

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

House of Representatives,  
14th October, 1930.

Hon. Mr. Ransom.

LAND LAWS AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Disposal of inferior Crown lands for purpose of development.</li> <li>3. Crown lands that are not disposed of within three months after being offered may be disposed of on special terms.</li> <li>4. Power to interchange areas of ordinary Crown land and national-endowment land in adjustment of boundaries.</li> <li>5. Adjustments arising out of operation of section 12 of principal Act may be registered without fee.</li> <li>6. Section 20 of principal Act (as to transfer of value of certain lands to Public Works Fund) amended.</li> <li>7. Extension of section 386 of principal Act (as to acquisition of land for afforestation purposes).</li> <li>8. Provision as to computation of price on acquisition of fee-simple of lands that have been revalued under statutory authority.</li> <li>9. Extension of provisions as to development of unoccupied Crown lands or settlement lands prior to disposal.</li> </ol> | <ol style="list-style-type: none"> <li>10. Special provisions as to disposal of lands on which developmental works have been carried out under section 6 or section 13 of Land Laws Amendment Act, 1929.</li> <li>11. Extension of time within which owners of certain leases in perpetuity may exercise right to acquire fee-simple. Consequential amendments.</li> <li>12. Abolition of National Endowment Trust Account.</li> <li>13. Interest payable out of Land for Settlements Account to National Endowment Account.</li> <li>14. Abolition of National Endowment Trust Administration Board.</li> <li>15. Miscellaneous amendments of principal Act consequential on abolition of National Endowment Trust Account.</li> <li>16. Provisions of section 11 of Discharged Soldiers Settlement Act, 1915, not to limit authority conferred by section 5 of that Act.</li> <li>17. Abolition of Deteriorated Lands Account.</li> <li>18. Section 54 of Land for Settlements Act (as to renewable leases) amended.</li> <li>19. Development of unoccupied education reserves.</li> <li>20. Development Board may make advances to certain lessees of undeveloped education reserves for erection of buildings and other improvements.</li> </ol> |
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A BILL INTITULED

AN ACT to amend the Law relating to Crown and other Lands. Title.

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

1. (1) This Act may be cited as the Land Laws Amendment Act, 1930. Short Title.
- (2) In this Act, the expression "the principal Act" means the Land Act, 1924.
- 10 2. (1) For the purpose of promoting the development of inferior lands, the Governor-General may from time to time, by Proclamation, set apart any area or areas of Crown lands for disposal under this section if in the opinion of the Lands Development Board such lands are not suitable for close settlement under the principal Act, and may from Disposal of inferior Crown lands for purpose of development.
- 15 time to time in like manner exclude any lands from any area so set apart.

(2) Any lands set apart under this section shall be disposed of by way of sale on deferred payments in the manner provided by the next succeeding subsection and may be so disposed of, either by tender or by public auction, to any company, firm, or person who in the opinion of the said Board, will promote the development of such lands :

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Provided that no land in excess of five thousand acres shall be disposed of under this section to any one applicant without the consent of Parliament being first obtained.

(3) The following provisions shall apply with respect to lands disposed of under this section :—

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(a) The purchaser shall forthwith on the acceptance of his offer to purchase pay a deposit of such amount as may be fixed by the Land Board, being not less than three per centum of the price of the land, and shall thereupon be entitled to receive a license to occupy the land :

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(b) The license to occupy shall be for a period of twenty years, to be reckoned from the next first day of January or first day of July following the date thereof :

(c) The license shall provide for the payment by half-yearly instalments of the balance of the purchase-money, together with interest thereon from the date of the license at the rate of five and one-half per centum per annum :

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(d) Every such half-yearly instalment shall consist partly of principal and partly of interest, calculated in accordance with such table as may be prescribed :

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(e) The first half-yearly instalment of principal and interest shall be payable on the thirtieth day of June or the thirty-first day of December, as the case may be, next following the expiration of six months from the date of the license, and the succeeding instalments shall be payable half-yearly in each year thereafter on the dates herein mentioned.

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(f) With the first half-yearly instalment there shall also be paid the interest payable on the balance of purchase-money for the period between the date of the license and the date of commencement of the term thereof :

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(g) The license to occupy shall be in the prescribed form, and shall contain, and the right of the licensee shall be subject to, such other conditions as the Governor-General may by Order in Council determine, and such provisions for forfeiture of the right and interest of the licensee in the event of his failure to pay any instalment of principal and interest, or to comply with any other conditions, as may be prescribed :

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(h) Upon payment of the purchase-money in full, and of all interest thereon, and upon compliance to the satisfaction of the Land Board with all the conditions of the license, the Commissioner shall certify to the Minister that the licensee is entitled to a certificate of title in respect of the land purchased, and a certificate of title shall in due course be issued to him accordingly.

