

Hon. Mr. Carroll.

MAORI LAND SETTLEMENT ACT AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Number of members of the Board increased.</p> <p>4. Section 5 of principal Act amended.</p> <p>5. Quorum. Repeal.</p> <p>6. Section 8 of principal Act amended. Allotments not to exceed £5,000 in value.</p> <p>7. Restrictions against leasing removed. Requirements before Board approves. Repeal.</p> <p>8. Repeals.</p> <p>9. Section 14 of principal Act amended.</p>	<p>10. Board has discretion as to approval.</p> <p>11. Transfers and subleases to be subject to Act.</p> <p>12. Land infested with noxious weeds may be vested in Boards.</p> <p>13. Land vested in Boards for Maori settlements only.</p> <p>14. Interests in land leased under principal Act may be determined.</p> <p>15. Land to be valued on request of Board.</p> <p>16. Appropriation for lands acquired under principal Act.</p> <p>17. Regulations.</p>
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A BILL INTITULED

AN ACT to amend the Laws relating to Maori Lands.

Title.

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

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| <p>5</p> <p>10</p> <p>15</p> <p>20</p> | <p>1. The Short Title of this Act is "The Maori Land Settlement Act Amendment Act, 1906"; and it shall form part of and be read together with "The Maori Land Settlement Act, 1905" (hereinafter referred to as "the principal Act").</p> <p>2. In this Act, if not inconsistent with the context,—
"Government valuation" means a valuation of the unimproved value made under "The Government Valuation of Land Act, 1896."</p> <p>3. Section two of the principal Act is hereby amended by repealing the words "three" and "two," and substituting in lieu thereof respectively the words "four" and "three."</p> <p>4. Section five of the principal Act is hereby amended by repealing the words "one member," and substituting in lieu thereof the words "two members."</p> <p>5. (1.) The quorum at all meetings of the Board shall be three members, of whom one at least shall be a Maori member.
(2.) Section four of "The Maori Land Laws Amendment Act, 1903," is hereby repealed.</p> | <p>Short Title.</p> <p>Interpretation.</p> <p>Number of members of the Board increased.</p> <p>Section 5 of principal Act amended.</p> <p>Quorum.</p> <p>Repeal.</p> |
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Section 8 of principal Act amended.

6. Section eight of the principal Act is hereby amended as follows :—

Struck out.

(a.) By repealing all words from and including the words "in such of the districts" to "Schedule of this Act"; and

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(b.) By repealing the word "~~fifteen~~" in paragraph (d), and substituting in lieu thereof the word "~~five~~"; and

(c.) By repealing paragraph (e), and substituting in lieu thereof the following paragraph :—

Allotments not to exceed £5,000 in value.

"(e.) The Board shall, on the direction of the Native Minister, cause the balance of the land to be surveyed and divided into allotments each having an unimproved value not exceeding five thousand pounds on the Government valuation :

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New proviso.

" Provided that the Board may extend the aforesaid limit of *five* thousand pounds to such extent not exceeding *one* thousand pounds, as it thinks fit, if satisfied that the extension is reasonable, having regard to the quality and situation of the land to be leased, the area of the block affected, and all other circumstances affecting the matter."

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Struck out.

(d.) By repealing the word "fifty" in paragraph (f), and substituting in lieu thereof the words "sixty-six."

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(e.) By repealing the words "proposed to be" in paragraph (h).

Struck out.

Restrictions against leasing removed.

7. (1.) Notwithstanding any prohibition, restriction, condition, or limitation regarding the disposal of land owned by Maoris (other than papatupu land), such land may be disposed of by way of lease, subject to the provisions of this Act.

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(2.) With respect to every lease of land owned by Maoris the following provisions shall apply :—

(a.) The term of the lease shall not exceed *sixty-six* years.

(b.) No lease shall be valid unless approved by the Board, and such approval is indorsed on the lease.

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(c.) The approval of the Board shall not be indorsed on any lease unless it is satisfied—

(i.) That the lease is for the benefit of the Maori lessors :

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(ii.) That each Maori alienating has a papakainga or sufficient other land for the purposes of a papakainga, or (with the rent payable under such lease) an income sufficient for his support :

(iii.) That it takes effect in possession and not in reversion :

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(iv.) That it was not signed by the lessors or any of them in consideration, wholly or in part, of any sum of money paid to them or any of them by way of premium or foregift; provided that the amount paid by the lessee for improvements on the land is not deemed a premium or foregift

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Requirements before Board approves.

