



Maori Affairs Act 1953

- Citation:** No 94
- Date of Assent:** 26 November, 1953
- Commencement:** 1 April, 1954
- Repeal:** Repealed 1993, No 4
- Amendments:** **1955, No 106:** s3 amends s131
 s4 amends s133
 s5 amends ss136 and 137
 s5 repeals s294
 s7 inserts new s433A – Exemption order may be made in respect of Maori.
 s8 amends s459.
1956, No 43: s3 inserts new s305A – Sale of timber to constitute alienation.
 s4 repeals s434.
1957, No 81: s2 repeals and replaces s136
 s3 inserts new s154A – Acquisition of interests in European land owned by Maori.
 s4 amends s298
 s5 inserts new s303A – Penalties for non-compliance with statutory provision relating to bodies corporate of Maori owners.
 s6 amends s445
 s7 amends s454.
1958, No 41: s3 amends s6
 s4 amends s263
 s5 inserts new s270A – Modification of objects of incorporation.
 s6 amends s293
 s7 amends s435
 s8 amends s452.
1959, No 90: See separate record.
 s18 repeals and replaces s21
 s19 amends s119
 s21 inserts new s249A – Valuations for revision of rent.
 s22 amends s272
 s24 amends s428
 s25 amends s435
 s26 amends s440
 s27 inserts new s453A – Power of MLCt to grant relief in cases of encroachment.
 s28 amends s454
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s29 amends s456.

1960, No 120: s3 amends s2 – status of Maori Freehold land.

s4 amends s21

s5 amends s30

s6 amends s115

s7 inserts new s132A – Payment of certain revenues to administrator.

s8 amends s292

s9 amends s335

s10 inserts new s371A – Water supplies.

s11 amends s380

s12 inserts new s383A – Interest payments in respect of Maori Land Development, repeals s365.

s13 inserts new s383B – Relief from interest payments.

s14 amends s428

s15 amends s430

s16 amends s454

s17 amends s456.

1961, No 129: s3 amends s6

s4 amends s28

s5 amends s34

s6 amends s125

s7 amends s136

s8 repeals and replaces s180

s9 amends s438

s10 amends s452

s11 amends s456

s12 inserts new s456A – Funds to meet compensation.

1962, No 45: See separate record.

s2 amends s30

s3 amends s32

s4 inserts new s44A – Appeals to be in way of rehearing.

s5 amends s45

s6 amends s57

s7 inserts new s102A – Powers of Trustees.

s8 repeals and replaces ss118 - 123

s9 amends s127

s10 amends s137

s11 amends s151

s12 amends s152

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Maori Affairs Act 1953 *continued*

s13 amends *s177*

s14 inserts new *s181A* – Allotment of interests on partition.

s15 inserts new *s181B* – Provision of costs on subdivision.

s16 amends *s217*

s17 amends *s218*

s18 amends *s235*

s19 inserts new *s235A* – Extended powers to grant leases.

s20 amends *s236*

s21 amends *s237*

s22 amends *s238*

s23 inserts new *s239A* – Maori Trustee may consent to assignment of lease.

s24 repeals *s243(2)*

s25 repeals and replaces *s286*

s26 amends *s289*

s27 amends *s292*

s28 amends *s293*

s29 amends *s330*

s30 inserts new *s376A* – Use of land for afforestation purposes.

s31 repeals *s405*

s32 amends *s435*

s33 inserts new *s447A* – Provision for finance, roading and other services.

s34 repeals and replaces *s456*

s35 inserts new *s456B* – Payment of alienation money held by Maori Trustee for deceased owner.

1963, No 123: See separate record.

s3 amends *s114*

s4 amends *s136*

s5 amends *s217*

s6 amends *s222*

s7 amends *s231*

s8 repeals all parts of provisions relating to Trust funds.

s9 amends *s300*

s10 amends *s433*

s11 amends *s433A*

s12 amends *s438*

s13 amends *s453A*

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s14 inserts new section *s454A* – see separate record.

s15 amends *s460*.

