

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.

30th October, 1936.

Mr. Herring.

ASHBURTON RIVERS.

[LOCAL BILL.]

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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.

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 Ashburton Rivers Act, 1936. Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.

“ Council ” means the Ashburton County Council;
 “ County ” means the County of Ashburton.

Ashburton
County Council
to have powers
of River
Board.

3. Subject to the provisions of this Act, the Council 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 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, 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. In particular, without restricting the general powers hereby given, the 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: 5
- (b) It may from time to time make, maintain, alter, or discontinue in, on, over, through, or across any land within the county such overflow or other channels as the Council may consider necessary for the purpose of carrying out its operations: 10 20
- (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 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 works are erected, either with or without any easement over the land on which such protection works are erected, or any machinery and assets of any such local authority or ratepayer which in the opinion of the Council are or are likely to be required for the efficient carrying-out of the Council's operations under this Act. 15 25 30 35

4. (1) The Council may, for the purpose of carrying out its functions under this Act, by special order constitute any portion of the county a separate subdivision or may divide the 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.
- (2) The 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 Council be exercised separately with respect to each subdivision.
5. Any local authority or other public body or any ratepayer or other person shall not, except with the consent in writing of the 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 county.
6. All proposals by any person or body for any drain or drains to be emptied into any river in the county or into any drain or drains under the control of the Council, and all plans of blocks, groynes, bridges, or embankments, shall be submitted to and approved by the Council before being carried into effect.
7. 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 Council, shall be done except by the Council or with its approval.
8. The Council may from time to time make by-laws concerning the taking or diverting of water from any drain, creek, or river within the county, and may by any such by-laws prescribe a fine not exceeding fifty pounds for any breach thereof.
9. The Council shall so far as its funds will permit carry out the following works:—
- (a) Works to safeguard the county 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

Power to constitute subdivisions.

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

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

Limitation of right to plant and cut trees.

Power to make by-laws.

General powers of Council.

River, the Hinds River, or any tributary or creek thereof respectively, and to take such steps as in the opinion of the 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: 5

(d) Generally such works as may be necessary or desirable to prevent or mitigate the flooding of land in the county by flood-waters from the Ashburton River and the Hinds River and the tributaries or creeks thereof respectively. 10

With consent of Minister of Public Works, may construct certain works in Rangitata River.

10. Notwithstanding anything to the contrary in the Geraldine County River District Act, 1921-22, or any other Act, the 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. 15 20

Empowering Council to purchase land in lieu of paying compensation.

11. 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 Council is hereby empowered to purchase such land. 25

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

12. It shall not be lawful for the 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 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. 30

Wakanui River District to be abolished.

13. (1) The Wakanui River District is hereby abolished and the Board dissolved. 35

(2) All property of such Board is hereby vested in the Council, and all liabilities and engagements of such Board shall become the liabilities and engagements of the Council, and all rates and other moneys payable to such Board shall notwithstanding its abolition become payable to the Council, and all actions and proceedings which 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 Council. 40 45