

*Mr. Herring.*

**ASHBURTON COUNTY ~~RIVER DISTRICT~~ RIVERS.**

[LOCAL BILL.]

ANALYSIS.

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2. Constitution of district.	15. Prescribing manner of determining amount of compensation in event of disagreement.
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A BILL INTITULED

AN ACT to make Better Provision for the Improvement of the Ashburton and Hinds Rivers and Tributaries thereto, and for the Protection of certain Lands in the Ashburton County and the Lands contiguous thereto. Title.

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

Short Title  
and  
commencement.

1. This Act may be cited as the Ashburton County River-District Rivers Act, 1936.

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and shall come into operation on a date to be fixed on as above by the Governor-General by Order in Council (or shall come into operation on the            day of            , nineteen hundred and thirty-            ).

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*New.*

Interpretation.

1A. In this Act, if not inconsistent with the context,—

“ Council ” means the Ashburton County Council: 15

“ County ” means the County of Ashburton.

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Constitution  
of district.

2. The areas comprised in the County of Ashburton, the Borough of Ashburton, and the Tinwald Town District as existing at the commencement of this Act are hereby constituted and declared to be a special river district to be called the “ Ashburton County River District ” (hereinafter called the district).

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Constitution  
of River  
Board.

3. There shall be for the district a Board under the name of the “ Ashburton County River Board ” (hereinafter referred to as the Board) consisting of fifteen members to be elected in manner hereinafter appearing.

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Constituting  
Board a body  
corporate.

4. Such Board shall be a body corporate, with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

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Powers of  
Board.

5. The Board hereby constituted shall be deemed to be a River Board under the River Boards Act, 1908, and shall have all the powers conferred on a River Board by that Act, and all the provisions of that Act, except in so far as any of such provisions are expressly or impliedly extended, varied, or repealed by this Act and the River Boards Act, apply accordingly. In addition to the foregoing powers the Board shall have and be empowered to exercise such of the provisions of the Land Drainage Act, 1908, as are set out in the Schedule hereunder written.

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*New.*

5 shall have in respect of the County of Ashburton all the powers conferred on a River Board by the River Boards Act, 1908, or by any other Act, as if the county were a  
 10 duly constituted river district, and all the provisions of any such Act shall, with the necessary modifications, apply accordingly to the Council. The Council shall also have in respect of the county the powers conferred on a Drainage Board by sections seventeen, eighteen,  
 15 nineteen, twenty-three, fifty, fifty-seven, and sixty-two of the Land Drainage Act, 1908, and the provisions of those sections shall, with the necessary modifications, apply to the Council.

Ashburton  
 County Council  
 to have powers  
 of River  
 Board.

15 In particular, without restricting the general powers hereby given, the ~~Board~~ Council shall have and possess the following powers, that is to say:—

- (a) It may divert any drain, stream, or river, and close up any outlet or inlet to or from the same:  
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- (b) It may from time to time make, maintain, alter, or discontinue in, on, over, through, or across any land within the ~~district~~ county such overflow or other channels as the ~~Board~~ Council may consider necessary for the purpose of carrying out its operations:  
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- (c) It may out of any special loans raised for that purpose, or out of its general funds, purchase from any local authority or ratepayer within the ~~district~~ county any land, or any portion of the protection works erected by any such local authority or ratepayer without purchasing the land on which such protection ~~work~~—is works are erected, and either with or without any easement over the land on which such protection works are erected, or any machinery and ~~or~~ assets of any such local authority or ratepayer which in the opinion of the ~~Board~~ Council are or are likely to be required for the efficient carrying-out of the ~~Board's~~ Council's operations under this Act.  
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Power to constitute subdivisions.

