

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,
4th May, 1932.*

Hon. Mr. Ransom.

LAND LAWS AMENDMENT.

ANALYSIS.

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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. This Act may be cited as the Land Laws Amendment Act, 1932, and shall be read together with and deemed part of the Land Act, 1924 (hereinafter referred to as the principal Act). Short Title.

No. 14—2.

Special provisions for reclamation and settlement of tidal lands.

2. (1) The Governor-General by Proclamation may from time to time declare to be a reclamation area for the purposes of this section any tidal lands or foreshore, as defined in the Harbours Act, 1923, or any land below low-water mark if the depth of water on such last-mentioned land is not sufficient at high water, spring tides, for the purposes of navigation. 5

(2) Upon the issue of any Proclamation under this section the land comprised therein shall be deemed to be Crown land freed and discharged from all claims, estates, and interests (if any) affecting the same, and shall become subject to the provisions of the principal Act. 10

(3) The Minister of Public Works may carry out all works necessary for the reclamation of any area so proclaimed, and such works shall be deemed to be a public work within the meaning of the Public Works Act, 1928. 15

(4) Every person having any estate or interest in any land proclaimed as a reclamation area under this section, or who may be otherwise injuriously affected by any Proclamation or by any works under this section, shall be entitled to compensation from the Crown, to be assessed in the same manner as if the land had been taken for a public work under the provisions of the Public Works Act, 1928, save that the period in which claims for compensation may be lodged shall be limited to twelve months from the date of the issue of the Proclamation or the execution of the works, as the case may require. 20

(5) The Governor-General may from time to time set apart any specified area or areas of land reclaimed under the authority of this section for settlement by Natives, and in disposing of such land under the provisions of the principal Act applications for the same shall be restricted to Natives within the meaning of the Native Land Act, 1931. 25

Provision for financial assistance of persons acquiring rural lands.

3. (1) The Minister may, on the recommendation of the Dominion Land Purchase Board, and subject to the following conditions, authorize the making of advances out of the Land for Settlements Account for the purpose of assisting purchasers in the acquisition of any rural private lands held in fee-simple, together with the improvements thereon. 30

(2) All moneys advanced under the authority of this section for the aforesaid purpose shall bear interest at

such rate as may be prescribed, and shall be secured by way of a first mortgage over the land so purchased.

(3) No advance shall be made under this section of an amount exceeding ninety per centum of the purchase price.

5 (4) The provisions of section fourteen of the Land Laws Amendment Act, 1929, are hereby extended so as to apply with the necessary modifications to any land in respect of which an advance has been made under this section if the Lands Development Board is of opinion
10 that such land is undeveloped land within the meaning of the said section fourteen.

(5) The Governor-General may from time to time, by Order in Council, make all such regulations as may be required for the purpose of giving effect to the provisions of this section.
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4. The power conferred on the Governor-General by subsection ten of section twelve of the principal Act is hereby extended to authorize the resumption of any land vested in the Crown and comprised in any
20 lease or license, where by reason of the Proclamation of any adjacent land as a road or street such first-mentioned land is rendered unsuitable or inconvenient for profitable occupation by the lessee or licensee, and any land resumed under the said section twelve as
25 extended by this section may accordingly be dealt with as if it were acquired under the said subsection ten.

Extension of provisions of subsection (10) of section 12 of principal Act.

5. Notwithstanding anything in section one hundred and twenty-five of the principal Act, the Minister, acting on the recommendation of the Board established under
30 section thirteen of the Land Laws Amendment Act, 1927, on special grounds to be specified in such recommendation, may determine that subsection two of the said section one hundred and twenty-five shall not apply with respect to any land referred to in such recommendation or shall
35 apply thereto as to part only of the amount otherwise required to be added to the capital value of such land.

Section 125 of principal Act modified.

6. The provisions of sections one hundred and twenty-four and one hundred and twenty-five of the Land Act, 1924 (relating to the postponement, remission, or capitalization in certain circumstances of rent payable by Crown
40 tenants), are hereby extended to apply with respect to leases or licenses granted under the principal Act for the growing, cutting, or removal of flax. For the purposes of this section the rent payable under any such lease or

Extension to flax-growing or flax-cutting leases and licenses of sections 124 and 125 of principal Act

Extension of term for which flax leases may be granted.

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Provision for establishment of fire districts for protection of peat-lands and of flax.

license shall be deemed to include any royalty payable under such lease or license.

