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Hon. Mr. Carroll.

MAORI LANDS ADMINISTRATION AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Alteration of districts.</p> <p>3. Temporary provision as to operation of Act.</p> <p>4. Alienation to be only under this Act.</p> | <p>5. Governor may remove restrictions.</p> <p>6. Proceedings on alienation.</p> <p>7. Council may hold land in trust.</p> <p>8. Private dealings.</p> <p>9. Amendments of principal Act.</p> |
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A BILL INTITULED

AN ACT to amend "The Maori Lands Administration Act, 1900." 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 Maori Lands Administration Amendment Act, 1901"; and it shall form part of and be read together with "The Maori Lands Administration Act, 1900" (hereinafter referred to as "the principal Act"). Short Title.
2. The Governor in Council may from time to time alter or amend the boundaries of any district proclaimed under section five of the principal Act. Alteration of districts.
3. Nothing in the last-mentioned section shall be deemed to impede or bar, or to have impeded or barred, the operation of the principal Act in any district proclaimed since the passing of that Act notwithstanding that in the meantime less than six districts may have been so proclaimed. Temporary provision as to operation of Act.
4. Section twenty-two of the principal Act is hereby repealed, and the following substituted in lieu thereof:— Alienation to be only under this Act.
- "Immediately upon the coming into operation of this Act in any district as provided in section five hereof, Maori land in such district shall not be alienated by way of lease either to the Crown or to any other person except with the consent of the Council first obtained, and in accordance with the provisions of this Act. In the case of alienation by way of sale where the land belongs to more than two owners, the consent of the Governor in Council to such sale shall be first had and obtained; in the case of alienation by way of sale, lease, or mortgage where the land belongs to not more than two owners, the passing of this Act shall in no way affect the same unless the land is transferred to the Council."
5. Section twenty-four of the principal Act is hereby repealed, and the following substituted in lieu thereof:— Governor may remove restrictions.
- "The Governor may, after considering any recommendation of the Council, remove and revoke any and all restrictions existing

against the alienation of Maori land, whether contained in any Crown grant certificate or other instrument of title, or in this Act or any Act heretofore passed; and thereafter, but subject in every case to the provisions of "The Native Land Court Act, 1894," and the next succeeding section hereof, the Maori owners of the land against the alienation whereof the restrictions have been so removed and revoked shall have the same rights and privileges to alienate the land as any person other than a Maori and resident in New Zealand possesses in respect of his land: 5

"Provided that nothing in this Act contained shall be construed to authorise the alienation of papakaingas." 10

Proceedings on alienation.

6. Subsection five of section twenty-five of the principal Act is hereby repealed, and the following substituted in lieu thereof:—

"(5.) In case no papakainga certificate has been issued, but only notice of allocation or a certificate by a Judge of the Native Land Court, then in such case the notice or certificate and date thereof shall be produced, so as to enable the Registrar to satisfy himself that each such Maori has sufficient land left for his occupation and support." 15 20

Council may hold land in trust.

7. Section twenty-eight of the principal Act is hereby repealed, and the following substituted in lieu thereof:—

"Any Maori or Maoris, whether incorporated or otherwise, owning Maori land may transfer the same, or any other land, or any definite part thereof, by way of trust to the Council, upon such terms as to leasing, cutting up, managing, improving, and raising money upon the same as may be set forth in writing between the owners and the Council; and the Council is hereby authorised and empowered to accept such trust: 25 30

*Struck out.*

"Provided that, in the case of unincorporated owners, at least ten such owners, or all the owners if less than ten, must execute the necessary instrument of transfer, and the whole block so owned, or a definite part thereof, must pass thereby." 30

*New Proviso.*

Provided that, in the case of unincorporated owners, the following provisions shall apply:— 35

- (1.) All the owners, if not more than ten, must execute the necessary instrument of transfer, and the whole block so owned, or a definite part thereof, must pass thereby. 40
- (2.) Where there are more than ten owners, any ten of such owners may apply to the Council to accept a transfer of the land, or a definite part thereof, and the Council, if satisfied that such is the desire of the owners of the land, or a majority of them, may accept a transfer from such ten owners, who are hereby empowered to make and execute the necessary instrument of transfer on behalf of the whole of the owners. 45

Private dealings.

8. Subsections one and two of section thirty-five of the principal Act are hereby repealed, and the following substituted in lieu thereof:— 50

"(1.) At any time not later than two months after the first meeting of the Council, any party to such dealing may

give to the Council written notice specifying the nature of the dealing, the land to which it relates, the extent to which the dealing is complete, and his desire to wholly complete the same.

- 5 “(2.) Any dealing as to which the aforesaid notice is duly given may at any time within twelve months from the date of the first meeting of the Council be completed with the Maori owner, anything hereinbefore contained to the contrary notwithstanding: Provided that the consent of the Council to the completion of such dealing be first had and obtained.”

9. The principal Act is hereby further amended as follows:—

- 10 (1.) As to section three thereof: By repealing paragraph (a) of the definition of “Maori land,” and substituting in lieu thereof the following:—
- 15 “(a.) Land which, though owned by a Maori, has been acquired in fee-simple from the Crown or from any person other than a Maori and for any monetary consideration.”
- 20 (2.) As to section five thereof: By repealing the words “be in full force,” and substituting in lieu thereof the words “thereupon come into operation.”
- 25 (3.) As to subsection six of section seven thereof: By repealing the word “Maori,” and substituting in lieu thereof the word “person.”
- (4.) As to subsection nine of the same section: By inserting, after the words “shall be held on,” the words “some convenient day to be fixed by the Governor, being not later than.”
- 30 (5.) As to subsection eleven of the same section: By repealing all the words after the word “Governor.”
- (6.) As to section nineteen thereof: By adding at the end of the section the words “subject always to the right of appeal as provided by section ten hereof.”
- 35 (7.) As to section twenty-three thereof: By inserting at the end of that section the words “or a certificate of a Judge of the Native Land Court that he is satisfied, after due inquiry, that the Maori alienating has sufficient other lands for his maintenance and support, or for the purposes of a papakainga.”
- 40 (8.) As to subsection one of section twenty-six thereof: By repealing the word “European,” and substituting in lieu thereof the word “person.”
- 45 (9.) As to subsection two of the same section: By repealing the subsection.
- (10.) As to subsection three of the same section: By repealing the word “void,” and substituting in lieu thereof the words “the land, *in the case of purchase*, may by Order in Council be vested in the Crown or Council for the benefit of landless Maoris or for such other purposes as may be prescribed in such Order.”
- 50 (11.) As to section twenty-nine thereof: By adding the following subsection:—

Amendments of  
principal Act.

“ (8.) At the expiration of any lease granted by the Council under subsection two of this section, the Council may, on the request in writing of the owners, transfer back to the owners the land comprised within such lease or any part thereof; but if the land or any part thereof is subject to any right of renewal, charge, lien, or encumbrance the Council may decline to entertain any such request.” 5

- (12.) As to section thirty-three thereof: By adding at the end of the section the words “ unless commenced before the passing of this Act, or effected without the intervention of the Council.” 10