

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Interpretation. 3. Governor-General may appoint Commissioners to consider certain matters, viz.: Enlargement or curtailment of district. Creation and abolition of wards and alterations of ward-boundaries. Number of members of Board, and representation of wards. Rating, whether to be uniform or graduated. Composition for rates. Per- | | <p>sonnel of Commission. Chairmanship of Commission. Commissioners to take evidence. Report of Commissioners. Decisions of Commissioners to have force of law. To override existing statutory provisions. Present Board need not fill up vacancies. Postponement of general election in certain cases.</p> <ol style="list-style-type: none"> 4. Reserve vested in Board. 5. Extension of borrowing-powers. 6. Board to be leasing authority. 7. Board to pay costs of promoting Act. |
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1917, No. 8.—*Local and Personal.*

AN ACT to amend the Hawke's Bay Rivers Act, 1910, and the Hawke's Bay Rivers Amendment Act, 1912, and to vest certain Land in the Hawke's Bay Rivers Board, and to extend the Borrowing-powers of the said Board, and for other Purposes. Title.

[27th October, 1917.]

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

1. This Act may be cited as the Hawke's Bay Rivers Amendment Act, 1917, and it shall form part of and be read with the Hawke's Bay Rivers Act, 1910 (hereinafter referred to as the principal Act). Short Title.

2. In this Act—

“The Board” means the Hawke's Bay Rivers Board:

“The district” means the Hawke's Bay Rivers District:

The expression “special order” has the meaning assigned thereto in section ten of the principal Act. Interpretation.

3. (1.) Notwithstanding anything in the principal Act or in any other statute contained, the Governor-General may, if he thinks fit, at any time after the passing of this Act, appoint any five competent persons to be Commissioners, with all the powers Governor-General may appoint Commissioners to consider certain matters, viz.:—

of a Commission appointed by the Governor-General in Council under the Commissions of Inquiry Act, 1908, for the purpose of inquiring into and determining the following questions, that is to say:—

Enlargement or curtailment of district.
Creation and abolition of wards and alterations of ward-boundaries.

Number of members of Board, and representation of wards.

Rating, whether to be uniform or graduated.

Composition for rates.

Personnel of Commission.

Chairmanship of Commission.

- (a.) Whether any, and if any, then what, areas shall be added to or excluded from the district.
- (b.) Whether any new wards or subdivisions of the district shall be created, or any existing wards abolished; and whether it is necessary or desirable to make any, and, if any, what, alterations in the boundaries of any existing ward on account of the addition of any area to or the exclusion of any area from the district, or on any other account, or for any other reason whatsoever.
- (c.) Whether the Board shall continue to consist of ten members, or whether that number shall be increased or reduced, and in what manner the members shall be distributed among the several wards.
- (d.) Whether general and special rates shall be levied on a uniform scale throughout the district, or whether such rates shall be levied on a graduated scale, either—
- (i.) According to wards, and so that the rate levied in any one ward while levied equally upon all rateable property within that ward may differ in amount from the rate levied in any other ward; or
- (ii.) According to the local situation of the property rated irrespective of ward-boundaries; or
- (iii.) According to the benefit directly or indirectly receivable by the property rated from any river-works constructed or maintained, or proposed to be constructed, by the Board; or
- (iv.) According to any other method of classifying the property rated:
- And if such rates ought to be levied on a graduated scale, then upon what scale they should be levied as between the several wards or the several classes of property, as the case may be, or in what proportions each such rate should be imposed upon the several wards or the said several classes respectively.
- (e.) Whether all general and special rates leviable in any ward may be compounded for by the local authority having jurisdiction in that ward for borough, town, or county purposes, and what sum of money (if any) the Board may accept from any such local authority by way of composition for any general or special rate of a given amount, or in what manner any such composition is to be calculated and assessed.

(2.) Of the said Commissioners one may be a Judge of the Supreme Court, and two others at the least shall be civil engineers.

(3.) In case any such Judge as aforesaid shall be appointed a Commissioner he shall *ex officio* be Chairman of the Commission; but if no such Judge shall be so appointed, the Governor-General shall appoint one of their number to be Chairman.

(4.) The Commissioners shall sit to hear evidence in Napier and Hastings, and may at their pleasure sit for the like purpose in any other place or places either within or without the district.

Commissioners to take evidence.

(5.) So soon as practicable after the date of their appointment the Commissioners shall make to the Governor-General a report in writing under their hands wherein they shall set out their decisions touching the several questions referred to them, and upon receipt by the Governor-General of such report the Minister of Internal Affairs shall forthwith cause the said decisions to be published in the *New Zealand Gazette* as well as in some newspaper circulating in the district, and from and after the gazetting thereof the said decisions shall have the force of law without any other authority than this present Act, and all authorities and persons concerned shall take all proper steps and proceedings with a view to carrying out the said decisions and giving them full effect.

Report of Commissioners.

Decisions of Commissioners to have force of law.

(6.) All and singular the provisions of any and every statute relating or applicable to the Board or the district which shall be repugnant to or inconsistent with the said decisions or any of them shall, upon the gazetting of the said decisions, be deemed to be *ipso facto* repealed to the extent of such repugnancy or inconsistency as aforesaid.

To override existing statutory provisions.

(7.) Pending the gazetting of the said decisions, it shall not be incumbent on the Board to fill up any extraordinary vacancies that now exist therein or any like vacancies that may occur therein during the continuance in office of the present members.

Present Board need not fill up vacancies.

(8.) In case the said decisions shall not be gazetted at least thirty days prior to the second Tuesday in January, nineteen hundred and eighteen (being the day appointed for the next general election of members of the Board), then the present members of the Board shall continue to hold office until the expiration of thirty days from the day whereon the said decisions shall be gazetted.

Postponement of general election in certain cases.

(9.) The fees of the Commissioners, their personal expenses, and all other expenses incurred by them in or about the prosecution of the said inquiry, shall be chargeable against and shall be paid by the Board, but this provision is without prejudice to the general discretion of the Commissioners to award costs to or against any party to the inquiry.

4. The parcel of land known as Section 3, Block II, Clive Survey District, containing one hundred and twenty-two acres three roods, more or less, and extending along the seashore from the mouth of the Tukituki River to the mouth of the Ngaruroro River is hereby vested in the Board in fee-simple as a river-improvement reserve.

Reserve vested in Board.

5. (1.) For the purpose of completing the purchase of all or any lands which the Board have prior to the passing of this Act agreed to acquire as reserves for river-works, the Board may, by special order, raise a special loan under the Local Bodies' Loans Act, 1913, without taking any of the steps described in sections eight to twelve of that Act.

Extension of borrowing-powers.

(2.) For the purpose aforesaid the Board may from time to time borrow money, at any rate of interest approved by the Minister of Finance, on the security of the rents and profits of the reserves vested in them, or any of those reserves.

(3.) The word "reserves" where used in the last preceding subsection shall be deemed to mean and include all lands for the time being vested in or belonging to the Board.

Board to be leasing
authority.

6. The Board are hereby declared to be a "leasing authority" within the meaning of the Public Bodies' Leases Act, 1908.

Board to pay costs
of promoting Act.

7. All costs and expenses of and incidental to the promotion of this Act shall be chargeable against the Board, and shall be paid out of moneys belonging to the Board.
