



Native Land Amendment and Native Land Claims Adjustment Act 1928

1928

Citation: 19 Geo. V, No 49
Date of Assent: 9 October, 1928
Commencement: Date of Assent

Repeal: Repealed 1931, No 32
Amendments: 1929, No 19: s56 extends time under s30.
1930, No 29: See separate record.
s7 amends s3.
1931, No 31: See separate record.
repeals all except ss1, 2, 20 - 23, 26, 27, 29 - 32, 35, 37 - 42 & 47.

Type of Legislation: Public

Subject: Maori Land Development Schemes
Consolidation/Exchange Schemes
Maori Land Boards
Mining
Rating
Validation
Confiscated Lands
Wahi Tapu & Non Tangible Resources

Relevant Sections: s3: Enabling Maori Land Board to encourage Maori industry and development of Maori land.

- (1) Board may manage land to carry out agricultural or pastoral business for the benefit of the owners.
- (2) Board may purchase and sell stock etc.
- (4) All revenue from the operation of such business shall be applied in accordance with Native Land Act 1909 s277.
- (7) Board may make a reasonable charge for administration.
- (8) Board may borrow money on the security of crops, stock or other chattels.
- (10) Board may make advances of the profits to any Native beneficiary.
- (11) All sums advanced by the Board shall be a charge on the land and shall bear interest.
- (13) (a) NLCT may declare any land owned by Natives subject to this section in the same manner as if the beneficial owners had consented thereto.
(b) NLCT may direct that any other land owned by the same Natives shall become security for advances made by the Board.

Relevant Sections and Commentary continued over page



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s4: Repeal of *s17(11)* Native Land Amendment Act 1912 which Europeanised certain Natives.

s5: Limitation of area not to apply to Maori Land Board.

s6: Enabling assignment to Board of moneys due to Natives.

s7: Enabling Boards to appropriate moneys of Native debtors.

s8: Enabling orders of exchange to include European land.

s9: Permitting Crown to acquire interests by order of NLCT.

s10: Permitting readjustment of relative interests on consolidation.

s11: Amends Native Land Amendment and Native Land Claims Adjustment Act 1924 *s5(9)* by adding "except in the case of gift".

s12: Permitting rights-of-way to be laid out by the NLCT (2)

If land has 2 or more owners that court may act upon the consent of the majority, or may dispense with such consent if it is satisfied that the right-of-way is not contrary to the interests of the Native owners.

s13: Permitting roads in use to be declared public roads.

s14: Permitting unused public roads over Native land to be closed.

s15: Provision for case of lost title deeds.

s16: Enabling settlement of claims for rates on Native lands by providing that local authorities may accept any sum by way of compromise in full satisfaction of any claim for rates.

s17: Enabling goldfields revenues to be paid to Board for distribution.

s18: Extending time for appeals against valuations from 2 months to 6 months.

s19: Enabling beneficial owners to accept leases of incorporated land.

s20: Authorising settlement of Native grievances regarding confiscated land either according to the terms of the Commission's recommendations or in accordance with any modified terms that may be deemed just or expedient (3) Boards of Management to be established to administer funds awarded.

s21: Setting up Board in connection with Ngaitahu claim to administer funds held for the benefit of the members of the Ngaitahu Tribe (4) It shall be in the full discretion of the New Zealand Government what (if any) relief shall be granted.

Commentary: Section 3 makes extensive provision for Maori Land Boards to initiate land development schemes by administering land as agricultural businesses for the benefit of the beneficial owners. Section 20 follows the Sim Commission of 1928 into confiscated lands and other grievances (AJHR 1927 G - 7). The Commission recommended

Commentary and Cross Reference continued next page



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specific annual payments to affected tribes in compensation for excessive or unwarranted confiscations under the New Zealand Settlements Act 1863, however this Act provides that the settlements can be negotiated and do not have to follow the Commission's recommendations. When compensation is paid it is to be administered by specially established Boards of Management for the benefit of members of affected tribes. Section 21 follows the report of the Native Land Commission (AJHR 1921 Sess I G - 5) on Kemp's purchase which recommended payment of £354,000 as full compensation for Ngai Tahu. The Act provides for a Board to administer funds but does not say that the compensation will be paid. Ngata frequently says that the specific amount suggested by the Commission makes it difficult for the Government to dismiss it, but that the Government cannot afford to make such a payment at that time. It was not until the Ngai Tahu Claim Settlement Act 1944 that provision was finally made for some payment.

Cross Reference: NZPD vol 219 (1928) 946 - 960

AJHR (1928) G - 7
(*Sim Commission*)

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

Evison H (ed) *The Treaty of Waitangi and the Ngai Tahu Claim*
(Ngai Tahu Maori Trust Board, Christchurch, 1988) 50 - 51.