6. (1) [Notwithstanding section seven of the River Boards Act, 1908, or anything to the contrary in the said Act contained, the Board may

*The Council may, for the purpose of carrying-out its functions under this Act, by special order constitute any portion of the district county a separate subdivision or may divide the district county into subdivisions, and may in like manner increase, diminish, or abolish any subdivisions or may constitute any two or more subdivisions as one subdivision.*

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(2) On the passing of any such special order constituting a subdivision or subdivisions, or constituting any two or more subdivisions as one subdivision, the number of members of the Board shall not be increased or diminished, nor shall there be any alteration in the manner in which such members are elected.

(3) The Board Council shall have such powers as to rating and classification of land for rating as are conferred by the River Boards Amendment Act, 1913, and such powers may by resolution of the Board Council be exercised separately with respect to each subdivision.

Limitation of right of other local authorities or persons to construct river-protection works.

7. Any local authority or other public body or any ratepayer or other person shall not, except with the consent in writing of the Board Council, do, construct, or erect any river-protection works in the district or do or construct or erect anything that will obstruct or which will be likely to obstruct the free flow of flood-waters over any land within the district county.

Proposals for drains and for other works to be approved by the Council.

8. All proposals by any person or body for any drain or drains to be emptied into any river in the district county or into any drain or drains under the control of the Board Council, and all plans of blocks, groynes, bridges, or embankments, shall be submitted to and approved by the Board Council before being carried into effect.

Limitation of right to plant and cut trees.

9. No planting or cutting of willows or other trees on the banks of the Ashburton and Hinds Rivers or of any of the tributaries thereof, or any rivers under the jurisdiction of the Board Council, shall be done except ~~by or by direction or approval of the Board~~ by the Council or with its approval.

10. The ~~Board~~ Council may from time to time make by-laws concerning the taking or diverting of water from any drain, creek, or river within the ~~district~~ county, and may by any such by-laws prescribe a fine not exceeding 5 fifty pounds for any breach thereof. Power to make by-laws.

11. The ~~Board~~ Council shall so far as its funds will permit carry out the following works:— General powers of Council.

(a) Works to safeguard the ~~Borough of Ashburton, the county of Ashburton, and the Township of Tinwald~~ from flood:

(b) Works to protect from erosion the banks on either side of the Ashburton and Hinds Rivers or of any tributary of the same:

(c) Such works as may be necessary to remove shingle, debris, and other obstructions of the free flow of the water from the Ashburton River, the Hinds River, or any tributary or creek thereof respectively, and to take such steps as in the opinion of the ~~Board~~ Council may be necessary to keep such rivers and the tributaries and creeks thereof free from obstruction or to prevent the flood or flood-waters from such rivers, creeks, or tributaries from overflowing the banks thereof:

(d) Generally such works as may be necessary or desirable to prevent or mitigate the flooding of land in the ~~district~~ county by flood-waters from the Ashburton River and the Hinds River and the tributaries or creeks thereof respectively.

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12. (1) Notwithstanding anything to the contrary in the River Boards Act, 1908, or any other Act, the Board may, with the consent in writing of the Minister of Public Works, construct river-protection works on those parts of the south bank of the Rakaia River lying outside the County of Ashburton. With consent of Minister of Public Works, may construct certain works in Rangitata River.

12. (2) Notwithstanding anything to the contrary in the Geraldine County River District Act, 1921-22, or any other Act, the ~~Board~~ Council may, with the consent in writing of the Minister of Public Works, construct river-protection works in or in the bank of that part of the Rangitata River lying within or on the boundary of the County of Ashburton.

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Prohibition against interference with supply of water to water-races.

**13.** In constructing any works under this Act the Board shall not cut off from the Ashburton River or interfere with the supply of water to any water-races vested in the Ashburton County Council whether under the Water-supply Act, 1908, or otherwise.

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Empowering Council to purchase land in lieu of paying compensation.

**14.** In lieu of paying compensation to the owner or occupier of any land that may be damaged or injuriously affected by any work carried out under the provisions of this Act, the ~~Board~~ Council is hereby empowered to purchase such land.

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Prescribing manner of determining amount of compensation in event of disagreement.