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(4) The provisions of the principal Act relating to the limit of area that may be held by any one person shall not apply with respect to lands disposed of under this section, but not more than fifty thousand acres shall be granted under this section to any one applicant.

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(5) The provisions of Part XIII of the principal Act shall not apply to any land which is acquired under the authority of this section.

3. Notwithstanding anything to the contrary in the principal Act, where any Crown lands are not disposed of by way of sale or lease within three months after the date when such lands have been offered for selection under that Act, the Land Board may, with the consent of the Minister, dispose of such lands by tender or public auction to any person qualified to acquire the same by purchase or lease at a price less than the original advertised price, or at a rental less than the original advertised rental, and may modify in such manner as in the circumstances it thinks proper any conditions prescribed by the principal Act or by any regulations thereunder as to the payment of the price or of any instalment or deposit in respect thereof, or as to the payment of rent, or otherwise howsoever.

Crown lands that are not disposed of within three months after being offered may be disposed of on special terms.

4. For the purpose of securing convenient boundaries of allotments intended for disposal under the principal Act, the Governor-General may, by Proclamation, anything to the contrary in that Act notwithstanding, declare any area of national-endowment land to be ordinary Crown land or any area of ordinary Crown land to be national-endowment land, and every such Proclamation shall have effect according to its tenor.

Power to interchange areas of ordinary Crown land and national-endowment land in adjustment of boundaries.

5. Section twelve of the principal Act is hereby amended by inserting, after the words "an appropriate entry" in subsection fourteen, the words "without fee".

Adjustments arising out of operation of section 12 of principal Act may be registered without fee.

6. (1) Section twenty of the principal Act is hereby amended by omitting from subsection three all words after the words "the Land for Settlements Account", and substituting the following words "such amount as the Minister of Public Works and the Minister of Lands may agree to be the value of the land as on the date on which it was declared to be subject to this Act".

Section 20 of principal Act (as to transfer of value of certain lands to Public Works Fund) amended.

(2) The provisions of subsection three of section twenty of the principal Act, as amended by the last preceding subsection, shall apply in cases where a transfer has not been made to the Public Works Fund before the passing of this Act in respect of lands that have heretofore been declared Crown lands subject to the principal Act.

7. Section three hundred and eighty-six of the principal Act is hereby amended as follows:—

Extension of section 386 of principal Act (as to acquisition of land for afforestation purposes).

(a) By inserting, after the words "the Commissioner of State Forests" in subsection one, the words "and of the Minister of Agriculture":

(b) By inserting, after the word "afforestation" in the same subsection, the words "or the cultivation of flax".

8. (1) Where the lessee or licensee of any Crown land, or settlement land, or other land administered by a Land Board, having a right to acquire the fee-simple of the land comprised in his lease or license, proposes to exercise that right, the price of such land shall, in cases where the land has been revalued under the authority of section two hundred and sixteen of the principal Act, or the corresponding provisions of any former Act, or has been revalued under any other statutory authority, be computed in accordance with the following provisions of this section, namely:—

Provision as to computation of price on acquisition of fee-simple of lands that have been revalued under statutory authority.

(a) Where in terms of any enactment prescribing the method of computing the price of the fee-simple the "original capital value" is made a factor in the computation of such price,

such original capital value shall be deemed to be the capital value as determined on any such revaluation as aforesaid, exclusive of the value of any improvements :

- (b) In any case to which section one hundred and ninety-five of the principal Act is applicable, the "cash price" of the land for the purposes of that section shall be the capital value of that land as determined on any such revaluation as aforesaid, exclusive of the value of any improvements.

(2) The foregoing provisions of this section shall apply in any case where notice of intention to acquire the fee-simple of any land has been given before the passing of this Act if no payment has been heretofore made in respect of the price thereof.

Extension of provisions as to development of unoccupied Crown lands or settlement lands prior to disposal.

9. In exercise of the powers conferred on him by sections six and thirteen of the Land Laws Amendment Act, 1929, for the development and improvement of unoccupied Crown lands and settlement lands prior to their disposal, the Minister may enter into such arrangements as he thinks fit with the trustees of any institution or with any other authority actively concerned in the training of youths for the business of farming in any of its branches whereby the whole or any defined portion of the work required to be done in order to render any such lands fit for settlement will be undertaken by such institution or authority as aforesaid.

