

*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,  
29th October, 1936.

Hon. Mr. Langstone.

## NATIVE LAND AMENDMENT.

### ANALYSIS.

Title.	<i>Powers of Development and Farming, and other Powers.</i>
1. Short Title.	9. Board may develop and farm lands. Base farms.
	10. Board may engage advisers for Native farmers.
	11. Right to cut timber, &c.
	12. Power to pay rates, taxes, and other moneys.
	13. Share-milking contracts, &c.
	14. Use of land for industries other than farming.
	15. Surveys.
	<i>Advances to Occupiers and Lessees.</i>
	16. Board may nominate occupier of land.
	17. Advances to occupiers and lessees of land subject to this Part of this Act.
	<i>Security for Moneys expended or advanced.</i>
	18. Moneys expended or advanced, with interest thereon, to be charged on land.
	19. Court may impose charges for betterment.
	20. Variation and registration of charges.
	21. Enforcement of charges.
	22. Board may require mortgages and other securities in addition to charge.
2. Interpretation.	
3. Board of Native Affairs to promote development of Native-owned land.	
<i>Land subject to this Part of this Act.</i>	
4. Native land or land owned or occupied by Natives may be declared to be subject to this Part of this Act.	
5. Assembled owners may pass resolution agreeing to land being declared subject to this Part of this Act.	
6. Acquisition of land by Board of Native Affairs.	
<i>Crown Land.</i>	
7. Crown land may be declared to be subject to this Part of this Act.	
8. Development of land under Land Laws Amendment Act, 1929.	

<p style="text-align: center;"><i>Leasing of Land.</i></p> <p>23. Application of Part XVI of principal Act.</p> <p>24. Maori Land Board to be agent for leasing purposes.</p> <p>25. Execution and effect of leases.</p> <p>26. Term of lease.</p> <p>27. Rental.</p> <p>28. Compensation for improvements.</p> <p>29. Recording of improvements.</p> <p>30. Provisions of lease.</p> <p>31. Surrender of leases.</p> <p>32. Costs.</p> <p>33. Restriction on lessee's powers of disposition.</p> <p>34. Apportionment of rent.</p> <p>35. Application of rents received.</p> <p>36. Determination of leases by Board of Native Affairs.</p> <p style="text-align: center;"><i>Miscellaneous.</i></p> <p>37. Validity of contracts made by Board of Native Affairs.</p> <p>38. Expenditure to be appropriated by Parliament, and receipts to be paid to Public Works Fund. Repeal.</p> <p>39. Power to pay revenue from land to owners.</p> <p>40. Expenditure by Maori Land Boards.</p> <p>41. Maori Land Board may postpone its securities to those of Crown.</p> <p>42. Inference and obstruction prohibited.</p>	<p>43. Governor-General may prohibit alienation of land.</p> <p>44. Regulations.</p> <p style="text-align: center;">PART II.</p> <p style="text-align: center;">MISCELLANEOUS AMENDMENTS.</p> <p>45. Persons under disability. Repeal.</p> <p>46. Restricting alienation by trustees for Natives.</p> <p>47. Section 523 of principal Act (as to farming by Maori Land Boards) amended.</p> <p style="text-align: center;"><i>Board of Native Affairs.</i></p> <p>48. Advances to Native owners or occupiers of land.</p> <p>49. Board of Native Affairs may delegate powers to Maori Land Boards or Native Trustee.</p> <p>50. Contracts by Board of Native Affairs.</p> <p>51. Remuneration and travelling-expenses of appointed members of Board of Native Affairs.</p> <p style="text-align: center;"><i>Repeals and Savings.</i></p> <p>52. Repeals and Savings.</p> <p>53. Validation of acts done in anticipation of this Act. Schedule.</p>
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## A BILL INTITULED

Title. AN ACT to amend the Laws relating to Natives and Native Land.

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

Short Title.

1. This Act may be cited as the Native Land Amendment Act, 1936, and shall be read together with and deemed part of the Native Land Act, 1931 (hereinafter referred to as the principal Act).

See Reprint of Statutes, Vol. VI, p. 103

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## PART I.

## LAND DEVELOPMENT.

2. In this Part of this Act, unless the context otherwise requires,—

5 “The Board” means the Board of Native Affairs established under the Board of Native Affairs Act, 1934–35:

10 “Native” means a person belonging to the aboriginal race of New Zealand, and includes a person descended from a Native:

“Occupier”, in relation to any land, means the person for the time being nominated under this Act as the occupier of the land:

15 The expression “land that is subject to this Part of this Act” shall be deemed to include all land that is declared by notice under this Act to be subject to this Part of this Act, and all land that is acquired on behalf of the Crown for the purposes of this Part of this Act, and

20 all land of the Crown that is set aside for the purposes of this Part of this Act.

3. It shall be the duty of the Board to promote the settlement and more effective utilization by Natives of Native land and of land owned or occupied by Natives, and to encourage Natives to engage in farming and in other industries related thereto.

Board of Native Affairs to promote development of Native-owned land.

*Land subject to this Part of this Act.*

4. (1) The Board may from time to time, by notice published in the *Gazette*, declare any Native land or any land owned or occupied by Natives or any land vested in a Maori Land Board or in the Native Trustee to be subject to this Part of this Act.

Native land or land owned or occupied by Natives may be declared to be subject to this Part of this Act.

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

35 (3) Every notice under this section shall, on the receipt of a copy of the notice certified under the hand of the Under-Secretary of the Native Department, be registered, without payment of any fee, by the District Land Registrar.

See Reprint  
of Statutes,  
Vol. VI, p. 316

(4) All notices of the application of section five hundred and twenty-two of the principal Act that originated under paragraph (f) of subsection three of that section, or under subsection thirteen of that section, and all notices varying or revoking any such notice, that are subsisting or in force at the passing of this Act shall enure for the purposes of this Part of this Act as fully and effectually as if they had originated under this section, and accordingly shall, where necessary, be deemed to have so originated.