1964, No 46: See separate record.

s3 amends *s21*

s4 amends *s42*

s5 amends *s33*

s6 amends *s116*

s7 amends *s118*

s8 repeals *s124* and amends *s125*

s9 amends *s239A*

s10 amends *s274*

s11 amends *s426*

s12 amends *s435*

s13 amends *s447A*

s14 repeals *ss223, 286(5), 438(11)*.

1965, No 121: *s3* amends *s181B*

s4 inserts new *s298A* – Investigation of incorporations' affairs.

s5 amends *s430*

s6 amends *s438*

s7 amends *s452*

s8 amends *s460*.

1966, No 106: See separate record.

s3 inserts new *s16A* – Appointment of temporary Judges.

s4 amends *s21*

s5 amends *s335*

s5 repeals and replaces *s369A*

s6 repeals *s438*.

1967, No 124: See separate record.

s20 amends *s173*

s21 amends *s193*

s22 amends *s415*

s23 inserts new *s432A* – Partition of land in counties.

s90 repeals and replaces *s213*

s91 amends *s214*

s92 repeals and replaces *s215*

s93 amends *s216*

s94 repeals *ss217, 218*

s95 amends *s219*

s96 repeals proviso of *s220*.

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- s97 repeals and replaces s222, inserts new s222A
 s98 amends s224
 s99 amends s225
 s100 repeals and replaces s227, inserts new s227A – Consideration of alienation.
 s101 amends s228
 s102 amends s229
 s103 amends s230
 s104 repeals and replaces s231
 s105 repeals and replaces s232
 s106 repeals and replaces s233
 s107 inserts new s234A
 s108 amends s235
 s109 repeals ss242, 243
 s110 amends s244
 s111 repeals ss246 - 248
 s112 repeals and replaces s249
 s114 amends s304
 s115 amends s315
 s116 repeals and replaces s318, inserts new ss318A, 318B
 s117 inserts new ss325A – Proceeds of alienation, 325B – Payment of compensation, 325C – new lease where compensation not satisfied.
 s119 amends s142 – uneconomic interests.
 s120 repeals and replaces s143
 s121 inserts new s148A – vested and reserved land excluded from operation of Part XIII.
 s122 repeals and replaces s149
 s123 amends s150
 s124 inserts new s151A – Maori Trustee may acquire uneconomic interests.
 s125 repeals and replaces s152
 s126 – consequential amendments to ss181, 200, 445
 s127 repeals s210
 s128 inserts new sections relating to reserved land, vested land.
 s129 – consequential amendments to ss17, 23
 s133 amends ss2, 195, 326, 447A, 454
 s134 amends s34
 s135 amends s93

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s136 inserts new *s161A* – period for investigation of customary land limited.

s138 repeals and replaces *s184*

s139 amends *s406*

s140 inserts new *s411A* – surveys

s141 repeals and replaces *s435*

s142 repeals and replaces *s438*

s143 repeals and replaces *s447*

s144 amends *ss452, 468*

s145 amends *s454*

s146 amends *s455*

s147 inserts new *s455A* – vesting land in Official Assignee.

1967, No 145: See separate record.

s3 amends *s21*

s4 amends *s309*.

1968, No 127: *s3* amends *s16A*

s4 amends *s21*

s5 amends *s439* – Constitution of Maori reservations for communal purposes.

s6 amends *s6*

s7 amends *s61*.

1968, No 152: *s7* amends *s213*. Relates to the acquisition of Maori land – Alienations to any person who is not a New Zealand citizen or is an overseas corporation within the meaning of Part IIA Land Settlement Promotion and Land Acquisition Act 1952.

1969, No 127: *s3* amends *s21*

s4 amends *s115*

s5 amends *s235*.

1970, No 120: *s3* amends *s21*

s4 amends *s161A*

s5 amends *s213*

s6 repeals Part XXV

s7 inserts new *s9A* – leasing of Maori reservations.

1971, No 151: *s2* inserts new *s41A* – Appointment of general agent by transferee of shares in Maori incorporation.

s3 amends *s65* – Status of Maori incorporation land on winding up.

