

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,
5th October, 1915.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Herdman.

COUNTIES AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Repeal.</p> <p>3. Section 62 of principal Act amended.</p> <p>4. Section 63 of principal Act amended.</p> <p>5. Section 108 of principal Act amended. Repeal.</p> <p>6. Section 128 of principal Act amended.</p> <p>7. Cost of works benefiting more than one riding.</p> <p>8. Section 136 of principal Act amended.</p>	<p>9. Repeal.</p> <p>10. Moneys payable on alteration of boundaries of counties. Repeal.</p> <p>11. Repeal.</p> <p>12. Powers relating to drainage, &c., may be extended by Governor.</p> <p>13. By-laws controlling public buildings.</p> <p>14. Regulations.</p> <p>15. Subscription, &c., to Counties Association.</p> <p>16. Miscellaneous amendments. Schedules.</p>
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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:—

1. This Act may be cited as the Counties Amendment Act, 1915, and shall form part of and be read together with the Counties Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. Section thirty-two of the principal Act is hereby repealed.

Repeal.

10 3. Section sixty-two of the principal Act is hereby amended by inserting, before the word "year" in paragraph (g), the word "financial."

Section 62 of principal Act amended.

15 4. Section sixty-three of the principal Act is hereby amended by omitting from paragraph (b) all words after the words "paid by the Council" down to and inclusive of the words "under that section," and substituting the words "shall be deemed to be moneys unlawfully expended, and may be recovered accordingly."

Section 63 of principal Act amended.

Struck out.

20 5. (1.) Subsection one of section one hundred and eight of the principal Act is hereby amended by omitting all words after the words "the last preceding section" down to and including the word "Waimea," and substituting the words "any of the counties named in subsection three of this section"; by omitting the words "drawn upon or along," and substituting the word "using"; and by adding the following subsection:—

Section 108 of principal Act amended.

25 "(3.) The counties to which this section relates are as follows:—

NORTH ISLAND.

30	Waitemata.	Whangaroa.	Whangarei.	Taranaki.
	Rodney.	Mongonui.	Hobson.	Clifton.
	Bay of Islands.	Otamatea.	Hokianga.	

		SOUTH ISLAND.				
		Westland.	Grey.	Inangahua.	Buller.	
Repeal.	Waimea.”	(2.) The Westland, Grey, Inangahua, and Buller Counties Vehicle Licensing Act, 1892, is hereby repealed.				5
		<i>New.</i>				
By-laws for licensing vehicles in certain counties.	5A. (1.)	The Governor may, by Order in Council gazetted, declare that in addition to the powers under section one hundred and seven of the principal Act the counties named in subsection <i>three</i> of this section shall be respectively authorized from time to time to make by-laws under the principal Act to provide for the licensing of all vehicles using any road within the county, and to prevent unlicensed vehicles using any of the said county roads, and for appointing the several sums to be paid to the county fund for the licensing of vehicles as herein mentioned; which sums may be appointed to vary in respect of different classes of vehicles, the number and species of animals used in drawing the same, the weight of the load laden on such vehicles, the width of the tires of the wheels, or the number of passengers to be carried respectively.				10
	(2.)	No vehicle shall be entitled to any exemption from being licensed as aforesaid by reason of carrying His Majesty's mails if any goods, merchandise, or passengers are conveyed in the same vehicle.				15
	(3.)	The counties to which this section relates are as follows:—				20
		NORTH ISLAND.				
		Waitemata.	Whangaroa.	Whangarei.	Taranaki.	25
		Rodney.	Mongonui.	Hobson.	Clifton.	
		Bay of Islands.	Otamatea.	Hokianga.		
		SOUTH ISLAND.				
Repeal.	Waimea.	Westland.	Grey.	Inangahua.	Buller.	30
	(4.)	This section is in substitution for section one hundred and eight of the principal Act, which section is hereby accordingly repealed.				
Repeal.	(5.)	The Westland, Grey, Inangahua, and Buller Counties Vehicle Licensing Act, 1892, is hereby repealed.				35
Saving.	(6.)	The repeal of any enactment by this section shall not affect any by-law in force under the repealed enactments.				
Section 128 of principal Act amended.	6. (1.)	Section one hundred and twenty-eight of the principal Act is hereby amended by repealing subsections two and three, and substituting the following:—				40
	(2.)	The amount so apportioned to any riding shall be expended in works in that riding <i>during the same or any subsequent year</i> :				
		<i>Struck out.</i>				
		“Provided that if in any year any greater or less amount than the amount apportioned to it is expended on works in any riding then that riding shall in succeeding apportionments be entitled to such reduced or increased proportion of income as may be just.				45
	(3.)	Separate accounts shall be kept for each riding, showing the amount apportioned to it and the amount actually expended on works in the riding in each year. All such separate accounts shall be audited by the Audit Office.”				50

