

Hon Mr Carroll

MAORI LAND LAWS AMENDMENT.

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A BILL INTITULED

AN ACT to amend the Maori Land Laws.

Title.

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

1. This Act may be cited as the Maori Land Laws Amendment Act, 1908.

Short Title.

2. (1.) Every township proclaimed under the Native Townships Act, 1895, is hereby vested in the Maori Land Board of the district in which it is situated, and the Board shall have and may exercise in respect to such township the same powers as if it had been vested in the Board by Proclamation under the authority of section eight of the Native and Maori Land Laws Amendment Act, 1907.

Native townships to be administered by Maori Land Board.

(2.) The District Land Registrar shall, on the application of the Native Minister, without further authority than this Act, do all such acts as are necessary to register the transmission to the Board of the land comprised in any such township.

(3.) All rents accruing from any lease made by the Commissioner of Crown Lands under the Native Townships Act, 1895, before the commencement of this Act shall hereafter be paid to the Board and

Maori Land Laws Amendment.

not to the Commissioner, and shall be applied by the Board for the benefit of the Native owners in proportion to their relative shares and interests in the land to which the lease relates, and for all purposes such lease shall be deemed to have been granted by the Board under this Act, and may be enforced accordingly. 5

(4.) All sums standing at the commencement of this Act to the credit of any Native Township Account as provided by section nineteen of the Native Townships Act, 1895, shall be paid by the Minister of Finance to the Maori Land Board of the district in which the Native township is situated, in trust (after payment of all sums lawfully chargeable to that account) for the beneficial owners in proportion to their relative shares and interests therein. 10

(5.) In no case shall the Maori Land Board, as the registered proprietor of any land in any Native township, be liable for any rates in excess of the funds in hand available in respect of that land. 15

Repeal.

(6.) The enactments mentioned in the Schedule hereto are hereby repealed.

Power to accept surrender of lease.

3. A Maori Land Board may accept, on such terms and conditions as it thinks fit, a surrender of any lease granted by it under any Act, whether with respect to the whole or to any part of the land comprised in the lease, and whether the lease was granted before or after the commencement of this Act. 20

Investment of surplus funds.

4. A Maori Land Board may from time to time invest any moneys in its hands in such manner as may be prescribed by regulations. 25

Balance-sheet and audit.

5. (1.) Within thirty days after the close of each year ending on the thirty-first day of March, every Maori Land Board shall prepare a balance-sheet showing the total receipts and expenditure of the Board during that year, and the total receipts and expenditure in respect of each estate administered by the Board. 30

(2.) The President shall send two copies of the balance-sheet to the Controller and Auditor-General, who shall examine and certify as to the correctness thereof, and transmit one copy thereof to the Native Minister.

Repeal.

(3.) Section forty-nine of the Maori Lands Administration Act, 1900, is hereby repealed. 35

Future alienations of Native land to be confirmed by Maori Land Board.

6. (1.) After the passing of this Act the Native Land Court shall cease to exercise its jurisdiction of confirming alienations, and the Judges thereof shall cease to grant certificates under section fifty-five of the Native Land Court Act, 1894. 40

(2.) This section shall apply only to alienations of property situated within the North Island of New Zealand, but in regard to all other alienations the Native Land Court and its Judges shall continue to exercise the jurisdiction of confirmation and granting of certificates as heretofore. 45

(3.) If an alienation has been completed before the passing of this Act it may be confirmed and registered as if this section had not been passed, or it may be approved of by the Maori Land Board as provided in the *next* following subsection.

(4.) On the passing of this Act the jurisdiction of the Native Land Court and of the Judges thereof, with respect to the confirmation of alienations, shall vest in the Maori Land Boards and be exercised 50

by each Board in the manner in which it now exercises its jurisdiction in the approval of alienations, and such approval when granted shall have the same force and effect as a confirmation by the said Court.