Assembled  
owners  
may pass  
resolution  
agreeing to  
land being  
declared  
subject to  
this Part of  
this Act.  
Ibid., p. 265

5. (1) In addition to the resolutions specified in section four hundred and twenty-two of the principal Act, the assembled owners of any land may pass under that section a resolution that a proposal made by the Board to declare the land or any part thereof to be subject to this Part of this Act shall be agreed to.

(2) Nothing in this section or in any resolution passed as aforesaid shall be construed to bind the Board or to limit its powers under the foregoing provisions of this Act.

Acquisition of  
land by  
Board of  
Native Affairs.

6. (1) For any of the purposes of this Part of this Act the Board may from time to time purchase or otherwise acquire on behalf of the Crown any land or any interest in land or any right to cut and remove trees or timber or to take any other substance from any land. The Board may from time to time sell, lease, or otherwise dispose of any land, interest, or right acquired under this section, and may from time to time sell or otherwise dispose of any trees or timber or other substance cut, removed, or taken pursuant to any right so acquired.

Ibid., p. 316

(2) All land, interests in land, and rights to cut and remove trees or timber or to take any other substance from land that, before the passing of this Act, were acquired by the Board or by any other person on behalf of the Crown for the purposes of or in relation to section five hundred and twenty-two of the principal Act shall be deemed to have been acquired under this section, and all disposals of any such land, interests, or rights, or of any trees or timber or other substance cut, removed, or taken pursuant to any such right that were made before the passing of this Act shall be deemed to have been made under this section.

*Crown Land.*

7. (1) With the consent of the Minister of Lands, granted upon such terms and conditions as that Minister thinks fit, the Board may, by notice in writing signed by the Chairman or two other members of the Board by direction of the Board, declare any Crown land to be subject to this Part of this Act.

Crown Land may be declared to be subject to this Part of this Act.

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

10 (3) Such amounts as may be mutually agreed upon by the Board and the Minister of Lands in respect of the expenditure and revenue in relation to any Crown land that is subject to this Part of this Act may be transferred from or to the Land for Settlements Account  
15 to or from such other account as the Minister of Finance may determine.

(4) Where any Crown land that is not subject to this Part of this Act is being or has been improved or increased in value by reason of any operations or  
20 expenditure of money in respect of any land that is subject to this Part of this Act, there may be transferred from the Land for Settlements Account to such other account as the Minister of Finance may determine such amounts as may be mutually agreed upon by the  
25 Board and the Minister of Lands in respect of the benefit to the Crown land. Any money so transferred shall be applied so far as it will extend in satisfaction of the moneys (if any) charged on the land in respect of which the operations were undertaken or the  
30 expenditure was made. Subject as aforesaid, if any question arises as to apportionment or application of any money so transferred in respect of operations or expenditure on any Native land or on any land owned or occupied by Natives, it shall be determined by the  
35 Court.

8. (1) Where under the powers in that behalf contained in the Land Laws Amendment Act, 1929, any Crown lands or other lands are being developed or improved, it shall be lawful, with the consent of the  
40 Board, to extend the operations to the development and improvement of any land that is subject to this Part of this Act, and in such operations to expend out of the Land for Settlements Account such amounts as the

Development of land under Land Laws Amendment Act, 1929.

See Reprint of Statutes, Vol. IV, p. 834

Lands Development Board or the Minister of Lands may think expedient. For the purposes of this section the provisions of subsections one, two, three, and six of section six of the Land Laws Amendment Act, 1929, shall apply to the land that is subject to this Part of this Act as fully and effectually as if that land were mentioned therein. 5

(2) All moneys expended under this section shall be a charge upon the land in respect of which the expenditure is made, and shall bear interest at such rate as the Minister of Finance shall from time to time determine. 10

(3) The provisions of sections *eighteen to twenty-one* of this Act, with the necessary modifications, shall apply with respect to moneys expended or proposed to be expended under this section, and orders charging the land affected in favour of the Crown may be made and enforced accordingly. 15

*Powers of Development and Farming, and other Powers.*

Board may  
develop and  
farm lands.

9. (1) The Board may develop or improve any land that is subject to this Part of this Act, and may farm any such land, whether or not it is being or has been developed or improved by the Board or by any other person. The Board may also assist in or supervise or manage the development, improvement, or farming of any such land by the owners or occupiers thereof, and may train and educate Natives in the development, improvement, and farming of land or in any other industry related thereto. 20 25

Base farms.

(2) Any land that is subject to this Part of this Act may be used by the Board as a base farm for the purpose of breeding, raising, holding, or depasturing stock thereon for use on any other land that is subject to this Part of this Act, or for experimental or educational or demonstrational purposes, or for any other purpose connected with the Board's powers and functions under this Part of this Act. 30 35

(3) The Board may cause to be undertaken and carried out in connection with any land that is subject to this Part of this Act such works as it thinks fit, including (but without in any way limiting the Board's powers hereunder) the survey, draining, reclamation, roading, bridging, fencing, clearing, grassing, planting, top-dressing, and manuring of the land, the construction, 40

provision, insurance, maintenance, and repair of buildings and other erections, machinery, water-supplies and other services, and any other works calculated to improve the quality or utility of the land.

5 (4) For the purposes of this Part of this Act the Board may from time to time purchase or otherwise acquire on behalf of the Crown tools, plant, machinery, and other equipment, and may provide camps and buildings for the use of workmen, and may from time to  
10 time sell or otherwise dispose of any such tools, plant, machinery, equipment, camps, or buildings.