(2.) Subsection two of section twenty of the Counties Amendment Act, 1913, is hereby repealed.

7. (1.) Where the Council in any year determines that any proposed work (not falling within paragraph (c) or paragraph (d) of section one hundred and twenty-eight of the principal Act) will substantially benefit the whole county or any two or more ridings thereof, then, notwithstanding anything in section one hundred and eighteen or section one hundred and twenty-eight of the principal Act, the Council may by resolution, if the amount involved is under one hundred pounds, and otherwise by special order direct that the cost of the work shall be borne either by the whole county or by the ridings benefited in such proportions as the Council determines.

Cost of works benefiting more than one riding.

(2.) Where the cost is to be borne by the whole county, it shall, for the purposes of the said sections one hundred and eighteen and one hundred and twenty-eight, be treated as if it came within paragraphs (a) to (d) of the last-mentioned section, and where any proportion of the cost is borne by any riding the amount of such proportion shall be deemed expenditure in that riding, and its separate account shall be debited accordingly.

(3.) Such special order shall be confirmed not later than at the meeting at which the apportionment of the gross estimated income of the county is made.

8. Section one hundred and thirty-six of the principal Act is hereby amended as follows:—

Section 136 of principal Act amended.

(a.) By inserting in subsection two, after the word "April," the words "or as soon thereafter as possible."

(b.) By omitting from subsection three the words "the first ten days of May," and substituting the words "ten days after the receipt thereof by the Council"; and by omitting from the same subsection all words after the words "the said ten days."

9. Section one hundred and forty-three of the principal Act is hereby repealed.

Repeal.

10. (1.) Where, by the terms of any adjustment made pursuant to section fifteen or 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.

Moneys payable on alteration of boundaries of counties.

(2.) Section four of the Counties Amendment Act, 1913, is hereby repealed.

Repeal.

(3.) This section shall be deemed to have been in force as from the eleventh day of December, nineteen hundred and thirteen, being the date of the commencement of the Counties Amendment Act, 1913.

11. Subsection two of section fifteen of the Counties Amendment Act, 1913, is hereby repealed.

Repeal.

12. The Governor may by Order in Council confer on any County Council named in the Order such of the powers of Borough Councils with respect to drainage and sanitation as he thinks fit, and with such restrictions, modifications, and conditions as he thinks fit, and thereupon that County Council shall have and may exercise the said powers accordingly pursuant to the tenor of the said Order in Council.

Powers relating to drainage, &c., may be extended by Governor.