1972, No 135: *s3* amends *s6*

s4 amends *s152*

s5 repeals *ss254 - 256*

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Maori Affairs Act 1953 *continued*

s6 inserts new s338A – Board may acquire shares in companies.

s7 amends s359

s8 amends s371A

s9 amends s383B

s10 amends s415

s11 amends s439

s12 amends s460.

1973, No 106: s3 inserts new s150A – Interests in Maori land may be purchased to help vendors' housing needs.

s3 amends s148A

s4 amends s215

s5 repeals and replaces s252, repeals ss212 and s260, amends s261

s6 amends s253

s7 repeals s257

s8 repeals s258

s9 repeals and replaces s259 – Crown may acquire land pursuant to resolution of assembled owners.

s10 amends s267

s11 repeals and replaces s268

s12 inserts new s370A – Acquisition of land by Board of Maori Affairs for owners of scheme, new s370B – Land may be vested in owners.

s13 repeals and replaces s433

s14 amends s437

s15 amends s439 – Maori reservations.

1974, No 73: See separate record.

s2 amends s2

s4 inserts new Part II – Department of Maori Affairs.

s9 repeals and replaces ss5, 6

s10 amends s10

s20 amends s117

s21 amends s132A

s22 amends s136

s23 repeals ss137, 138, 139, 142, 143

s24 inserts new s245A – Vesting orders in respect of interests in European land of deceased Maori.

s25 repeals and replaces s76

s28 repeals and replaces s213

s29 repeals and replaces s221

s30 amends s222

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- s31 amends s227
- s32 amends s228
- s33 inserts new s234B – Leases not to contain option to purchase.
- s34 amends s239
- s35 repeals and replaces s307
- s36 amends s309
- s37 inserts new s315A – Reference to Maori Land Advisory Committee where meeting lapses.
- s39 inserts new s317A – Payment of money on filing application for confirmation.
- s40 amends s318
- s41 amends s319
- s42 repeals and replaces s325
- s43 repeals and replaces s16
- s44 amends s16A
- s45 amends s27
- s46 amends s28
- s47 amends s30
- s48 amends s38
- s49 amends s57
- s50 inserts new s57A – Maori Land Court Special Aid Fund.
- s51 inserts new s77A – recognition and encouragement of Maori Language.
- s52 repeals s151A, amends ss181, 45, 445 relating to compulsory acquisition by Maori trustee of uneconomic interests.
- s53 amends s152
- s54 repeals s161A
- s55 repeals Part XVIII – consolidation schemes.
- s56 repeals s412 – survey and other charges in favour of Crown discharged.
- s57 inserts new s433A – European land may be declared Maori land.
- s58 inserts new s434A – aggregation of ownership.
- s59 amends s438
- s60 inserts new s439A – Court may consider proposals for Maori reservations.
- s61 amends s440
- s62 amends s449
- s63 amends s450
- s64 amends ss452, 68, 468

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Maori Affairs Act 1953 *continued*

s65 amends *s455*

s66 amends *s455A*

s67 amends *s459*

s68 – certain European land may become Maori land.

1974, No 144: *s3* inserts new *s60A* regarding amendment of names of land owners in Court records.

s4 amends *s460*.

1975, No 135: *s3* amends *s213*

s4 amends *s249A*

s5 amends *s309*

s6 amends *s436*.

1976, No 148: *s3* inserts new *s25A* – Judges may issue practice notes.

s4 amends *s29(2)*

s5 amends *s30*

s6 amends *s55*

s7 repeals *ss118, 125, 126, 128, 129* and *130*

s8 amends *s225*

s9 amends *s318*

s10 amends *s326*

s11 amends *s330*

s12 amends *s346*

s13 inserts new *ss369B* and *369C* – Advances to purchasers of freehold and leasehold interests.

s14 amends *s460*.

1977, No 65: *s142* inserts new *s466A* – Grant for Maori purposes.

1977, No 102: *s3* inserts new *s384A* – Board may accept money for incentive shares.

1978, No 70: *s2* repeals and replaces *s21*.

