

New Zealand.

ANALYSIS.

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1933, No. 44.

Title.

AN ACT to amend the Small Farms (Relief of Unemployment) Act, 1932-33. [22nd December, 1933.]

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

Short Title.

1. This Act may be cited as the Small Farms (Relief of Unemployment) Amendment Act, 1933, and shall be read together with and deemed part of the Small Farms (Relief of Unemployment) Act, 1932-33 (hereinafter referred to as the principal Act).

2. (1) Any local authority may enter into an agreement with the Minister whereby any land vested in the local authority as an endowment may be made available for the purposes of the principal Act for any period specified in the agreement.

Making provision for utilizing local body endowment lands for small farms.

(2) Any such agreement may authorize the Minister to cause to be undertaken and carried out such works as he thinks fit for the purpose of the survey, drainage, reclamation, roading, and improvement of the land, including, without limiting the generality of the foregoing provisions, the erection of buildings and the provision of water, lighting, electric-power, drainage, and such other matters as are deemed necessary for the purpose of making the land suitable for settlement. Any such agreement may provide for—

(a) The payment by the Crown to the local authority of such rent as may be agreed upon :

(b) The disposal of the land by way of lease to persons qualified to receive leases under section eight of the principal Act, every such lease to be in such form, for such term (with or without a right of renewal), and subject to such conditions as may be prescribed by regulations made under the principal Act, including, if the Board thinks fit, a condition that the value of the improvements effected by the Crown to the land comprised in the lease, as fixed by the Board at the commencement of the lease, together with interest thereon at a rate to be specified in the lease, as fixed by the Minister of Finance, be paid by the lessee to the Crown by instalments of principal and interest spread over such period as may be prescribed :

(c) The reimbursement to the Crown by the local authority, at the expiration of the term of the agreement, or at any earlier date specified therein, of the moneys expended by the Crown for the purpose of improving the land, together with interest thereon at a rate to be specified in the agreement, as fixed by the Minister of Finance, or so much of such moneys and interest as has not for the time being been recovered by the Crown from the local authority or from any lessee.

(3) Where the value of the improvements effected by the Crown under this section to the land comprised in any lease granted under the foregoing provisions of this section has been paid to the Crown by the lessee, or where the amount expended in effecting such improvements has been reimbursed by the local authority, the Minister may cancel the lease and require the local authority to grant to the lessee in lieu thereof a new lease of the land at such rent, for such term, and upon such conditions (not inconsistent with the local authority's powers in that behalf) as may be determined by agreement of the parties, or in default of agreement, by arbitration. In every such case all improvements the value of which has been paid to the Crown by the lessee shall be deemed to have been effected by the lessee and to belong to him.

(4) Upon the granting by the local authority of any such new lease the land comprised therein shall cease to be subject to the agreement with the Minister, and the rent payable by the Crown to the local authority under the agreement shall be reduced accordingly by an amount to be agreed upon or, in default of agreement, to be determined by the Audit Office.

(5) No lease granted under this section, whether by the Board or by the local authority, shall confer on the lessee any right of acquiring the fee-simple of the land comprised therein.

(6) For the purposes of this section the expression "local authority" means any local authority as defined by section one hundred and twenty-four of the Public Revenues Act, 1926, and includes any public body required by any Act to have its accounts audited by the Audit Office, and the expression "improvements" includes any substantial improvements of a permanent character as defined by section two of the Land Act, 1924.

3. (1) Where the Board has arranged for the acquisition by the Crown, by way of purchase, of any land, and the owner and all other persons having any registered interest in the land have consented in writing to such acquisition, the Governor-General may by Proclamation declare the land to be vested in the Crown for the purposes of the principal Act from a date to be specified in the Proclamation in that behalf, and thereupon the land shall

See Reprint
of Statutes,
Vol. VII, p. 57

See Reprint
of Statutes,
Vol. IV, p. 624

Taking lands
for purposes
of principal
Act by
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be deemed to be vested accordingly, and to be freed from all reservations, restrictions, encumbrances, liens, and interests previously affecting it.

(2) The provisions of sections twenty-eight and twenty-nine of the Public Works Act, 1928, shall apply with respect to Proclamations under this section, with the substitution of references to the Minister of Lands for the references in those sections to the Minister of Public Works.

4. Section three of the Unemployment Amendment Act, 1932, is hereby amended by omitting from subsection one the words "Minister for the time being charged with the administration of the principal Act", and substituting the words "Minister of Lands".

5. The powers conferred on the Minister by Part I of the Unemployment Amendment Act, 1932, and by the principal Act, are hereby declared to include and to have always included—

- (a) Power to purchase stock, chattels, implements, manures, or other materials or things which the Minister may deem necessary to give full effect to the intent and purposes of the said Part I and of the principal Act:
- (b) Power to carry on operations in such manner as he deems expedient, and to incur any expenditure incidental to or in connection with the general development, farming, or cultivation of any land occupied in accordance with the said Part I, or set apart, acquired, or resumed for the purposes of the principal Act, and the production, treatment, storage, or marketing of any crops or produce from any such land:
- (c) Power to sell any stock, chattels, implements, materials, crops, produce, or other things so purchased or produced, and to apply the proceeds of any such sale to any of the purposes of the said Part I or of the principal Act:
- (d) Power to grant permits to use for grazing purposes the whole or any part of any land being developed or farmed in accordance with the powers conferred by the said Part I or by the principal Act.

