

*Mr. Wilkinson.*

ELTHAM DRAINAGE BOARD.

[LOCAL BILL.]

ANALYSIS.

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A BILL INTITULED

AN ACT to confer upon the Eltham Drainage Board further Powers of Rating and further Powers of Control over Drains. 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 Eltham Drainage Board Act, 1914. Short Title.

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

“The principal Act” means the Land Drainage Act, 1908, and includes the Acts amending the same: Interpretation.

“Board” means the Eltham Drainage Board constituted under the Land Drainage Act, 1904:

“District” means and includes the drainage district over which the Eltham Drainage Board has control:

“Subdivisions” means subdivisions made or which may be made under section sixteen of the principal Act:

“Owner” shall have the meaning assigned thereto by the Land Drainage Act, 1908:

“Occupier” means any person in actual occupation of any land, and includes the owner when there is no occupier:

“Drainable acreage” means and includes all land within the jurisdiction of the Board receiving or supposed to receive, or which the Board considers receives, benefit from the construction of drainage-works.

3. (1.) Instead of levying rates on the basis of the valuation of the lands comprised within the district, the Board may make and levy rates, both general and special, at a fixed sum per acre for each year on the drainable acreage occupied by each person whose name appears on the ratepayers list for that year, such rates to be fixed on a graduated scale according to the classification hereinafter provided for of the lands in Rates.

the district, but the total amount of general and special rates for all purposes shall not exceed four shillings per acre in any year on the class of land liable to the highest rate ; and the Board may appoint a time and place for the payment of rates levied under this Act, and all rates not paid within the time so appointed may, without further notice, be recovered by the Board in any Court of competent jurisdiction. 5

(2.) The provisions of subsections two and four of section thirty-one of the principal Act shall, *mutatis mutandis*, extend and apply to rates levied under this section.

(3.) The roll of ratepayers made as required by the principal Act and this Act shall be conclusive evidence of the liability of the persons whose names are entered therein for the rates to be levied as aforesaid. 10

(4.) The Board may make and levy the general rates separately in each subdivision of the district in accordance with the estimated expenditure required to be provided for in respect of works, whether such works involve construction, maintenance, or repairs in each such subdivision, and its proportionate part of the amount required for administration and general expenses of the Board. 15

Classification.

4. (1.) The Board shall forthwith classify the whole of the drainable acreage of the lands in the district, and may from time to time alter and amend such classification, and from time to time reclassify the whole of such lands, and again from time to time alter and amend such reclassification. 20

(2.) By any such classification the lands shall be classified into four or more classes by reference to the degree to which those lands have received or are likely to receive benefit from the operations of the Board. 25

(3.) The provisions of sections thirty-four, thirty-five, and thirty-six of the principal Act shall, *mutatis mutandis*, extend and apply to any classification under this section.

Application of moneys received.

5. All moneys levied or received by the Board under the authority of this Act shall be at the sole and absolute disposal of the Board to be applied in the district or subdivision of the district from which the same arose, as the case may be, in such manner as the Board sees fit for the purposes of this Act and generally in carrying out in the district or subdivision, as the case may be, the administration and purposes of this Act and the principal Act, and for no other purpose. 30 35

Ratepayers list.

6. The Returning Officer shall prepare a ratepayers list in the manner provided by the principal Act, and, in addition to the matters therein provided for, there shall be inserted opposite the name of each ratepayer the total area of rateable land held by him within the district ; and the classification of such lands and all the provisions of Part I of the principal Act in reference to such ratepayers list shall, with the necessary modifications (if any), extend and apply to the ratepayers list herein provided for. Such list, when signed by the Magistrate as provided by subsection three of section eight of the principal Act shall be conclusive evidence of the area held by each ratepayer and the classification of such area under this Act. 40 45

Number of votes.

7. (1.) At all elections or polls of ratepayers every person whose name appears on the ratepayers roll shall be entitled to exercise the number of votes following, that is to say :— 50

(a.) If he appears as the occupier of rateable land not exceeding fifty acres in area, he shall have one vote.

(b.) If he appears as the occupier of rateable land exceeding fifty acres but not exceeding two hundred acres, he shall have two votes.

5 (c.) If he appears as the occupier of rateable land exceeding two hundred acres, he shall have three votes.

8. Where anything is required by this Act to be done by special order it shall be done in the manner prescribed by the Counties Act, 1908, for making special orders under that Act, and the provisions of sections ninety-seven, ninety-nine, and one hundred of the Counties Act, 1908, shall extend and apply, *mutatis mutandis*, to special orders under this Act.

Special orders, how made.

9. The Board may, in addition to the powers conferred upon it by section seventeen of the principal Act, take over and assume full control and management of all privately constructed drains through private lands having an outfall or carrying water either directly or indirectly to any of the Board's drains, and for this purpose may exercise and do all or any of the powers, authorities, acts, and things that are conferred upon it or which it is authorized to do by the principal Act in relation to any drains under its control and management, including full power and authority to enter all private lands wherein such drains are situate for the purpose of viewing the same.

Power to control and manage private drains having outfalls to Board's drains.

10. If and whenever the Board shall by resolution resolve to exercise all or any of its powers and authorities and take over the control and management of any such private drains as aforesaid, it shall give notice thereof of such resolution to the owner and occupier respectively of such land, and thereupon the said private drain shall come under the control and management of the Board in like manner in all respects as a drain vested in the Board under the principal Act. Such notice shall be sent by registered post duly addressed to such owner and occupier at their respective last known places of abode in New Zealand, and shall be deemed to be served on the day following that on which it was so posted.

Control and management of private drains to be taken over by resolution of Board.

11. The rating-power hereby conferred upon the Board shall be an alternative power to that conferred upon the Board by the principal Act, so that the Board may exercise either the powers of rating conferred in the said principal Act or the power conferred by this Act as the Board may by resolution in any year decide, but so that the two powers shall not be exercised by the Board concurrently, save that where any power of rating has been or may be exercised by the Board for the purpose of a special rate securing any particular loan the same shall not be revoked or disturbed at any time during the term of such loan although the Board resolve to exercise an alternative power of rating.

Alternative rating-power.

12. This Act shall be read with the principal Act in all matters affecting the said Board and district; and the special provisions hereof and the powers and authorities conferred upon the Board by virtue of this Act shall be deemed to be in addition to, and not in substitution for or in limitation of any provisions and powers and authorities already exercised by or conferred upon the Board by the principal Act and all amendments thereof; and the Board may, if it so desires, notwithstanding the provisions, powers, and authorities of this Act, proceed under the provisions, powers, and authorities of the principal Act and its amendments.

Powers not to be in limitation.