(5) The Board may from time to time purchase or otherwise acquire on behalf of the Crown live-stock to be depastured on land that is subject to this Part of  
15 this Act, and may from time to time, as it thinks fit, sell or otherwise dispose of any live-stock or the produce or increase thereof.

10 10. (1) The Board may from time to time utilize the services of any person (not being an officer of the Public Service) as an adviser to give advice and instruction to Natives while engaged in the development, improvement, or farming of any land that is subject to this Part of this Act. An adviser may be required by the  
25 Board to make recommendations for the more efficient and economical development, improvement, farming, or settlement of any such land.

Board may engage advisers for Native farmers.

(2) There may be paid to advisers engaged under this section such remuneration and such travelling and other allowances and expenses as the Board may  
30 approve.

11. (1) For the purposes of this Part of this Act the Board may from time to time cut and remove trees or timber or take any other substance from any land that is subject to this Part of this Act.

Right to cut timber, &c.

35 (2) The Board may allow to the owner of any trees or timber or other substance cut, removed, or taken under this section such royalty or other consideration therefor as may be agreed upon by the Board and the owner, or, in default of agreement, as may be fixed by  
40 the Board as the royalty or other consideration for the time being payable in similar cases in the same locality. The amount of the royalty or other consideration so allowed may, at the option of the Board, be paid to the owner in cash, or be applied in or towards the

satisfaction of any amounts due by the owner to the Crown, or charged under this Part of this Act on any land or interest in land owned by him.

Power to pay rates, taxes, and other moneys.

**12.** (1) The Board may from time to time pay in whole or in part any moneys for the time being payable in respect of any land that is subject to this Part of this Act, whether as rates, taxes, rent, moneys secured by any mortgage or charge, insurance premiums, or otherwise howsoever, and whether or not the Crown is liable for the payment thereof. 5 10

(2) Subject to the provisions of this Part of this Act as to the repayment to the Crown of moneys expended by the Board, the fact that any land is declared to be subject to this Part of this Act or that any moneys are paid or any powers are exercised in respect of any such land by the Board shall not be deemed to impose any liability on or to affect the liability (if any) of the Crown or any other person for any rates or other moneys payable in respect of the land. 15

Share-milking contracts, &c.

**13.** (1) The Board may from time to time make such contracts as it thinks fit for any person to undertake milking, cropping, or farming on any land that is subject to this Part of this Act for such remuneration, whether by way of a share of the proceeds or otherwise, as the Board thinks fit. 20 25

(2) Any contract made under this section may be at any time determined by the Board if the person with whom it is made commits any breach of the provisions thereof, and in such other circumstances as may be provided in the contract. 30

Use of land for industries other than farming.

**14.** Where in the opinion of the Board it would be advisable to use any land that is subject to this Part of this Act for any industry other than farming, whether the industry affects anything on the surface of the land or below the surface, the Board may from time to time make such contracts as it thinks fit with any person for the purpose of promoting, establishing, or carrying on that industry, whether by way of sale, lease, license, or otherwise. 35

Surveys.

**15.** (1) The Board may from time to time authorize such surveys as it considers necessary or expedient of any land that is subject to this Part of this Act. Nothing in Part XXI of the principal Act shall apply with respect to surveys under this section. 40

See Reprint of Statutes, Vol. VI, p. 303



(2) Surveys under this section shall be carried out, in accordance with the directions of the Board, by duly authorized surveyors (whether or not they are permanently employed in the service of the Government),  
5 who shall prepare sufficient plans of the lands surveyed by them.

*Advances to Occupiers and Lessees.*

16. (1) The Board may from time to time nominate any Native to be the occupier for the purposes of this  
10 Part of this Act of any land that is subject to this Part of this Act, whether or not at the time of the nomination the land is owned or occupied by that Native or by any other person. Board may nominate occupier of land.

(2) For the purpose of assisting the Board to make  
15 any nomination under this section the Court may, at the request of the Board, recommend a person to be nominated, and the Board may, if it thinks fit, act on any such recommendation.

(3) The Board may at any time revoke the nomination  
20 of any occupier under this section, whether or not he is the owner or one of the owners of the land or of any interest in the land.

(4) Subject to the provisions of this Part of this Act, the occupier for the time being of any land shall  
25 occupy and farm the land under the control and supervision of the Board, and shall dispose of all stock, chattels, machinery, and implements from time to time on the land, and all produce of the land or stock, and  
30 all moneys derived from the farming operations or otherwise in respect of the land, in accordance with the directions of the Board, and shall give such mortgages, assignments, orders, or other securities over the stock, chattels, machinery, implements, produce, and moneys as  
35 the Board may require to secure any moneys expended or to be expended by the Board in respect of the land or advanced or to be advanced by the Board to any occupier of the land. Every disposition and every mortgage, assignment, order, or other security made or given  
40 by any occupier in accordance with the directions of the Board under this section shall be as valid as if the occupier were the sole owner of the stock, chattels, machinery, implements, produce, or moneys affected,

and no such disposition, mortgage, assignment, order, or other security shall be deemed to be affected by the fact that since it was made or given the nomination of the occupier by whom it was made or given may have been revoked by the Board, or that he may have died, or otherwise ceased to be the occupier of the land. 5

Advances to occupiers and lessees of land subject to this Part of this Act.

17. (1) The Board may from time to time advance moneys to the occupier or lessee of any land that is subject to this Part of this Act for all or any of the following purposes:— 10

(a) For the purchase of live-stock, seeds, manures, fencing-materials, tools, implements, machinery, and equipment, and any other materials or things that in the opinion of the Board may be required by the occupier or lessee for the purpose of effectively carrying on his farming operations or developing or improving the land: 15

(b) For the discharge of any liabilities of the occupier or lessee, and for the payment of any moneys for the time being payable in respect of the land, whether as rates, taxes, rent, moneys secured by any mortgage or charge, insurance premiums, or otherwise howsoever: 20

(c) For the farming, development, improvement, maintenance, and current working-expenses of the land: 25

(d) For any other purpose that the Board may approve.

