

Rt. Hon. Sir J. G. Ward.

LAND FOR SETTLEMENTS ADMINISTRATION.

ANALYSIS.

<p>Title. Preamble.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p><i>Transfer of Assets to Superintendent.</i></p> <p>3. All settlement land and moneys vested in Superintendent.</p> <p>4. Administration of settlement land not affected.</p> <p>5. Provisions as to administration.</p> <p><i>Special as to Moneys raised by Government under Principal Act. Transfer of Liability to Superintendent.</i></p> <p>6. Certificate as to moneys heretofore raised by Government. Transfer of liabilities to Advances Office.</p> <p>7. Repayment of such moneys by Advances Office. Mode of raising moneys therefor. Return to be laid before Parliament.</p> <p><i>Funds.</i></p> <p>8. Funds to be raised on behalf of Superintendent.</p> <p>9. Sums that may be raised for purposes of Act.</p> <p>10. Sums raised to be guaranteed by Government.</p> <p>11. Rate of interest.</p> <p><i>Accounts.</i></p> <p>12. Sums raised to be paid to Land for Settlements Account.</p> <p>13. What to be charged to and paid out of Advances Account.</p>	<p>14. Moneys to be recouped from Land for Settlements Account.</p> <p>15. Apportionment when moneys raised for both Acts.</p> <p>16. Separate accounts to be kept.</p> <p>17. Annual statement by Superintendent.</p> <p>18. Statement to be audited and laid before Parliament.</p> <p><i>Limitations of Area, &c.</i></p> <p>19. Limitation of area.</p> <p>20. Right of selection amended.</p> <p>21. Amendment as to area of homestead site.</p> <p>22. Section 61 of principal Act amended.</p> <p>23. Amendment as to leases to employees.</p> <p><i>Homes and Home-farms for Workers.</i></p> <p>24. Land may be taken for homes and home-farms for workers. Repeal.</p> <p>25. Disposal of such lands.</p> <p>26. Modification of Workers' Dwellings Act.</p> <p><i>Subsidiary Roll under Principal Act.</i></p> <p>27. When subsidiary roll to cease to have effect. Fresh valuations may thereafter be made.</p> <p><i>Consequential and other Amendments of the Principal Act.</i></p> <p>28. Repeal.</p> <p>29. Sinking fund for securities issued.</p> <p>30. Repeal. Successful applicants disqualified for five years.</p> <p>31. Repeal. Residence for ten years necessary.</p> <p>32. Section 59 of principal Act amended.</p>
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A BILL INTITULED

AN ACT to amend the Law relating to the Acquisition and Administration of Land for Settlements. Title.

5 WHEREAS it is expedient that the present system under which settlement land is acquired and administered by the Crown should be altered by vesting in a separate corporation all such land already acquired, and providing that all future acquisitions shall be made by that corporation, but so nevertheless that the administration, control, and disposal of all such land shall be by the Crown acting on behalf of that corporation: And whereas it is also expedient that the law relating to settlement land should be amended in other respects: Preamble.

10 BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. (1.) This Act may be cited as the Land for Settlements Administration Act, 1909.

(2.) This Act shall be read and construed with the Land for Settlements Act, 1903 (hereinafter called the principal Act).

Interpretation.

2. In this Act, if not inconsistent with the context,—

“Advances Account” means the Advances Account under the Advances Act:

“Advances Act” means the New Zealand State-guaranteed Advances Act, 1909:

“Land for Settlements Acts” includes this Act and the principal Act:

“Settlement land” includes all land now held or hereafter acquired under the principal Act:

“Superintendent” means the Superintendent under the Advances Act.

Transfer of Assets to Superintendent.

All settlement land and moneys vested in Superintendent.

3. (1.) All settlement land which on the coming into operation of this Act is vested in His Majesty is hereby vested in the Superintendent.

(2.) All moneys and other property now belonging to His Majesty under the principal Act are hereby vested in the Superintendent.

(3.) All land, moneys, and other property which are hereafter acquired by His Majesty under the Land for Settlements Acts shall, upon the acquisition thereof, be deemed to be vested in the Superintendent.

(4.) A certificate under the hand of the Minister of Lands that any land, money, or property is vested in the Superintendent pursuant to this section shall be conclusive evidence of the fact.

