

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]
House of Representatives, 18th October, 1911.

Hon. Mr. Millar.

DUNEDIN DISTRICT DRAINAGE AND SEWERAGE.

[LOCAL BILL.]

ANALYSIS.

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A BILL INTITULED

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

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 Acts Amendment Act, 1911, and it shall form part of and be read together with the Dunedin District Drainage and Sewerage Act, 1900. Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.

“The principal Act” means the Dunedin District Drainage and Sewerage Act, 1900 :

15 “The Amendment Act, 1902,” means the Dunedin District Drainage and Sewerage Act 1900 Amendment Act, 1902 :

“The Amendment Act, 1906,” means the Dunedin District Drainage and Sewerage Act 1900 Amendment Act, 1906 :

“The Amendment Act, 1907,” means the Dunedin District Drainage and Sewerage Act Amendment Act, 1907 :

20 “The Amendment Act, 1909,” means the Dunedin District Drainage and Sewerage Acts Amendment Act, 1909 :

“The said Acts” means and includes the principal Act and all Acts heretofore or hereafter passed in amendment thereof, including this Act.

25 *Struck out.*

3. In the said Acts, if not inconsistent with the context, “public drain” shall mean, and from the passing of the principal Interpretation.

Act be deemed to have meant, a public drain or sewer within the meaning of this Act.

Power to pay first year's interest out of loan.

4. (1.) Notwithstanding anything to the contrary contained in the said Acts, it shall be lawful for the Board to pay out of any loan-moneys raised by the Board the first year's interest on such loan.

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(2.) This section shall be deemed to have been in force as from the commencement of the Board's operations, and it may revise its past expenditure and accounts in accordance therewith.

Amendments of principal Act and amendment Acts, 1902 and 1907.

5. The words "an ordinary resolution" are hereby substituted for the words "special order" in section forty-nine of the principal Act, and for the same words where they first occur in section fifty-three of the principal Act; and the word "resolution" for the words "special order" in section fifty-four of the principal Act and section nine of the Amendment Act, 1907, and for the same words where they last occur in section fifty-three of the principal Act; and the words "special order" in the said sections forty-nine, fifty-three, fifty-four, and nine, and the whole of section twenty-six of the Amendment Act, 1902, are accordingly hereby repealed.

Struck out.

Meaning of "public drain."

6. No drain or part of a drain shall be deemed to be a public drain or sewer, and as such vested in or under the responsibility of the Board unless the same shall have been constructed by the Board, or by the local authority having jurisdiction in the locality thereof prior to the creation of the Board, or unless the same shall have been declared to be a public drain by resolution of the Board.

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Amendment of Amendment Act, 1906.

7. Section thirteen of the Amendment Act, 1906, is hereby amended by adding thereto, after the words "servants of the Board," the words "or any other person authorized by the Board"; and also by adding thereto, after the word "by-laws" where such word last occurs in subsection one, the words "or for the purpose of inspecting, cleansing, repairing, or relaying the whole or part of any public drain or sewer therein, thereon, or thereunder."

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Amendment of Amendment Act, 1909.

8. Section twenty-four of the Amendment Act, 1909, is hereby amended by adding to subsection two thereof, after the word "Board" where that word first occurs in the said subsection, the words "and the costs and expenses incurred by the Board of and incidental to such applications."

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Storm-water and surface-water.

9. (1.) The Board may lead any storm-water or surface-water into any stream or watercourse, whether covered or open.

(2.) All the powers conferred on the Board by sections twenty-five and twenty-six of the principal Act shall be exercisable with reference to storm-water and surface-water as if the word "covered" were omitted from said section twenty-five.

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(3.) No right to payment of compensation shall be created by reason or in consequence of the exercise of any of the powers conferred by the said sections or this section.

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(4.) Section forty-two of the principle Act is hereby repealed.

Amendment of Amendment Act, 1907.

10. Section twenty-three of the Amendment Act, 1907, is hereby amended by adding thereto, after the word "Deeds," the words "Supreme Court, Magistrate's Court."

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Valuation roll.

11. (1.) For all purposes connected with the levy and also the recovery of rates directly by the Board the following provisions shall apply:—

- (a.) In the case of and so far as regards premises in a borough wherein the system of rating on the annual value is in force, and the whole of which borough is comprised in the district, the valuation roll of such borough shall be deemed to be the valuation roll of the Board :
- 5 (b.) In the case of a borough wherein the system of rating on the annual value is in force, and of which borough portion only is comprised in the district, and so far as regards the premises in such portion, so much of the valuation roll of such borough as relates to such premises shall be deemed to be the valuation roll of the Board :
- 10 (c.) In case of premises in a borough or portion of a borough comprised in the district, and in which borough the system of rating on the unimproved value is in force, the foregoing provisions shall apply, except that the annual rateable value of such premises shall be deemed to be six pounds per centum of the capital value of such premises respectively as appearing in the valuation roll of such borough :
- 15 (d.) The said respective valuation rolls, signed, as required by the Rating Act, 1908, shall be conclusive evidence of the contents thereof, and that the same have been made in accordance with such Act.
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(2.) Section fifty-two of the principal Act is hereby repealed.