**15.** If the owner of such land and the Board cannot agree as to the price to be paid therefor the Board shall pay compensation, which shall be determined in the manner prescribed by Part III of the Public Works Act, 1908.

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Prohibiting execution of work upon railway land without authority of Minister of Railways.

**16.** It shall not be lawful for the ~~Board~~ Council or for any local authority or public body or for any other person to execute any work upon or affecting any railway land in any part of the ~~district~~ county except with the previous consent and approval of the Minister of Railways, who may impose such conditions for the protection and safety of the railways as he thinks fit.

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Wakanui River District to be abolished.

**17.** (1) The Wakanui River ~~Board~~-constituted-under the ~~River Boards Act, 1908~~, District is hereby abolished and the Board dissolved.

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(2) All property of such Board is hereby vested in the ~~Board~~-constituted-hereby Council, and all liabilities and engagements of such Board shall become the liabilities and engagements of the aforesaid ~~Board~~ Council, and all rates and other moneys payable to such Board ~~so~~-abolished shall notwithstanding its abolition become payable to the ~~said~~ Board Council, and all actions and proceedings which ~~in~~ on the abolition of such Board are pending or which might thereafter have been instituted by or against such Board had it continued to exist may be carried on or instituted by or against the ~~Board~~ Council.

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5	<p><b>18.</b> The area comprised in the County of Ashburton as existing at the commencement of this Act shall, subject to provision as to alteration contained in section <i>six</i> or otherwise in this Act or in the River Boards Act, 1908, form a separate subdivision of such district.</p>	<p>Constituting County of Ashburton a separate subdivision.</p>
10	<p><b>19.</b> The area comprised in the Borough of Ashburton as existing at the commencement of this Act shall, subject to the provision as to alteration aforesaid, form a separate subdivision of such district.</p>	<p>Constituting Borough of Ashburton a separate subdivision.</p>
15	<p><b>20.</b> The area comprised in the Town District of Tinwald shall, subject to the provision as to alteration aforesaid, form a separate subdivision of such district.</p>	<p>Constituting Town District of Tinwald a separate subdivision.</p>
20	<p><b>21.</b> Notwithstanding anything contained in the River Boards Act, 1908, the members of the Board shall be elected under paragraph (<i>b</i>) of section eighteen of the River Boards Act, 1908, by the following local authorities—namely, twelve members by the Chairman, Councillors, and Inhabitants of the County of Ashburton, two members by the Mayor, Councillors, and Burgesses of the Borough of Ashburton, and one member by the Commissioners of the Tinwald Town Board.</p>	<p>Prescribing how members of Board elected.</p>
25	<p><b>22.</b> The members appointed by the Ashburton County Council, the Borough of Ashburton, and the Tinwald Town Board respectively shall at the date of their appointment be members respectively of the Ashburton County Council, the Ashburton Borough Council, and the Tinwald Town Board.</p>	<p>Members appointed to Board to be members of respective local bodies.</p>
30	<p><b>23.</b> The first Board shall be elected by the local bodies above mentioned upon a date to be appointed by the Governor-General in Council. The members so elected shall hold office until the first day of May, nineteen hundred and thirty-eight, or until their successors are appointed.</p>	<p>Date of election of members of first Board.</p>
35	<p><b>24.</b> During the month of July, nineteen hundred and thirty-eight, and during the month of July in every succeeding third year thereafter, members of the Board shall be elected by the local authorities mentioned in sections <i>twenty-one</i> and <i>twenty-two</i> hereof, and they shall hold office for a period of three years from the date of their election or until their successors are appointed.</p>	<p>Date of election of members of succeeding Boards.</p>

8. *Ashburton County River District Rivers*

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Schedule.

SCHEDULE.

SECTIONS of the Land Drainage Act, 1908, and its amendments, which are incorporated in this Act—viz., sections 17, 18, 19, 23, 50, 57, 62.

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