

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 26th September, 1922.

Mr. Isitt.

CHRISTCHURCH DISTRICT DRAINAGE AMENDMENT.

[LOCAL BILL.]

ANALYSIS.

- Title.  
1. Short Title.  
2. Qualification of electors.  
3. Qualification of voters on loan polls.

4. Section 15 Christchurch District Drainage Amendment Act, 1920, repealed.  
5. Sections 6, 7, 8, 9, 10, 11, and 12, Christchurch District Drainage Amendment Act, 1920 repealed. Classification of drainage-area.

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, 1922, and shall be read together with and deemed part of the Christchurch District Drainage Act, 1907 (hereinafter referred to as the principal Act). Short Title.

2. 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. Qualification of electors.

3. (1.) *Notwithstanding anything to the contrary contained in the last preceding section*, on any loan proposal taken by the Christchurch Drainage Board every person who, if the area affected by the loan proposal were a borough, would be qualified to be enrolled as a ratepayer thereof to vote on loan proposals (and no other persons) shall be qualified to be enrolled, and when enrolled shall be entitled to vote. Qualification of voters on loan polls.

*New.*

(2.) Section fourteen of the Christchurch District Drainage Amendment Act, 1920, is hereby amended by omitting from subsection three thereof the words "submitted to the ratepayers." Christchurch District Drainage Amendment Act, 1920, amended.

4. Section fifteen of the Christchurch District Drainage Amendment Act, 1920, is hereby repealed. Section 15, Christchurch District Drainage Amendment Act, 1920, repealed.

5. Sections six, seven, eight, nine, ten, eleven, and twelve of the Christchurch District Drainage Amendment Act, 1920, are hereby repealed, and the following provisions enacted in lieu thereof:— Sections 6, 7, 8, 9, 10, 11, and 12, Christchurch District Drainage Amendment Act, 1920, repealed.

(a.) When the Board proposes to construct any drainage works which will not benefit directly or indirectly the whole of the district, the Board, if it thinks fit, may, before entering upon the construction of such works and—(if the said Classification of drainage-area.

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works are to be constructed out of loan moneys) before depositing the special roll for public inspection as required by paragraph (d) of section three of the Local Bodies'

~~Loans Act, 1913, define and create a special area comprising the lands that would in the opinion of the Board be benefited directly or indirectly by such works. When a special area has been created with respect to any works, all rates levied to defray the cost of construction and maintenance of such works, including special rates levied as security for any loan, shall be levied upon such special area in exoneration of the rest of the district. It shall~~

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not be necessary that the proposed work should be constructed in the special area nor that (if constructed partly or wholly in the special area) it should extend throughout such area, and accordingly subsection three of section three of the Local Bodies' Loans Act, 1913, shall, as regards any loan proposal of the Board, be read as if the words "in and" were omitted from the phrase "in and for the benefit of some defined part of a district."

(b.) Whenever any drainage-works proposed to be constructed will confer varying degrees of benefit upon the lands in the district or in any special area, the Board may, if it thinks fit, before entering upon the construction of such works and *in the case of a special area* (if the works are to be constructed out of loan moneys) before depositing the special roll for public inspection as required by paragraph (d) of section three of the Local Bodies' Loans Act, 1913, divide the district or such special area, as the case may be, into three subdivisions as follows:—

(i.) Land receiving or likely to receive immediate and direct benefit from the construction of the drainage-works;

(ii.) Land receiving or likely to receive less direct benefit therefrom;

(iii.) Land receiving or likely to receive only an indirect benefit therefrom:

or into two subdivisions as follows,—

(iv.) Land receiving or likely to receive direct benefit from the construction of the drainage-works;

(v.) Land receiving or likely to receive only an indirect benefit therefrom:

and any rates levied to defray the cost of construction and maintenance of such drainage-works (including special rates levied as security for any loan), anything to the contrary in the Local Bodies' Loans Act, 1913, notwithstanding, may be levied upon the several classes of land as aforesaid in such proportions as the Board in each case appoints.

- 5 (c.) The definition and creation of a special area, and the division of the district or any special area into subdivisions, shall be by a resolution of the Board, and such resolution shall define the boundaries of the special area or of the subdivisions, as the case may be, and such resolution shall be published in the *Gazette*.
- 10 (d.) When a special area is divided into subdivisions in manner hereinbefore provided and a special roll is prepared for the purposes of a proposed loan under paragraph (c) of subsection three of section three of the Local Bodies' Loans Act, 1913, any person whose name appears on such roll shall, in addition to the right of objection given by paragraph (e) of the said subsection, have the right to object in the like manner to the inclusion in one subdivision of land (whether his own or that of some other person) which ought to be in some other subdivision.
- 15 (e.) No land ~~which comes within subparagraphs (i) to (v) (inclusive) of paragraph (b) of this section~~ shall be excluded from a special area for loan or any other purposes merely because such land will be only partially benefited by the expenditure of a proposed loan, anything to the contrary in the Local Bodies' Loans Act, 1913, notwithstanding.
- 20 (f.) The Board may from time to time, by resolution published in the *Gazette*, and at least twice in a daily newspaper circulating in the district, alter the boundaries of any special area or subdivision :
- 25        Provided, however, that, after any special rate or rates shall have been appropriated or pledged as security for any loan, no amendment of boundaries shall affect the incidence or amount of the said special rate or rates.
- 30 (g.) Any person affected by any alteration of boundaries under the *last preceding* paragraph, ~~either by being brought into or excluded from any special area or subdivision,~~ may appeal against the same. Notice of appeal, setting forth the grounds of the appeal, must be given to the Clerk of the Magistrate's Court at Christchurch, and to the Board, within one month next after the *first* publication in ~~the Gazette~~ a newspaper as herein required of the resolution appealed from.
- 35 (h.) Within three days after the expiration of the time limited for giving notice of appeal as aforesaid the Magistrate shall give public notice of a day for the hearing of such appeals, and such appeals shall be heard at the time and place named in such notice or at any time and place to which the same may be adjourned, and the Magistrate may, after hearing such appeals, cause the boundary of any special area or subdivision to be amended in such manner as appears to him to be reasonable, and the determination of the Magistrate shall be final and conclusive. The Magistrate by whom any appeal is heard shall have full power to award to the appellant or the Board the costs incidental to any such appeal and the hearing thereof.
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- (i.) Any resolution of the Board creating and defining a special area, or subdividing a district or special area, or amending the boundary of a special area or subdivision may be proved for the purpose of any *judicial* proceedings ~~for the recovery of rates~~ by the production of a copy of such resolution certified as correct by the Chairman of the Board for the time being. 5
- (j.) If any scheme of drainage-works undertaken by the Board is intended to be carried out in such a way that any portion of the district or of a special area or of a subdivision will not receive benefit until a later date than some other portion of the same respectively, the Board may, at any time and from time to time by resolution gazetted, remit, for such period as the Board may see fit, the whole or any part of any rate (special or otherwise) made or levied in connection with such scheme so far as regards any lands the benefit to which will be deferred as aforesaid : 10
- Provided always that any remission of a special rate shall take effect subject to the rights of any person to whom such special rate may have been hypothecated or pledged, and if the unremitted portion of a special rate shall be insufficient to provide the interest, sinking fund, and other charges in respect of any loan secured on such rate, the remission shall, *pro tanto*, fail to take effect. 15 20