7. Section three hundred and fifty-three of the principal Act is hereby amended by omitting from subsections one and two thereof the words "twenty-one years", and substituting in each case the words "thirty-three years". 5

8. (1) The owner of any lease granted under the principal Act for the growing, cutting, or removing of flax may, with the approval of the Minister, given on the recommendation of the Land Board, surrender his lease and obtain from that Board in exchange therefor a new lease of the whole or part of such land in accordance with the provisions of section three hundred and fifty-three of the principal Act, as modified by section four of the Land Laws Amendment Act, 1925. 10 15

(2) Every new lease issued pursuant to this section shall be deemed to be subject to all existing encumbrances, liens, and interests (if any) registered against the surrendered lease at the date of surrender and the provisions of paragraph (c) of section ninety-six of the principal Act shall, with the necessary modifications, apply thereto. 20

(3) For the purpose of fixing the rental to be reserved by any new lease granted hereunder, or by any renewed lease granted in terms of such new lease, no account shall be taken of any improvements existing at the time of the surrender of the original lease that have been effected, or that have been paid for, by the lessee, notwithstanding that in accordance with the provisions of the surrendered lease the Crown may possess a reversionary interest in such improvements. 25 30

9. (1) For the purpose of securing the safety of peat-lands and flax from damage by fire the Minister may from time to time, by notice in the *Gazette*, on the recommendation of the Land Board of the district, declare any area, whether land of the Crown or any other land, to be a fire district. 35

(2) Any notice under this section may at any time be in like manner revoked or varied.

(3) With respect to any fire district constituted as aforesaid, the Minister may, by the notice constituting the district, or by a subsequent notice in the *Gazette*, specify any period or periods during which it shall not be lawful for any person, save pursuant to the written 40

permit of the Commissioner of Crown Lands, to set on fire or cause to be set on fire any timber (whether standing or not), flax, or any undergrowth, or any debris from forest operations or land-clearing operations, or any grass or other specially inflammable material, without taking such precautions as may be prescribed by the Commissioner of Crown Lands.

(4) Every person who commits an offence against this section shall be liable to the same penalty as if he had committed an offence against section forty of the principal Act.

10 10. (1) Section seven of the Land Laws Amendment Act, 1929, is hereby amended by omitting from subsection one the word "not" before the words "including live-stock".

Authorizing Development Board to make advances for purchase of live-stock to occupiers of undeveloped Crown or settlement lands.

15 (2) Section fourteen of the Land Laws Amendment Act, 1929, is hereby amended by omitting from subsection one the word "not" before the words "including live-stock".

20 11. Section twenty-five of the Land Laws Amendment Act, 1929, is hereby amended as from the passing of that Act by inserting, after the words "the Native Land Settlement Account", the words "or in respect of land on which development works have been undertaken pursuant to section six of this Act".

Section 25 of Land Laws Amendment Act, 1929, amended.

25 12. (1) Notwithstanding anything to the contrary in section three hundred and fifty-seven of the principal Act, the amount payable thereunder to any local authority in respect of royalties derived from timber or flax may, on the recommendation of the Land Board, be distributed in such proportions as the Minister on such recommendation determines, amongst that local authority and any other local authority or local authorities within whose district or districts any such timber or flax may be or has been transported by road.

Amending provisions as to disposition of royalties on timber and flax.

30 (2) The provisions of the *last preceding* subsection shall apply with respect to royalties payable on Native timber in bulk pursuant to the provisions of section seventeen of the Finance Act, 1924.

35 (3) Section three hundred and fifty-eight of the principal Act shall be read subject to the provisions of this section.

Provisions for relief of lessees of public reserves and domains.

13. Notwithstanding anything to the contrary in the Public Reserves, Domains, and National Parks Act, 1928, or any other Act, the Minister of Lands, in the case of public reserves or domains vested in the Crown, and the local authority or trustees, in the case of public reserves vested in such local authority or trustees, may, with respect to leases issued pursuant to section fourteen or section forty-three of the said Act, or the corresponding provisions of any former Act:— 5

(a) At any time or times during the currency of any such lease reduce the rent to be paid under the lease during the remainder or any part of the remainder of the term: 10

(b) At any time or times during the currency or after the determination of a lease compromise with the lessee for any rent due by him: 15

Provided that in the case of leases issued pursuant to section forty-three of the said Act, or the corresponding provisions of any former Act, the powers conferred on the Minister by this section shall not be exercised except on the recommendation of the Domain Board (if any) having the control of the domain of which the land comprised in the lease forms part. 20