



Maori Purposes Act 1950

1950

Citation: No 98
Date of Assent: 1 December, 1950
Commencement: Date of Assent

Repeal: Repealed 1981, No 110
Amendments: **1951, No 51:** See separate record.
s9 amends s8.
1956, No 43: See separate record.
s6 repeals ss 55 - 59.
1973, No 106: s22 repeals s60.

Type of Legislation: Public
Subject: Maori Land Boards
Maori Land Court: Structures & Jurisdiction
Public/Native/Maori Trustee
Leased Land
Rating
Govt Admin Specific to Maori/Maori Land
Consolidation/Exchange Schemes
Compulsory Acquis & Transfer of Control

Relevant Sections: s3: Amends s7 Native Purposes Act 1941.
s4: Maori Land Board may expend funds for the purpose of providing housing for officers of Department of Maori Affairs.
s5: MLCt may combine areas of Maori land for partition purposes.
s7: Authorises Maori Trustee to advance money for purpose of providing housing for beneficiaries.
s10: Tribal Executive or Tribal Committee may acquire land for tribal purposes.
s12: Ratana Trust Board to be Tribal Executive for certain purposes.
ss14 - 30: *Compensation to Lessees for Improvements*
s14: Commencement of this part of the Act 1 February, 1951.
These sections deemed part of 1931 Act.
s17: Every farm lease shall confer on lessee a right to compensation for improvements unless parties otherwise agree.
s19: No farm lease shall be confirmed by the MLCt unless it contains an express provision regarding the right to compensation for improvements.
s21: Valuer-General to perform special valuation of the lands comprised in the lease for the purpose of ascertaining the amount of compensation to which a lessee is entitled.

Relevant Sections and Commentary continued over page



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s22: Right of objection to valuation.

s23: Amount of compensation to which lessee entitled to be 75% of value.

s28: On the grant of a farm lease conferring a right to compensation on the lessee the Maori Trustee shall cause a record of land, the nature of improvements, and a valuation to be made. The cost of making the record and valuation shall be deducted from the rent.

ss31 - 54: Unproductive Maori Land

s33: This part of Act to apply to any Maori freehold land not subject to any subsisting valid lease or a valid contract to renew or grant a lease.

s34: MLCt may appoint Maori Trustee as agent for owners to affect alienations, in situations where

- (a) the land is unoccupied,
- (b) the land is not cleared of noxious weeds,
- (c) the rates have not been paid and the amount of rates have been charged against the land,
- (d) the owners have neglected to farm the land diligently,
- (e) the beneficial owner cannot be found.

s38: Every instrument of alienation to have the same effect as if executed by the owners.

s39: Farm land capable of being profitably used as a farm leasehold not to be sold.

s42: Value of improvements to be paid to Maori Trustee.

s43: Where Maori Trustee has been appointed agent for owners of the land and thinks they may be willing to lease the land, he may invite applications from owners for a lease.

s46: Allotment of lease when simultaneous applications received.

s50: On payment of rent to Maori Trustee, after deduction of expenses (including commission) half to be distributed among owners and residue invested in Maori Trustee's common fund.

s51: Leases to be for 21 years with right to renew for a further period.

s54: Repeals ss355 and 540 Native Land Act 1931.

Commentary: The main purpose of this Act is to facilitate the profitable use of Maori land, in response to criticism of Maori lands lying idle, with Corbett, the recently appointed Minister of Maori Affairs, saying "Land is the foundation of our prosperity and every landholder has a duty to see that full use is made of the soil". The most important

Commentary and Cross Reference continued next page



method adopted in this Act is to change the terms of leases in relation to compensation for improvements. Maori land which had been leased around the turn of the century was leased on the perpetual right of renewal system which provided for long leases at low rentals, but with no compensation to be paid to the lessee for improvements made. By the 1950s this system was seen as being disadvantageous because there was no incentive for the lessee to invest in improving the land and its productivity as the lessee would ultimately receive no benefit for capital or labour expended. Examples were given of Maori land which was being leased but which was covered in weeds and not being used. The solution adopted by the National Government was to make it compulsory for farm leases to contain compensation for improvements at the rate of 75% of their value. The Maori Trustee is also to set aside a portion of the rents received as a sinking fund for the beneficial owners to use to pay for the improvements on expiry of the lease if they wish to resume possession of the land.

While Part II of this Act provides for the best use of leased Maori land, Part III is aimed at unoccupied Maori land. The Maori Land Court can appoint the Maori Trustee to lease lands that are not occupied, not cleared of noxious weeds, owing rates, not being diligently farmed, or where no owner can be found.

Corbett explained this policy as providing for the use of the land, but retaining the fee-simple to the beneficial owners, as "alienation" in the Act was intended to be only by lease.

Cross Reference: NZPD vol 293 (1950) 4722 - 4731, 4747 - 4754

AJHR (1921) Sess I G - 5
(*Native Land Commission*)

AJHR (1953) G - 9 p.10
(*Maori Affairs Department*)

Butterworth G & Butterworth S *The Maori Trustee*
(Maori Trustee, Wellington, 1991) 77 - 79, 82 - 83.