(v.) That the rent is not less than five per centum on the amount of the Government valuation of the land :

(vi.) By statutory declaration of the lessee, that he is acquiring the land for himself and not for any other person, and that he is not the owner, tenant, or occupier of any land the unimproved value of which, together with that of the land proposed to be leased, is more than five thousand pounds : A statutory declaration hereunder shall not be liable to stamp duty :

(vii.) For the purposes of such statutory declaration, where land is held by the proposed lessee as a joint tenant or a tenant in common, and his share or interest therein is not defined, each of such joint tenants or tenants in common shall be deemed to hold equal shares or interests in the land.

(3.) The last proviso to section five of "The Maori Real Estate Management Act, 1888," so far as leases approved by the Board under the principal Act or this Act are affected, is hereby repealed.

(4.) Section eight of the principal Act as amended by this Act shall be read and construed subject to this section.

(5.) Section sixteen of the principal Act is hereby repealed.

8. Section twenty-six of "The Maori Lands Administration Act, 1900," paragraphs (8), (9), and (10) of section eight of "The Maori Lands Administration Amendment Act, 1901," and section fifteen of "The Maori Land Laws Amendment Act, 1903," are hereby repealed.

9. Section fourteen of the principal Act is hereby amended by repealing the word "fifty," and substituting in lieu thereof the words "sixty-six."

10. Subject to the provisions of the principal Act and this Act, the Board has a discretion to approve or refuse its approval to any lease, or the transfer of any lease; and the indorsement of its approval on any lease shall have the same force and effect as a confirmation by the Native Land Court :

Provided that the Board may, in its discretion, and with the consent of the lessee, instead of refusing its approval, vary the terms, provisions, or conditions of the lease by writing indorsed thereon and executed by the Board and by the lessee; and such lease shall thereupon take effect as if such altered provisions had been originally embodied therein, and shall be registered as part of such lease accordingly upon having the approval of the Board indorsed thereon :

Provided also that any person claiming to be interested in the land to which the lease relates may appeal to the Native Appellate Court against any decision of the Board under this section, and the decision of that Court shall be final.

11. (1.) No lease under this Act shall be transferred, and no land so leased shall be sublet, without the approval of the Minister on the recommendation of the Board.

Repeal.

Repeals

Section 14 of principal Act amended.

Board has discretion as to approval.

Transfers and subleases to be subject to Act.

New clauses.

7A. Section twenty-sixth of "The Maori Lands Administration Act, 1900," is hereby amended by repealing the word "lease."

7B. (1.) It shall not be lawful for any person to acquire Maori land by lease, unless he has deposited with the Board a statutory declaration declaring that he is acquiring the land for himself and not for any other person, and that he is not the owner, tenant, or occupier of any land the unimproved value of which, together with that of the land proposed to be leased, exceeds *five* thousand pounds: 5

Provided that, upon the application of any intending lessor or lessee, the Board may extend the aforesaid limit of *five* thousand pounds to such extent not exceeding *one* thousand pounds as it thinks fit if satisfied that the extension is reasonable; having regard to the quality and situation of the land to be leased, the area of the block affected, and all other circumstances affecting the matter, and in such cases the declaration may specify such extended limit in lieu of the original limit. 10

(2.) If such declaration contains any wilfully false statement and the declarant is convicted of perjury in respect thereof, then, irrespective of any punishment or penalty thereby incurred, all his rights in respect of the land acquired shall be deemed to be forfeited and void. 15

(3.) Such declaration shall not be liable to stamp duty.

(4.) The Board shall not grant its approval of the lease if satisfied that the declaration is untrue in any material particular. 20

7c. Section sixteen of the principal Act is hereby amended as follows: By repealing all the words after the word "years" in subsection three thereof.

7D. The last proviso to section five of "The Maori Real Estate Management Act, 1888," so far as leases approved by the Board under the principal Act or this Act are affected, is hereby repealed. 25

11. (1.) No lease under the principal Act or this Act shall be transferred, and no land so leased shall be sublet, without the approval of the Board indorsed on the instrument of transfer or sublease; and such approval shall not be given unless the transferee or sublessee makes and deposits with the Board the declaration prescribed by section *seven* (B) hereof: 30

Provided that the declaration shall not be necessary where the transferee takes under a will or by virtue of an intestacy. 35

Struck out.