(2) Any moneys advanced under this section, instead of being paid to the occupier or lessee, may, at the discretion of the Board, be applied by the Board on behalf of the occupier or lessee for any of the aforesaid purposes. 30

(3) The power to make advances under this section shall be deemed to include power to make readvances on current account for all or any of the aforesaid purposes. The fact that the account of any occupier or lessee may from time to time be in credit shall not be deemed to affect any charge, mortgage, assignment, order, or other security imposed by or given under this Part of this Act in respect of any moneys owing by him or proposed to be advanced to him. 35 40

*Security for Moneys expended or advanced.*

18. (1) All moneys expended under this Part of this Act in respect of any land that is subject to this Part of this Act (including a reasonable proportion of the administrative expenses of the Native Department) and all moneys advanced to the occupier or lessee of any land that is subject to this Part of this Act, together with interest thereon at such rate as the Minister of Finance shall from time to time determine, shall be a charge upon the land, and shall be repayable at such time or times and in such manner as, subject to any regulations under this Part of this Act, the Board may from time to time determine.

Moneys expended or advanced, with interest thereon, to be charged on land.

(2) Where any land is subject to a charge under this section, the Court may make an order evidencing the charge. The Court may make separate orders in respect of different pieces of land or in respect of different parts of or interests in any piece of land, and for that purpose may apportion in such manner and in such proportions as it thinks just and equitable any moneys secured or proposed to be secured by the charge. A certificate given by the Board, or a Maori Land Board, or the Native Trustee shall for all purposes be accepted as sufficient evidence of the amount expended or advanced or proposed to be expended or advanced in respect of any land or of any interest in land.

(3) Where any land or interest in land owned by any Native is subject to a charge under this section, the Court may make an order charging any other land or interest in land owned by that Native with the whole or any part of the moneys secured or proposed to be secured by the first-mentioned charge.

19. Where the Board is of opinion that, by reason of the expenditure of money in respect of any land as aforesaid, any other land (whether or not it is subject to this Part of this Act) is being or has been improved or increased in value, the Board may apply to the Court to ascertain what part (if any) of the expenditure ought fairly and justly to be paid by the owner of the other land or of any interest therein in respect of the betterment thereof, and the Court may, in its discretion, subject

Court may impose charges for betterment.

to all prior encumbrances, make an order charging the other land or any part thereof or any interest therein or in any part thereof with the payment of such amount as may be fixed by the Court, which amount shall thereupon become due and payable to the Crown by the person named in the order or his successors in title: 5

Provided that no such apportionment or charge shall be made or granted against any land or interest in land owned by a person who is not a Native unless he has consented to contribute to the cost of the work in respect of which the charge is applied for. 10

Variation and registration of charges.

20. (1) Subject to any regulations under this Part of this Act, the Court may at any time, on the application of the Board, but not otherwise, vary or revoke any order made under section *eighteen* or section *nineteen* of this Act, and the Board may from time to time vary or wholly or partly discharge any charge under section *eighteen* of this Act in respect of which no such order has been made, whether or not in either case the moneys secured by the charge have been repaid. 15 20

See Reprint of Statutes, Vol. VII, pp. 1162, 1143

(2) Any order made under section *eighteen* or section *nineteen* of this Act may be registered under the Land Transfer Act, 1915, or the Deeds Registration Act, 1908.

(3) A certificate given by the Board, or by a Maori Land Board, or by the Native Trustee that the amount secured by any charge under section *eighteen* or section *nineteen* of this Act has been paid or otherwise satisfied in whole or in part shall be accepted as sufficient evidence of the satisfaction or discharge, and may be registered in the same way as an order made under either of the said sections. 25 30

Enforcement of charges.

21. (1) Any charge registered under the *last preceding* section in respect of any land or interest in land may from time to time be enforced in the same manner as a memorandum of charge registered under section one hundred and nine of the principal Act, and, in addition, may from time to time, on the application of the Board, be enforced by the Court either— 35

Ibid., Vol. VI, p. 145

- (a) By the appointment of a receiver in respect of the land or interest in land; or 40
- (b) By the making of an order vesting in His Majesty the King either the whole of the land or interest in land or such part thereof or interest therein as will, in the opinion of the Court, be sufficient to satisfy the charge. 45

(2) Upon the making of an order under paragraph (b) of the *last preceding* subsection the land or interest in land affected by the order shall be deemed to be vested in His Majesty, subject, however, to any  
5 estate or interest having priority to the charge, and the charge shall be deemed to be extinguished.

(3) Without limiting the powers conferred on the Board by this or any other Act, any land becoming  
10 vested in His Majesty under this section may be pro- claimed Crown land under section four hundred and fifty- four of the principal Act in the same manner as if it were land purchased by the Crown, and shall thereupon be deemed to be settlement land subject to the Land for  
15 Settlements Act, 1925, and be administered and dealt with accordingly. In every such case a sum equivalent to the value of the land as determined by the Dominion Land Purchase Board shall be transferred from the Land for Settlements Account to such other account as the Minister of Finance shall determine.

See Reprint  
of Statutes,  
Vol. VI, p. 279;  
Vol. IV, p. 862

20 **22.** (1) As additional security for any moneys charged as aforesaid on any land that is subject to this Part of this Act, the Board may from time to time require the occupier or lessee of the land and any other person  
25 owning the land or any interest therein to give such mortgages, assignments, orders, and other securities as the Board thinks fit over the land or any interest therein and the stock, chattels, machinery, and implements from  
30 time to time on the land, and the produce of the land or stock, and the moneys derived from farming operations or otherwise in respect of the land, and over any other real or personal property.