Special provisions as to disposal of lands on which developmental works have been carried out under section 6 or section 13 of Land Laws Amendment Act, 1929.

10. (1) Where any Crown lands or settlement lands have been prepared for settlement by the carrying-out of works authorized by section six or by section thirteen of the Land Laws Amendment Act, 1929 (whether or not such works have been carried out in accordance with the *last preceding* section), the Minister may, on the recommendation of the Lands Development Board, determine that those lands or any defined portion thereof shall be set apart for allotment to persons who have been employed on any of the works undertaken as hereinbefore mentioned in connection with the said lands.

(2) Notwithstanding anything to the contrary in the Land Act, 1924, or in the Land for Settlements Act, 1925, lands set apart under this section may be allotted by the Land Board in such manner as it thinks proper to applicants who have been employed as aforesaid on works in connection with the preparation of the land for settlement.

(3) Nothing in this section shall preclude the allotment of any land to which this section applies to any person other than a person who has been employed as aforesaid, but every applicant who has been so employed shall have preference over every other applicant, unless in the opinion of the Board he is unsuited for the allotment for which he has made application.

(4) In disposing of applications for land set apart under this section by persons who have been employed on the land as hereinbefore mentioned the Land Board may, in such manner as it thinks fit, inquire into all matters affecting the applicant's experience and suitability, and may give preference to applicants having regard to the nature of the work and the length of time on which they have been engaged on the developmental works in connection with the land, and their suitability as selectors.

(5) Where application for any allotment is made by two or more persons who in the opinion of the Land Board are equally qualified in accordance with the foregoing provisions, the successful applicant shall be determined by ballot in accordance with the provisions of the principal Act.

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11. (1) The right to acquire the fee-simple of the lands comprised in leases in perpetuity of settlement land, conferred on the owners of such leases by section eighty-two of the Land for Settlements Act, 1925, and the corresponding right conferred on the owners of leases in perpetuity  
5 of rural lands in the Cheviot Estate by section two of the Land Laws Amendment Act, 1928, may be exercised by any such owner at any time not later than the thirty-first day of December, nineteen hundred and thirty-five.

Extension of time within which owners of certain leases in perpetuity may exercise right to acquire fee-simple.

(2) Section eighty-two of the Land for Settlements Act, 1925, is hereby consequentially amended by omitting from subsection two thereof  
10 the words "within five years after the commencement of this Act", and substituting the words not later than the thirty-first day of December, nineteen hundred and thirty-five.

Consequential amendments.

12. (1) The National Endowment Trust Account is hereby  
15 abolished, and all moneys standing to the credit of that account on the passing of this Act shall, without further authority than this section, be transferred to and deemed part of the Land for Settlements Account.

Abolition of National Endowment Trust Account.

(2) All moneys which, if this section had not been passed, would  
20 hereafter be payable into the National Endowment Trust Account shall be paid into the Land for Settlements Account.

13. There shall from time to time, without further appropriation than this section, as from the passing of this Act, be paid out of the Land for Settlements Account into the National Endowment Account,  
25 interest at the rate of four per centum per annum on all moneys transferred to or paid into the Land for Settlements Account pursuant to the *last preceding* section, to be applied in accordance with the provisions of section two hundred and ninety-seven of the principal Act:

Interest payable out of Land for Settlements Account to National Endowment Account.

Provided that, where any settlement land is hereafter declared pursuant to section forty-nine of the Land for Settlements Act, 1925,  
30 to be national-endowment land, there shall be deducted from the moneys hereinbefore referred to an amount sufficient to satisfy the charges incurred by the Land for Settlements Account in respect of the said land, and interest in accordance with this section shall be payable only on the balance remaining after such deduction has been made.

14. (1) The National Endowment Trust Administration Board is hereby abolished.

Abolition of National Endowment Trust Administration Board.

(2) Section three hundred and three of the principal Act is hereby consequentially repealed.

15. (1) In consequence of the abolition of the National Endowment  
40 Trust Account, the principal Act is hereby amended as follows:—

Miscellaneous amendments of principal Act consequential on abolition of National Endowment Trust Account.