See Reprint
of Statutes,
Vol. VII, p. 638

Minister to have
administration
of Part I of
Unemployment
Amendment
Act, 1932.

Extension of
powers of
Minister under
Part I of
Unemployment
Amendment
Act, 1932.

Power to make
advances on
current account.

6. (1) The Board may, with the approval of the Minister, make advances or re-advances on current account to any person settled on any land pursuant to the provisions of the principal Act, or of Part I of the Unemployment Amendment Act, 1932, for the erection of buildings or for the effecting of improvements, or for the purchase of stock, chattels, implements, manures, fencing-wire, or other material or things deemed to be necessary for the profitable occupation of the land on which such person has been settled.

(2) All moneys advanced or re-advanced under this section shall bear interest at such rate as the Minister of Finance may from time to time fix, and shall be secured to the Crown in such manner as the Board may direct or in accordance with any regulations made pursuant to section twenty-one of the principal Act and in force at the time of making such advances or re-advances.

(3) All advances or re-advances made by any Minister or by the Board before the passing of this Act for any of the purposes specified in this section are hereby validated, and the provisions of the last preceding subsection shall apply thereto.

Dwellings
and other
improvements
to remain
property of
Crown until
paid for.

7. (1) Notwithstanding anything to the contrary in any Act or rule of law, any buildings or other improvements erected on any land, whether before or after the passing of this Act, pursuant to the powers conferred on the Minister by Part I of the Unemployment Amendment Act, 1932, or by the principal Act, or this Act, shall remain the property of the Crown until the cost thereof has been repaid to the Crown or until the Minister has certified in writing that the Crown's ownership has ceased and determined, and any such buildings or other improvements may be at any time removed by the Minister, without liability for payment of compensation to the owner of the land or any other person, notwithstanding that such buildings or other improvements may have been so attached to the land as to form part thereof. The Crown's ownership of such buildings or other improvements shall be deemed to be an interest in land for the purposes of section one hundred and forty-six of the Land Transfer Act, 1915, but for no other purpose.

(2) Subsection two of section five of the Unemployment Amendment Act, 1932, is hereby repealed.

See Reprint
of Statutes,
Vol. VII, p. 1211
Repeal.

8. (1) For the purposes of this section the expression "land settlement society" means a body of persons incorporated under the Incorporated Societies Act, 1908, or otherwise for the purpose of relieving unemployment by means of land settlement, and not for pecuniary gain of any of its members.

Special provisions as to land settlement societies.

See Reprint of Statutes, Vol. III, p. 922

(2) Where the Governor-General is of the opinion that a land settlement society should be allowed to acquire in fee-simple any land in excess of the maximum area, maximum value, or maximum number of allotments that may be acquired or held under any Act, including any Act relating to Native land, such society may, notwithstanding any restriction or limitation in that behalf endorsed on any instrument of title pursuant to any such Act, acquire such land irrespective of the area or value of, or the number of allotments comprised in, any other land already held by such society :

Provided that all land acquired by any such society by virtue of this section shall continue to be subject to the same restrictions (if any) as those to which it was subject immediately prior to its acquisition by the society, and all dispositions of such land to purchasers from the society shall be subject to the same restrictions, or to such substituted restrictions as the Governor-General may think fit to impose.

(3) The District Land Registrar is hereby empowered and directed to register a transfer of any such land to any such society upon the production of a certificate signed by the Minister that the Governor-General has consented to the transfer. The District Land Registrar shall enter on every certificate of title in respect of land acquired by a society pursuant to this section a memorial that the land comprised in such certificate is subject to the provisions of this section.

(4) Notwithstanding anything to the contrary in any Act, any Crown land or national-endowment land subject to the provisions of the Land Act, 1924, or any land owned by the Crown and subject to the Discharged Soldiers Settlement Act, 1915, or any settlement land subject to the Land for Settlements Act, 1925, may be disposed of by way of sale for cash to a land settlement society irrespective of the area already held by such

See Reprint of Statutes, Vol. IV, p. 622, Vol. IV, p. 663, Vol. IV, p. 862

society, at such price as the Minister, acting on the recommendation of the Land Board, may determine.

(5) All titles issued on the purchase of the fee-simple of any land pursuant to the last preceding subsection shall be subject to the relevant restrictions, exceptions, and reservations reserved or imposed by the Land Act, 1924, or the Land for Settlements Act, 1925, as the case may require.

(6) The fee-simple of any land of the Crown acquired under this section shall not include any minerals on or under the land. All such minerals shall remain the property of the Crown notwithstanding the grant of the fee-simple to any land settlement society, and the provisions of section three hundred and fifteen of the Land Act, 1924, shall apply with respect to lands of the Crown acquired under this section.

(7) On the subsequent disposition to purchasers from any land settlement society of the fee-simple of any land acquired by such society from the Crown, the titles issued to such purchasers shall be subject to the same restrictions as the titles to such lands held by such society, or shall be subject to such substituted restrictions as the Governor-General may think fit to impose.

(8) The Governor-General may from time to time, by Order in Council, exempt any land settlement society from land-tax payable under the Land and Income Tax Act, 1923, with respect to any lands specified in the said Order in Council, and for such period or periods as may be specified therein. Any Order in Council issued as aforesaid may in like manner be varied or revoked.