

1913.  
NEW ZEALAND.

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LANDS COMMITTEE:  
LAND LAWS AMENDMENT BILL

(REPORT ON THE), TOGETHER WITH THE MINUTES OF PROCEEDINGS.

(MR. E. NEWMAN, CHAIRMAN.)

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*Report brought up on the 23rd September, 1913, together with the Minutes of Proceedings,  
and ordered to be printed.*

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ORDER OF REFERENCE.

*Extract from the Journals of the House of Representatives.*

THURSDAY, THE 3RD DAY OF JULY, 1913.

*Ordered, "That Standing Order No. 219 be suspended, and that a Committee be appointed, consisting of fourteen members, to whom shall stand referred after the first reading all Bills affecting or in any way relating to the lands of the Crown or educational or other public reserves; the Committee to have power to make such amendments therein as they think proper, and to report generally when necessary upon the principles and provisions of the Bill; the Committee to have power to call for persons, papers, and records; three to be a quorum: the Committee to consist of Mr. Anderson, Hon. Mr. Buddo, Mr. Coates, Mr. Forbes, Mr. Guthrie, Mr. MacDonald, Mr. E. Newman, Mr. Nosworthy, Mr. T. W. Rhodes, Mr. Robertson, Mr. R. W. Smith, Mr. Statham, Mr. Witty, and the mover."—*  
(Hon. Mr. MASSEY.)

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MEMORANDUM FOR THE CHAIRMAN OF THE LANDS COMMITTEE.

THE Bill intituled the Land Laws Amendment Bill, having been read a first time in the House of Representatives on the 9th September, stands referred to the Lands Committee for report.

House of Representatives, 9th September, 1913.

H. OTTERSON,  
Clerk, House of Representatives.

## REPORT.

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THE Lands Committee, to whom was referred the Land Laws Amendment Bill, have the honour to report that they have carefully considered the same, and recommend that it be allowed to proceed with the amendments as shown on the copy attached hereto.

23rd September, 1913.

EDWARD NEWMAN, Chairman.

## MINUTES OF PROCEEDINGS.

FRIDAY, 12TH SEPTEMBER, 1913

THE Committee met at 10 a.m. pursuant to notice.

Present: Mr. E. Newman (Chairman), Mr. Anderson, Hon. Mr. Buddo, Mr. Coates, Mr. Guthrie, Hon. Mr. Massey, Mr. Nosworthy, Mr. T. W. Rhodes, Mr. Robertson, Mr. R. W. Smith, Mr. Statham, Mr. Witty.

Minutes of the previous meeting were read and confirmed.

Order of reference referring the Land Laws Amendment Bill to the Committee was read.

### *Land Laws Amendment Bill.*

Resolved, That clause 1 as printed stand part of the Bill.

Resolved, That clause 2 as printed stand part of the Bill.

Resolved, That clause 3 as printed stand part of the Bill.

Resolved, That clause 4 as printed stand part of the Bill.

Resolved, That clause 5 as printed stand part of the Bill.

Resolved, That clause 6 as printed stand part of the Bill.

Clause 7: Resolved, on motion of Mr. Witty, That clause 7 be amended by striking out the word "seven" in line 44, and inserting the word "ten" in lieu thereof.

Resolved, That clause 7 as amended stand part of the Bill.

Resolved, That clause 8 as printed stand part of the Bill.

Resolved, That clause 9 as printed stand part of the Bill.

Clause 10: Mr. Witty moved, That clause 10 be amended by the addition of the following proviso:—

"Provided that a revaluation shall be made of the land so reduced within ten years, and if any increased value has accrued the rent shall be increased accordingly, but in no case shall it exceed the original rent."

Resolved, That consideration of clause 10 be postponed.

Resolved, That clause 11 as printed stand part of the Bill.

Clause 12: Resolved, on motion of Mr. Witty, That clause 12 be amended by striking out the word "seven" in line 28, and inserting the word "ten" in lieu thereof.

Resolved, That the clause as amended stand part of the Bill.

Resolved, That clause 13 as printed stand part of the Bill.

Resolved, That clause 14 as printed stand part of the Bill.

Resolved, That clause 15 as printed stand part of the Bill.

Resolved, That clause 16 as printed stand part of the Bill.

Resolved, That clause 17 as printed stand part of the Bill.

Clause 18: Resolved, on motion of Mr. Witty, That the clause be amended by inserting the word "personal" before the word "residence" in line 6.

Resolved, on motion of Mr. Witty, That the clause be amended by inserting the word "personal" before the word "residence" in line 11.