Board may  
require  
mortgages  
and other  
securities in  
addition to  
charge.

(2) Subject to any regulations under this Part of this Act, any mortgage, assignment, order, or other security under this section may be taken in the name  
35 of His Majesty the King, or of a Maori Land Board, or of the Native Trustee, and shall be in such form and shall contain such terms and provisions as the Board of Native Affairs thinks fit.

(3) Subject as aforesaid, any mortgage, assignment,  
40 order, or other security under this section may, whether or not the moneys secured thereby have been repaid, be at any time varied or wholly or partly discharged or cancelled by direction of the Board, but not otherwise.

*Leasing of Land.*

Application of  
Part XVI of  
principal Act.  
See Reprint  
of Statutes,  
Vol. VI, p. 244

**23.** (1) The Governor-General may from time to time, by Order in Council, declare any land that is subject to this Part of this Act to be subject to Part XVI of the principal Act, and every such Order shall (while it remains in force) have effect according to its tenor. 5

(2) The provisions of Part XVI of the principal Act relating to Orders in Council shall, so far as they are applicable and with the necessary modifications, apply with respect to Orders in Council under this section. 10

(3) No land shall by reason only of an Order in Council under this section cease to be subject to this Part of this Act.

Maori Land  
Board to be  
agent for  
leasing  
purposes.

**24.** (1) Where any land is subject to this Part of this Act the Maori Land Board of the district in which it is situated shall be deemed to be the agent of the Crown or of the owners (if any) for the purpose of granting leases of the land under this Part of this Act, and may, without further authority than this Act, lease the land or any part thereof accordingly. 15 20

(2) No lease under this Part of this Act shall be granted except by direction of the Board of Native Affairs.

(3) No such lease shall be granted to any person other than a Native unless, in the opinion of the Board of Native Affairs, there is no Native who is ready and willing to accept a lease of the land and is a fit and proper person to become the tenant thereof. 25

(4) The Court may inquire into any matters arising out of proposals to grant leases under this section and may make such report and recommendation thereon as it thinks fit for the information and guidance of the Board. 30

(5) Where any such lease affecting Native freehold land cannot be immediately registered by reason of the orders for title being incomplete or not being upon the Land Transfer Register, the Registrar of the Court shall, at the request of the Board of Native Affairs or of the Maori Land Board, forward to the District Land Registrar a certificate under his hand and the seal of the Court showing the date and nature of the order or orders made, the name of the land 35 40

affected thereby, the supposed area thereof, and the names of the persons entitled thereto, which certificate shall be embodied in the Provisional Register, and all the provisions of the Land Transfer Act, 1915, as to

**5** provisional registration shall apply thereto. The registration of a certificate under this subsection shall be deemed to be a bar to any proceedings under section one hundred and fifty of the principal Act in respect of the land mentioned in the certificate.

See Reprint  
of Statutes,  
Vol. VII,  
p. 1178  
Ibid., Vol. VI,  
p. 157

**10** (6) It shall not be lawful to register against a Provisional Register constituted under the authority of the *last preceding* subsection any instrument other than a lease granted under this Part of this Act, and any lien, charge, or mortgage in favour of the Crown or a State

**15** Loan Department, and any surrender, discharge, variation, or other dealing in connection therewith, and any succession or other order of the Court (including an order of incorporation) affecting the title to the land.

(7) Upon receipt for registration of the order for

**20** title in respect of the land by the District Land Registrar, the order shall also be embodied in the Provisional Register on a separate folium, and shall be numbered accordingly, and when so numbered shall be deemed to be duly registered, and all entries and memorials

**25** affecting the title to the land in the order shall be transferred to the folium so constituted. Thereupon the folium constituted under subsection five of this section may be cancelled as regards the land in the order for title so registered.

**30** **25.** (1) Every lease under this Part of this Act shall be in writing, executed by the Maori Land Board in its own name under its seal, and shall, as between that Board and the lessee, constitute for all purposes the relation of landlord and tenant in the same manner in

**35** all respects as if the Board were the owner of the land for a legal estate in fee-simple.

Execution and  
effect of  
leases.

(2) Every such lease of land subject to the Land

**40** Transfer Act, 1915, may be registered in the same manner as if it had been lawfully granted by the legal owner of the land demised, and the production of the certificate or certificates of title for the land shall not be necessary.

Ibid., Vol. VII,  
p. 1162

**45** **26.** Every such lease shall be for such term as the Board of Native Affairs thinks fit, but not exceeding in any case a term of fifty years, and may contain such

Term of lease.

right of renewal as the Board of Native Affairs thinks fit for any further term or terms, but so that the total duration of the lease together with any such renewed term shall not in any case exceed fifty years.

Rental.

**27.** (1) Every such lease shall be granted at such rental as the Board of Native Affairs shall determine. 5

(2) The Board of Native Affairs may reduce, remit, or extend the time for payment of, any rent payable under any such lease for such period and upon such terms and conditions as it may deem expedient. 10

Compensation  
for  
improvements.