(a) By omitting from subsection two of section three hundred all words after the words "be paid into", and substituting the words "the Land for Settlements Account":

(b) By omitting from subsection two of section three hundred and  
45 one the reference to the National Endowment Trust Account, and substituting a reference to the Land for Settlements Account:

(c) By omitting from subsection two of section three hundred and  
50 one the words "and shall be applied in the acquisition of other land for the purposes of the national endowment"; and by repealing subsection three thereof:

(d) By omitting from subsection ten of section three hundred and two the reference to the National Endowment Trust Account, and substituting a reference to the Land for Settlements Account :

(e) By repealing subsections eleven, twelve, thirteen, and fourteen of section three hundred and two, and paragraph (e) of subsection fifteen of the same section. 5

(2) Section forty-nine of the Land for Settlements Act, 1925, is hereby consequentially amended by repealing subsections two, three, and four thereof, and substituting the following subsection :— 10

“(2) Where any settlement land is declared to be Crown land as aforesaid and the revenues therefrom are payable into the Native Land Settlement Account, there may, without further appropriation than this section, be paid out of the Native Land Settlement Account into the Land for Settlements Account an amount not exceeding the amount of the moneys expended out of the Land for Settlements Account in respect of the acquisition of the said land or otherwise in connection therewith.” 15

(3) Where any settlement land is hereafter declared, pursuant to section forty-nine of the Land for Settlements Act, 1925, to be ordinary Crown land, there shall be deducted from the capital moneys referred to in section thirteen of the Land Laws Amendment Act, 1926, an amount sufficient to satisfy the charges incurred by the Land for Settlements Account in respect of the said land, and interest in accordance with that section shall be payable only on the balance remaining after such deduction has been made. 20 25

(4) Section three of the Forests Amendment Act, 1926, is hereby amended by omitting from subsection two the words “ National Endowment Trust Account, and shall be dealt with as provided for in Part VII of the Land Act, 1924 ”, and substituting the words “ Land for Settlements Account ”. 30

Provisions of section 11 of Discharged Soldiers Settlement Act, 1915, not to limit authority conferred by section 5 of that Act.

16. Nothing in section eleven of the Discharged Soldiers Settlement Act, 1915, imposing restrictions on the transfer of lands disposed of by sale or lease under that Act, shall be construed to limit the authority conferred on the Governor-General by section five of that Act to make regulations prescribing, *inter alia*, conditions as to the transfer of lands disposed of by way of lease under that Act, and all regulations heretofore made imposing restrictions on the transfer of lands leased under the said Act are hereby declared to have been validly made and to be in addition to the restrictions imposed by the said section eleven. 35

Abolition of Deteriorated Lands Account.

17. (1) The Deteriorated Lands Account established by section twelve of the Deteriorated Lands Act, 1925; is hereby abolished; and all moneys standing to the credit of that account on the passing of this Act shall, without further authority than this section, be transferred to and deemed part of the Land for Settlements Account. 40

(2) All moneys which, if this section had not been passed, would hereafter be payable into the Deteriorated Lands Account shall be paid into the Land for Settlements Account. 45

(3) The Deteriorated Lands Act, 1925, is hereby consequentially amended as follows :—

(a) By omitting from subsection three of section eleven the words “ Deteriorated Lands Account hereinafter established ”, and substituting the words “ Land for Settlements Account ” : 50

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(b) By omitting from subsection two of section twelve the words "an account to be called the Deteriorated Lands Account", and substituting the words "the Land for Settlements Account":

5 (c) By omitting from subsections four and five of section twelve the references to the Deteriorated Lands Account, and substituting references to the Land for Settlements Account.

10 18. Section fifty-four of the Land for Settlements Act, 1925, is hereby amended by inserting, after the words "shall be thirty-three years" in subsection two, the words "or such shorter term as the Land Board thinks fit".

Section 54 of Land for Settlements Act (as to renewable leases) amended.

19. The provisions of sections six, eight, and nine of the Land Laws Amendment Act, 1929, are hereby extended so as to apply, with the necessary modifications, to unoccupied education reserves.

Development of unoccupied education reserves.

15 20. (1) The provisions of section seven of the Land Laws Amendment Act, 1929, are hereby extended so as to authorize the making of advances under that section to the owners of leases of undeveloped education reserves granted under the principal Act, or any former Land Act, or under section twenty-six of the Education Reserves Act, 1928.

Development Board may make advances to certain lessees of undeveloped education reserves for erection of buildings and other improvements.

20 (2) All moneys received by way of interest or the repayment of principal in respect of advances made under the authority of this section shall be paid into and shall form part of the Land for Settlements Account.