(2.) A payment by the transferee to the transferor in consideration of the transfer shall not be deemed to be a premium or foregift within the meaning of subsection *two* of section *seven* hereof. 40

12. Any Maori land or other land owned by Maoris which, in the opinion of the Native Minister, has not been properly cleared of noxious weeds within the meaning of "The Noxious Weeds Act, 1900," shall be deemed to be Maori land subject to the provisions of sections eight to fifteen of the principal Act as amended by this Act. 45

13. Any Maori land ~~or other land owned by Maoris~~ which, in the opinion of the Native Minister, is not properly occupied by the Maori owners, but is suitable for Maori settlement, may on the recommendation of the Board be dealt with under the provisions of the said sections eight to fifteen as amended by this Act, but which said sections for the purposes of this section only are modified as follows:— 50

Land infested with noxious weeds may be vested in Boards.

Land vested in Boards for Maori settlements only.

(a.) Paragraph (f) of the said section eight is modified by adding the following words thereto: "but such lease shall only be made to a Maori."

(b.) Paragraph (g) of the said section eight is omitted.

5 (c.) No land leased by the Board as aforesaid shall be assigned or sublet to other than a Maori without the consent of the Board and the Native Minister.

Struck out.

10 14. The provisions of section seventy of "The Native Land Laws Amendment Act, 1895," and of section forty-seven of "The Native Land Claims Adjustment and Laws Amendment Act, 1901," shall, *mutatis mutandis*, apply to lands dealt with under the provisions of sections eight to fifteen of the principal Act as amended by this Act in the same manner as to lands acquired by the Crown and
15 required for the purposes of settlement, but without the intervention of the Board of Land Purchase Commissioners.

Interests in lands leased under principal Act may be determined.

15 15. The Valuer-General shall, on the request of the Board and on payment of the estimated cost, cause a valuation to be made of any land.

Land to be valued on request of Board.

20 16. All moneys payable in respect of the acquisition of lands under section twenty of the principal Act, and in respect of advances under section twenty-four thereof, shall, without further appropriation than that Act, be payable out of moneys raised under section twenty-three thereof; and that Act shall be, and as from the coming into
25 operation thereof shall be deemed to have been, a sufficient appropriation accordingly.

Appropriation for lands acquired under principal Act.

Struck out.

30 17. The Governor may from time to time, as he thinks fit, make such regulations as he deems necessary in order to give full effect to the provisions of the principal Act and this Act.

Regulations.

New clauses.

35 16A. All moneys heretofore or hereafter paid into the Public Account as fees or charges collected by Boards shall without further appropriation be deemed to be credits to the vote for expenses in connection with the administration of the principal Act and this Act, anything in "The Maori Lands Administration Act, 1900," or any other Act to the contrary notwithstanding.

Disposal of fees paid into Public Account.

40 16B. Any moneys arising from royalties on timber, flax, or kauri-gum which have been heretofore paid to the Board or to the President in respect of any land not vested in the Board may be wholly or partially paid out by the President in satisfaction of any liability due upon the land in respect of survey costs or any other lawful and valid charge, and the receipt of the person entitled to any such costs or charge shall be a sufficient acquittance and release to
45 the Board or the President from all manner of claims in respect thereof, and the balance of such moneys, if any, shall be paid to the Maori owners according to their relative claims or interests in the land.

50 4. (1.) Nothing in "The Maori Lands Administration Act, 1900," or any other Act shall preclude the alienation of any separate parcel or area of land owned before the *first* day of January, one thousand nine hundred and *one*, by not more than *two* owners, and

not exceeding *six* hundred and forty acres of first-class land, or *two* thousand acres of second-class land (not being land within the area defined by the Second Schedule to "The Native Land Court Act, 1894"), the title to which as a separate area was ascertained by partition or otherwise prior to the *first* day of January, one thousand 5
nine hundred and *one*.

(2.) Section ten of "The Maori Land Laws Amendment Act, 1903," is hereby repealed.

B. The provisions in respect to confirmation contained in "The Native Land Court Act, 1894," and "The Maori Lands Administration Act, 1900," shall not apply in the case of alienation of any land 10
or any interest in land held under the provisions of "The Land Act, 1892," or "The Land for Settlements Act, 1900," by any person being a Native as defined by "The Native Land Court Act, 1894";
but such person shall have full power of alienation of such 15
land or interest in land, subject to the provisions of "The Land Act, 1892," and "The Land for Settlements Act, 1900 : "

Provided all the instruments of transfer shall be in Maori and English, and shall be accompanied by a certificate by a licensed interpreter of the first grade that such person understood the trans- 20
action.

C. Section twenty-five of "The Maori Lands Administration Act 1900," is amended by inserting the words "or a solicitor of the Supreme Court not concerned in the transaction" after the word "Postmaster" in subsection two.