- By-laws controlling public buildings. 13. (1.) A County Council may make by-laws providing for the licensing and control of buildings for public meetings, or for any public performances or entertainments, and for the payment of reasonable license fees, and prohibiting the use for any such purpose of unlicensed buildings. 5
- (2.) Any license issued pursuant to such by-laws may be issued subject to such conditions for securing the public safety as the Council thinks fit, and may be revoked on the breach of any such condition.
- (3.) If the applicant for a license feels aggrieved by the refusal of his application or by any condition attached to the license, or if the holder of a license feels aggrieved by the revocation of his license, he may in the prescribed manner appeal to the Magistrate's Court for relief, and such Court shall have power to make such order as it thinks fit. 10
- (4.) In this section the word "building" includes any part of a building, and any enclosure, ground, or premises. 15
- Regulations. 14. (1.) The Governor may, by Order in Council gazetted, make regulations for the further or more effectually carrying out the objects and purposes of the principal Act, and for extending periods of time and for curing irregularities, and for substituting new for lost or destroyed documents, and prescribing the form and manner of keeping accounts, and by such regulations may prescribe any forms and fees. 20
- (2.) Such regulations may be of general application or refer to certain classes of cases or to any particular case, as the Governor thinks fit. 25
- Subscription, &c., to Counties Association. 15. A Council affiliated to the New Zealand Counties Association may from time to time, out of its general account, pay the annual subscription of the Council to the association, and the actual reasonable travelling-expenses of its representatives (not exceeding *twenty* pounds in any year) incurred in attending meetings of the conferences and of the executive committee of the association. 30
- Miscellaneous amendments. 16. (1.) The principal Act is hereby amended in the manner indicated in the *First* Schedule hereto. 35
- (2.) The Counties Amendment Act, 1913, is hereby amended in the manner indicated in the *Second* Schedule hereto.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

AMENDMENTS TO PRINCIPAL ACT.

Number of Section.	Nature of Amendment.
17, subsection (5)	By omitting the words "Order in Council referred to in section sixteen hereof," and substituting the words "Proclamation by which the boundaries were altered."
40, subsection (2)	By omitting the words "subject to the provisions hereinafter contained with respect to the defaulters list."
44	By repealing the section.
45	By omitting the words "omitting therefrom the name of every person whose name is on the defaulters list."
49	By omitting the words "and of the defaulters list," the words "and of so much of the defaulters list as relates to the riding," and the words "and list."
52	By repealing the section.

Counties Amendment.

FIRST SCHEDULE—*continued*.
AMENDMENTS TO PRINCIPAL ACT—*continued*.

Number of Sections.	Name of Amendment.
<i>Struck out.</i>	
62, subsection (1)	By omitting from paragraph (g) the words “(other than as a member of an incorporated company or of an association or partnership consisting of more than twenty persons),” and substituting the words “(otherwise than as a member of an incorporated company in which there are more than twenty members, and of which he is neither a director nor the general manager).”
98, subsection (1)	By adding the following provisoes :— “ Provided that no such special order shall be gazetted as aforesaid unless previously sent to the Chief Surveyor of the district accompanied by a plan showing the boundaries of the riding or road district or subdivision affected by the special order, nor unless the description contained in the special order is verified by the Chief Surveyor of the district or some person appointed by him as sufficient to render the new boundaries capable of identification : “ Provided also that if such description is defective, but the Chief Surveyor or person aforesaid certifies that the same can be amended without making any change in what was evidently intended to be the area comprised in the description, then the same may be so amended at any ordinary meeting of the Council, and it shall not be necessary to commence anew the proceedings to obtain the special order.”

SECOND SCHEDULE.

AMENDMENTS TO COUNTIES AMENDMENT ACT, 1913.

Number of Section.	Nature of Amendment.
3, subsection (4)	By inserting, after the words “ gazetting of the Proclamation,” the words “ or from some later date specified in the Proclamation.”
7, subsection (1)	By repealing paragraph (d).
8, subsection (1)	By adding the words “ and by entering on the roll the number of votes to which any person is then in fact entitled in lieu of the number assigned to him in the roll.”
11, subsection (1)	By omitting from paragraph (a) (b) the words “ twenty-eighth,” and substituting the words “ twenty-first ”; and by adding at the end of the subsection the words “ and in any case shall continue closed until the election is completed or the poll taken.”
12, subsection (2)	By repealing the subsection.
32, subsection (1)	By inserting, after the words “ enable him,” the words “ to erect a worker’s dwelling on any land of which he is the owner, or.”