

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council,
20th September, 1912.

[AS AMENDED BY THE HOUSE OF REPRESENTATIVES.]
House of Representatives, 5th November, 1912.

Hon. Mr. Ormond.

HAWKE'S BAY RIVERS AMENDMENT.

[LOCAL BILL]

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A BILL INTITULED

AN ACT to amend the Hawke's Bay Rivers Act, 1910.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

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1. (1.) This Act may be cited as the Hawke's Bay Rivers Amendment Act, 1912, and it shall be read with and be deemed to form part of the Hawke's Bay Rivers Act, 1910 (hereinafter referred to as the principal Act).

Short Title.

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Struck out.

(2.) The expressions "the Board" and "the district" where used herein shall have the meanings given to them respectively in the principal Act.

Interpretation.

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2. Sections five and six of the principal Act are hereby repealed, and the following sections are hereby enacted in lieu thereof:—

Repeal.

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" 5. The said district shall be divided into eight subdivisions or wards—namely, the Taradale Ward, the Meanee Ward, the Papakura Ward, the Karamu Ward, the Clive Ward, the Hastings Suburban Ward, the Pukahu Ward, and the Omaraenui Ward. The respective areas and boundaries of these wards are set out in the Schedule hereto.

Subdivisions of district.

Board, how constituted.

“6. (1.) There shall be a River Board in and for the said district, to be called “The Hawke's Bay Rivers Board,” and to consist of ten members, to be elected as follows: two by the ratepayers of the Meanee Ward, two by the ratepayers of the Pukahu Ward, and one for each of the other wards by the ratepayers thereof respectively. 5

Retirement of one of the members for Pukahu Ward.

“(2.) The provisions of subsection one of section fifteen of the River Boards Act, 1908, are hereby negatived or modified in so far as they conflict with the provisions of the last preceding subsection.”

3. (1.) On the second Tuesday in November, nineteen hundred and twelve, one of the present members for the Pukahu Ward shall go out of office, and there shall be held an election of one member for the Hastings Suburban Ward, and an election of an additional member for the Meanee Ward. 10

Election of new members of Board.

(2.) The members elected at the said elections respectively shall hold office until the second Tuesday in January, nineteen hundred and fifteen, and no longer. 15

(3.) The question which of the present members for the Pukahu Ward shall go out of office as hereinbefore provided shall be determined by agreement between those members, or, if they cannot agree, then by lot. 20

Repeal.

4. The Second Schedule to the principal Act is hereby repealed, and the Schedule to this Act is hereby substituted therefor.

Board to defray one moiety of special rate chargeable on Clive River District.

5. Notwithstanding anything to the contrary contained in the principal Act, the area formerly subject to the jurisdiction of the Clive River Board shall as from the thirty-first day of January, nineteen hundred and thirteen, stand charged with one-half only of the special rate leviable on all rateable property throughout that area as security for a loan of ten thousand two hundred and sixty-three pounds five shillings and eightpence sometime since raised by the Clive River Board, and current at the date of commencement of the principal Act, and as from the said thirty-first day of January, nineteen hundred and thirteen, one-half of the annual charges in respect of the said loan shall in each year during the currency thereof be deemed to be a debt due and owing by the Board, and shall be payable by the Board out of any moneys for the time being in their hands. 25 30 35

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Special rate in Hastings Suburban and Pukahu Wards may differ from special rate in other wards.

6. (1.) Notwithstanding anything in the Local Bodies' Loans Act, 1908, or in any amendment thereof, it shall be lawful for the Board, when making and levying a special rate as security for any loan raised by them under the provisions of the last-cited Act in and for the benefit of the district as a whole, to make and levy on all rateable property within the Hastings Suburban Ward, or on all rateable property within the Pukahu Ward, or on all rateable property within both the said Wards, a special rate of lesser amount than the special rate made and levied by them as security for the same loan on all rateable property within the remainder of the district. 40 45

Special rate in Hastings Suburban Ward may differ from special rate in Pukahu Ward.