Mr. Anderson moved to amend the clause by striking out the word "twice" in line 14, with a view of inserting the words "three times."

And the question being put, That the word proposed to be omitted stand part of the clause, the Committee divided, and the names were taken down as follow:—

Ayes, 9: Mr. Coates, Mr. Guthrie, Hon. Mr. Massey, Mr. E. Newman, Mr. Nosworthy, Mr. T. W. Rhodes, Mr. Robertson, Mr. Statham, Mr. Witty.

Noes, 2: Mr. Anderson, Hon. Mr. Buddo.

So it was resolved in the affirmative.

Resolved, on motion of Mr. Witty, That the clause be amended by inserting the words "Under section 162 of the Land Act, 1908."

And the question being put, That the clause as amended stand part of the Bill, the Committee divided, and the names were taken down as follow:—

Ayes, 9: Mr. Coates, Mr. Guthrie, Hon. Mr. Massey, Mr. E. Newman, Mr. Nosworthy, Mr. T. W. Rhodes, Mr. Robertson, Mr. Statham, Mr. Witty.

Noes, 2: Mr. Anderson, Hon. Mr. Buddo.

So it was resolved in the affirmative.

Resolved, That clause 19 as printed stand part of the Bill.

Resolved, That clause 20 as printed stand part of the Bill.

Clause 21: Resolved, on motion of Hon. Mr. Massey, That the clause be amended by striking out the word "seven" in line 30, and inserting the word "ten" in lieu thereof.

Resolved, on motion of Hon. Mr. Massey, That the clause be amended by the addition of the following words: "after which personal residence shall not be compulsory."

Resolved, That the clause as amended stand part of the Bill.

Resolved, That clause 22 as printed stand part of the Bill.

Resolved, That clause 23 as printed stand part of the Bill.

Clause 24: On the question being put, That clause 24 stand part of the Bill, it passed in the negative.

Clause 25: On the question being put, That clause 25 as printed stand part of the Bill, the Committee divided, and the names were taken down as follow:—

Ayes, 10: Mr. Anderson, Hon. Mr. Buddo, Mr. Coates, Mr. Guthrie, Hon. Mr. Massey, Mr. E. Newman, Mr. Nosworthy, Mr. T. W. Rhodes, Mr. R. W. Smith, Mr. Statham.

Noes, 2: Mr. Robertson, Mr. Witty.

So it was resolved in the affirmative.

Clause 26: Mr. Witty moved, That the Committee do now adjourn.

And the question being put, the Committee divided, and the names were taken down as follow:—

Ayes, 3: Hon. Mr. Buddo, Mr. Robertson, Mr. Witty.

Noes, 9: Mr. Anderson, Mr. Coates, Mr. Guthrie, Hon. Mr. Massey, Mr. E. Newman, Mr. Nosworthy, Mr. T. W. Rhodes, Mr. R. W. Smith, Mr. Statham.

So it passed in the negative.

Resolved, That consideration of clause 26 be postponed.

Resolved, That clause 27 as printed stand part of the Bill.

Resolved, That clause 28 as printed stand part of the Bill.

Resolved, That clause 29 as printed stand part of the Bill.

The Committee then adjourned.

THURSDAY, 18TH SEPTEMBER, 1913.

The Committee met at 10.30 a.m. pursuant to notice.

Present: Mr. E. Newman (Chairman), Mr. Anderson, Hon. Mr. Buddo, Mr. Coates, Mr. Forbes, Mr. Guthrie, Mr. MacDonald, Hon. Mr. Massey, Mr. Nosworthy, Mr. T. W. Rhodes, Mr. Robertson, Mr. R. W. Smith, Mr. Statham, Mr. Witty.

Minutes of the previous meeting were read and confirmed.

*Land Laws Amendment Bill.*

Resolved, That clause 30 as printed stand part of the Bill.

Resolved, That clause 31 as printed stand part of the Bill.

Clause 32: On the question being put, That clause 32 as printed stand part of the Bill, the Committee divided, and the names were taken down as follow:—

Ayes, 11: Mr. Anderson, Mr. Coates, Mr. Forbes, Mr. Guthrie, Mr. MacDonald, Hon. Mr. Massey, Mr. E. Newman, Mr. Nosworthy, Mr. T. W. Rhodes, Mr. R. W. Smith, Mr. Statham.

Noes, 3: Hon. Mr. Buddo, Mr. Robertson, Mr. Witty.

So it was resolved in the affirmative.

