

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council,
27th October, 1898.

Hon. Mr. W. C. Walker.

KAURI-GUM INDUSTRY.

ANALYSIS.

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A BILL INTITULED

AN ACT to regulate the Kauri-gum Industry.

Title.

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

1. The Short Title of this Act is "The Kauri-gum Industry Act, 1898," and it shall come into operation on the first day of January, one thousand eight hundred and ninety-nine:

Short Title.

10 Provided that the powers hereinafter conferred on the Governor in Council may be exercised at any time after the passing of this Act, but no Order in Council shall take effect until the coming into operation of this Act.

Exercise of powers after passing of Act.

2. The Governor may from time to time, by Order in Council gazetted,—

Governor may constitute kauri-gum districts.

15 (1.) Divide any portion of the North Island of New Zealand into kauri-gum districts, with such names and boundaries as he thinks fit, adopting county boundaries as far as practicable; and also

20 (2.) Set apart any specified areas of Crown lands within a kauri-gum district to be kauri-gum reserves under this Act; and also

Kauri-gum reserves.

Authorise local authorities to issue licenses.

(3.) Authorise any specified local authorities whose districts are in whole or in part comprised within a kauri-gum district to issue licenses under this Act.

Local authority may issue licenses.

3. Every local authority authorised as aforesaid (hereinafter referred to as "authorised local authority") may issue licenses under this Act as hereinafter provided; but it is hereby expressly declared that such local authority shall not have power to refuse a license to any person possessing any of the qualifications hereinafter provided, except in the case of aliens coming to the colony after the coming into operation of this Act, and in the case of any person disqualified under section *twenty-six* hereof. 5 10

Classes of licenses.

4. Such licenses shall be of three classes, to wit,—

- (1.) A special kauri-gum-digging license (hereinafter called a "special license");
- (2.) An ordinary kauri-gum-digging license (hereinafter called an "ordinary license"); and 15
- (3.) A kauri-gum-buyer's license (hereinafter called a "gum-buyer's license").

Kauri-gum reserves.

5. With respect to kauri-gum reserves, the following provisions shall apply:— 20

- (1.) Each reserve shall be situate in the neighbourhood of a village, special, or other settlement, the name or description whereof shall be specified in the Order in Council creating the reserve.
- (2.) Each reserve shall be available exclusively for kauri-gum digging, and no person shall be entitled to dig for kauri-gum thereon unless,— 25
 - (a.) He is either a member of the settlement specified in the Order in Council creating the reserve or a Native of the Maori race residing in the vicinity of such settlement; nor unless 30
 - (b.) He is the holder of a special or ordinary license, which on its face is expressed to extend to such reserve.

Who may hold special licenses.

6. No person shall be entitled to receive or hold a special license unless he satisfies the authorised local authority to which the application therefor is made that at the time of the application he possesses one or more of the following qualifications, that is to say, 35

- (1.) That he is the owner in fee-simple of land within the colony; or
- (2.) That he is the lessee of land within the colony under lease in writing lawfully granted by or derived from the Crown or other the owner in fee-simple, and having a term of not less than *three* years; or 40
- (3.) That he is a Native of the Maori race; or
- (4.) That he has been lawfully engaged in digging for kauri-gum for not less than three months next preceding the date of the coming into operation of this Act; or 45
- (5.) That he is a British subject by birth or naturalisation.

Who may hold ordinary licenses.

7. No person shall be entitled to receive or hold an ordinary license unless he satisfies the authorised local authority to which the application therefor is made that he has resided in the colony for not less than three months next preceding the date of the application, or is a British subject by birth or naturalisation. 50

8. No person shall be entitled to receive or hold a special or ordinary license which on its face is expressed to extend to a kauri-gum reserve unless he satisfies the authorised local authority to which the application therefor is made that, in addition to being

5 qualified under sections *six* or *seven* hereof, as the case may be, he also possesses the qualification prescribed by paragraph (a) of subsection *two* of section *five* hereof.

Further qualification as to kauri-gum reserves.

9. With respect to every license under this Act, the following provisions shall apply:—

Provisions as to form, fee for, and renewal of licenses.