1979, No 136: *s3* amends *s245(6)*

s4 amends *s326*

s5 amends *s330*

s6 amends *s338A*

s7 amends *s348*

s8 amends *s382*

s9 repeals and replaces *s383B*

s10 amends *s438*

s11 repeals and replaces *s460*

s12 amends *s461*

s13 amends *s78*.

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1980, No 67: s3 inserts new s17A – Constitution of the Rules Committee.

s4 inserts new s460A – Advances and other assistance to Maori.

s5 inserts new s464A – Authorising establishment and maintenance of Kokiri centres.

1981, No 112: s3 amends s30

s4 amends s305

s5 amends s445

s6 amends s452.

1982, No 124: s4 changes “Maori Land Board” to “Board of Maori Affairs”.

s5 repeals s18 and amends s19

s6 amends s30

s7 amends s231

s8 amends s439A

s9 amends s445

s10 amends s460

s11 inserts new s464B – Board may establish and maintain hostels.

1983, No 146: s3 amends s36

s4 amends s432

s5 amends s437.

1985, No 114: s2 amends s5.

1985, No 139: s2 repeals and replaces s21.

1987, No 73: s2 repeals and replaces Part XIII – relating to the Conversion Fund.

1988, No 73: s2 amends s421

s3 amends s422

s4 amends s426

s5 amends s436.

1989, No 99: s42 amends s30.

1991, No 39: s2 repeals and replaces s17

s2 amends s21

s2 amends s16A

s3 amends s57

s4 amends s70A

s5 inserts new s70A – Fees.

s6 amends s237

s7 inserts new s249B

Amendments to Relevant Sections continued over page



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s8 amends s438

s9 validates acts, remuneration and allowances of Deputy Chief Judge.

1991, No 145: See schedule.

Type of Legislation:

Public

Subject:

Maori Land Court: Structures & Jurisdiction

Public/Native/Maori Trustee

Alienation of Maori Land

Compulsory Acquis & Transfer of Control

Incorporations

Reserved Land

Maori Land Development Schemes

Consolidation/Exchange Schemes

Relevant Sections:

s2: Customary land defined as land held by Maori under the customs and usages of the Maori people. **Maori freehold land** defined as land other than European land which is owned by Maori for a beneficial estate in fee simple. **Maori reserve** defined as lands vested in the Maori Trustee for the purposes of a Maori reserve and includes all lands subject to provisions of the Maori Reserves Act 1882, the Westland and Nelson Maori Reserves Act 1887 and the West Coast Settlement Reserves Act 1892.

s3: Establishes Department of Maori Affairs.

PART III Board of Maori Affairs

s5: Existing Board of Maori Affairs continued in office.

PART IV Maori Land Court

s15: Maori Land Court constituted.

s23: New Zealand divided into Maori Land Court Districts.

s30: Jurisdiction of MLCt includes...

- a) to hear and determine as between Maori the ownership of Maori freehold land,
- b) to determine the relative interests of owners in common of Maori freehold land,
- c) to hear claims for damages as between Maori, for trespass on Maori freehold land,
- e) to enforce certain Trust obligations,
- h) to determine whether any specified person is a Maori,
- i) to determine whether any land is Maori freehold land.

s33: The MLCt may appoint a receiver to enforce charges.

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PART V *Maori Appellate Court*

s37: Maori Appellate Court constituted.

s42: Appellate Court to have jurisdiction to hear appeals from the MLCt.

s45: Powers of the Maori Appellate Court on Appeal.

PART VI *Miscellaneous Provisions Relating to Maori Land Court and the Appellate Court*

s56: Contempt of Court.

s62: No order of the MLCt shall be subject to stamp duty under the Stamp Duty Act 1923.

s68: No order of the MLCt with respect to Maori land shall be annulled or declared invalid by any Court in any proceedings instituted more than 10 years after the date of the order.

PART VII *Interpreters*

s71: Gov-Gen may license interpreters.

PART VIII *Marriages of Maori*

s78: Every marriage to which a Maori is party shall be in accordance with the rules as if the parties were European.

s79: No marriage in accordance with Maori custom made after the 1 April, 1952 shall be valid.