Administration of settlement land not affected.

4. The foregoing vesting provisions shall not in any way alter or affect the administration of settlement land or the operation of the principal Act or any other Act relating to settlement land or Crown land.

Provisions as to administration.

5. To further carry out the meaning and intent of the *last preceding* section, but without in any way limiting its generality, the following provisions shall apply:—

(a.) All settlement land shall be deemed to be Crown land under the principal Act, and the legal title thereto shall accordingly be and remain in His Majesty, not in the Superintendent.

(b.) All the powers and functions of the Governor in Council, the Governor, the Minister of Finance, the Minister of Lands, the Commissioner, the Receiver, the Land Board, the Board of Land Purchase Commissioners, and generally of every person and authority appointed or acting under the principal Act shall continue as if this Act had not been passed.

(c.) All such functions and powers shall be and be deemed to be exercisable on behalf of the Superintendent (but without his name appearing) to the intent that all the provisions of the Land for Settlements Acts and of any other enactment relating to settlement land may enure as fully and effectually as if the settlement land were vested in His Majesty instead of the Superintendent.

Special as to Moneys raised by Government under Principal Act. Transfer of Liability to Superintendent.

6. With respect to the moneys that have heretofore been raised by the Government for the purposes of the principal Act or any prior Act passed for like purposes, the following provisions shall apply:—
- 5 (a.) The Audit Office shall certify the total amounts so raised. Certificate as to moneys heretofore raised by Government.
- (b.) As between the Government and the Superintendent, the respective amounts so certified shall be entered in the appropriate accounts of that office as capital liabilities of the Superintendent under and for the purposes of the Land for Settlements Acts, and shall be credited by the Treasury in the Public Accounts of the Dominion in reduction of the public debt. Transfer of liabilities to Advances Office.
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7. For the purpose of repaying the moneys referred to in the last preceding section, or of redeeming or exchanging the debentures or other securities issued by the Government in respect thereof and outstanding on the coming into operation of this Act, the following special provisions shall apply, anything elsewhere in this or any other Act to the contrary notwithstanding:—
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- (a.) The Minister of Finance, on behalf of the Superintendent, may from time to time, under and subject to the provisions of sections *eight to eleven* hereof, raise such sums and issue such debentures and other securities as may be required. Mode of raising moneys therefor.
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- (b.) The moneys so raised and the debentures and other securities so issued shall be applied only in repaying the aforesaid outstanding moneys, or of redeeming or exchanging the aforesaid outstanding debentures or other securities.
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- (c.) The limitations imposed by section *nine* hereof with respect to the amount to be authorised or raised shall not apply.
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- (d.) Within ten days after the commencement of the first session of Parliament in each year the Minister of Finance shall lay before both Houses a return showing all sums raised, and debentures or other securities issued, during the year under this section, and the mode in which the same have been applied. Return to be laid before Parliament.
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Funds.

8. (1.) In order to provide funds for the purposes of the Land for Settlements Acts, moneys may be raised from time to time by the Minister of Finance under the provisions in that behalf hereinafter contained: Funds to be raised on behalf of Superintendent
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- Provided, however, as follows:—
- (a.) In raising the moneys the Minister shall be deemed to be acting on behalf of the Superintendent and for the purposes of the Land for Settlements Acts.
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(b.) Accordingly the moneys raised shall be deemed to be raised by the Superintendent in his corporate capacity under and for the purposes of the Land for Settlements Acts.

(c.) The moneys raised, with all interest thereon, and the debentures and other securities issued in respect thereof, are guaranteed by the Government as hereinafter provided, but are a liability of the Superintendent in his corporate capacity, and are hereby charged upon the assets of the Superintendent under the Land for Settlements Acts. 5

(2.) The assets and liabilities of the Superintendent under the Land for Settlements Acts shall be and be deemed to be separate and distinct from his assets and liabilities under the Advances Act. 10

Sums that may be raised for purposes of Act.