Resolved, That clause 33 as printed stand part of the Bill.

Clause 34: On the question being put, That clause 34 as printed stand part of the Bill, it passed in the negative.

Resolved, That clause 35 as printed stand part of the Bill.

Clause 36: Resolved, That consideration of clause 36 be postponed.

Resolved, That clause 37 as printed stand part of the Bill.

Resolved, That clause 38 as printed stand part of the Bill.

Clause 39: Resolved, on motion of Hon. Mr. Massey, That clause 39 be amended by striking out the word "seven" in line 13, and inserting the word "ten" in lieu thereof.

Resolved, That the clause as amended stand part of the Bill.

Resolved, That clause 40 as printed stand part of the Bill.

Resolved, That clause 41 as printed stand part of the Bill.

Clause 42: Resolved, That consideration of clause 42 be postponed.

Resolved, That clause 43 as printed stand part of the Bill.

Resolved, That clause 44 as printed stand part of the Bill.

Resolved, That clause 45 as printed stand part of the Bill.

Resolved, That clause 46 as printed stand part of the Bill.

Resolved, That clause 47 as printed stand part of the Bill.

Clause 48: On the question being put, That clause 48 as printed stand part of the Bill, the Committee divided, and the names were taken down as follow:—

Ayes, 11: Mr. Anderson, Hon. Mr. Buddo, Mr. Coates, Mr. Guthrie, Mr. MacDonald, Hon. Mr. Massey, Mr. E. Newman, Mr. Nosworthy, Mr. T. W. Rhodes, Mr. R. W. Smith, Mr. Statham.

Noes, 2: Mr. Forbes, Mr. Witty.

So it was resolved in the affirmative.

The meeting then adjourned.

FRIDAY, 19TH SEPTEMBER, 1913.

The Committee met at 10.30 a.m. pursuant to notice.

Present: Mr. E. Newman (Chairman), Mr. Anderson, Hon. Mr. Buddo, Mr. Coates, Mr. Forbes, Mr. Guthrie, Mr. MacDonald, Hon. Mr. Massey, Mr. Nosworthy, Mr. T. W. Rhodes, Mr. Robertson, Mr. R. W. Smith, Mr. Statham, Mr. Witty.

Minutes of the previous meeting were read and confirmed.

*Land Laws Amendment Bill.*

Clause 49: On the question being put, That subclause (1) of clause 49 as printed stand part of the Bill, the Committee divided, and the names were taken down as follow:—

Ayes, 8: Mr. Coates, Mr. Guthrie, Mr. MacDonald, Hon. Mr. Massey, Mr. E. Newman, Mr. Nosworthy, Mr. T. W. Rhodes, Mr. Statham.

Noes, 3: Hon. Mr. Buddo, Mr. Forbes, Mr. Witty.

So it was resolved in the affirmative.

Subclause (2): Resolved, on motion of Hon. Mr. Massey, That subclause (2) be amended by striking out the words "including the right to acquire the fee-simple" in lines 9 and 10.

And the question being put, That subclause (2) as amended stand part of the clause, the Committee divided, and the names were taken down as follow:—

Ayes, 9: Mr. Anderson, Mr. Coates, Mr. Guthrie, Mr. MacDonald, Hon. Mr. Massey, Mr. E. Newman, Mr. Nosworthy, Mr. T. W. Rhodes, Mr. Statham.

Noes, 4: Hon. Mr. Buddo, Mr. Forbes, Mr. Robertson, Mr. Witty.

So it was resolved in the affirmative.

Resolved, on motion of Hon. Mr. Massey, That the clause be amended by the addition of the following new subclause:—

"(3.) A plan of the land proposed to be acquired shall be submitted to the Board for its approval, and such approval shall be given only in cases where the Board is satisfied that the balance of the land will not be injuriously affected for the purposes of closer settlement."

And the question being put, That the clause as amended stand part of the Bill, the Committee divided, and the names were taken down as follow:—

Ayes, 9: Mr. Anderson, Mr. Coates, Mr. Guthrie, Mr. MacDonald, Hon. Mr. Massey, Mr. E. Newman, Mr. Nosworthy, Mr. T. W. Rhodes, Mr. Statham.

Noes, 4: Hon. Mr. Buddo, Mr. Forbes, Mr. Robertson, Mr. Witty.

So it was resolved in the affirmative.

Clause 50: Resolved, That subclause (1) as printed stand part of the clause.