(2.) It shall not be incumbent on the Board when making and levying any special rate as aforesaid to make and levy one rate of uniform amount on all rateable property within both the said wards, but the Board may make and levy a special rate of one amount on 50

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all rateable property within the Hastings Suburban Ward and a special rate of another amount on all rateable property within the Pukahu Ward.

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New.

6A. (1.) The Board shall, when making and levying any rate (whether such rate be a general rate or a special rate) as security for a loan, make and levy on all rateable property within the Pukahu Ward and on all rateable property within the Hastings Suburban Ward a rate not exceeding one-fifth of the amount of the rate made and levied on all rateable property within any one of the other wards.

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(2.) It shall not be incumbent on the Board, when making and levying any rate as aforesaid, to make and levy one rate of uniform amount on all rateable property within both the said wards, but the Board may make and levy a rate of one amount within the Hastings Suburban Ward and a like rate of another amount within the Pukahu Ward.

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Special rate in Hastings Suburban and Pukahu Wards may differ from rate in other wards.

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7. Whenever the Board shall resolve to raise any such loan as aforesaid in and for the benefit of the district as a whole, the following provisions shall apply:—

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(a.) In and by the resolution to raise the loan the Board shall determine what special rates shall be levied within the Hastings Suburban Ward, the Pukahu Ward, and the remainder of the district respectively as security for the loan.

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(b.) In case the member for the Hastings Suburban Ward shall dissent from the Board's determination of the question what special rate shall be levied within the Hastings Suburban Ward by way of security for the loan, or in case both members for the Pukahu Ward shall dissent from the Board's determination of the question what special rate shall be levied as aforesaid within the Pukahu Ward, then the Board shall not take any further steps preliminary to the raising of the loan unless and until the question or questions in dispute shall have been referred to and decided by a Commission consisting of these three persons, to wit, the Stipendiary Magistrate exercising jurisdiction in Napier, the Chairman of the County of Hawke's Bay, and the Resident Engineer, Public Works Department, Napier; and the decision of the aforesaid Commissioners or any two of them in the premises shall be final and without appeal.

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(c.) A memorandum in writing signed by the Chairman of the Board, or in the event of his refusing or neglecting to sign the same, then signed by the member, or by either of the members if more than one, or by the respective members for the ward or wards concerned, or by any two of those members, stating that a dispute has arisen within the meaning of the last preceding paragraph, and that the question or questions in dispute stands or stand referred to the aforesaid Commissioners, shall be sufficient authority to the Commissioners to enter upon the reference.

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Further provisions regarding special rates.

In certain cases rates in above-mentioned wards to be determined by special Commission.

Authority for Commissioners to act.

New.

7. (1.) In case the member for the Hastings Suburban Ward or either of the members for the Pukahu Ward dissents from the Board's determination of the question what rate shall be levied within the ward of the member so dissenting, the question in dispute shall be referred to a Commission consisting of the Stipendiary Magistrate exercising jurisdiction in Napier, the Chairman of the Hawke's Bay County Council, and the Resident Engineer, Public Works Department, Napier; and their decision or that of any two of them shall be final.

(2.) A memorandum in writing, signed by the Chairman of the Board, or (in the event of his refusing or neglecting to sign the same) by the dissenting member, stating that a dispute has arisen within the meaning of the *last preceding* subsection, and that the dispute stands referred to the aforesaid Commissioners, shall be sufficient authority to him to enter upon the reference.

(3.) If the question in dispute relates either wholly or partly to the special rate to be levied by way of security for the loan, then the Board shall not take any further steps preliminary to the raising of the loan, unless and until the question in dispute has been so referred and decided.

Powers of Commissioners.

(4.) (4.) For the purpose of enabling them to decide and determine the said question or questions, the aforesaid Commissioners shall have all the powers, privileges, and immunities of Commissioners appointed under the Commissions of Inquiry Act, 1908.

