

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,
2nd December, 1913.*

Hon. Mr. Herdman.

COUNTIES AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Counties Act, 1908.

Title.

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

Short Title.

1. This Act may be cited as the Counties Amendment Act, 1913, and shall form part of and be read together with the Counties Act, 1908 (hereinafter referred to as the principal Act).

Alteration of county boundaries.

2. (1.) The boundaries of any two or more contiguous counties may from time to time be altered by the Governor by Proclamation.

(2.) Where the principal Act is in force in any one or more of the counties the boundaries whereof are proposed to be altered, a Proclamation under this section may be made in accordance with a resolution proposing the alteration passed by the Council of each of such counties in which the principal Act is in force.

(3.) (a.) If the Council of any county passes a resolution proposing an alteration of boundaries, and the Council of any contiguous county whose boundaries are thereby proposed to be altered does not within three months thereafter pass a resolution proposing the same alteration, the Council which has passed such resolution may present a

petition to the Governor requesting that the proposed alteration be made. Such petition shall be executed by the petitioning Council under the seal of the county, and be signed by not less than two-thirds of those ratepayers whose properties are situated within the area or areas which it is proposed by such alteration to exclude from or include in the boundaries of the county of the petitioning Council. 5

(b.) Upon receipt of such petition the Governor may direct a Commission, consisting of a Commissioner of Crown Lands and an officer in charge of a valuation district within which any such area proposed to be excluded or included, or part thereof, is situated, and one other fit person appointed by the Governor, to inquire and report to him whether the alterations of boundaries proposed by the petitioning Council or any other alterations of the boundaries of the contiguous counties ought or ought not to be made. 10

(c.) The said Commission shall have all the powers and functions of a Commission under the Commissions of Inquiry Act, 1908. 15

(d.) The Governor may, by Proclamation, alter the boundaries of the petitioning county and the contiguous county or counties in such manner as he may deem to be in accordance with the report of the said Commission. 20

(4.) A Proclamation made under the authority of this section shall fully describe the altered boundaries of each of the counties affected by it, and the altered boundaries so defined shall, as from the gazetting of the Proclamation, be the boundaries of the counties mentioned therein. 25

(5.) Section sixteen of the principal Act is hereby repealed.

Repeal.

Moneys payable on alteration of boundaries of counties.

3. Where by the terms of any adjustment made pursuant to section seventeen of the principal Act any sum of money is payable by the Council of a county, the Council may raise such sum or any part thereof by way of special loan without taking the steps described in sections eight to twelve of the Local Bodies' Loans Act, 1913. 30

Section 23 of principal Act amended.

4. (1.) Section twenty-three of the principal Act is hereby amended by omitting the word "nine" and substituting the word "twelve."

Section 59 of principal Act amended.

(2.) Section fifty-nine of the principal Act is hereby amended by omitting from subsection one the word "nine" and substituting the word "twelve." 35

Repeal.

(3.) Sections two and four of the Counties Amendment Act, 1908, are hereby repealed.

County electors roll, when to be prepared.

5. (1.) The roll required by section forty-five of the principal Act shall be prepared on or before the twenty-second day of July in every year in which a general election of Councillors is to be held, and the said section is hereby modified accordingly. 40

(2.) The principal Act is hereby consequentially amended by omitting the words "April" and "May," wherever they occur in sections forty-five to forty-nine, and substituting the words "July" and "August" respectively; and the references to the months of April and May in those sections shall be references to the months of July and August respectively in the year in which the roll is to be prepared and not in each year. 45

Objections to county electors roll.

6. (1.) Any person may, on or before the twenty-second day of August, lodge with the Council an objection in writing under his hand to the county electors roll on any of the following grounds:— 50

(a.) That any person whose name is on the said roll in respect of any qualification does not possess that qualification at the time when the objection is lodged ;

5 (b.) That any person whose name is not on the said roll possesses the necessary qualification at the time when the objection is lodged, and is entitled to have his name enrolled ;

(c.) That the number of votes allotted to any person is greater or less than that to which he is entitled ; or

10 (d.) That any person whose name is on the roll has not paid all the rates he was liable to pay on or before the thirty-first day of December previous.