9. (1.) To provide funds for the purposes of the Land for Settlements Acts the Minister of Finance (acting as aforesaid) is hereby empowered to raise from time to time such sum or sums, not exceeding in the whole the sum of one million pounds in any one financial year, as the Governor in Council from time to time authorises : 15

Provided that whenever the total amount authorised to be raised under this subsection in any one financial year is not raised within such year, the balance unraised may be raised at any subsequent period, in addition to the amount authorised to be raised during such subsequent period. 20

(2.) In computing the total amount which by this section the Governor in Council may authorise to be raised during the present financial year, all sums heretofore raised by the Government during the year under the principal Act for the like purposes shall be deducted. 25

Sums raised to be guaranteed by Government.

10. (1.) All sums so raised, with all interest thereon, and all debentures and other securities issued in respect thereof, shall be and be deemed to be guaranteed by the Government of New Zealand. 30

(2.) In order to give full effect to such guarantee it is hereby declared that all principal and interest becoming payable in respect of the sums so raised shall, if and as often as any default is made by the Superintendent in the payment thereof, be payable by the Minister of Finance out of the Consolidated Fund without further appropriation than this Act. 35

(3.) The guarantee constituted by this section shall be enforceable against the Crown by the holder of any such debenture or security in the same manner and as fully and effectually as if the guarantee were constituted by a contract between such holder and the Crown. 40

Rate of interest.

11. The sums so raised shall bear interest at such rate, not exceeding four pounds ten shillings per centum per annum, as the Minister of Finance from time to time prescribes, and shall be raised under and subject to the provisions of section *twenty* of the Advances Act. 45

Accounts.

Sums raised to be paid to Land for Settlements Account.

12. The sums so raised, as and when raised, and all other moneys belonging or payable to the Superintendent under and for the purposes of the Land for Settlements Acts, shall be paid into the Land for Settlements Account. 50

13. (1.) For convenience of administration there shall from time to time be charged to and paid out of the Advances Account, without further appropriation than this Act,—

What to be charged to and paid out of Advances Account.

5 (a.) The costs and expenses incurred in raising the aforesaid moneys :

(b.) All sums payable in respect of interest on the moneys raised as aforesaid by the Superintendent for the purposes of the Land for Settlements Acts, or by the Government for the purposes of the principal Act or any prior Act passed for like purposes :

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(c.) All moneys required for the payment or redemption of the debentures, stock, and other securities issued or created in respect of the moneys so raised.

15 (2.) Section forty-two of the principal Act (relating to the Land for Settlements Account) shall be construed subject to the foregoing provisions of this present section.

14. For the purpose of recouping to the Advances Account all payments made from that account pursuant to the *last preceding* section hereof, moneys shall from time to time be paid into that account from the Land for Settlements Account by authority of the Minister of Finance without further appropriation than this Act.

Moneys to be recouped from Land for Settlements Account.

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15. In any case where moneys for the purposes of the Land for Settlements Acts and moneys for the purposes of the Advances Act are raised together as one loan the following provisions shall apply :—

Apportionment when moneys raised for both Acts.

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(a.) The costs and expenses incurred in raising the loan shall be duly apportioned by the Minister of Finance between the Land for Settlements Account and the Advances Account.

(b.) A similar apportionment of the capital moneys raised shall be made.

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16. In addition to the accounts that by the principal Act and the Advances Act are required to be kept, the Superintendent shall keep separate accounts under each Act showing all moneys paid out of the Advances Account, and all liabilities incurred under the Advances Act, for the purposes of the Land for Settlements Acts, and all moneys recouped to that account from the Land for Settlements Account.

Separate accounts to be kept.

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17. From the accounts kept as aforesaid the Superintendent shall prepare, immediately after the close of each financial year, a statement showing for the year—

Annual statement by Superintendent.

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(a.) The moneys paid out of the Advances Account for the purposes of the Land for Settlements Acts ;

(b.) The moneys recouped to the Advances Account out of the Land for Settlements Account ;

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(c.) The financial position of the one account in relation to the other ;

(d.) The moneys raised by him under the Advances Act, and the proportion thereof that was raised for the purposes of the Land for Settlements Acts ; and

(e.) Such other particulars as are prescribed by regulations.

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18. (1.) The aforesaid statement shall be submitted to the Audit Office for audit, and shall be duly certified by the Audit Office either wholly or with such exceptions as may be necessary.

Statement to be audited and laid before Parliament.

(2.) The statement, certified as aforesaid, shall be laid before Parliament within fourteen days after the certificate is given if Parliament is in session, or if not, then within fourteen days after the commencement of the next ensuing session.