PART IX *Adoption of Children by Maori*

s80: Adoptions according to Maori custom not operative.

s81: Jurisdiction of MLCt with respect to adoptive children.

PART X *Persons under Disability*

PART XI *Wills and Succession*

s110: Maori wills to be executed in European manner.

s113: Restrictions on alienation of land not to affect disposition by will.

s114: Restrictions in disposition by will of Maori in favour of Europeans.

s116: Succession on intestacy. Persons entitled to succeed on intestacy shall be determined by the MLCt in accordance with Maori custom.

s118: Part II not to apply to Maori.

s131: Maori succession duty.

s132: Maori land not available for debt of deceased Maori.



PART XII *Succession to and Disposal of Freehold Interests in Maori Land*

s135: MLCt shall determine the names and shares of persons beneficially entitled to freehold interests in Maori land.

s136: MLCt to dispose of beneficial freehold interests.

s137: MLCt shall not vest in the beneficiary any interest which would constitute an uneconomic interest (under the sum of £25) unless the interest has been specifically devised by will, the interest in conjunction with another piece of land would be suitable for use or the Maori Trustee declines to accept the interest. All interests which cannot be disposed of to be vested in the Maori Trustee.

s140: All land vested in Maori Trustee to remain subject to all existing charges.

s142: MLCt to fix price to be paid by Maori Trustee for land acquired under this Part.

s144: Succession to interests in Maori Reserves.

PART XIII *Conversion Fund for Acquisition of Maori Land by Maori Trustee*

s149: Establishment of Conversion Fund within Maori Trustee's Account. Fund for the purpose of the acquisition of uneconomic or other interests in Maori land.

s152: The Maori Trustee may sell any Maori land or interests vested in him by vesting order or otherwise acquired by him and paid for out of the Conversion Fund.

PART XIV *Customary Land*

s155: Maori customary title to land shall not be available in any proceedings against the Crown.

s157: A Proclamation by the Gov-Gen that any land is free from Maori customary title shall be accepted as conclusive proof of the fact.

s158: Validity of alienation by Crown though customary title not extinguished.

s160: Customary land inalienable.

s161: MLCt to have jurisdiction to investigate title to customary land and determine the relative interests of the owners involved.

PART XV *Ascertainment of Equitable Owners under Titles Existing Prior to Native Land Court Act 1894*

s170: MLCt to have jurisdiction to determine whether any land granted to Maori prior to 23 October, 1894 was intended by the

Relevant Sections continued next page



Crown or by the nominal owners of the land to be held by the nominal owners in trust and if so to determine who the beneficial owners were.

PART XVI *Partition*

s173: Jurisdiction to partition Maori freehold land.

Nothing in this Part to apply to Maori reserves.

s175: On application for partition the MLCt may direct the land to be sold where it is of the opinion that partition on an equitable basis would be impractical. Sale to be offered first to persons owning a share.

s180: Partition may be among owners in severalty or in common.

s181: Discretionary powers of the Court in making partitions.

s183: Power to award land as compensation for improvements.

PART XVII *Exchange*

s187: MLCt may make exchange orders.

PART XVIII *Consolidation Schemes*

s193: Schemes for the consolidation of the interests of the several owners in areas of Maori freehold land may be prepared and confirmed by the MLCt.

s194: Main purpose of the Consolidation Scheme shall be the consolidation and redistribution of interests of the several Maori owners in the Maori freehold lands so that the lands will be held in suitable and convenient areas that may be profitably used to their advantage and in the public interest.

s195: Initiation by the Minister of Consolidation Schemes.

s200: On confirmation of scheme, MLCt to proceed to carry it into effect. MLCt to treat all land within the scope of the scheme as if it were Maori freehold land. MLCt may...

- a) set apart roadways etc.,
- b) set apart lands required for the purposes of public reserves or as Maori reservations,
- c) set apart lands for sale for providing funds to be available for the payment of the costs of survey, roading, improvements to the land etc.

s201: Uneconomic interests to be vested in Maori Trustee by vesting order.