- 25 12. Section fourteen of the Amendment Act, 1909, is hereby amended by adding thereto, after the word " Board," the words " or any local authority exercising jurisdiction in the locality before the creation of the Board."

Amendment of
Amendment Act,
1909.

- 30 13. (1.) The following provisions shall apply to a charge created by or by virtue of the said Acts:—

Charges.

- (a.) The charge shall take effect as from the passing by the Board of a resolution to execute the works in respect of which the charge is created, without the necessity of registration thereof other than that hereby provided, and whether the moneys charged thereby have been sued for or not, and that notwithstanding the provisions of any other Act to the contrary :
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New.

40 Provided that if the said works are not commenced within twelve months from the date of such resolution the charge shall lapse.

- (b.) A note or memorandum of such charge shall be entered in the Register of Charges within ~~one month~~ seven days after the passing of such resolution, and the amount charged shall be entered in such register within one month after the works have been completed and the certificate of the Drainage Engineer as to the cost thereof has been given.
- 45 (c.) A charge created by or by virtue of the said Acts shall bind the owner for the time being of the premises charged and his successors in title, and shall take effect notwithstanding, and shall have precedence over any other charge or encumbrance thereon, *excepting a charge for the rates due in respect of such premises to any other local authority, and in respect of such charges the priorities be equal.*
- 50 (d.) Interest on the amount charged shall commence from the date of the execution of the works as certified by the Drainage Engineer.
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- (e.) In the case of omission to enter a note or memorandum of charge or amount thereof as aforesaid within the time hereinbefore limited therefor respectively, a Judge of the Supreme Court may, on the application of the Board, in a summary manner grant leave to make such entry within such time and upon such terms as he shall think fit; and an entry made in pursuance of the order of such Judge shall be valid and effectual. 5
- (f.) The form of the Register of Charges may be prescribed by ~~the Board by~~ by-law. 10
- (g.) Section eight of the Amendment Act, 1906, and subsection two of section seventeen of the Amendment Act, 1907, are hereby repealed.

Struck out.

(2.) The foregoing provisions shall be deemed to have taken effect as from the passing of the principal Act, provided always that all entries in the said register already made shall be valid, notwithstanding that the same may not have been entered within the time or respective times herein before limited therefor respectively. 15

Alteration of
borough boundaries

14. An area included in any of the boroughs referred to in section two of the principal Act by an alteration of the boundaries of such borough made pursuant to section one hundred and eighteen of the Municipal Corporations Act, 1908, shall not by virtue thereof become part of the district. 20

Insufficiency of
public drains.

15. The Board shall not be liable for any damage caused by reason of the insufficiency or otherwise of any public drain taken over by the Board pursuant to the principal Act, or by reason of the insufficiency of any public drain constructed by the Board, if in such last-mentioned case it be proved that at the date of the construction thereof the same was reasonably sufficient for the purpose of that part of the district which the same was intended to serve. 25 30

Unlicensed
plumbers and
drainers.

16. (1.) No person shall employ any other person to execute any work in connection with the drainage, sewerage, or sanitation of any premises in the district unless such other person is licensed pursuant to the by-laws of the Board to execute such work. 35

(2.) The repair of any existing sanitary convenience or sanitary appliance shall be deemed to be the execution of work within the meaning of this section.

New.

Kaikorai watershed.

17. All that part of the Borough of Roslyn lying to the westward of the line described in the Schedule to the Amendment Act, 1909, is hereby included in the district and shall accordingly form part thereof; and section twenty-three of the Amendment Act, 1909, is hereby repealed. 40

Loan-moneys under
section 70 of
principal Act.

18. (1.) Moneys borrowed under or by virtue of section seventy of the principal Act may be secured in the same manner as moneys borrowed under or by virtue of section fifty-six of the principal Act. 45

(2.) Debentures and coupons for securing principal and interest moneys borrowed under or by virtue of the said section seventy may be issued in manner provided by section fifty-eight of the principal Act, and such debentures and coupons shall rank *pari passu* with the debentures and coupons issued in respect of moneys borrowed under or by virtue of the said section fifty-six. 50