Limitations of Area, &c.

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Limitation of area.

19. In order that the limitations of area fixed by the principal Act may accord with the limitations fixed by the Land Act, 1908, the following provisions shall apply:—

(a.) The definition of "prescribed maximum" in section two of the principal Act is hereby amended by omitting the areas mentioned in the case of land situate more than five miles from any of the Cities of Auckland, Wellington, Christchurch, or Dunedin, and substituting therefor the areas following:—

"Four hundred acres of first-class land; or 15

"One thousand acres of second-class land; or

"Two thousand five hundred acres of third-class land; or

"Two thousand five hundred acres of two or more such classes, but without exceeding the limit of area fixed for each class." 20

(b.) For the purposes of such definition the land shall be classed ~~and the limit of area in the case of each class shall be computed~~ in the same manner as is provided by section ninety-seven of the Land Act, 1908. 25

New paragraph.

(bb.) For the purpose of computing the limit of area fixed by this section, one acre of first-class land shall be reckoned as equivalent to two and a half acres of second-class land or to six and a quarter acres of third-class land, and one acre of second-class land shall be reckoned as equivalent to two and a half acres of third-class land. 30

(c.) The definitions of "*first-class land*," "*second-class land*," and "*third-class land*," and "*site for a homestead*," and all references to a site for a homestead in section two of the principal Act are hereby consequentially repealed. 35

~~(d.) All references to homestead sites in the aforesaid section two are hereby repealed.~~

Right of selection amended.

20. The right which by section fifteen of the principal Act is conferred on the owner of an estate acquired to retain any area not exceeding the prescribed maximum shall not be exercisable unless the retained area contains a homestead. 40

Amendment as to area of homestead-site.

21. (1.) The maximum area which under section sixty of the principal Act may be leased to the owner of land acquired is hereby reduced to four hundred acres of first-class land or one thousand acres of mixed classes (first, second, and third), but without exceeding the limit of area fixed for each class. 45

(2.) The classes shall be ascertained and the areas computed in the manner provided by section *nineteen* hereof.

Section 61 of principal Act amended.

22. The maximum area which under section sixty-one of the principal Act may be leased to a tenant of land acquired is hereby reduced to four hundred acres. 50

Repeal.

23. The provisions of section fifty-three of the principal Act are hereby repealed.

Struck out.

5 Provided that continuous employment on the land shall not be deemed to be broken by reason merely of absence from the land for not more than two months at any one time nor more than three months in any one of the said five years.

Homes and Home-farms for Workers.

24. (1.) In order to give greater facilities for establishing homes and home-farms for workers, land may be ~~compulsorily taken~~ *acquired* within any borough having a population of not less than five thousand inhabitants, ~~or any town district having a population of not less than one thousand inhabitants,~~ according to the latest census returns, ~~or and~~ within a radius of twenty miles from the boundary of such borough ~~or town district, subject, however, to the following special provisions:—~~

Land may be acquired for homes and home-farms for workers.

15 *Struck out.*

(a.) The owner shall have the right to select and retain out of the whole estate any area not exceeding four acres if such area is within a borough or town district, or ten acres in any other case.

20 (b.) Such right shall be deemed to be waived unless in his claim for compensation the owner asserts the right and specifies with reasonable particularity the area, situation, and boundaries of the land he proposes to select and retain.

25 (c.) The right to take land compulsorily under this section shall not be affected by the fact that the whole or any part of any other borough or town district is comprised within the aforesaid radius.

(d.) The provisions of section fifteen of the principal Act (imposing certain limitations on the right to take land compulsorily) shall not apply in the case of land taken under this section.

30 (e.) For all the purposes of the principal Act land taken under this section shall be deemed to be taken under that Act.

35 (2.) The foregoing provisions of this section are in substitution for those contained in section sixteen of the principal Act, and accordingly that section is hereby repealed.

Repeal.

25. Any land acquired under the *last preceding* section hereof may be disposed of as follows:—

Disposal of such lands.

40 (a.) It may be set apart for the purposes of the Workers' Dwellings Act, 1908, under section three of that Act; or

(b.) It may be leased ~~on the renewable lease system~~ to workers as defined by the last-mentioned Act *on the renewable-lease system as modified by the principal Act.*

26. (1.) For all the purposes of the Workers' Dwellings Act, 1908, the following provisions shall apply:—

Modification of Workers' Dwellings Act.