5 7. (1.) Every member of a Maori Land Board (except the President, who shall be paid by the Government out of moneys to be appropriated by Parliament for that purpose) shall be entitled to receive, out of funds under the control of the Board, the sum of fifteen shillings for each day on which he is actually engaged on the
10 business of the Board, together with all sums actually paid by him for travelling-expenses while so engaged. Such sums shall be apportioned fairly according to the expenses properly incurred in respect of each estate.

Payment of members.

15 (2.) Section seven of the Maori Lands Administration Act, 1900, is hereby amended by repealing paragraph (12) thereof.

Repeal.

20 8. For the purpose of hearing and determining any question or difference arising out of any matter within the jurisdiction of a Maori Land Board, or of deciding upon any application submitted to it, or of making inquiry, the Board shall have and may exercise all the powers and authorities of a Commission under the Commissions of Inquiry Act, 1908.

Board to have powers of Commission for certain purposes.

25 9. Section eight of the Maori Land Settlement Act, 1905, is hereby amended by adding at the end of paragraph (g) the words "and may offer those allotments to any of such Maori owners without public competition, notwithstanding anything in the next succeeding section."

Section 8 of Maori Land Settlement Act, 1905, amended.

30 10. (1.) When any land has become vested in a Maori Land Board, whether before or after the passing of this Act, by virtue of section six of the Maori Lands Administration Amendment Act, 1901, and any lease of that land or any part thereof has been executed prior to the registration of the title of the Board, and is such as might have been lawfully approved by the Board if the said land had not become so vested in the Board, the Board may, if it thinks fit, on the application of the lessee, grant a lease to him of
35 the land comprised in the first-mentioned lease or of any part of that land, in lieu of the first-mentioned lease and on such conditions as the Board thinks fit.

Board may in certain cases issue new leases of land vested in it in lieu of leases existing prior to registration of title of Board.

40 (2.) No lease so granted by the Board shall be for a longer period than that for which the Board might lawfully lease the said land independently of this section.

(3.) No lease shall be so granted by the Board at a less annual rental than five per centum of the unimproved value of the land.

45 11. (1.) When land vested in a Maori Land Board is beneficially owned by ten or more Maori owners the Board may, if and so long as it thinks fit, instead of leasing the land, occupy and manage it as a farm on behalf and for the benefit of the Maori owners thereof.

Provisions for establishing farms in certain cases.

50 (2.) In any such case the Board may from time to time, with the approval of the Native Minister, appoint some fit person to be the manager of the said farm, and may at any time remove any such manager, and, with the approval of the Native Minister, appoint some other fit person in the place of the manager so removed.

(3.) The manager of any such farm shall be deemed to be the servant of the Board, and shall receive such salary or other remuneration (if any) as the Board, with the approval of the Native Minister, determines.

(4.) The manager of any such farm shall have all such powers of control and management of the farm as the Board confers upon him, and he shall at all times conform to the directions of the Board in that behalf. 5

(5.) Whenever land is so set apart and managed as a farm, the Native owners may from time to time, in accordance with regulations to be made by the Governor in Council, elect from among their number a Committee of Management. 10

(6.) The manager of the farm shall be by virtue of his office a member of the Committee of Management and the Chairman thereof. 15

(7.) Subject to the directions and control of the Board the manager of the farm shall exercise his powers and functions in accordance with the recommendations made from time to time by the Committee of Management.

(8.) All revenue derived from the farming operations so conducted by the Board shall, after the payment of all outgoings, be expended by the Board in the same manner as if the said revenue were rent received from lessees of the land. 20

(9.) All expenses and liabilities incurred by the Board in the conduct of any such farming operations shall be a charge upon the revenues received by the Board from such operations, and upon all revenues received by the Board from any other land which is beneficially owned by the persons in whom the beneficial ownership of the farm is vested, and the said expenses and liabilities shall be payable by the Board out of the said revenues and in no other manner. 25 30

(10.) The Board may from time to time expend out of the revenues mentioned in the *last preceding* subsection such sums, as it thinks fit, for the purpose of effectually carrying on farming operations in manner aforesaid. 35

(11.) The Board may from time to time for the purposes of such farming operations raise such moneys as it thinks fit on the security of any crops on the farm, or on the security of any stock or other chattels owned by the Board and held by it on behalf of the beneficial owners of the farm. 40

(12.) The Board shall at all times keep full and true accounts of its income and expenditure, and of its assets and liabilities, in respect of every farm so managed by it.