**28.** (1) Any such lease may contain provision for the payment to the lessee, on the termination by effluxion of time of the lease or of any renewal thereof, of such compensation for improvements put by him upon the land as shall be agreed to by the Board of Native Affairs and set out in the lease, but in no case shall a greater amount be paid than that represented by the value of the unexhausted improvements at the termination of the lease or renewal. 15

(2) The value of the improvements upon which the compensation so payable shall be based shall be determined in manner provided by the lease. 20

(3) Every sum which so becomes payable to the lessee shall constitute a charge upon the land and upon the revenues or proceeds thereof, and any such charge shall be enforceable by the Native Land Court in the same manner as a charge imposed by that Court in pursuance of the principal Act. Every such charge shall be subject to any charge against the land in favour of the Crown. 25 30

(4) For the purpose of providing a fund for paying off any charge under this section the Board of Native Affairs may from time to time, during the currency of the lease or of any renewal thereof, direct that such sums as it shall think fit be set aside out of the rent for that purpose. 35

(5) Money so set aside shall be invested, together with the interest arising from such investment, in manner prescribed or as the Board of Native Affairs may direct, and shall on the expiration of the lease and of any renewal thereof be applied in satisfaction of the charge, and any surplus shall be paid to the persons then entitled to the revenues of the land. 40



29. When the lessee makes or proposes to make any such improvements as aforesaid on the land he shall be entitled, on application to the Board of Native Affairs, to have particulars of the nature of those  
5 improvements, and of the state and condition of the land before the making of those improvements, recorded by the Maori Land Board in manner prescribed. Every such record shall be permanently preserved and shall at all times be receivable as sufficient evidence of  
10 the facts so recorded in all matters and proceedings touching the value of improvements made on the land.
30. Every lease under this Part of this Act may contain such other terms, covenants, and conditions as the Board of Native Affairs thinks fit. Provisions of lease.
- 15 31. With the consent of the Board of Native Affairs the Maori Land Board may at any time accept a surrender of any lease under this Part of this Act. Surrender of leases.
- 20 32. The cost of the preparation, execution, stamping, and registration of any lease granted by the Maori Land Board shall be borne and paid by the lessee, but any such costs may, at the discretion of the Board of Native Affairs, be charged to the lessee's account and be deemed to be an advance under the provisions of this Part of this Act. Costs.
- 25 33. (1) Except with the precedent consent of the Board of Native Affairs, no lease or sublease of land leased by a Maori Land Board under this Part of this Act shall be capable of being assigned; nor, except with the precedent consent of the Board of Native Affairs,  
30 shall any sublease of any land so demised be capable of being granted. In giving any such consent the Board of Native Affairs may impose such terms and conditions as it thinks fit.
- (2) The consent of the Board of Native Affairs shall  
35 not be so given to any assignment or sublease in favour of a person other than a Native unless, in the opinion of that Board, there is no Native who is ready and willing to accept a lease or sublease of the land and is a fit and proper person to become the tenant thereof.
- 40 (3) Nothing in this section shall apply to any disposition by will in favour of the widow, widower, or child of the lessee or in favour of a Native, or to any disposition by operation of law.
- 45 34. (1) If any land leased under this Part of this Act consists of several parts owned by different owners under separate titles or by different groups of owners Apportionment of rent.

in common, the Board of Native Affairs shall apportion the rent in such manner as it considers just between those several parts. In making the apportionment the Board may take into consideration any recommendations made by the Court. 5

(2) In any such case any charge imposed on the land in respect of improvements made by a lessee shall be imposed exclusively on the part so improved, and any sums set aside to meet any such charge shall be set aside exclusively out of the rent apportioned under this section to the part so improved. 10

Application of rents received.

**35.** (1) All rent received under any lease granted under this Part of this Act shall be applied as follows:—

(a) In defraying the cost of the administration by the Maori Land Board of the land demised, as determined by the Board of Native Affairs: 15

(b) In paying all rates, taxes, and other assessments and outgoings payable by the owners in respect of the land:

(c) In the discharge, to such extent as the Board of Native Affairs from time to time thinks fit, of any mortgage, charge, encumbrance, or liability to which the land is subject: 20

(d) In payment of sums set apart to meet any charge for improvements made upon the land: 25

(e) In paying at the times and in the manner prescribed the residue of the rent to the Native owners or other persons having any estate or interest in the land in accordance with their respective interests. 30

(2) If the Board of Native Affairs at any time so directs, the residue of the rent received under any such lease, or any part of the residue, instead of being paid to the owners, may be retained as a reserve fund to be expended in the interests of the beneficial owners in such manner as the Board of Native Affairs may think expedient, and, as to any balance, to be distributed among the persons entitled thereto. The provisions of section five hundred and fifty of the principal Act shall apply with respect to all rent received under any such lease so long as it is subject to the control of the Board. 35 40

See Reprint of Statutes, Vol. VI, p. 346

Determination of leases by Board of Native Affairs.

**36.** (1) If in the opinion of the Board of Native Affairs any lessee under a lease granted under this Part of this Act fails satisfactorily to observe any directions

given to him by the Board of Native Affairs, or if he is negligent or careless in the care of any stock or chattels owned by him or entrusted to his care, or if for any other reason he is considered by the Board of Native Affairs to be unsuitable as a lessee, the Board of Native Affairs may direct the Maori Land Board to determine the lease, and the Maori Land Board shall thereupon determine the lease accordingly:

Provided that nothing in this subsection shall apply with respect to any lease at any time after the land comprised therein has ceased to be subject to this Part of this Act.

(2) Any lease granted under this Part of this Act may be at any time determined by the Maori Land Board, at the direction of the Board of Native Affairs, if the lessee commits any breach of the conditions thereof, and in such other circumstances as may be provided in the lease.

(3) A certificate by the Maori Land Board that any lease has been determined under this section shall be conclusive evidence that the lease has been lawfully determined. Upon any such determination the lessee shall not be entitled to any payment, whether in respect of improvements or otherwise.

#### Miscellaneous.

37. All contracts and decisions made by the Board in respect of any land that is subject to this Part of this Act shall be as effective as if the land were vested in His Majesty the King.

Validity of contracts made by Board of Native Affairs.

38. (1) All moneys expended or advanced by the Board under this Part of this Act shall be paid out of moneys appropriated by Parliament for the purpose.

