:** The categories of Maori land that must pay full rates are extended to include land bought or leased from the Crown or Pakeha, or land that had been leased to a Pakeha in the past, the principle being that land that has at any time been liable for full rates shall continue to be so. Section 2 provides that other Maori land that has had title ascertained shall be liable for half-rates. There was strong pressure for the Bill to require all customary land to be brought before the Native Land Court within a certain time, but this was modified to leave the Minister with discretionary powers to force land to be brought before the Court. In cases of rates arrears, the Minister can pay the rates on partition of a portion of the land for the Crown, or else the Minister can vest the land in the Maori Land Councils to be leased by them.

*Commentary and Cross Reference continued over page*

**Native Land Rating Act 1904** *continued*

According to Carroll the owners will be given the choice, but there is no provision for this in the Act. This power means that Maori who had been unwilling to do so, can now be forced to bring their lands under the Maori Land Administration Act 1900. Carroll said of section 8 "no Native land shall be sold for non-payment of rates, unless on the order of a Judge of the Native Land Court whose duty it will be to see that the Maori is not rendered absolutely landless". Interestingly, Parata persuaded the Native Affairs Committee to insert s17 in recognition of unfulfilled promises made with the Ngai Tahu purchase.

**Cross Reference:** NZPD vol 128 (1904) 193 - 194, 340 - 345, 509 - 510, 610 - 618  
NZPD vol 131 (1904) 346 - 354, 805 - 818, 905 - 908, 970 - 971, 1000  
Williams J *Politics of the New Zealand Maori*  
(AUP, Auckland, 1977 reprint) 125.