

# REPORTS

OF THE

WASTE LANDS BILLS COMMITTEE.

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WELLINGTON.

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1866.



## REPORTS OF THE WASTE LANDS BILLS COMMITTEE.

### No. 1.

#### AD INTERIM REPORT.

THE Joint Committee appointed to consider and report upon all Bills introduced into the Legislature, relating to Waste Lands, have agreed to the resolutions contained in the accompanying memorandum, defining the course of proceeding which it appeared to the Committee to be its duty to adopt with reference to the aforesaid Bills.

31st July, 1866.

ALFRED DOMETT,  
Chairman of Joint Committee.

COPY OF RESOLUTIONS adopted by a Joint Committee of the Hon. the Legislative Council and the House of Representatives appointed to consider and report upon all Bills introduced into the House relating to Waste Lands.

Clause 1st. That since the repeal, in 1858, of the Acts which surrendered the power of Legislation on Waste Lands to the Provincial Legislatures, the initiation of organic laws relating to the Waste Lands has been generally exercised by the Provincial Legislatures.

Clause 2nd. That without any express declaration on the subject having been made by the Assembly, the practice has hitherto been for the Assembly not to legislate on the subject of the Waste Lands of any Province unless the wish of the Provincial Legislature that legislation should take place had been previously expressed.

Clause 3rd. That nevertheless, while the Assembly has not on the one hand originated legislation on the Waste Lands, it has never relinquished any of its powers by which it appeared to the Assembly expedient to be guided.

Clause 4th. That whenever the measures proposed by any Province interfered with the general principles and policy by which it appeared to the Assembly expedient to be guided or affected, whether directly or indirectly,—the public creditor, the safety or welfare of neighbouring Provinces, or the rights and claims of the various classes of its inhabitants,—the Assembly has not only amended the proposed provisions in accordance with its own pleasure but has constantly originated provisions for securing fairness to the respective interests concerned.

Clause 5th. That while the duty of the Committee, as defined by order of reference, appears to have been to examine and consider the provisions and principles of any Bill referred to it, it has nevertheless been the practice of Waste Lands Committees to suggest and recommend any such alterations in the provisions of any Bill submitted to it as seemed necessary to embody and carry out the policy it approved of.

Clause 6th. That if this view be correct it follows that the course of proceeding should generally be as follows in the examination of Waste Lands Bills:—

1. To ascertain whether the proposed legislation is substantially in accordance with the desire of the Provincial Legislatures.
2. To ascertain whether it interferes, and if so, in what way, with settled practice, resolution, or precedent.
3. To ascertain whether it affects the public creditor, and in what way.
4. To ascertain whether it inflicts injury on any interest or class, or unfairly deals with their claims.
5. To point out for the action of the House the general way in which any such injurious provisions can be provided against.
6. To suggest the form in which such provisions should be made.
7. But wherever the proposed legislation did not interfere injuriously with any public or private rights then the Committee should abstain from making material alterations in the provisions recommended by the Provincial Legislatures.

31st July, 1866.

ALFRED DOMETT,  
Chairman of Joint Committee.

### No. 2.

#### THE OTAGO WASTE LANDS BILL.

THE Joint Committee appointed to consider all Bills affecting Waste Lands of the Crown have examined the Otago Waste Lands Bill referred to them, and recommend that the same be passed into law, subject to the amendments and alterations advised by the Committee to be made therein and particularly specified in the Schedule hereto appended.

With respect to the policy involved in the clauses of the Bill mentioned below, the Committee offer the following remarks:—

1st. That in the opinion of the Committee the restriction upon the amount of valuation for improvements, in section 78, is opposed to public policy and injurious to the interests of the Province;

but as such restrictions will not operate for a number of years, the Committee do not consider it necessary to recommend its being struck out of the Bill.

2nd. With respect to the addition to section 83, providing that no compensation shall be given for improvements made during the current leases, the Committee have proposed no alteration in this provision, because they have been given to understand that it is the result of an arrangement between the parties themselves principally concerned, and which was fully discussed in the Provincial Council. At the same time they desire to express their own opinion of the impolicy of any provision which (besides other objections) tends to discourage and prevent the improvement of the country by an expenditure which would otherwise have been made upon improvements of a permanent character, such especially as fencing and the sowing of grasses, which by increasing the carrying capabilities of the runs would ultimately increase the Provincial Revenue to be derived from assessments upon the stock depastured thereon.

3rd. The provision for the sale of lands comprised in Hundreds, at ten shillings an acre, being considered by the Committee an alteration in the law which would materially and injuriously affect the interests of other Provinces than Otago, they have recommended that it be struck out. The same remark applies to the provision to enable the Governor to reduce the price of land on the recommendation of the Superintendent and Provincial Council.