Expenditure to be appropriated by Parliament, and receipts to be paid to Public Works Fund.

(2) All moneys received by the Board under this Part of this Act shall be paid into the Public Works Fund, or such other account as may be approved by the Minister of Finance.

(3) Out of the moneys paid into the Public Works Fund or other account as aforesaid there shall be transferred to the Consolidated Fund from time to time such amounts as shall be ascertained to have been received in respect of interest.

(4) Section twelve of the Native Land Amendment Act, 1932, is hereby amended by repealing paragraph (c) of subsection one.

Repeal. 1932, No. 25

Power to  
pay revenue  
from land  
to owners.

**39.** (1) With the consent of the Minister of Finance, any moneys received, whether as the result of farming operations or otherwise, in respect of any land that is subject to this Part of this Act may, if the Board of Native Affairs thinks fit, be paid to any person owning any interest in the land instead of being applied in reduction of any moneys charged or secured on the land, notwithstanding that the annual receipts in respect of the land may be less than the annual expenditure in respect thereof. 5

(2) Where the Board of Native Affairs is satisfied after inquiry that it is desired by the majority in value of any Natives to whom any moneys are payable under this section that the moneys or any part thereof should be applied for any purpose approved by the Board, the Board may, in its discretion, apply the moneys or part thereof accordingly. 10

Expenditure by  
Maori Land  
Boards.

**40.** (1) Where the Board of Native Affairs has under section *forty-nine* of this Act delegated to a Maori Land Board any of its powers under this Part of this Act, the Maori Land Board may, if so directed by the Board of Native Affairs, expend moneys from its account for the purpose of exercising the powers so delegated. 15

(2) Any moneys expended by a Maori Land Board under this section shall be repaid to that Board by the Board of Native Affairs, and shall then be deemed to have been expended by the Board of Native Affairs. 20

Maori Land  
Board may  
postpone its  
securities to  
those of Crown.

**41.** Where any land that is subject to a charge, mortgage, or other security under this Part of this Act in favour of the Crown is also subject to a prior charge, mortgage, or other security in favour of any Maori Land Board, the Maori Land Board may, by writing under its seal, postpone its charge, mortgage, or security to that of the Crown, and thereupon the charge, mortgage, or security of the Board shall take priority next after the charge, mortgage, or security of the Crown. 25

Interference  
and obstruction  
prohibited.

**42.** (1) Except with the consent of the Board of Native Affairs, no person shall be entitled to exercise any rights of ownership in respect of any land that is subject to this Part of this Act. 30

(2) Every person shall be liable upon summary conviction to a fine of *twenty* pounds, or to imprisonment for *three* months, who—

- 5 (a) Wilfully trespasses on any land that is subject to this Part of this Act, and neglects or refuses to leave the land after being warned to do so by any person authorized in that behalf by the Board of Native Affairs or the Minister of Lands:
- 10 (b) Wilfully obstructs, hinders, or delays any officer, servant, or workman in the performance or intended performance of his duties under this Part of this Act, or otherwise obstructs or interferes with the carrying-out
- 15 of any works under this Part of this Act.

(3) In any proceedings for an offence against this section in respect of any land, the fact that the defendant has an interest in the land shall not be a defence. In any such proceedings a certificate under

20 the hand of a Registrar of the Native Land Court to the effect that any land is subject to this Part of this Act shall, in the absence of proof to the contrary, be conclusive evidence of that fact.

(4) No proceedings shall be commenced under this

25 section except with the consent of the Board of Native Affairs.

43. (1) For the purpose of enabling the Board to exercise any of its powers in respect of any land that is subject to this Part of this Act, the Governor-General

30 may from time to time, by Order in Council, prohibit all alienations of that land other than alienations in favour of the Crown.

Governor-General may prohibit alienation of land.

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

35 (3) Every Order in Council under this section shall be published in the *Gazette*, and shall remain in force notwithstanding that the land may be partitioned or that the ownership of any part thereof may change.

(4) The provisions of Part XIX of the principal Act

40 relating to the prohibition of alienations shall, with the necessary modifications, apply with respect to every Order in Council under this section as if it were issued under section four hundred and forty-two of the principal Act:

See Reprint of Statutes, Vol. VI, p. 273

45 Provided that no Order in Council under this section shall be deemed to apply to alienations by a Maori Land Board or by the Native Trustee.

Regulations.

**44.** 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 Part of this Act.

## PART II.

5

## MISCELLANEOUS AMENDMENTS.

Persons under disability.  
See Reprint of Statutes, Vol. VI, p. 182

**45.** (1) For the purposes of Part X of the principal Act the expression "person under disability" means any person who is a minor, or of unsound mind, or in prison, or who, in the opinion of the Court, is, by reason of age, disease, illness, or physical or mental infirmity,—

(a) Unable, wholly or partially, to manage his affairs; or

(b) Subject to, or liable to be subjected to, undue influence in respect of his estate, or the disposition thereof, or of any part thereof; or

(c) Otherwise in a position which renders it necessary in the interest of such person or of those dependent upon him that a trustee of such person should be appointed under Part X of the principal Act.

Repeal.

(2) This section is in substitution for section two hundred and twelve of the principal Act, and that section is hereby accordingly repealed.

Restricting alienation by trustees for Natives.

Ibid., p. 198

Section 523 of principal Act (as to farming by Maori Land Boards) amended.

Ibid., p. 323

**46.** Section two hundred and sixty-four of the principal Act is hereby amended by inserting, before the words "a trustee appointed under Part X", the words "any trustee for a Native, including".