(2.) The Council shall forthwith, after receipt of any such objection, inquire into and dispose of the same.

15 7. (1.) The Council shall from time to time, upon any objection as aforesaid or of its own motion, amend the county electors roll of any riding by adding to the roll the name of any person who then in fact possesses the necessary qualification but is not entered thereon, and by erasing therefrom the name of any person who does not then in fact possess the necessary qualification but is entered thereon. Amendment of county electors roll

20 (2.) The Council shall also from time to time make in the county electors roll any necessary corrections in the statement of the names, occupations, addresses, and qualifications of persons enrolled thereon.

(3.) Where the name of any person is erased from the roll for any reason other than the death of that person notice in writing of the erasure shall forthwith be given by the Clerk by registered letter addressed to the person whose name is so erased.

25 8. (1.) Any person aggrieved by any decision or act of the Council touching the county electors roll may appeal therefrom by lodging with the Clerk of the Magistrate's Court nearest to the place where the copy of the roll where the riding is kept, an objection in writing under his hand on any of the grounds mentioned in section *six* hereof. Appeals to Magistrate.

(2.) A copy of the objection shall also forthwith be lodged with the County Clerk.

35 (3.) All such objections shall be heard by the Magistrate at such convenient time and place as he appoints, and not less than three days' notice shall be given to the County Clerk and to the appellant of the place and time so appointed :

40 Provided that no appeal shall be considered after the date fixed for the closing of the roll as hereinafter mentioned, unless notice thereof has been lodged not later than seven days after that date.

(4.) On the hearing of any such objection the Magistrate may order such alterations in and additions to the roll to be made as he thinks just.

45 (5.) All such alterations and additions shall be made by the County Clerk and initialled by the Magistrate.

9. The county electors roll for each riding shall come into force on the first Wednesday in October, and shall be the electors roll for the riding until a fresh roll comes into force as herein provided. When roll to come into force.

50 10. (1.) The county electors roll shall be deemed to be closed at five o'clock in the afternoon— Closing of the roll

(a.) Of the day in which it comes into force in the case of a general election ; and

(b.) Of the twenty-eighth day preceding the day appointed for any election other than a general election or for any poll.

(2.) Except pursuant to appeal under section *eight* hereof, in cases where the appeal was pending at the time when the roll was closed, no alteration or addition shall be made in or to the county electors roll of any riding while it is closed as aforesaid. 5

Repeals.

11. (1.) Subsection two of section forty-nine, and sections fifty and fifty-one of the principal Act, are hereby repealed.

Section 52 of principal Act amended.

(2.) Section fifty-two of the principal Act is hereby amended by omitting the words "signed by the Clerk" and substituting the word "closed." 10

Clerk to prepare roll for purposes of poll.

12. (1.) For the taking of a poll on any proposal that is to be submitted to the votes of all the electors or ratepayers of a county, or to some only of those electors or ratepayers, the Clerk shall prepare from the county electors roll or rolls a roll comprising all the electors or ratepayers entitled to vote at such poll, but so that no person's name shall appear more than once on such roll: 15

Provided that for the purposes of any proposal to be submitted to all the electors or ratepayers of a county the rolls of the several ridings shall together be the roll required by this section. 20

(2.) Except in the case mentioned in the proviso to the *last preceding* subsection such roll shall be corrected, completed, and authenticated in the manner hereinbefore provided in the case of the county electors roll of a riding.

Section 81 of principal Act amended.

13. Section eighty-one of the principal Act is hereby amended by adding at the end of subsection one the words "or of any committee thereof or to attend to any business of the Council when authorized by resolution of the Council so to do," and by repealing subsection three. 25

Section 82 of principal Act amended.