Board to pay costs of reference.

e. (5.) All costs and expenses of and incidental to the reference of the said question or questions to and the determination thereof by the aforesaid Commissioners shall be borne and paid by the Board.

Commissioners to report in writing.

(f.) (6.) The Commissioners shall, so soon as practicable after the reference to them of the said question or questions, make and sign a report in writing embodying their answer or answers thereto, and shall forthwith deliver the said report to the Board, and shall at the same time publish a copy of the said report in some newspaper circulating within the district.

Report to be binding on Board.

(g.) (7.) After the said report has been so delivered it shall not be lawful for the Board when raising the proposed loan, or taking any steps or proceedings necessary or incidental to the raising of the same, to alter the special rates expressed in the said report to be properly leviable as security for the loan within the Hastings Suburban Ward, the Pukahu Ward, and the remainder of the district respectively.

Rates to be so calculated as to yield 10 per cent. more than charges on loan.

(h.) (8.) In assessing the special rates to be levied as such security as aforesaid within the Hastings Suburban Ward, the Pukahu Ward, and the remainder of the district respectively, the Board or the Commissioners, as the case may be, shall have regard to the provisions of subsection three of section seventeen of the Local Bodies' Loans Act, 1908.

Board to pay costs of promoting this Act.

8. All costs and expenses of and incidental to the promotion of this Act shall be chargeable against the Board, and shall be paid out of moneys belonging to the Board.

SCHEDULE.

Schedule.

DESCRIPTION OF WARDS.

1. *Taradale Ward*.—All that portion of the district, containing 1,200 acres, more or less, being the Taradale Town District as described in the *New Zealand Gazette*, 1886, Vol. ii, pages 1536-7.

2. *Meanees Ward*.—All that portion of the district, containing 6,500 acres, more or less, bounded—commencing at the south-western corner of Meanees Suburban Section 60; thence by the western, northern, and eastern boundaries of the district to Awatoto; thence westerly along the Awatoto-Meanees Road to the Meanees Bridge; thence south-westerly and north-westerly along the Tutaekuri River to the south-easternmost point of the Taradale Ward; thence northerly and westerly by the eastern and western boundaries of the Taradale Ward to the point of commencement.

3. *Papakura Ward*.—All that portion of the district, containing 10,000 acres, more or less, bounded—commencing at the south-easternmost point of the Meanees Ward; thence by the eastern boundary of the district to the mouth of the Ngaruroro River; thence westerly along the Ngaruroro River to the south-eastern corner of Waipiropiro No. 4 Block; thence north-westerly by the north-eastern boundary of that block to the Fernhill-Napier Road; thence easterly by that road to the Redcliffe Bridge over the Tutaekuri River; thence by the southern boundaries of the Taradale and Meanees Wards to the point of commencement.

4. *Karamu Ward*.—All that portion of the district, containing 4,900 acres, more or less, bounded—commencing at the Fernhill Bridge over the Ngaruroro River; thence easterly by the middle line of that river to the Whakatu Railway-bridge on the Wellington-Napier Railway; thence south-westerly by that railway to the north-eastern boundary of the Hastings Suburban Ward; thence north-westerly by the north-eastern boundary of that ward to the Hastings-Fernhill Road; thence northerly by that road to the point of commencement.

5. *Clive Ward*.—All that portion of the district, containing 8,000 acres, more or less, bounded—commencing at the mouth of the Ngaruroro River; thence south-easterly and south-westerly by the boundary of the district to the bridge over Danvers Creek on the Havelock-Napier Road; thence north-easterly and north-westerly by the south-eastern and north-eastern boundaries of the Hastings Suburban Ward to the Wellington-Napier Railway; thence north-easterly by that railway to the Whakatu Bridge over the Ngaruroro River; thence north-easterly by the middle line of that river to the point of commencement.

