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Mr. Barnard.

HAWKE'S BAY RIVERS AMENDMENT.

[LOCAL BILL.]

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A BILL INTITLED

AN ACT to amend the Hawke's Bay Rivers Act, 1919.

Title.

Preamble.

WHEREAS the Board is authorized by the Hawke's Bay Rivers Act, 1919, to borrow by way of special loan a sum or sums not exceeding in

5 the whole one hundred and fifty thousand pounds for the purpose of carrying into effect a general scheme of flood-prevention after the approval of the same by the Minister of Public Works: And whereas the Board has decided upon a general scheme of flood-prevention for the district, prepared by a qualified engineer, the estimated cost of which scheme is

10 two hundred and fifty thousand pounds: And whereas provision is made by the said Act for ascertaining what contributions (if any) should be made by the Hawke's Bay County Council and the Napier Harbour Board towards the cost of any works executed or proposed to be executed by the said Board: And whereas it is considered desirable that a Com-

15 mission should be appointed to consider and determine what contribution (if any) shall be made by the said County Council and the said Harbour Board towards the cost of the said scheme, and also to consider and determine various other questions relating to the carrying-out of the said scheme and the raising of a special loan for that purpose: And

20 whereas extended powers as hereinafter appear are required by the said Board for the more effective exercise of its functions:

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

Short Title.

1. This Act may be cited as the Hawke's Bay Rivers Amendment Act, 1929, and shall be read together with and deemed part of the Hawke's Bay Rivers Act, 1919 (hereinafter called "the principal Act").

Board authorized to carry out general scheme.

2. The Board is authorized to execute and carry out the general scheme of flood-prevention which has already been approved by the Minister of Public Works (hereinafter referred to as "the said Minister") and which is outlined in the Schedule hereto, and, as part of and for the purpose of the general scheme, to purchase such lands and to execute and do such ancillary works and things as the Board may consider proper.

Power to modify scheme.

3. The Board may from time to time modify the said scheme, but any modification of the said scheme shall first be approved by the said Minister before such modification shall be put into execution. Any modification of the said scheme shall for the purposes of this Act be deemed part of and comprised in the said scheme.

Power to borrow £250,000.

4. For the purpose of carrying into effect the said scheme the Board may borrow by way of special loan under the Local Bodies' Loans Act, 1926, any sum or from time to time any sums not exceeding in the whole two hundred and fifty thousand pounds.

Governor-General may appoint Commission.

5. (1) The Governor-General may, at any time after the passing of this Act, appoint any person or persons to be a Commission under and with the powers given by the Commissions of Inquiry Act, 1908, for the purpose of inquiring into and determining all or any of the following questions and affairs, that is to say,—

- (a) Whether the existing Ward No. 3 shall be divided into two wards, with one member for each of such wards elected by the ratepayers of that ward, and, in the event of division, where the boundary between the two wards shall be : 25
- (b) Whether the graduated scale for rating as specified in section eleven of the principal Act shall be varied, and, if so, what shall be the new graduated scale : 30
- (c) Whether and to what extent any portion or portions of any ward or wards shall bear a greater proportion of the rates than the remainder of the same ward or wards, so as to relieve such remainder or remainders from the full proportion of rates the same would otherwise bear : 35
- (d) What contribution (if any) shall be paid by the Hawke's Bay County Council towards the cost of carrying out the said scheme if it shall appear that the said scheme when wholly or partially executed will or might safeguard from damage any highway or bridge or other public work under the control or management of the said County Council, or will lessen the cost of the maintenance of the same, or the cost of the execution of new works, or otherwise will be of benefit to the said Council : 40
- (e) What contribution (if any) shall be paid by the Napier Harbour Board towards the cost of carrying out the said scheme if it shall appear that the said scheme when wholly or partially executed will or might safeguard from damage any harbour-work or other work made or maintained, or proposed to be made or maintained, by the said Harbour Board, or any property of the said Harbour Board, or will reclaim or otherwise improve, or will lessen the cost or difficulty of reclaiming 45 50

or otherwise improving, any lands belonging to the said Harbour Board, or will lessen the risk of flood to the lands of the Harbour Board, or will otherwise benefit the said Harbour Board :