14. (1.) Section eighty-two of the principal Act is hereby amended by adding the words "or the Council may vote a lump sum, not exceeding the sum of one hundred pounds, to the Chairman in each year in lieu of travelling-expenses." 30

(2.) In any case where a Council has at any time since the first day of April, nineteen hundred and twelve, voted any sum or sums, not exceeding in the aggregate in any one year the sum of *one hundred* pounds, for the travelling-expenses of the Chairman, such sum or sums shall be deemed without further inquiry to have been the actual travelling-expenses of the Chairman when travelling on the business of the county. 40

Section 97 of principal Act amended.

15. Subsection one of section ninety-seven of the principal Act is hereby amended by omitting from paragraph (b) the words "fifty-sixth" and substituting the word "seventieth." 45

Section 98 of principal Act amended.

16. Section ninety-eight of the principal Act is hereby amended by inserting, after subsection one, the following subsection:— 45

"(1A.) A copy of every special order merging in a county any road district or any town district that forms part of the county, with a certificate signed by the Chairman or Clerk to the effect that the special order has been duly made, shall be sent to the Minister of Internal Affairs, and shall be gazetted by him, and the special order shall take effect from the date of the gazetting thereof or from such later date as is specified in the order." 50

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17. (1.) Section one hundred and eighteen of the principal Act is hereby amended as follows:—

Section 118 of principal Act amended.

(a.) By omitting from subsection one the words "in the riding," and substituting the words "for works in that riding and its proportionate part (on a rateable-value basis) of the amount required to be provided from general rates pursuant to paragraphs (a), (b), and (c) of section one hundred and twenty-eight hereof":

(b.) By repealing subsection three.

18. (1.) Subsection one of section one hundred and twenty-eight of the same Act is hereby amended by repealing paragraphs (d) and (e) thereof, and substituting the following:—

Section 128 of principal Act amended.

"(d.) The remainder of the gross estimated income shall be apportioned among the several ridings of the county in proportion to the total income estimated to be received from each riding."

(2.) Subsection three of the said section one hundred and twenty-eight is hereby amended by adding the words "All such separate accounts shall be audited by the Audit Office."

19. For the purposes of any drainage-works constructed or maintained by a Council under the authority of section one hundred and sixty-six of the principal Act, the Council may from time to time make and levy within the county, or within any district constituted under section one hundred and sixty-seven of the said Act, or within any subdivision of such district, a drainage rate not exceeding one penny in the pound on the capital value of the rateable property within the county, or district, or subdivision, as the case may be.

Drainage rate.

20. Section one hundred and seventy of the principal Act is hereby amended by repealing subsections two to seven thereof.

Repeal.

21. (1.) Every drainage rate or special rate for drainage purposes hereafter made under the principal Act or this Act shall be levied on a graduated scale according to a classification to be made by the Council of the rateable property within the rating-area:

Drainage rates to be on graduated scale.

Provided that if the Minister of Internal Affairs, on the request of the Council, and after due inquiry, is satisfied that all the lands liable to be rated will practically derive equal benefit from the drainage-works in respect of which any rate or special rate is proposed to be made and levied, he may authorize the Council to make and levy such rate on a uniform scale.

(2.) For the purposes of this section the Council may from time to time appoint one or more fit persons to examine and classify all rateable property within the rating-area into the following classes:—

Classification of lands for rating purposes.

- (a.) Lands receiving or likely to receive immediate and direct benefit from the drainage-works;
- (b.) Lands receiving or likely to receive less direct benefit therefrom;
- (c.) Lands receiving or likely to receive only an indirect benefit therefrom; and
- (d.) All other lands.

(3.) The rate shall be imposed upon the several classes in such proportions as the Council in each case appoints:

Provided that before the appointment of such proportions the Council shall cause public notice to be given of the respective pro-

portions it proposes to appoint; and shall, at a meeting of the Council to be held after the expiration of a period of twenty-eight days after the first publication of such notice, consider all objections in writing (if any) received by the Council to such proposed proportions:

Provided also that the rate shall not be imposed on any property which has not received and is not likely to receive any benefit from the expenditure in respect of which the rate is made. 5

(4.) Every classification so made shall be set forth in a list to be sealed with the common seal of the county, and the Council shall immediately cause public notice of such classification to be given, 10 and of the place where the classification-list may be inspected for a period of twenty-one days.