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s204: Where any lands within the scope of a scheme have been vested in the Maori Trustee in trust for the beneficial owners the Maori Trustee may, for the purposes of the scheme, release those lands from the Trust.

s207: Gov-Gen may prohibit alienation pending execution of scheme.

s209: Changes of ownership may result in change of status of land.

PART XIX *Alienation of Land by Maori*

s211: Subject to the provisions of this Act, a Maori may alienate or dispose of any land or any interest in land in the same manner as a European.

s212: Restrictions on alienation of Maori land not to apply to alienations to the Crown.

s215: When any Maori land is owned for a legal estate in fee simple by more than 10 owners as tenants in common, no Maori owner shall be capable of making any alienation of the land unless that alienation is made in accordance with Part XXIII of this Act (Powers of Assembled owners).

s218: Sale of timber, flax etc. deemed to be an alienation of the land.

s224: No alienation of Maori land by a Maori shall have any force until it has been confirmed by the MLCT.

s227: No alienation shall be confirmed until the MLCT is satisfied that...

- b) the alienation is not contrary to equity or good faith or to the interests of the Maori alienating,
- c) the alienation, if completed, would result in an undue aggregation of farm land,
- d) that the consideration for the alienation is inadequate,
- f) that the alienation is not in breach of any trust to which the land is subject.

s231: Purchase money or other proceeds of alienation to be paid to Maori Trustee.

PART XX *Leases of Maori Land*

s235: Except as otherwise expressly provided in any Act no alienation of Maori Freehold land by way of lease shall be for a term longer than 50 years.

s236: Lessee may apply to the MLCT for leave to surrender lease and for subdivision of the lease to occur.

s237: Maori Trustee to execute renewals.

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s242: Every farm lease of Maori freehold land that is granted after the commencement of this Act shall contain express provisions regarding compensation for improvements.

s246: Rent payable under leases providing for compensation to be paid to Maori Trustee.

s248: The compensation payable to a lessee for improvements under any lease shall be paid to the Maori Trustee.

s251: Leases to which s286 Maori Land Act 1931 applied.

All moneys payable to a lessee under any such lease shall constitute a charge upon the land.

PART XXI Acquisition by Crown of Land Owned by Maori

s252: Duty of Board of Maori Affairs to undertake all negotiations for the acquisition by the Crown of any land owned by Maori.

s254: When negotiations have commenced for the sale of land owned by Maori to the Crown, the Gov-Gen may prohibit all alienations of the land other than alienations in favour of the Crown.

s259: Crown may acquire land pursuant to resolution of assembled owners.

s261: MLCt may make an exchange order to give effect to any agreement for the exchange of Crown land for any other land.

s264: Crown land exchanged for Maori land to become Maori freehold land.

PART XXII Incorporation

s270: Objects of Incorporation include...

- a) to occupy and manage the land as a farm and to carry on any agricultural or pastoral business thereon,
- b) to use the land for the growing of timber etc,
- c) to engage in coal mining and other mining operations etc,
- d) to arrange for the alienation by sale or lease or otherwise of the land.

s271: MLCt may incorporate owners provided that a) the assembled owners of the land have passed a resolution for their incorporation or b) the MLCt is satisfied that the owners of not less than half of the aggregate shares in the land consent to the making of the order.

s275: Every person entitled to an equitable interest in fee simple in any land vested in the body corporate shall be a member of the body corporate.

s279: Bodies corporate may be amalgamated.

s280: Orders of incorporation may be extended to include other areas.

Relevant Sections continued over page



s283: Exclusion of land from orders of incorporation.

s286: A body corporate shall have the same powers of alienating the land vested in it as are conferred by this Act upon a Maori owning Maori land in severalty. Every alienation of Maori freehold land by a body corporate shall require to be confirmed by the MLCt.

s296: Committee of management to exercise powers of body corporate.

s300: Conduct of meetings of incorporated owners.