(13.) The Governor may from time to time by Order in Council make such regulations as he thinks necessary or expedient for carrying into full effect the purposes of this section. 45

(14.) Nothing in this section shall apply to any land which is vested in a Maori Land Board under the provisions of Part I of the Native Land Settlement Act, 1907.

Maori Land Claims,
&c., Act, 1907,
amended.

12. Section twenty-five of the Maori Land Claims Adjustment and Laws Amendment Act, 1907, is hereby amended by inserting, after the words "fifty years" in subsection one, the words "or for any term which together with any renewal thereof would not exceed fifty years." 50

13. The Governor may from time to time delegate to the Maori Land Board any of his powers under the Thermal Springs Districts Act, 1908, in so far as they relate to the leasing of land proclaimed under that Act.

Powers under Thermal Springs Districts Act may be delegated.

5 14. Section eleven of the Native Land Settlement Act, 1907, is hereby amended by adding to subsection one thereof the following proviso :—

Native Land Settlement Act, 1907, amended.

“ Provided that, on the recommendation of the Board in whose district any such area is situated, the Governor may by Order in Council, in any case in which he is of opinion that an equal division of that area in manner aforesaid would be impracticable or inexpedient in the public interest or in the interests of the Maori owners, authorise the division of the area in any other proportion or authorise the whole of the area to be disposed of either by sale or lease.

15 Such authority may be granted either in the Order in Council by which the said area is declared to be subject to this Part of this Act or in any other Order in Council made subsequently thereto.”

15. (1.) Where a Maori is the grantee of a lease under section four of the West Coast Settlement Reserves Act Amendment Act, 1893, the Public Trust Office Board may advance to him out of the Common Fund of the Public Trust Office on the security of his interest in the lease a sum not exceeding three-fifths of the value of such interest.

Public Trust Board may advance money to certain lessees.

25 (2.) The provisions of paragraph (8) of the said section four shall not apply to any such advance.

16. (1.) Section three of the Maori Real Estate Management Act, 1888, is hereby amended by inserting the words “or personal property” after the word “hereditaments” wherever that word occurs.

Maori Real Estate Management Act, 1888, amended.

30 (2.) Section five of the last-mentioned Act is hereby amended by inserting after the word “Judge” the words “or the President of the Maori Land Board before whom such alienation comes for approval or recommendation.”

35 17. The provisions of section thirty-nine of the Native Land Court Act, 1894, shall, *mutatis mutandis*, apply to any order heretofore made under sections eight to ten of the Urewera District Native Reserve Act, 1896, whether any such order has been confirmed or not under the provisions of the last-mentioned sections :

Urewera District Native Reserve Act, 1896, amended.

40 Provided that no application under this section shall be received after the thirty-first day of December, nineteen hundred and eight.

45 18. Whereas the Validation Court, in the exercise of its jurisdiction under the Native Land (Validation of Titles) Act, 1893, in numerous cases cancelled either the whole or part of the original titles to various blocks of land on the hearing of claims in respect to portions of the said blocks : And whereas the original titles of various Native owners not being parties to the said claims were thus cancelled in some cases, and decrees for the issue of fresh titles have not been taken out or applied for by such Natives owing to the expense involved in obtaining such decrees under the said Act : And whereas
50 it is inexpedient that Natives deprived of their rights as aforesaid should be asked to bear the expense of rectifying proceedings to which they were not parties : It is hereby declared as follows :—

Provision as to certain orders of the Validation Court.