Appeal from classification.

(5.) Any person who thinks himself aggrieved by such classification may appeal against the same on the ground that the land of the appellant, or any other land in the rating-area, has not been fairly 15 classified in accordance with the benefit received or likely to be received from the expenditure aforesaid, or has not been classified.

Notice of appeal.

(6.) A notice of appeal setting out the grounds thereof shall, within seven days next after the expiration of the twenty-one days appointed for the inspection of the classification-list, be given to the 20 Clerk of the nearest Magistrate's Court, and a copy thereof shall within the same seven days be lodged at the public office of the Council.

(7.) The appeal shall be heard by the Magistrate at such convenient time and place as he appoints, of which not less than 25 three days' notice shall be given to the County Clerk and to the appellant.

Amendment of classification.

(8.) On the hearing of any such appeal, the Magistrate may cause the classification-list to be amended in such manner as he thinks reasonable, and he shall sign the list as so amended, and the 30 determination of the Magistrate shall be final and conclusive.

Sealed copy of classification-list to be receivable in evidence.

(9.) Every classification-list sealed with the seal of the county, or signed by a Magistrate in the case of any such appeal as aforesaid, shall, for the purpose of any proceedings for the recovery of rates, be sufficient evidence of a classification duly made by the Council 35 in accordance with the requirements of this Act.

Amendment of classification-list.

(10.) The classification-list may from time to time be amended by the Board:

Provided that no such amendment shall have effect until the expiration of two months after the service of notice of the amend- 40 ment on all ratepayers affected thereby. The provisions of this section relating to appeals and to the authentication of the classification-list shall apply to every such amendment of the list.

County Chairman to be Justice of the Peace.

22. The County Chairman, not being the holder of a publican's or accommodation license, shall be a Justice of the Peace during 45 the time he holds the office of Chairman.

Notice of election of Chairman.

23. The County Clerk shall, upon every election of a County Chairman, forthwith give notice thereof to the Minister of Internal Affairs.

Repeal.

24. Section one hundred and forty-two of the principal Act is 50 hereby repealed.

Power to borrow for harbour-works.

25. (1.) For the purposes of any harbour-works a Council may, where there is no Harbour Board, or where the Council has been appointed a Harbour Board, borrow moneys by way of special loan in the manner prescribed by the Local Bodies' Loans Act, 55 1913:

Provided that moneys so borrowed shall not be expended in the maintenance or repair of any harbour-work or for any purpose other than the construction or acquisition of the harbour-works for which they were borrowed.

5 (2.) Section one hundred and eighty-six of the principal Act is hereby repealed. Repeal.

26. Section two of the Counties Amendment Act, 1910, is hereby amended by inserting, after the words "the Governor may," the words "from time to time"; by inserting, after the word "Sounds," the words "or in any of those counties"; and by inserting, after the word "Peninsula," the words "or in any of those counties." Section 2 of Amendment Act, 1910, amended.

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27. (1.) A Council to which a license to construct or use an electric line has been issued under section two of the Public Works Amendment Act, 1911, may supply electric light and power from that electric line to the inhabitants of the county within the limits of the license, and may exercise within those limits all powers necessary for that purpose. Council may supply electric light and power to inhabitants of county.

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(2.) Such supply shall for all purposes be deemed a public work.

(3.) The Council may from time to time fix a uniform price at which electric light or electric power shall be supplied to private consumers, and the times when the same shall be payable.

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(4.) This section shall, *mutatis mutandis*, extend and apply to the Boards of road districts in counties in which the principal Act is suspended.

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28. (1.) In this and the *next succeeding* sections—

"Worker" includes every person, male or female, who is employed in work of any kind or in manual labour:

Interpretation.

"Workers' dwellings" includes land, not exceeding five acres of first-class land, ten acres of second-class land, and twenty acres of third-class land, as defined by the Land Act, 1908, surrounding the dwelling.

