



## Public Works Act 1905

1905

- Citation:** 5 Edw. VII, No 53  
**Date of Assent:** 31 October, 1905  
**Commencement:** Date of Assent
- Repeal:** Repealed and re-enacted 1908, No 160  
**Amendments:** 1906, No 30.  
**Type of Legislation:** Public  
**Subject:** Public Works  
Public/Native/Maori Trustee  
Reserved Land  
Lakes, Rivers, Beds, Foreshores etc.  
Survey Issues  
Other Resource Issues
- Relevant Sections:**
- s2:** Native land defined as land held by Natives whether ownership determined by the NLCt or not.
  - s40:** A claim for compensation for lands taken out of any Native reserve may be made by the Public Trustee on behalf of those interested in the reserve.
  - ss88 - 95: *Native Lands***
  - s88:** Notwithstanding anything contained in any law in force, any Native land and any land owned by Natives under title derived from the Crown may be taken for Public works.
  - s89:** Procedure for taking land for other than railway or defence work.
    - (a) Where title is not derived from the Crown – a survey and map of the land are to be made, the map is to be gazetted showing that the land is to be taken for Public works and a copy of the map is to be deposited with the Surveyor-General.
    - (b) Where the title to the land is derived from the Crown the land may be taken in the manner outlined in Part II.
  - s90:** Native land taken for railway and defence work may be taken under Parts VII and IX.
  - ss97 - 98:** Powers of entry onto land for survey purposes.  
Penalty for destroying survey marks.
  - s99:** Nothing to authorise surveyor to enter any Native cultivation without the previous consent of the Governor. Native Cultivations defined as any land regularly used by Natives for the growth of food crops for their own consumption.

*Relevant Sections and Commentary continued over page*



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*s113:* Road Board may enter upon any unpartitioned Native land and any unfenced, uncultivated and unoccupied land and take any stone, gravel or other material therefrom.

*s267:* Subject to any rights lawfully held, the sole right to use water in lakes, falls, rivers and streams shall vest in the Crown.

**Commentary:** A statutory compilation of existing Acts. Heke says that the Native Land Court should not be the body that decides compensation for Maori land.

**Cross Reference:** NZPD vol 132 (1905) 537.