

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 18th August, 1920.

Mr. Isitt.

CHRISTCHURCH DISTRICT DRAINAGE AMENDMENT.

[LOCAL BILL.]

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Section 3 of principal Act amended.</p> <p>3. Section 44 of principal Act amended.</p> <p>4. Section 3 of Christchurch District Drainage Act, 1909, repealed.</p> <p>5. Section 47 of principal Act amended.</p> <p>6. Classification of drainage area.</p> <p>7. Classification-list.</p>	<p>8. Classification-list may be amended.</p> <p>9. Appeals.</p> <p>10. Notice of appeal to be given.</p> <p>11. Appeals to be heard by a Magistrate.</p> <p>12. Classification-list to be conclusive.</p> <p>13. Board may petition Governor-General if poll not carried.</p> <p>14. Governor-General may appoint a Commission.</p>
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A BILL INTITULED

AN ACT to amend the Christchurch District Drainage Act, 1907. 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 Christchurch District Drainage Amendment Act, 1920, and shall form part of and be read together with the Christchurch District Drainage Act, 1907 (hereinafter referred to as the principal Act). Short Title.
- 10 2. Section three of the principal Act is hereby amended by adding the following words to subsection one:— Section 3 of principal Act amended
- 15 “Provided that the district may from time to time be enlarged with the consent of the ratepayers of the new area which it is proposed to add to the district, such consent to be obtained in the manner prescribed by the Local Elections and Polls Act, 1908. ‘Ratepayers,’ for the purposes of this section, shall mean those persons whose names appear for the time being in the occupiers column in the rate-book of any local authority in respect of any rateable property in the new area which it is proposed to add to the district, provided that in case of boroughs subsection two of section six of the Municipal Corporations Act, 1908, shall not apply.”
- 20 3. Section forty-four of the principal Act is hereby amended by omitting the words— Section 44 of principal Act amended.
- 25 “Provided that no such sewerage area shall at any time be enlarged except with the consent of the ratepayers of the proposed new area obtained in the manner prescribed by the Local Elections Act, 1904.”

Section 3 of
Christchurch
District Drainage
Act, 1909, repealed.

Section 47 of
principal Act
amended.

Classification of
drainage area.

Classification-list.

Classification-list
may be amended.

Appeals.

Notice of appeal to
be given.

4. Section three of the Christchurch District Drainage Act, 1909, is hereby repealed.

5. Section forty-seven of the principal Act is hereby amended by adding the following words to subclause section two:—

“ Provided that at any poll taken by the Board under the said Act a majority of the total valid votes recorded shall suffice to carry the proposal.” 5

6. (1.) When the Board proposes to construct any drainage-works in any part of the district it may, before entering upon the construction of such works, define and create a special area comprising the lands that will be benefited directly or indirectly by such works; and the Board may from time to time, as it thinks fit, classify all lands in this special area so created into the following classes, that is to say:— 10

(a.) Lands receiving or ~~supposed~~ *likely* to receive immediate and direct benefit from the construction of the drainage-works. 15

(b.) Lands receiving or ~~supposed~~ *likely* to receive less direct benefit therefrom.

(c.) Lands receiving *or likely to receive* only an indirect benefit therefrom. 20

(2.) The rates to be levied to defray the cost and maintenance of such drainage-work may be levied upon the said three classes of land in such proportion as the Board in each case appoints.

7. Where any classification is made as aforesaid the same shall be made and entered on a classification-list, and the same shall be signed by the Chairman of the Board, and the Board shall cause to be given public notice of such classification and of the place where the list may be inspected for a period of twenty-one days; and the person having the custody of such classification-list shall permit the same to be inspected during office hours by the owner or occupier of any land included therein. 25 30

8. 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 one month after the service of notice of the amendment on all ratepayers affected thereby. The provisions in this Act relating to appeals and the authentication of the classification-list shall apply to every such amendment of the list. 35

9. Any person who thinks himself aggrieved by such classification may appeal against the same on the following grounds, and on no other grounds:— 40