PART XXIII Powers of Assembled Owners

s305: Term owners defined to mean the persons who are beneficially entitled to the land in fee simple as tenants in common.

s309: No meeting of owners shall be deemed to be properly constituted unless at least three individuals entitled to vote are present during the whole time of the meeting.

s311: Every resolution deemed to be carried if the owners who, either personally or by proxy, vote in favour of the resolution own a larger aggregate share of the land affected thereby than the owners who vote, either personally or by proxy against the resolution.

s315: The assembled owners of any land may pass certain resolutions including...

- a) to incorporate the owners,
- b) that a proposed alienation of the land to the Crown be agreed to,
- c) that a proposed alienation of the land to any person other than the Crown be agreed to,
- g) that the Minister of Forests be appointed the agent of the owners for the purposes of *s64(5)* Forests Act 1949.

PART XXIV Maori Land Development

s327: Main purpose of this Part of the Act is to promote the occupation of Maori freehold land by Maori and the use of such land by Maori for farming purposes.

s328: Rights of owners of land subject to the rights of the Board to exclusive occupation of the land subject to any rights conferred on it by lessees.

s336: On any land subject to this Part, the Board may cause to be carried out or may undertake such works for the improvement or development of the land as it thinks fit.

s342: Preference to be given to Maori in granting of leases.

s344: Term of lease in respect of Maori land owned by Maori up to 50 years.

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s345: Every lease granted in respect of Crown land may be for a term up to 33 years.

s350: Compensation for improvements.

s352: Rent to be paid to Maori Trustee.

s355: Payment of value of improvements to lessee with perpetual right of renewal.

s359: No lease or sublease of land leased under this Part of the Act shall be capable of being leased or assigned except with the precedent consent of the Board.

s363: All moneys expended by the Board in respect of any area of Maori freehold land or European land owned by Maori shall be a charge on the land.

s368: The Board may advance moneys to the lessee for...

- a) the purchase of livestock, seeds, fencing materials etc.
- b) for the discharge of any liabilities of the lessee incurred in respect of the land,
- c) for the farming, developing, improvement and current working expenses of the land.

s370: The Board may purchase or otherwise acquire on behalf of the Crown any land or interest in land or the right to cut and remove trees or timber or to take any other substance from the land.

s372: The Board may employ any person as an adviser to give advice and instruction to Maori who are engaged in the development and farming of any land subject to this Part of the Act.

PART XXV *Utilisation of Unproductive Maori Lands*

s387: Where, in regard to any Maori freehold land or European land owned by Maori, the MLCT is satisfied that...

- a) the land is unoccupied,
- b) the land is not being properly kept clear of weeds,
- c) rates have not been paid and the amount payable has been charged on the land,
- d) the owners of the land have neglected to farm or otherwise manage the land with due diligence,

the MLCT may appoint the Maori Trustee to be the agent of the owners for the purposes of this Part of this Act.

s392: Restriction on sale by Maori Trustee of land suitable for occupation under farm lease.

s404: Maori Trustee to exercise powers to avoid undue aggregation of farm land.

Relevant Sections continued over page



Maori Affairs Act 1953 *continued*

PART XXVI *Surveys of Maori Land*

s408: MLCt may make charging orders on land in respect of the costs of survey.

s409: Survey charges to bear interest.

s412: Existing survey charges in favour of Crown shall continue to exist.

PART XXVII *Roads and Streets*

s415: For the purpose of providing access to any land the MLCt may lay out roadways.

s417: Compensation in respect of roadway. The MLCt may declare that no compensation shall be payable to any person in respect thereof.

s418: For the purpose of providing access to any Maori freehold land as aforesaid, roadways may be laid out over any Maori land or over any European land which ceased to be Maori land on or after 15 December, 1913.

