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*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,*

*4th October 1920.*

*Mr. Isitt.*

## CHRISTCHURCH DISTRICT DRAINAGE AMENDMENT.

[LOCAL BILL.]

### ANALYSIS.

Title.	
1. Short Title.	10. Notice of appeal to be given.
2. Extension of district.	11. Appeals to be heard by a Magistrate.
3. Section 44 of principal Act amended.	12. Classification-list to be conclusive.
4. Section 3 of Christchurch District Drainage Act, 1909, repealed.	13. Board may petition Governor-General to authorize adoption of proposal.
5. Section 47 of principal Act amended.	14. Governor-General may appoint a Commission.
6. Classification of drainage area.	15. Extension of franchise for elections within the district. Repeal.
7. Classification-list.	16. Preparation of rolls.
8. Classification-list may be amended.	
9. Appeals.	

### 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. (1.) Any area adjacent to the district of the Board may be added to the district in manner provided by this section. Extension of district.

(2.) The local authority of the district in which any such area is situated may of its own motion, and shall, on the petition of not less than one-tenth of the electors within the area, cause a poll of the electors to be taken on a proposal that the area be added to the district.

(3.) Such poll shall be taken in the manner prescribed by the Local Elections and Polls Act, 1908.

20 (4.) For the purposes of a poll under this section every person shall be qualified to be enrolled as an elector who, if the area to which the proposal relates were a borough, would be qualified to be enrolled as an elector of the borough.

25 (5.) A proposal under this section shall be deemed to be carried if a majority of the valid votes recorded at the poll is in favour of the proposal.

(6.) If a proposal under this section to add any area to the district is carried the Governor-General may, by Proclamation, declare that such area shall, as from a date to be specified in the Proclamation, form part of the district, and may, by that or a subsequent Proclamation, add that area to an existing subdistrict, or may apportion the area among two or more existing subdistricts, or may declare the area to form one or more new subdistricts. 5

(7.) Every Proclamation under this section shall have effect according to its tenor.

Section 44 of principal Act amended.

3. Section forty-four of the principal Act is hereby amended by 10 omitting the words—

“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.” 15

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

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

Section 47 of principal Act amended.

5. Section forty-seven of the principal Act is hereby amended by adding the following words to subsection 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.” 20

Classification of drainage area.

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:— 25

(a.) Lands receiving or likely to receive immediate and direct benefit from the construction of the drainage-works. 30

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

(c.) Lands receiving or likely to receive only an indirect benefit therefrom. 35

(2.) Any lands in the district may be included in a special area under this section, notwithstanding that it may not be the intention of the Board to construct any drainage-works therein, or to extend any existing drainage-works therein.

(3.) 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. 40

Classification-list.

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. 45 50

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.

Classification-list  
may be amended.

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

Appeals.

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

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

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

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.

Notice of appeal to  
be given.

11. Within three days after the expiration of the time limited for giving notice of appeal as aforesaid the Magistrate shall, subject to the provisions of the *last preceding* section, give public notice of a day for the hearing of such 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. 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.

Appeals to be  
heard by a  
Magistrate.

12. Every classification-list, when signed by the Chairman as aforesaid if there is no appeal, or when signed by the Magistrate as 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.

Classification-list  
to be conclusive.

13. Where a poll has been taken on any proposal under the principal Act or its amendments, and the proposal has not been carried, the Board may present to the Governor-General a petition praying that the proposal may be given effect to, notwithstanding the result of the poll, on the ground that the carrying-out of the proposal is in the interests of public health.

Board may petition  
Governor-General  
to authorize  
adoption of  
proposal.

14. (1.) Upon the presentation of such petition the Governor-General may, if he thinks fit, direct any Magistrate or other person or persons to be a 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.

Governor-General  
may appoint a  
Commission.

(2.) Such Commission shall have all the powers of a Commission appointed under the Commissions of Inquiry Act, 1908.

(3.) If such Commission reports to the Governor-General that the carrying-out of the proposal is necessary in the interests of public health, the Governor-General may by Order in Council direct that the proposal may be given effect to as if it had been carried; and thereupon the Board shall have authority to 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 the proposal had been carried. 5 10

(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. 15

Extension of franchise for elections within the district.

15. (1.) Where by the principal Act or its amendments an election by or poll of the electors of the district, or of any part thereof, is to be held or taken, every person shall be qualified to be enrolled as an elector who, if the district or part thereof, as the case may be, were a borough, would be qualified to be enrolled as an elector of the borough. 20

Repeal.

(2.) This section is in substitution for section sixteen of the principal Act, and that section is hereby accordingly repealed.

Preparation of rolls.

16. Except so far as may be otherwise provided in any Act the Board is hereby empowered to take all steps necessary for the preparation, correction, completion, and authentication of a roll of electors for the purposes of any election or poll under the principal Act or its amendments. 25

Mr. Isitt.