- (a.) The Native Land Court is authorised and empowered, on application by or on behalf of the Native owners of any block of land the title to which has been effected by decree of the said Validation Court, to issue orders of the Native Land Court revesting the title in such original owners or their successors as from the date of the original Native Land Court title. 5
- (b.) Such orders shall be dealt with in the same manner and have the same effect as orders for title which the Native Land Court in its ordinary jurisdiction is empowered to issue. 10

Interpretation.

19. The expression "Native lands," as used in section twenty-six of the Maori Land Claims Adjustment and Laws Amendment Act, 1907, shall mean and shall be deemed to have meant lands owned by Maoris. 15

Maori Land Board may grant licenses for removal of timber or flax.

20. (1.) A Maori Land Board may grant licenses for the cutting and removal of standing timber or flax on any land vested in the Board.

(2.) Every such license shall be for such period not exceeding *twenty-one* years, and on such conditions and in consideration of such payments by way of royalty or otherwise as the Board thinks fit, and may confer upon the licensee such rights of ingress and such other rights over the said land as are in the opinion of the Board necessary or expedient for the purposes of the license. 20

(3.) This section shall extend and apply to land vested in a Maori Land Board in pursuance of Part I of the Native Land Settlement Act, 1907, but the power hereby conferred upon a Board in respect of any such land shall not be exercised without the previous authority of the Governor in Council. 25

Extension of time for making application under section 26 of the Maori Land Claims Adjustment and Laws Amendment Act, 1907.

21. Notwithstanding anything to the contrary in section twenty-six of the Maori Land Claims Adjustment and Laws Amendment Act, 1907, an application under that section may be made to a Maori Land Board at any time within two months after the passing of this Act, and the provisions of that section shall apply to any such application accordingly. 30

Lands deemed to be owned by Maoris.

22. (1.) For the purposes of section sixteen of the Maori Land Settlement Act, 1905, land owned in severalty by a single Maori or jointly or in common by any two or more Maoris shall be deemed to be land owned by Maoris within the meaning of that section, and a lease of land owned in severalty by a single Maori shall be deemed to be a lease of a share or interest in land owned by Maoris within the meaning of that section. 40

(2.) This section shall be deemed to have been in force as from the passing of the Maori Land Settlement Act, 1905 :

Provided that nothing in this section shall so operate as to invalidate any lease lawfully granted before the passing of this Act. 45

Section 38 of Native Land Settlement Act, 1907, amended.

23. Section thirty-eight of the Native Land Settlement Act, 1907, is hereby amended as follows :—

- (a.) As to subsection one thereof, by omitting the words "Public Works Fund," and substituting therefor the words "moneys available for the making of loans to local bodies under Part II of the Local Bodies' Loans Act, 1908" : 50

(b.) As to the proviso to subsection one thereof, by omitting the words "to any one Board," and by substituting the words "thirty thousand" for the words "twenty thousand":

(c.) By repealing subsection five thereof.

5 24. Section eleven of the Maori Land Settlement Act, 1905, is hereby amended by omitting all words after the words "is subject," and substituting the following: "the Minister of Finance (with the consent of the Native Minister) may in his discretion make to the Board advances out of moneys to be from time to time appropriated

10 by Parliament out of the moneys available for the making of loans to local bodies under Part II of the Local Bodies' Loans Act, 1908:

Section 11 of Maori Land Settlement Act amended.

Provided that the total amount which under this section may be advanced in any one year shall not exceed twenty thousand pounds."

SCHEDULE.

Schedule.

ENACTMENTS REPEALED.

1895, No. 12.—The Native Townships Act, 1895.

1899, No. 9.—The Native Townships Act Amendment Act, 1899.

1901, No. 65.—The Native Land Claims Adjustment and Laws Amendment Act, 1901: Section 43.

1903, No. 33.—The Native Townships Amendment Act, 1903.

1905, No. 28.—The Native Townships Local Government Act, 1905: Section 12.

1906, No. 51.—The Maori Land Claims Adjustment and Laws Amendment Act, 1906: Section 25, all words after the words "from the Board" down to and including the words "is situate."