**47.** Section five hundred and twenty-three of the principal Act is hereby amended by adding to subsection three the following words: "The appointment of any manager employed by the Board and the remuneration payable to him shall be subject to the approval of the Public Service Commissioner. The Board may at any time remove any such manager and, with the approval of the Public Service Commissioner, appoint some other person in the place of the manager so removed. No manager or other servant or agent employed by the Board under this section shall be deemed by reason only of being so employed to be an officer of the Public Service".

*Board of Native Affairs.*

48. (1) For the purpose of assisting Natives to farm, improve, or develop lands that are owned or occupied by them and are not subject to Part I of this Act, or to discharge any liabilities charged on or relating to any such lands, the Board of Native Affairs may from time to time authorize the making of advances out of moneys to be appropriated by Parliament for the purposes of this section. Any moneys advanced under this section may, at the discretion of the Board, be either paid to the owners or occupiers or expended by the Board on their behalf.

Advances to  
Native owners  
or occupiers  
of land.

(2) All moneys advanced under this section shall bear interest at such rate as the Minister of Finance shall from time to time determine, and shall be secured by way of mortgage over the land in respect of which the advance is made, or over such other land or interest in land as may be thought advisable, and on such terms and conditions as the Board thinks fit. In addition there may be required such other and collateral security over chattels and otherwise as the Board deems expedient.

(3) The amount of any advance under this section shall not exceed three-fifths of the value of the land or interests in land included in the mortgage.

(4) Notwithstanding anything to the contrary in the principal Act or any other Act, mortgages or other securities may be given under this section over any Native reserve, as defined in section two of the principal Act, and over any interest therein and over any rents, income, profits, or other moneys arising thereout.

See Reprint  
of Statutes,  
Vol. VI, p. 105

(5) Any mortgage or other security under this section may be taken in the name of His Majesty the King, or of a Maori Land Board, or of the Native Trustee.

49. (1) Subject to any regulations under the Board of Native Affairs Act, 1934-35, the Board of Native Affairs may from time to time delegate any of its powers to any Maori Land Board or to the Native Trustee, and the Maori Land Board or the Native Trustee, as the case may be, may, subject to the control of the Board of Native Affairs, exercise any powers so delegated.

Board of  
Native Affairs  
may delegate  
powers to  
Maori Land  
Boards or  
Native Trustee.  
1934-35, No. 44

(2) All things done by a Maori Land Board or by the Native Trustee pursuant to any delegation under

this section shall be as valid and effective as if they had been done by the Board of Native Affairs, and accordingly shall, where necessary, be deemed to have been so done.

Contracts by  
Board of  
Native Affairs.

**50.** (1) All contracts made by the Board of Native Affairs shall be made on behalf of His Majesty the King. 5

(2) Any contract which, if made between private persons, must be by deed or in writing signed by the parties to be charged therewith shall, if made by the Board, be signed by two members of the Board on behalf of and by direction of the Board. 10

(3) Any contract which, if made between private persons, may be made verbally without writing may be similarly made by or on behalf of the Board by any member of the Board authorized in that behalf by the Board, but no verbal contract shall be made involving the payment by the Board of a sum exceeding *twenty* pounds. 15

(4) Any deed or document required to be executed on behalf of the Board may be signed by two members of the Board on behalf of and by direction of the Board. 20

(5) Any deed or document required to be executed on behalf of His Majesty in relation to the functions of the Board may be signed on behalf of His Majesty by two members of the Board authorized in that behalf by the Board. 25

(6) Every instrument purporting to have been executed in accordance with the provisions of this section shall, in the absence of proof to the contrary, be deemed for all purposes to have been duly executed. 30

Remuneration  
and travelling-  
expenses of  
appointed  
members of  
Board of  
Native Affairs.

**51.** Out of moneys appropriated by Parliament for the purpose there may be paid to any appointed member of the Board of Native Affairs who is not permanently employed in the Public Service such remuneration and such travelling and other allowances and expenses as the Board may approve. 35

*Repeals and Savings.*

Repeals and  
savings.

**52.** (1) The enactments specified in the Schedule hereto are hereby repealed to the extent indicated in that Schedule. 40



(2) All Orders in Council, regulations, records, instruments, appointments, notices, judgments, orders, charges, securities, agreements, liabilities, obligations, payments, advances, recommendations, directions, 5 authorities, and generally all acts of authority that originated under any of the enactments hereby repealed and are subsisting or in force at the passing of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under the 10 corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(3) All matters and proceedings commenced under any such enactment and pending or in progress at the passing of this Act may be continued, completed, and 15 enforced under this Act.

**53.** (1) All acts of any nature done before the passing of this Act that by virtue of this Act would have been valid and lawful if they had been done after the passing of this Act shall be deemed to have been 20 validly and lawfully done, and, in so far as they are subsisting at the passing of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the appropriate provisions of this Act, and accordingly shall, where necessary, be 25 deemed to have so originated.

Validation of  
acts done in  
anticipation of  
this Act.

(2) Without limiting the provisions of the *last preceding* subsection, all payments made, and all liabilities incurred, before the passing of this Act by any 30 Maori Land Board in good faith in pursuance of any Act (whether directly or indirectly, or by virtue of delegation from the Native Minister or any other person or otherwise) in relation to the development or farming or intended development or farming of any land or in relation to advances for any such purpose are hereby 35 validated and declared to have been lawfully made or lawfully incurred, as the case may be.

Schedule.

## SCHEDULE.

## ENACTMENTS REPEALED.

Title of Enactment.	Extent of Repeal.
1931, No. 31— The Native Land Act, 1931 (Reprint of Statutes, Vol. VI, p. 316)	Section 522.
1932, No. 25— The Native Land Amendment Act, 1932	Paragraphs (e) to (k) of section 14, and section 18.
1933, No. 50— The Native Purposes Act, 1933	Section 7, and so much of the First Schedule as relates to sec- tion 522 of the Native Land Act, 1931.