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(2.) The Council may, on any land purchased, acquired, or appropriated by it for the purpose, erect, for occupation by workers employed or resident in the County, any buildings suitable for workers' dwellings, or may purchase or otherwise acquire any buildings, with or without lands, for such purpose, and may convert any buildings into workers' dwellings, and may alter, enlarge, repair, and improve the same respectively, and fit up, furnish, and supply the same or any of them respectively with all requisite furniture, fittings, and conveniences.

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Council may erect or purchase workers' dwellings.

(3.) The Council may make by-laws in reference to the letting of workers' dwellings. By-laws.

(4.) The Council shall manage and control every worker's dwelling that it so fits up, furnishes, and supplies as aforesaid. Management.

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(5.) The Council may make reasonable charges for the tenancy or occupation of the workers' dwellings provided under this or the *next succeeding* section. Charges.

(6.) The acquisition of land and erection of workers' dwellings for the purposes of this and the *next succeeding* section shall be deemed a public work within the meaning of the Public Works Act, 1908. Acquiring land a "public work."

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29. (1.) In addition to the powers conferred on Councils by the *last preceding* section, a Council may— Modes of dealing with workers' dwellings.

(a.) Let to a worker, for the purpose of a worker's dwelling, any land which it is empowered to lease for any purpose for a term exceeding twenty-one years; and may either itself

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erect a worker's dwelling thereon, or may lend money to the lessee to enable him to erect a worker's dwelling thereon, and may provide for the repayment of any such loan, with interest, by instalments as hereinafter mentioned. Any such lease may be granted on any of the tenancies authorized by section five of the Public Bodies' Leases Act, 1908. If such lease is granted on the terms mentioned in the First or in the Second Schedule to that Act, then to the extent to which the worker's dwelling has been paid for by the lessee (whether out of his own moneys or by repayments by instalments of the loan-moneys), the worker's dwelling shall be deemed an improvement effected by the lessee during his tenancy :

(b.) Advance money to a worker to enable him to acquire land and erect a worker's dwelling thereon, and may provide for the repayment of the advance with interest by instalments :

(c.) Sell to a worker any separate worker's dwelling on such terms as the Council thinks fit, and, in particular, may provide for the payment of the purchase-money (after deducting the amount of any deposit paid by the purchaser) with interest by instalments.

(2.) In any case mentioned in this section where money is advanced to a worker, or any purchase-money is unpaid, interest shall be paid at the rate of five per centum per annum.

(3.) In any case mentioned in this section where provision is made for the repayment of any advance, or for the payment of any purchase-money by instalments, such instalments may be made weekly, fortnightly, or monthly, as may be arranged, for a period of twenty-five and a half years, and shall be calculated at the rate of seven per centum of the amount of the advance or of the purchase-money, less any deposit paid by the purchaser.

(4.) Every weekly or other instalment made as aforesaid shall consist partly of principal and partly of interest, and the amount of principal and interest respectively paid during each period of six months shall be calculated according to the scale in the Schedule hereto.

(5.) In any case where the provisions of the *last preceding* section or this section are for any reason found to be ineffectual or inapplicable to the circumstances of any particular case, or class of cases, the Governor may, at the request of the Council, by regulations, make special directions providing for any such special case or class of cases, and for the removal of any technical or other difficulty preventing the Council from exercising the powers intended to be conferred by those sections, and any such direction shall have the same force of law as if it were enacted in this Act; and every contract entered into by the Council, whether with a worker or any other person, or with any lender of money, in pursuance of or under the authority of any such direction, shall be valid and effectual for all purposes.

30. The Council may—

(a.) Quarry, purchase, and sell road-metal or other material for roadmaking on such terms as it thinks fit :

(b.) Quarry, burn, purchase, and sell lime on such terms as it thinks fit.

SCHEDULE.

Schedule.