Subclause (2): Resolved, on motion of Hon. Mr. Massey, That subclause (2) be amended by striking out the word "four" in line 24, and inserting the word "five" in lieu thereof.

Resolved, That the subclause as amended stand part of the clause.

Resolved, That subclauses (3) and (4) as printed stand part of the clause.

Resolved, That the clause as amended stand part of the Bill.

Resolved, That clause 51 as printed stand part of the Bill.

Clause 52: Resolved, on motion of Hon. Mr. Massey, That subsection (d) of subclause (9) be amended by striking out the word "seven" in line 6, and inserting the word "four" in lieu thereof.

Resolved, That the clause as amended stand part of the Bill.

Clause 53: Resolved, on motion of Hon. Mr. Massey, That the clause be amended by striking out the proviso in subsection (e) in subclause (4), "Provided that all such claimants shall be satisfied out of the compensation hereinafter provided as far as such compensation extends."

Resolved, on motion of Hon. Mr. Massey, That subclause (7) be amended by the insertion of the words "in any" after the word "purchase-money" in line 24.

Resolved, on motion of Hon. Mr. Massey, That the clause be amended by the following amendments to subclause (12): By striking out the word "acquired" in line 41, and inserting in lieu thereof the words "taken by the Governor"; by inserting the words "in each year" after the word "shall" in line 43; by striking out the word "first" before the word "session" in line 44; and by striking out the words "in each year" in line 44.

Resolved, That the clause as amended stand part of the Bill.

Clause 7: Resolved, That clause 7 be recommitted for consideration.

And the question being put, That clause 7 as printed stand part of the Bill, it passed in the negative.

Resolved, on motion of Hon. Mr. Massey, That the following new clause be inserted in lieu thereof:—

"7. (1.) Every person who hereafter acquires an allotment under this Act or the Land for Settlements Act, 1908, and who makes any disposition of such allotment, or of any part thereof, whether by way of assignment or sublease, shall, unless the Board (taking into consideration the circumstances of the case) otherwise determines, be disqualified for the period of ten years after the date of such disposition from acquiring any Crown land or settlement land, or any interest therein respectively.

"(2.) Section one hundred and nine of the Land Act, 1908, section eleven of the Land for Settlements Administration Act, 1909, and section twelve of the Land Laws Amendment Act, 1912, are hereby repealed."

Clause 10: The question being put, That clause 10 as printed stand part of the Bill, it passed in the negative.

Hon. Mr. Massey moved to insert the following new clause in lieu thereof:—

“10. On the application of the lessee or licensee of any rural land, and on payment by the lessee or licensee of the prescribed valuation fee, the Board shall request the Valuer-General to cause a new valuation of the land to be made, and the value as determined by the Valuer-General shall be final and conclusive. If the value so determined is less than the original value as determined by the Board, the rent payable in respect of the land shall, as from the date of the new valuation, be reduced proportionately.”

And the question being put, That the new clause proposed to be inserted be so inserted, the Committee divided, and the names were taken down as follow:—

Ayes, 10: Mr. Anderson, Mr. Coates, Mr. Guthrie, Mr. MacDonald, Hon. Mr. Massey, Mr. E. Newman, Mr. Nosworthy, Mr. T. W. Rhodes, Mr. R. W. Smith, Mr. Statham.

Noes, 4: Hon. Mr. Buddo, Mr. Forbes, Mr. Robertson, Mr. Witty.

So it was resolved in the affirmative.

Mr. Witty moved to add the following proviso to the clause:—

“Provided that a revaluation shall be made of the land so reduced within ten years, and if any increased value has accrued the rent shall be increased accordingly, but in no case shall it exceed the original rent.”

And the question being put, That the proviso proposed to be added be so added, the Committee divided, and the names were taken down as follow:—

Ayes, 4: Hon. Mr. Buddo, Mr. Forbes, Mr. Robertson, Mr. Witty.

Noes, 10: Mr. Anderson, Mr. Coates, Mr. Guthrie, Mr. MacDonald, Hon. Mr. Massey, Mr. E. Newman, Mr. Nosworthy, Mr. T. W. Rhodes, Mr. R. W. Smith, Mr. Statham.

So it passed in the negative.

Resolved, That new clause 10 as printed stand part of the Bill.

Clause 18: Resolved, That clause 18 be recommitted for further consideration.

And the question being put, That the clause as printed stand part of the Bill, it passed in the negative.