CHRISTCHURCH DISTRICT DRAINAGE AMENDMENT.

[LOCAL BILL.]

ANALYSIS.

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|---|--|
| <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.

*Struck out.*

<p>2. Section three of the principal Act is hereby amended by adding the following words to subsection one:—</p> <p>“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.”</p>	<p>Section 3 of principal Act amended.</p>
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*New.*

2A. (1.) Any area adjacent to the district of the Board may be added to the district in manner provided by this section. Extension of district.

(2.) The local authority of the district in which any such area is situated may of its own motion, and shall, on the petition of not less

than one-tenth of the electors within the area, cause a poll of the electors to be taken on a proposal that the area be added to the district.

(3.) Such poll shall be taken in the manner prescribed by the Local Elections and Polls Act, 1908. 5

(4.) For the purposes of a poll under this section every person shall be qualified to be enrolled as an elector who, if the area to which the proposal relates were a borough, would be qualified to be enrolled as an elector of the borough.

(5.) A proposal under this section shall be deemed to be carried if a majority of the valid votes recorded at the poll is in favour of the proposal. 10

(6.) If a proposal under this section to add any area to the district is carried the Governor-General may, by Proclamation, declare that such area shall, as from a date to be specified in the Proclamation, form part of the district, and may, by that or a subsequent Proclamation, add that area to an existing subdistrict, or may apportion the area among two or more existing subdistricts, or may declare the area to form one or more new subdistricts. 15

(7.) Every Proclamation under this section shall have effect according to its tenor. 20

3. Section forty-four of the principal Act is hereby amended by omitting the words—

“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.” 25

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:— 30

“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.”

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:— 35 40

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

(b.) Lands receiving or ~~supposed~~ *likely* to receive less direct benefit therefrom. 45

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

*New.*

(1A.) Any lands in the district may be included in a special area under this section, notwithstanding that it may not be the intention of the Board to construct any drainage-works therein, or to extend any existing drainage-works therein. 50

Section 44 of principal Act amended.

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

Section 47 of principal Act amended.

Classification of drainage area.

(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  
5 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  
10 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.

8. The classification-list may from time to time be amended by  
the Board, provided that no such amendment shall have effect until  
15 the expiration of one month after the service of notice of the amend-  
ment 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.

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

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

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  
30 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.

11. Within three days after the expiration of ~~such seven days~~  
35 ~~as last aforesaid~~ *the time limited for giving notice of appeal as*  
*aforesaid* the Magistrate shall, *subject to the provisions of the last*  
*preceding section*, give public notice of a day for the hearing of such  
appeals, and such appeals may be heard at such place named in  
such notice, and the Magistrate may, after hearing such appeals,  
40 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.  
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  
45 appeal and the hearing thereof.

12. Every classification-list, when signed by the Chairman as  
aforesaid if there is no appeal, or when signed by the Magistrate as  
aforesaid after an appeal, shall, for the purpose of any proceedings  
for the recovery of rates payable under this or the principal Act, be  
50 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.

*Struck out.*

Board may petition Governor-General if poll not carried.

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 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:—

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.*

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*New.*

Board may petition Governor-General to authorize adoption of proposal.

13A. Where a poll has been taken on any proposal under the principal Act or its amendments, and the proposal has not been carried, the Board may present to the Governor-General a petition praying that the proposal may be given effect to, notwithstanding the result of the poll, on the ground that the carrying-out of the proposal is in the interests of public health.

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Governor-General may appoint a Commission.

14. (1.) Upon the presentation of such petition ~~to the Governor-General by the Board,~~ the Governor-General may, if he thinks fit, direct any Magistrate or other person or persons to be a 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.

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

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(3.) If such Commission reports to the Governor-General that it

*Struck out.*

~~is in the interests 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, 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~~ *the carrying-out of the*

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*New.*

proposal is necessary in the interests of public health the Governor-General may by Order in Council direct that the proposal may be given effect to as if it had been carried; and thereupon the Board shall have authority to 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. *the proposal had been carried.*

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(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.

*New.*

5 15. (1.) Where by the principal Act or its amendments an election by or poll of the electors of the district, or of any part thereof, is to be held or taken, every person shall be qualified to be enrolled as an elector who, if the district or part thereof, as the case may be, were a borough, would be qualified to be enrolled as an elector of the  
10 borough.

Extension of franchise for elections within the district.

(2.) This section is in substitution for section sixteen of the principal Act, and that section is hereby accordingly repealed.

Repeal.

15 16. Except so far as may be otherwise provided in any Act the Board is hereby empowered to take all steps necessary for the preparation, correction, completion, and authentication of a roll of electors for the purposes of any election or poll under the principal Act or its amendments.

Preparation of rolls.