(a.) That the classification does not fairly classify the land of the appellant:

(b.) That any land ~~liable to be classified~~ *in the special area* is omitted from the classification, or is not fairly classified:

(c.) That any land is improperly included within or excluded from the special area to which the classification relates. 45

10. Notice of appeal setting forth the matter objected to and the cause of objection must be given to the Clerk of the Magistrate's Court at the City of Christchurch within seven days next after the expiration of the twenty-one days appointed for the inspection of the classification-list, and not less than seven clear days' notice of such appeal shall be given to the Board before the day for hearing the appeal. 50

11. Within three days after the expiration of such ~~seven days~~ Appeals to be
~~as last aforesaid~~ *the time limited for giving notice of appeal as* heard by a
~~aforesaid~~ the Magistrate shall, *subject to the provisions of the last* Magistrate.
~~preceding section,~~ give public notice of a day for the hearing of such
 5 appeals, and such appeals may be heard at such place named in
 such notice, and the Magistrate may, after hearing such appeals,
 cause the classification-list to be amended in such manner as appeals
 to him to be reasonable, and the Magistrate shall sign such amended
 classification-list, and his determination shall be final and conclusive.
 10 The Magistrate by whom any appeals are heard shall have full power
 to award to either of the parties the costs incidental to any such
 appeal and the hearing thereof.

12. Every classification-list, when signed by the Chairman as Classification-list
 aforesaid if there is no appeal, or when signed by the Magistrate as to be conclusive.
 15 aforesaid after an appeal, shall, for the purpose of any proceedings
 for the recovery of rates payable under this or the principal Act, be
 conclusive evidence of the liability of the person named therein; and
 every such list shall remain in force until the same is amended or
 another list is made under the provisions of this Act.

20 13. In any case where a poll has been taken upon any question
 required by the principal Act or any Act amending the principal Act
 to be submitted to the ratepayers of the district or of any part
 thereof, or of any proposed extension of the district, and the valid
 votes recorded in favour of such question so submitted shall not have
 25 sufficed to carry such proposal, the Board may present a petition
 to the Governor-General praying that the said poll shall have been
 deemed to have been carried, notwithstanding the adverse result of
 such poll upon any or all of the following grounds, that is to say:—

30 That the question submitted to the ratepayers, if carried at the
 poll, would be in the interest of public health, or for the
 public benefit, or for the benefit of the district, or part of
 the district concerned, or of the ~~proposed extended area~~ *area*
~~proposed to be added to the district.~~

14. (1.) Upon the presentation of such petition to the Governor- Governor-General
 35 General by the Board, the Governor-General may, if he thinks fit, may appoint a
 direct any Magistrate or other person or persons to be a Commission Commission.
 to inquire into and report to him upon any matter which he deems
 necessary to enable him to determine the question raised by such
 petition.

40 (2.) Such Commission shall have all the powers,—~~authorities,~~
~~and functions~~ of a Commission appointed under the Commissions of
 Inquiry Act, 1908.

(3.) If such Commission reports to the Governor-General that it
 is in the interests of public health, or for the public benefit, or for
 45 the benefit of the district, or part of the district concerned, or of
 the ~~proposed extended area~~ *area proposed to be added to the district,*
 the Governor-General may by Order in Council direct that the poll
 shall be deemed to have been carried, notwithstanding the adverse
 result of the said poll; and the Board shall have authority to
 50 proceed to carry into effect the proposal submitted to the ratepayers,
 and any Act, matter, or thing done or carried out by the Board and
 any loan raised, or rates levied, or work done in pursuance of the

authority conferred upon the Board by such Order in Council shall be as validly done or carried out, raised, levied, or done as if such poll as aforesaid had resulted in favour of the proposal submitted at such poll.

(4.) All costs, charges, and expenses attending or incidental to the exercise of the powers conferred upon the Governor-General or upon such Commission shall be a charge upon the revenues of the Board, and may be recovered as a debt due to His Majesty in any Court of competent jurisdiction.