- 10 (1.) It shall be in the prescribed form, and shall not be transferable.
- (2.) It shall continue in force until the thirty-first day of December next following the date of its issue, but may be renewed from year to year thereafter.
- 15 (3.) There shall be payable upon the issue thereof, and upon every annual renewal thereof, a license-fee at the rate of *one* pound per year in the case of a special license, and *one* pound per year in the case of an ordinary license or a gum-buyer's license.
- 20 (4.) The renewal shall in every case be effected by indorsing on the license, under the hand of some person appointed in that behalf by the authorised local authority by which the license was issued, the words "Renewal fee paid, and license renewed for the year ending 31st December, 1 ."
- 25 (5.) In the event of the license being lost or destroyed, the authorised local authority by which it was issued may, on satisfactory proof thereof, and on payment of a fee of one shilling, issue a duplicate with all existing indorsements, and such duplicate with its indorsements shall for all purposes operate in lieu of the original.

30 10. Subject to the provisions of this Act, every special or ordinary license shall while it continues in force (but no longer) entitle the licensee named therein to exercise the following rights in respect of land within any kauri-gum district:—

Rights conferred by licenses.

- 35 (1.) To dig for kauri-gum; and also
- (2.) To take up and personally occupy as a residence or business site any area not exceeding *two* acres of unoccupied Crown land (other than land comprised in any kauri-gum reserve) upon such terms and conditions as are prescribed by regulations under this Act.

40 11. Nothing in this Act or in any special or ordinary license shall operate or be construed to entitle the licensee to dig for kauri-gum within any kauri-gum district upon,—

Restrictions as to digging on certain lands.

- 45 (1.) Any land (being unoccupied Crown land or land subject to "The New Zealand State Forests Act, 1885") on which dead or live kauri-trees are standing; nor upon
- (2.) Any other land (being land subject to "The New Zealand State Forests Act, 1885," or unoccupied Crown land within one mile thereof), except during the period from the first day of May to the thirtieth day of September in
- 50 the year; nor upon

(3.) Any land comprised in a kauri-gum reserve, except in the case of a licensee whose license is on its face expressed to extend to such reserve; nor upon

(4.) Any Native land except with the consent of the Native owners thereof; nor upon

(5.) Any land owned or occupied by any person under any lawful title, except with such person's consent.

Rights conferred by gum-buyer's license.

12. Subject to the provisions of this Act, every gum-buyer's license shall whilst it continues in force (but no longer) entitle the licensee named therein to carry on the business of a buyer of kauri-gum within any kauri-gum district. 10

Kauri-gum License Register.

13. (1.) Each authorised local authority shall keep a Kauri-gum License Register, and shall enter therein, in separate parts in respect of each class of license issued by it, the number of the license, the date of its issue, and the full name, occupation, and address of the licensee. 15

(2.) The licenses of each class shall be entered and numbered consecutively in order of date, so that no two licenses of the same class shall bear the same number in the same register.

Provisions relating to gum-buyers and their licenses.

14. With respect to gum-buyers' licenses and the holders thereof, 20 the following provisions shall apply within every kauri-gum district:—

(1.) It shall not be lawful for the licensee to directly or indirectly buy any kauri-gum, whether on his own account, or as agent for any other person, except from the owner or occupier of Native or other land, or the holder of a special or ordinary license, nor unless, in the latter case, such holder produces his license at the time of the sale. 25

(2.) The licensee shall keep a gum-purchase book, wherein he shall from day to day faithfully and accurately enter, in respect of each parcel of kauri-gum purchased by him, the date of the purchase, the quantity purchased, the price paid, the name of the seller, and, if the seller is a licensee, the number and class of the license, and the name of the authorised local authority by which it was issued. 30

(3.) The licensee shall at all times keep his gum-purchase book open for inspection by any member of the Police Force, or by any Ranger under this Act. 35

15. It shall not be lawful for any person,—

Prohibition as to digging for or buying kauri-gum.

(1.) To dig for kauri-gum upon,— 40

(a.) Any land (being unoccupied Crown land or land subject to "The New Zealand State Forests Act, 1885") outside a kauri-gum district; nor upon

(b.) Any land within a kauri-gum reserve, except pursuant to the provisions of this Act and the authority of a special or ordinary license which is on its face expressed to extend to such reserve; nor upon 45

(c.) Any other land within a kauri-gum district, except pursuant to the provisions of this Act and the authority of a special or ordinary license; nor 50

(2.) To directly or indirectly carry on the business of a gum-buyer within any kauri-gum district except pursuant to

the provisions of this Act and the authority of a gum-buyer's license.

16. If within any kauri-gum district any person is found digging or searching for kauri-gum, or in possession of the same, such digging, 5 searching, or possession shall be deemed to be in breach of this Act unless he gives satisfactory proof to the contrary.

