

Hon. Mr. Downie Stewart.

DUNEDIN DISTRICT DRAINAGE AND SEWERAGE  
AMENDMENT.

[LOCAL BILL.]

ANALYSIS.

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| Title.                       | 4. Application of principal Act, &c., to this Act. |
| 1. Short Title.              | 5. Application of 1921 Amendment to this Act.      |
| 2. Interpretation.           | 6. General rate.                                   |
| 3. Further borrowing-powers. | 7. Flood protection.                               |

A BILL INTITULED

AN ACT to amend the Dunedin District Drainage and Sewerage Act, 1900, and the Acts amending the same. Title.

5 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 Dunedin District Drainage and Sewerage Amendment Act, 1923, and it shall form part of and be read together with the Dunedin District Drainage and Sewerage Act, 1900. Short Title.

10 (*hereinafter referred to as the principal Act*).

*Struck out.*

2. In this Act, if not inconsistent with the context, "the principal Act" means the Dunedin District Drainage and Sewerage Act, 1900. Interpretation.

15 3. The Board may from time to time, for the purposes of the said Acts other than the purposes mentioned or referred to in section seventy of the principal Act, borrow any sum or sums of money, not exceeding in the whole one hundred thousand pounds, in addition to any moneys heretofore authorized to be borrowed. Further borrowing-powers.

20 4. Subject as is provided in this Act, all the provisions of the said Acts shall apply to moneys borrowed under or by virtue of this Act in like manner as if the same formed part of the loan authorized by section fifty-six of the principal Act. Application of principal Act, &c., to this Act.

25 5. All the provisions of the Dunedin District Drainage and Sewerage Amendment Act, 1921, relating to the loan thereby authorized and the interest thereon, and, in particular, but without restricting the generality of the foregoing, the provisions as to special rating and payment out of the General Fund shall, *mutatis mutandis*, be deemed Application of 1921 Amendment to this Act.

to be incorporated herein, and accordingly shall be operative in respect of the loan hereby authorized and the interest thereon as if the same provisions were, *mutatis mutandis*, herein repeated.

General rates.

6. (1.) For the purpose of carrying on the operations of the Board and paying interest on any moneys borrowed by it, the Board may, by an ordinary resolution, annually make and levy, or order to be made and levied, a general rate or rates upon the district to such amounts as it shall determine, not exceeding the following amounts:—

(a.) Upon every sewered property, a general rate not exceeding one shilling and sixpence in the pound of the annual rateable value of such property:

(b.) Upon every unsewered property, save such as are mentioned in paragraph (c) hereof, a general rate not exceeding ninepence in the pound of the annual rateable value of such property:—

(c.) Upon every unsewered property in the outer drainage area a general rate not exceeding twopence in the pound of the annual rateable value of such property:

Provided that in making rates of less amount than the maximum the Board shall not necessarily make them bear the same ratio towards each other as the above-mentioned maximum:

Provided also that the above limits as to amount, save the last-mentioned, shall not apply to any rate ordered by the Court or a Judge to be made in case of default in payment of interest on or principal of any debentures.

(2.) *This section is in substitution for section forty-nine of the principal Act, and that section and section twenty-four of the Dunedin District Drainage and Sewerage Act 1900 Amendment Act, 1902, section three of the Dunedin District Drainage and Sewerage Act 1900 Amendment Act, 1905, and section six of the Dunedin District Drainage and Sewerage Acts Amendment Act, 1915, are hereby accordingly repealed, but such repeal shall not affect any rates made and levied or ordered to be made and levied pursuant to the said sections or any of them.*

*Struck out.*

(3.) All reference in the said Acts to the said section forty-nine shall henceforth be read and construed and take effect as if the same were references to this section.

Flood protection.

7. (1.) It shall be lawful for the Board to do whatever in its opinion shall be necessary or desirable in or about any watercourse in the district for the purpose of preventing the flooding of the adjoining or any other lands in the district or any other injury by floods without thereby incurring any liability for compensation or damages.

(2.) Anything done by the Board pursuant to this section in or about a watercourse shall not convert such watercourse into a public drain or sewer.

(3.) This section shall be deemed to have been in force as from the first day of January, nineteen hundred and *twenty-three*.

*New.*

Flood protection.

7A. (1.) It shall be lawful for the Board, without thereby incurring any liability for compensation or damages, to remove from any watercourse in the district any obstruction which, in the opinion of the Board, is likely by impeding the free flow of water in such watercourse to cause damage to any property in the district.

*New.*

(2.) Anything done by the Board pursuant to this section in or about a watercourse shall not convert such watercourse into a public drain or sewer.

5 (3.) For the purpose of this section "obstruction" means obstructions of any kind calculated to impede the free flow of water in the watercourse, and includes earth, stone, timber, and materials of all kinds and trees, plants, weeds, and growths of all kinds, but does not include  
10 artificial structures heretofore constructed or hereafter to be constructed by any City or Borough Council, County Council, Road Board, Harbour Board, Drainage Board, or River Board, whether or not the same has been or may be constructed without legal authority.

15 4. Nothing herein contained shall affect the powers of the Board under or by virtue of section sixty-two of the Land Drainage Act, 1908, as amended by section seven of the Land Drainage Amendment Act, 1913.

(5.) This section shall be deemed to have been in force as from the first day of January, nineteen hundred and twenty-three.