6. *Hastings Suburban Ward*.—All that portion of the district, containing 4,000 acres, more or less, bounded—commencing at the junction of Danvers Creek and the old Ngaruroro river-bed; thence northerly by that river-bed to the north-eastern corner of Lot 2, Subdivision E, Heretaunga Block; thence south-westerly by a right line to the south-easternmost corner of the Borough of Hastings; thence north-westerly and south-westerly by the north-eastern and north-western boundaries of that borough to the Hastings-Fernhill Road; thence north-westerly and north-easterly to a point 15 chains north-easterly from its junction with the Maraekakaho-Fernhill Road; thence south-easterly by a right line to the north-western corner of Lot 3, part of Lot 5, Subdivision A, Heretaunga Block; thence south-easterly and north-easterly by the south-western and south-eastern boundaries of the said Lot 3 to the boundary of Lot 4, Subdivision B, Heretaunga Block; thence south-easterly by the south-western boundary of that lot to the Twyford Road; thence south-easterly by a right line across that road and by the north-eastern boundaries of Lots 7 and 1, parts of the said Lot 4, Subdivision B, Heretaunga Block, to the south-eastern corner of the said Lot 1; thence north-easterly by the north-western boundaries of Lots 1, 68, 67, 66, 65, 64, and 63, of the said Lot 4, Subdivision B, Heretaunga Block, to the north-eastern corner of the said Lot 63; thence south-easterly by the south-western boundary of Lot 62, by a road reserve, and by the south-western boundaries of Lots 55 and 52 of the said Lot 4, Subdivision B, Heretaunga Block, to the south-western corner of the said Lot 52; thence south-easterly by a right line to the north-western corner of Lot 3 of the Mahora Settlement; thence south-easterly and north-easterly by the south-western and south-eastern boundaries of that Lot 3 to a road reserve; thence north-easterly and south-easterly by that road to the Pakowhai Road; thence north-easterly by that road to the Tomoana Settlement Road; thence south-easterly by

that road and by its north-eastern side produced, to the boundary of Lot 1, Subdivision D, Heretaunga Block; thence north-easterly by the north-western boundary of that block to a public road; thence south-easterly by that road to the Wellington-Napier Railway; thence north-easterly by that railway to a public road in the Karamu Reserve; thence south-easterly by that road to the boundary between Lots 16 and 18 of the Karamu Reserve; thence easterly by that boundary to the north-eastern corner of Lot 16; thence southerly by the eastern boundaries of Lots 16, 14, 12, 10, 8, and 1 of the Karamu Reserve to the Karamu Road; thence north-easterly by that road to its intersection with the Havelock-Napier Road; thence south-westerly by that road to Danvers Creek, and by that creek to the point of commencement.

7. *Pukahu Ward.*—All that portion of the district, containing 29,500 acres, more or less, bounded—commencing at the Fernhill Bridge; thence south-easterly by the south-western boundary of the Karamu Ward to the north-western boundary of the Borough of Hastings; thence south-westerly, south-easterly, and north-easterly by the north-western, south-western, and south-eastern boundaries of that borough to its south-easternmost point; thence by the western boundary of the Clive Ward to Danvers Creek; thence south-westerly, north-westerly, and north-easterly by the south-eastern, south-western, and north-western boundaries of the district to a point on the right bank of the Ngaruroro River opposite the mouth of the Ohiwia Stream; thence easterly by that river to the point of commencement.

8. *Omaraenui Ward.*—All that portion of the district, containing 5,500 acres, more or less, and lying to the north and west of a line commencing at the mouth of the Ohiwia Stream, and running thence easterly along the Ngaruroro River to the south-eastern corner of the Waipiropiro No. 4 Block, and thence north-westerly along the north-eastern boundary of that block to the Fernhill-Napier Road, and thence north-easterly along that road to the Redcliffe Bridge.

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