What to constitute breach of Act.

17. Nothing in this Act contained shall be construed to render it unlawful for the owner or occupier of Native or other land within any kauri-gum district to himself dig for kauri-gum upon such land 10 without being the holder of a license.

Owner of Native or other land may dig thereon without license.

18. (1.) It shall be the duty of each authorised local authority out of its general funds to administer this Act within its district, and for that purpose to appoint one or more Rangers.

Authorised local authorities to administer Act and appoint Rangers.

(2.) For the purposes of this section so much of any kauri-gum 15 district as is within a county wherein "The Counties Act, 1886," is suspended or is not in operation shall be deemed to be within the district of such authorised local authority as the Governor in Council specifies in that behalf.

19. It shall be the duty of all members of the Police Force 20 to assist the authorised local authority and its Rangers in carrying out the provisions of this Act.

Police Force to assist.

20. With the consent of the Minister of Justice, and subject to such terms and conditions as he thinks fit, the authorised local authority may appoint members of the Police Force to be Rangers.

Members of Police Force may be Rangers.

21. For the purpose of this Act every Ranger and every member 25 of the Police Force shall have such powers and functions as are prescribed by regulations under this Act.

Powers and functions of Rangers and police.

22. Every licensee under this Act shall at all reasonable times 30 who demands the same.

License to be produced to Ranger.

23. Every person who commits any breach of any of the provisions of this Act is liable to a penalty not exceeding *one* pound in the case of a first offence, and not exceeding *five* pounds in the case of any subsequent offence.

Penalty for breach of Act.

24. In all proceedings against any person for any breach of 35 this Act he shall be deemed to be unlicensed unless he produces his license to the Court.

License to be produced to Court.

25. If a licensee is convicted of any breach of this Act the convicting Court, in addition to imposing the penalty, shall also indorse 40 the conviction on the license; and upon a third indorsement the Court making the same may also forfeit the license.

Conviction to be indorsed on license.

26. Such forfeiture shall be effected by recording on the face 45 of the license a minute to that effect, under the hand of the presiding Magistrate or Justice, and thereupon the following provisions shall apply:—

Mode of forfeiture of license, and procedure thereupon.

(1.) The license shall be deemed to be void, and the Clerk of the convicting Court shall send notice thereof to every authorised local authority, and shall also send the cancelled license to the authorised local authority by which it was issued.

- (2.) Each authorised local authority shall forthwith upon receipt of such notice record in its register the fact of the forfeiture.
- (3.) The licensee named in the forfeited license shall not be qualified to apply for, receive, or hold a license until the expiration of twelve months after the date of such forfeiture, and any license issued in breach of this provision shall be deemed to be void. 5

Penalties payable to authorised local authority.

27. All penalties recovered in respect of any conviction under this Act shall be payable to the authorised local authority in or nearest to whose district the conviction is obtained. 10

Fees and penalties to form part of general funds.
Regulations.

28. All fees and penalties received under this Act by any authorised local authority shall form part of its general funds.

29. (1.) The Governor may from time to time, by Order in Council gazetted, make regulations for all or any of the following purposes:— 15

(1.) Prescribing the form of applications and licenses under this Act.

(2.) Prescribing the powers and functions of Rangers and members of the Police Force. 20

(3.) Generally any other purpose for which regulations are contemplated as required by this Act, or which the Governor deems necessary for giving full effect to this Act.

(2.) Such regulations may prescribe penalties not exceeding five pounds for any breach thereof. 25

Repeal.

30. Sections two hundred and thirty and two hundred and thirty-one of "The Land Act, 1892," and all references to kauri-gum in section two hundred and thirty-three of that Act, are hereby repealed: Provided that such repeal shall not affect any license issued by the Commissioner of Crown Lands and in force at the time of the coming into operation of this Act, but every such license shall continue in force until the expiry of the annual term for which it was issued, and in the meantime shall be subject to the same provisions and restrictions in all respects as if this Act had not been passed. 30

Proviso as to licenses in force.

Further repeal.

31. Section five of "The Reserves and Crown Lands Disposal and Enabling Act, 1896," is hereby repealed. 35

Right to dig to include searching and removing.

32. For all the purposes of this Act, the right to dig for kauri-gum shall be deemed to include the right to search for and remove the same, and in every case where it is a breach of this Act to dig for kauri-gum it shall be deemed to be a breach of this Act to search for or remove the same. 40