TABLE SHOWING THE PRINCIPAL AND INTEREST CONTAINED IN A HALF-YEARLY PAYMENT OF £3 10s. FOR EVERY £100 OF UNPAID PURCHASE-MONEY OR LOAN AT 5 PER CENTUM INTEREST.

Half-year.	Half-yearly Instalment.	Apportioned thus:			Balance of Principal owing.
		On Account of Interest at 5 per Centum.	On Account of Principal.		
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
1st	3 10 0	2 10 0	1 0 0	99 0 0	
2nd	3 10 0	2 9 6	1 0 6	97 19 6	
3rd	3 10 0	2 9 0	1 1 0	96 18 6	
4th	3 10 0	2 8 6	1 1 6	95 17 0	
5th	3 10 0	2 7 11	1 2 1	94 14 11	
6th	3 10 0	2 7 4	1 2 8	93 12 3	
7th	3 10 0	2 6 10	1 3 2	92 9 1	
8th	3 10 0	2 6 3	1 3 9	91 5 4	
9th	3 10 0	2 5 8	1 4 4	90 1 0	
10th	3 10 0	2 5 0	1 5 0	88 16 0	
11th	3 10 0	2 4 5	1 5 7	87 10 5	
12th	3 10 0	2 3 9	1 6 3	86 4 2	
13th	3 10 0	2 3 1	1 6 11	84 17 3	
14th	3 10 0	2 2 5	1 7 7	83 9 8	
15th	3 10 0	2 1 9	1 8 3	82 1 5	
16th	3 10 0	2 1 0	1 9 0	80 12 5	
17th	3 10 0	2 0 4	1 9 8	79 2 9	
18th	3 10 0	1 19 7	1 10 5	77 12 4	
19th	3 10 0	1 18 10	1 11 2	76 1 2	
20th	3 10 0	1 18 0	1 12 0	74 9 2	
21st	3 10 0	1 17 3	1 12 9	72 16 5	
22nd	3 10 0	1 16 5	1 13 7	71 2 10	
23rd	3 10 0	1 15 7	1 14 5	69 8 5	
24th	3 10 0	1 14 8	1 15 4	67 13 1	
25th	3 10 0	1 13 10	1 16 2	65 16 11	
26th	3 10 0	1 12 11	1 17 1	63 19 10	
27th	3 10 0	1 12 0	1 18 0	62 1 10	
28th	3 10 0	1 11 1	1 18 11	60 2 11	
29th	3 10 0	1 10 1	1 19 11	58 3 0	
30th	3 10 0	1 9 1	2 0 11	56 2 1	
31st	3 10 0	1 8 1	2 1 11	54 0 2	
32nd	3 10 0	1 7 0	2 3 0	51 17 2	
33rd	3 10 0	1 5 11	2 4 1	49 13 1	
34th	3 10 0	1 4 10	2 5 2	47 7 11	
35th	3 10 0	1 3 8	2 6 4	45 1 7	
36th	3 10 0	1 2 6	2 7 6	42 14 1	
37th	3 10 0	1 1 4	2 8 8	40 5 5	
38th	3 10 0	1 0 2	2 9 10	37 15 7	
39th	3 10 0	0 18 11	2 11 1	35 4 6	
40th	3 10 0	0 17 7	2 12 5	32 12 1	
41st	3 10 0	0 16 4	2 13 8	29 18 5	
42nd	3 10 0	0 14 11	2 15 1	27 3 4	
43rd	3 10 0	0 13 7	2 16 5	24 6 11	
44th	3 10 0	0 12 2	2 17 10	21 9 1	
45th	3 10 0	0 10 9	2 19 3	18 9 10	
46th	3 10 0	0 9 3	3 0 9	15 9 1	
47th	3 10 0	0 7 9	3 2 3	12 6 10	
48th	3 10 0	0 6 2	3 3 10	9 3 0	
49th	3 10 0	0 4 7	3 5 5	5 17 7	
50th	3 10 0	0 2 11	3 7 1	2 10 6	
51st	2 11 9	0 1 3	2 10 6	..	
	177 11 9	77 11 9	100 0 0	..	