5 (f) If the said County Council or the said Harbour Board shall be required to contribute towards the cost of the said scheme, then what shall be the method of contribution and the times of payment or satisfaction of the same, and what conditions (if any) shall be attached thereto :

10 (g) Whether the Board may raise the said sum of two hundred and fifty thousand pounds or any portion thereof by special order without taking the steps prescribed by sections nine, ten, eleven, and twelve of the Local Bodies' Loans Act, 1926 :

15 (h) Whether other matters of law affecting the Hawke's Bay Rivers District or the Hawke's Bay Rivers Board, but not coming strictly within the purview of the above questions, are or may be affected by the decisions of the Commission, or are or may be incidental to those questions, and in consequence thereof what alterations or amendments of law shall be made.

20 (2) If it shall be necessary to take a poll of ratepayers on a proposal to borrow the said sum of two hundred and fifty thousand pounds or any portion thereof, a majority of the valid votes recorded shall suffice to carry the proposal.

If poll necessary majority of votes to suffice.

25 (3) So soon as practicable after the date of their appointment the Commissioners shall make to the Governor-General a report in writing under their hands wherein they shall set out their decisions touching the several questions referred to them, and upon the receipt by the Governor-General of such report the Minister of Internal Affairs shall forthwith cause the said decisions to be published in the *New Zealand Gazette*, and from and after the gazetting thereof the said decisions shall have the force of law without any other authority than this present Act, and all authorities and persons concerned shall take all proper steps and proceedings with a view to carrying out the said decisions and giving them full effect.

Decision of Commission to have force of law.

35 (4) All and singular the provisions of any and every statute relating or applicable to the Board or the district which shall be repugnant to or inconsistent with the said decisions or any of them shall, upon the gazetting of the said decisions, be deemed to be *ipso facto* repealed to the extent of such repugnancy or inconsistency as aforesaid.

40 (5) The fees of the Commissioners, their personal expenses, and all other expenses incurred by them in or about the prosecution of the said inquiry shall be chargeable against and shall be paid by the Board, but this provision is without prejudice to the general discretion of the Commission to award costs to or against any party to the inquiry.

Fees of Commission.

45 6. Notwithstanding anything in this or in any other statute contained, the Board may, without raising a loan for the purpose, proceed with the execution of the said scheme or any part or parts thereof, and for such purpose may expend moneys out of the General Account of the Board, and in the event of a loan being subsequently raised the Board

Board may proceed with scheme without raising loan.

50 may repay to the General Account any moneys so expended.

Board may raise loan for portion of district.

7. The Board may from time to time raise a special loan for the purpose of any river-works (whether part of any general scheme or not) for the benefit of some defined part of the district (whether called by any distinctive name or not), and the provisions of the Local Bodies' Loans Act, 1926, applicable to the raising of loans over part of a district shall apply to the raising of any loan or loans under this section. 5

Certain provisions of principal Act not prejudiced.

8. Nothing herein contained shall prejudice the provisions of sections sixteen and seventeen of the principal Act.

Board to have power to sell, lease, or otherwise dispose of lands.

9. (1) The Board shall have power to sell, lease, or otherwise dispose of any land from time to time belonging to it. 10

(2) All proceeds derived by the Board from any such sale, lease, or other disposition shall be applied, in the discretion of the Board, towards one or more of the following purposes:—

(a) The partial or total redemption of the principal or interest of any special loan raised by the Board under the Local Bodies' Loans Act, 1926 : 15

(b) The payment for any new river-works to be thereafter executed by the Board :

(c) The payment of compensation or the purchase price for any land taken or purchased or to be taken or purchased by the Board : 20

(d) The payment of compensation for damaging or injuriously affecting any land or property in the exercise of its powers.

(3) Where any land is sold under the power given by this section which was at the time of such sale held by the Board for the purpose of any public work, or for any particular purpose or purposes, and such public work has not been carried out, or such particular purpose or purposes have not been fulfilled, all moneys received by the Board upon such sale shall be applied to the purchase of other lands to be held for the same purposes as affected the lands so sold, or in the reduction of any loan out of which such lands were purchased. 25 30

Ratepayers whose rates unpaid not entitled to vote.