PART XXVIII *Special Powers of the Court*

s433: Maori land held by one owner may be declared European land.

s434: European land owned by Maori may be declared Maori land.

s435: MLCt may amalgamate titles of adjoining lands.

s436: Where any Maori land has been at any time acquired by the Crown for the purposes of a Public work and is no longer required for a public purpose, it may be revested in Maori ownership.

s437: Where any Crown land has been set aside or reserved for the use of Maori, the MLCt shall proceed to determine the persons who are beneficially entitled to the land and their relative interests.

s438: The MLCt may make an order vesting any customary land, Maori freehold land or any land owned by Maori in any trustee to be held upon and subject to such trusts as the MLCt may declare for the benefit of Maori or the descendants of Maori or for any specified group of Maori.

s439: Maori reservations for communal purposes.

s440: MLCt may set aside the whole or any part of the estate in any Maori in order to provide for a dwelling site.

s442: Tramways over Maori land for timber purposes.

s448: Maori Trustee may be appointed receiver for unpaid rates on European land owned by Maori.

s451: All costs, charges or expenses charged to any Maori shall be subject to taxation.

Relevant Sections and Commentary continued next page



PART XXIX *Miscellaneous*

s455: Interests in Maori land protected against bankruptcy and execution.

s457: Presumptions as to Maori freehold land held by more than one owner – held to be tenants in common.

s460: Advances may be made to Maori occupiers of land that is not subject to Part XXIV to assist them to farm, improve and develop lands.

Commentary: While mainly a consolidation of Maori land legislation since 1931 this Act contains major new provisions which represent the National Government's concern with simplifying land titles to facilitate the use of Maori land that had been found to be uneconomic. Corbett, Minister of Maori Affairs, argues that the sight of Maori land unused and covered in weeds was causing unwarranted criticism of Maori as land holders, whereas the cause of idle lands lay in multiple ownership. Therefore, Corbett argues, improving the state of Maori land use would improve race relations in New Zealand. Several examples are presented of uneconomic interests in land where the number of owners of blocks is so large that the individual owners receive 1 penny annual payments. The main cause of this is identified as the method of succession whereby the land is continually divided among the many heirs when no will has been made. This Act therefore provides that intestate estates including interests in land with a value of £25 or less will not be further partitioned and will be vested in the Maori Trustee to be consolidated into farming units and it sets up a Conversion Fund to pay for the acquisition of "uneconomic interests". While the Maori members agreed that the succession laws needed to be amended to prevent further partitioning, the compulsory nature of purchasing uneconomic interests was strongly objected to on the grounds of owners losing their mana and turangawaewae. Omana said that no matter how small the interest in land it gave Maori the right to speak on the Marae "He loses the mana which he held, and which was the only way he was connected with his tribe. He loses his affiliation with his tribe. His land is gone and he has no further standing among his people. He is nobody." He predicted that hundreds of Maori will be made landless and said that those in incorporated blocks should be excluded. In 1956 the Maori Affairs Department reported on the

Commentary and Cross Reference continued over page



Maori Affairs Act 1953 *continued*

Conversion system that “the predominant principle adopted in title-improvement work is to avoid any compulsory methods save as a last resort. On succession, the tendency is all in the direction of promoting family arrangements whereby interests are not divided up”. During a 1972 Debate it was stated that the Conversion Fund had acquired 71,373 individual interests (worth \$1,800,000) and of these 42,691 had been sold back to Maori and the fund still contained interests worth \$793 000 approx.

Other changes include- Leases will be for 21 years with no automatic right of renewal and provisions for Maori to be able to pay the compensation for improvements.

– When making partition orders the Maori Land Court must have regard to the Town and Country Planning Act and all Maori land must have access when sold or leased. If partitioning is impractical the Court is empowered to sell the land, which must be offered to Maori first.

Cross Reference: NZPD vol 301 (1953) 2301 - 2322

NZPD vol 381 (1972) 3399

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(*Department of Maori Affairs*)

AJHR (1954) G - 9
(*Department of Maori Affairs*)

AJHR (1956) G - 9 pp.8 - 9
(*Maori Affairs Department*)

AJHR (1980) H - 3 p.32
(*McCarthy Commission on Maori Land Courts*)

Report of Committee of Inquiry Into Laws Affecting Maori Land and Powers of the Maori Land Court

(Wellington, Government Print, 1965) pp19 - 23
(Prichard Report, not printed in AJHR)

AJHR (1987 - 1990) E - 13 p.7
(*Department of Maori Affairs*)

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(Waitangi Tribunal, Wellington, 1989) 17 - 18.