9th August, 1866.

ALFRED DOMETT,  
Chairman of Joint Committee.

### No. 3.

#### CANTERBURY WASTE LANDS BILL.

THE Joint Committee appointed to consider all Bills affecting Waste Lands of the Crown have examined the Canterbury Waste Lands Bill to them referred, and recommend that the same be passed into law subject to the amendments and alterations advised by the Committee to be made therein, and particularly specified in the Bill hereto appended.

28th August, 1866.

ALFRED DOMETT,  
Chairman.

### No. 4.

#### THE PASTORAL LANDS (NELSON) LEASING BILL.

THE Joint Committee appointed to consider all Bills affecting Waste Lands of the Crown recommend that "The Pastoral Lands (Nelson) Leasing Act, 1866," be passed into law, with the amendments and alterations specified in the Schedule hereto attached.

The Committee desire to append to this Report the following resolution, relative to the circumstances under which the above Act has been introduced into the legislation:—

"That the existing 'Crown Lands (Nelson) Leasing Act, 1866,' having already been condemned by a resolution of this Committee, the Bill for the amendment of that Act, now submitted for its opinion, may be considered and approved or otherwise, notwithstanding the Nelson Provincial Legislature may not have entertained and recommended the same for the sanction of the General Assembly."

14th September, 1866.

ALFRED DOMETT,  
Chairman of Joint Committee.

### No. 5.

#### REPORT ON SIR D. MONRO'S PETITION.

THE Joint Committee on Waste Lands Bills to whom was referred for consideration the petition of Sir David Monro, have adopted the following resolutions:—

1st. That in the opinion of this Committee the action taken by the Nelson Waste Land Board in putting up for sale a part of Sir David Monro's run, without any application having been made by an intending purchaser, is a breach of the contract existing between the Crown and Sir David Monro under the depasturing license issued to him.

2nd. That Sir David Monro should have his money returned to him with legal interest, and be placed upon the precise footing he occupied under his original license before the land was advertised for sale on the 25th February, 1866.

3rd. That "The Nelson Crown Lands Leasing Act, 1865," is highly impolitic, and is injurious to the interests of the community, and requires amendment, particularly with respect to the provisions which enable the Waste Land Board to assess the rent to be paid upon depasturing lands at a percentage upon the selling price which the Act allows the Waste Land Board to put upon such lands.

3rd September, 1866.

ALFRED DOMETT,  
Chairman of Joint Committee.

### No. 6.

#### THE NELSON, COBDEN, AND WESTPORT RAILWAY LAND BILL.

THE Joint Committee appointed to consider all Bills affecting Waste Lands of the Crown have examined "The Nelson, Cobden, and Westport Railway Land Bill, 1866," and adopted the following resolutions:—

1st. That the difficulties in the way of any general Act appear to be insuperable, and render it necessary that each case should be specially dealt with by Act of the Assembly.

2nd. That the Committee, with the present evidence before them, cannot recommend the General Assembly to pass the Nelson, Cobden, and Westport Railway Land Bill.

3rd. That nevertheless this Committee recommends the project for the favorable consideration of the Legislature, whenever it can be shown that a contract for the work can be entered into by the Provincial Government of Nelson on reasonable terms.

19th September, 1866.

ALFRED DOMETT,  
Chairman of Joint Committee.

No. 7.

AUCKLAND WASTE LANDS BILL.

THE Joint Committee appointed to consider all Bills affecting Waste Lands of the Crown have examined the Auckland Waste Lands Bill to them referred, and recommend that the same be passed into law, subject to the amendments and alterations advised by the Committee to be made therein, and particularly specified in the Schedule hereto appended.

ALFRED DOMETT,  
Chairman of Joint Committee.

No. 8.

MARLBOROUGH WASTE LANDS BILL.

THE Joint Committee appointed to consider all Bills affecting Waste Lands of the Crown have examined the Marlborough Waste Lands Bill to them referred, and recommend that the same be passed into law, subject to the amendments and alterations advised by the Committee to be made therein, and particularly specified in the Schedule hereto appended.

ALFRED DOMETT,  
Chairman of Joint Committee.

No. 9.

MARLBOROUGH WASTE LANDS BILL.

THE Joint Committee appointed to consider all Bills affecting Waste Lands of the Crown have re-examined "The Marlborough Waste Lands Bill, 1866," and recommend that clauses 77 to 102, inclusive, be struck out, and the clauses particularly specified in the Schedule hereto appended inserted in lieu thereof.

3rd September, 1866.

ALFRED DOMETT,  
Chairman of Joint Committee.