10. (1) It shall be the duty of the Clerk to send to the Returning Officer, not later than ten days before the date fixed for the holding of any election or the taking of any poll, a list of all ratepayers whose rates or any part thereof are then unpaid and have remained unpaid for a period of not less than six months. 35

(2) Notwithstanding any provisions in any other Act, no person whose name appears on the list furnished under the *last preceding* subsection for the purposes of any election or poll shall be entitled to vote at that election or poll.

Date of election altered.

11. Section nine of the principal Act is hereby amended by omitting the words "second Tuesday in January" where those words last occur in that section, and substituting the words "third Wednesday in May." 40

Allowance to Chairman.

12. The Chairman may be paid such annual allowance, not exceeding *one hundred* pounds, out of the funds of the Board as the Board from time to time fixes in addition to any refund of expenses under section twenty-three of the principal Act. 45

Board may pay expenses of Bill.

13. The Board may pay out of the funds of the Board all costs and expenses incurred by it of and incidental to the promotion and the preparation and passing through Parliament of any Bill which affects or concerns the rights, powers, and authorities of the Board, or any scheme for flood-prevention within the Board's district. 50

Repeal.

14. Section twenty of the Hawke's Bay Rivers Act, 1919, is hereby repealed.

SCHEDULE.

Schedule.

NGARURORO FLOOD-CONTROL WORKS.

THE works are designed to increase the discharge-capacity of the Ngaruroro, and provide a spillway so that the whole of the flood-waters will be retained in defined channels to the sea. From Fernhill Bridge to Pakowhai, stop-banks 1,100 ft. apart are to be built on each side of the river. Above the Whakatu Railway-bridge at river mileage 3 m. 70 ch. the left stop-bank swings to the north and forms the western bank of a flood overflow channel or spillway. The eastern bank of this spillway leaves the left bank of the Ngaruroro immediately above the Whakatu Bridge. All flood-waters rising above the level of the natural bank of the river between the Whakatu Railway-bridge and 3 m. 70 ch. spill down the overflow channel into the diversion channel of the Tutaekuri River, and thence under the Washout Railway-bridge to the sea via the new mouth to be made for the Tutaekuri. As a safeguard in case of combined floods in the Tutaekuri and Ngaruroro overtaxing the capacity of the flood-overflow channel it is proposed to build the stop-bank on the eastern side of this channel immediately opposite the Waitangi Railway-bridge 1 ft. below grade, so that excess flood-waters may get away through the Waitangi outlet into the sea via the Ngaruroro mouth. Below the Whakatu Railway-bridge the existing channel of the Ngaruroro is to be stop-banked and improved in alignment. The Whakatu Railway-bridge is to be lengthened 250 ft. and raised 2 ft. The scheme provides for a new traffic-bridge at Pakowhai. The mouth of the old Ngaruroro is to be flood-gated, and flood-gates having capacity for 10,000 cusecs are to be provided. It is proposed to build gates having 500 sq. ft. of waterway at first, but to make provision in the design for building the remainder of the gates at a later period.

TUTAEKURI FLOOD-CONTROL WORKS.

The works are designed to improve the discharging-capacity of the Tutaekuri River, to protect the banks, and rectify the alignment of the present course from Moteo (12 m.) to Powdrell's Bend (3 m. 40 ch.). At Powdrell's Bend it is proposed to divert the whole of the Tutaekuri River southwards by a new channel, by which the river will be discharged under the Washout Railway-bridge to a new mouth through the shingle-beach opposite into the sea. The work at Moteo consists of stop-banking the right bank from Puketapu Bridge 140 chains up-stream and improving the channel. Below Puketapu and down to Redcliff Bridge, works for protecting the banks and improving the alignment of the river are proposed. From Redcliff Bridge (5 m. 42 ch.) to Powdrell's Bend (3 m. 48 ch.) the existing channel is to be improved by the building of stop-banks, by clearing willows, protecting the banks, and rectifying the alignment. From Powdrell's Bend (3 m. 48 ch.) to the sea a pilot channel is to be made in the centre, and high stop-banks built 900 ft. apart on the margin of the diversion channel. The Washout Railway-bridge is to be strengthened to allow for a 15-ft.-deep channel and protected. Works consisting of a mole to hold the new mouth in place, and of a dam to separate the proposed Tutaekuri mouth from the mouth of the Ngaruroro, are provided for.

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