Resolved, on motion of Hon. Mr. Massey, That the following new clause be inserted in lieu thereof:—

“18. (1.) On the application of the lessee or licensee of any rural land (other than settlement land) the Board may dispense with the personal residence on the land of the lessee or licensee in any case where it is satisfied that the land has been acquired for the use and benefit of the lessee or licensee or of his family, and that the lessee or licensee, by reason of his vocation or calling, is unable to comply with the conditions as to residence.

“(2.) Where the Board dispenses with personal residence under this section it may impose such conditions as it thinks fit, and in particular shall in every case require that—

“(a.) The lessee or licensee shall, in each year or other specified period, as the case may be, put on the land substantial improvements to twice the value required by section one hundred and sixty-two of the principal Act; and

“(b.) The lessee or licensee shall provide a substitute who shall remain in continuous residence on the land for such period as the lessee or licensee would have been required by his lease or license to have resided thereon.”

Clause 21: Resolved, That clause 21 be recommitted for further consideration.

And the question being put, That the clause as printed stand part of the Bill, it passed in the negative.

Hon. Mr. Massey moved, That the following new clause be inserted in lieu thereof:—

“21. (1.) Personal residence on a small grazing-run by the lessee may, if the improvement conditions of the lease have been complied with, be dispensed with by the Board after the expiration of ten years from the date of the lease:

“Provided that the lessee shall make provision to the satisfaction of the Board for a substitute, who shall remain in continuous residence on the land during the remainder of the term of the lease.

“(2.) This section shall not apply to settlement lands.”

And the question being put, That the new clause proposed to be inserted be so inserted, the Committee divided, and the names were taken down as follow:—

Ayes, 10: Mr. Coates, Mr. Guthrie, Mr. MacDonald, Hon. Mr. Massey, Mr. E. Newman, Mr. Nosworthy, Mr. T. W. Rhodes, Mr. R. W. Smith, Mr. Statham, Mr. Witty.

Noes, 4: Mr. Anderson, Hon. Mr. Buddo, Mr. Forbes, Mr. Robertson.

So it was resolved in the affirmative.

Clause 32: Resolved, That clause 32 be recommitted for further consideration.

Resolved, on motion of Hon. Mr. Massey, That the clause be amended by adding the following:—

“and by adding the following subsections:—

“(8.) The rent to be reserved by every such lease shall be fixed in the same manner as in the case of a renewable lease.

“(9.) The provisions of the principal Act relating to the improvements to be made by the holder of a renewable lease and to his residence on the land shall extend and apply to the holders of leases under this section.”

Resolved, That the clause as amended stand part of the Bill.

Clause 36 : Resolved, That clause 36 be recommitted for further consideration.

And the question being put, That the clause as printed stand part of the Bill, it passed in the negative.

Resolved, on motion of Hon. Mr. Massey, That the following new clause be inserted in lieu thereof :—

“ 36. Section forty-five of the Land for Settlements Act, 1908, is hereby amended by inserting after subsection five the following subsection :—

“(5A.) The provisions of section one hundred and sixty-two of the Land Act, 1908, relating to the improvements required to be made by a selector shall extend and apply to every lessee of settlement land :

“ Provided that in any case where, having regard to the nature and situation of the land, and to the extent to which the land has already been improved, the Board may modify the said provisions to such extent as, with the approval of the Minister, it thinks fit.”

Clause 38 : On the question being put, That clause 38 as printed stand part of the Bill, it passed in the negative.

Clause 26 : On the question being put, That clause 26 as printed stand part of the Bill, the Committee divided, and the names were taken down as follow :—

Ayes, 10 : Mr. Anderson, Mr. Coates, Mr. Guthrie, Mr. MacDonald, Hon. Mr. Massey, Mr. E. Newman, Mr. Nosworthy, Mr. T. W. Rhodes, Mr. R. W. Smith, Mr. Statham.

Noes, 4 : Hon. Mr. Buddo, Mr. Forbes, Mr. Robertson, Mr. Witty.

So it was resolved in the affirmative.

Resolved, That clause 42 as printed stand part of the Bill.

Resolved, on motion of Hon. Mr. Massey, That the following new clause be inserted in the Bill :—

“ Where the Governor decides that the land comprised in any lease under Part IX of the Land Act, 1908, is suitable for close settlement, the Land Board shall subdivide the land into two or more allotments, and shall dispose of the same by way of lease in the manner and subject to the conditions provided in the case of subdivision of small grazing-runs by section twenty-eight of the Land Laws Amendment Act, 1912, all the provisions of which section shall extend and apply to such lease.”

Resolved, That the Bill be reported to the House.

The meeting then adjourned.

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