45 (a.) Land set apart thereunder may be disposed of either in manner prescribed by that Act or by way of renewable lease.

50 (b.) Subject to the Minister's approval, the Board shall classify the land into urban, suburban, and rural allotments in areas not exceeding half an acre for an urban, five acres for a suburban, and ten acres for a rural allotment.

- (c.) Where allotments are disposed of by way of renewable lease, the provisions of that Act relating to the erection or conversion of buildings may be applied if the applicant so desires and the Board (with the Minister's approval) consents. 5
- (d.) Subject to the provisions of this section, all statutory provisions for the time being in force relating to renewable leases under the Land Act, 1908, and the Land for Settlements Acts, respectively shall apply to renewable leases of ordinary Crown land and of settlement land respectively under this section. 10
- (e.) Section nineteen of the Workers' Dwellings Act, 1908 (giving power to make regulations), shall extend to regulations for the purpose of giving full effect to this section.
- (2.) Section two and all other provisions of the Workers' Dwellings Act, 1908, are hereby modified in so far as they are inconsistent with this present section. 15

Subsidiary Roll under Principal Act.

When subsidiary roll to cease to have effect.

27. (1.) The increased valuations appearing on the subsidiary roll referred to in subsections seven to nine of section thirty-one of the principal Act shall in each case cease to have effect, and accordingly shall be cancelled, in any of the following events, that is to say:— 20

- (a.) On the revision of the appropriate district valuation roll :
 (b.) On the subdivision of the land to which the increased valuation relates : 25
 (c.) On notice given to the Valuer-General by the owner of the estate or interest to which the increased valuation relates, requiring such valuation to be cancelled :

Provided that such notice shall not be given until at least twelve months after the increased valuation was entered on the subsidiary roll. 30

Fresh valuations may thereafter be made.

(2.) Forthwith upon the cancellation of such increased valuation as aforesaid the district valuation roll shall again apply to the land, and accordingly fresh valuations shall, where necessary, be made by the Valuer-General for the purposes of that roll. 35

(3.) All such fresh valuations shall be made in accordance with the provisions of the Valuation of Land Act, 1908.

(4.) The provisions of the aforesaid subsections seven to nine shall, *mutatis mutandis*, extend and apply to cases where the owner desires that the increased valuation appearing on the subsidiary roll be further increased. 40

(5.) In no case shall any increased or further increased valuation appearing on the subsidiary roll be altered by reduction.

Consequential and other Amendments of the Principal Act.

Repeal.

28. Sections thirty-eight to forty-one of the principal Act (relating to payment for land acquired) are hereby repealed, but without affecting any debentures, stock, or other securities issued in respect of the moneys therein referred to, or the position or security of any holder of the same. 50

29. For the purposes of the sinking fund established under section forty-three of the principal Act all securities issued in respect of the moneys raised under the provisions hereinbefore contained, shall be deemed to be securities within the meaning of that section.

Sinking fund for securities issued.

5 30. Section fifty-two of the principal Act is hereby repealed; and in lieu thereof the following section is substituted, so as to accord with section one hundred and nine of the Land Act, 1908:—

Repeal.

10 "52. Every person who is successful in any land-ballot under this Act, and who makes any disposition of his allotment or any part thereof, whether by way of assignment or sublease, shall be disqualified for the period of five years after the date of such disposition from taking part in any land-ballot under this Act."

Successful applicants disqualified for five years.

Struck out.

15 31. Section fifty-four of the principal Act is hereby repealed, and the following section is substituted therefor:—

Repeal.

"54. Every applicant who obtains an allotment of rural land shall reside continuously thereon for ten years after he enters into possession."

Residence for ten years necessary.

20 32. (1.) In section fifty-nine of the principal Act (providing for leases of lands suitable for homestead-sites for neighbouring pastoral lands) the words "and on the same tenure" shall be deemed to mean on the renewable-lease system in cases where the lease of the neighbouring pastoral land is on the lease-in-perpetuity system.

Section 59 of principal Act amended.

25 (2.) In such case the term referred to in that section shall be deemed to mean the term current at the time of the expiry or sooner determination of the lease or license of the neighbouring land.