

447

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.
House of Representatives,
15th September, 1885.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Sir J. Vogel.

LOCAL BODIES' FINANCE AND POWERS.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Payments to local bodies for year ending the 31st March, 1886.</p> <p>3. Gold revenue to form part of county fund.</p> <p>4. Governor in Council may delegate power to local body to expend money for gold-mining operations.</p>	<p>5. Water-races and sludge-channels may be disposed of or vested in local bodies.</p> <p>6. Governor in Council may agree with local body to open up Crown lands recently sold.</p> <p>7. Governor in Council may delegate or resume power to local body to construct public works.</p> <p>8. Repeal Schedule.</p>
--	--

A BILL INTITULED

AN ACT to provide for Grants in Aid to Local Bodies, and for other Purposes. Title.

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

1. The Short Title of this Act is "The Local Bodies' Finance and Powers Act, 1885." Short Title.

2. There shall be paid to the Council or Board of each county, road district, town district, and borough, with respect to rates collectable and collected, for the year ending the thirty-first day of March, one thousand eight hundred and eighty-six, half the amounts to which they would be entitled under the plan of distribution described in the Schedule hereto: Provided that collections may extend up to the thirtieth day of June, one thousand eight hundred and eighty-six, and the amounts voted herein shall be payable up to the end of June, one thousand eight hundred and eighty-six: Provided also that there may, previous to the collection of the rates, be paid a sum not exceeding seventy-five per cent. of the subsidies to the local bodies on the rates levied and to be collected, but should the rates not be collected before the *thirtieth* day of *June*, one thousand eight hundred and eighty-six, the local bodies shall repay to the public fund the subsidy overpaid. Payments to local bodies for year ending the 31st March, 1886.

In case any doubt arises as to the several payments to be made under this clause and the Schedule, or as to payments to be made in

respect of newly formed districts wherein the Board has not had sufficient time to levy and collect rates, the Governor in Council may authoritatively decide the amounts of such payments.

Half of the aforesaid payments shall be issued and paid by the Colonial Treasurer out of the Public Works Fund, and half shall be paid and issued by the Colonial Treasurer out of the Consolidated Fund.

5

Gold revenue to form part of county fund.

3. From and after the passing of this Act, all the revenues derived from collected within any mining district constituted under "The Mines Act, 1877," or any Act relating to mining for gold, or within part of any such district within the limits of any county, and accruing under the provisions of any such Act, except revenues derived from the sales of land, or the leasing of land for agricultural purposes, shall, subject to and after cost of collecting the same, or other lawful charge connected therewith, in accordance with any regulation in that behalf by Order in Council, shall have been defrayed, form part of the county fund, and the Governor in Council may delegate to any local body all or any of the powers he possesses for collecting such revenues. subject to any conditions and according to any regulations he may from time to time impose by Order in Council.

10

15

20

Governor in Council may delegate power to local body to expend money for gold-mining operations.

4. The Governor may, by Order in Council, delegate to any local body, or to any number of local bodies to be united for the purpose, the expenditure of moneys appropriated by the General Assembly for expenditure in encouraging and assisting the prospecting for gold or gold-mining operations in any mining district or part of any mining district within the district or districts under the jurisdiction of any local body or local bodies united for the purpose ; but such local body or local bodies shall, in the expenditure of the same, conform to all such conditions and regulations as shall be prescribed in that behalf by the General Assembly or by the Governor in such delegation ; and, when any such delegation shall have been made, the Treasurer may pay over to the delegated local body or local bodies the amount payable in pursuance thereof.

25

30

Struck out.

5. It shall be lawful for any local body in a mining or gold-mining district as defined by "The Mines Act, 1877," or "The Gold-Mining Districts Act, 1873," to expend a portion of the revenues received by it from duty on gold or goldfields revenue in prospecting for diamonds or gold, silver, tin, or other metals.

35

Water-races and sludge-channels may be disposed of or vested in local bodies.

6. 5. The Governor may, by Order in Council, dispose of by public tender any water-races or sludge-channels now vested in the Crown, or may vest in any local body, or in any number of local bodies united for that purpose, any water-race or sludge-channel vested in the Crown, with all the revenues and other rights and benefits accruing from or annexed to the same ; but so that every such water-race or sludge-channel shall continue to be liable to all conditions as to uses and otherwise howsoever as shall be declared and directed in that behalf by such Order.

40

45

Governor in Council may agree with local body to open up Crown lands recently sold.

7. 6. The Governor may by Order in Council agree with any local body, or with any number of local bodies united for the purpose, for the execution by such local body or by such united local bodies of any public work within the district or districts under the jurisdiction of such local body or united local bodies, and about to be undertaken for opening up and developing lands of the Crown recently sold or about to be sold within

50

448

such district or districts; but so, nevertheless, that the total amount which the Governor may agree to expend in respect of any such public work shall not exceed one-fourth of the revenue derived or to be derived from the Crown lands so sold as aforesaid: and after any such agreement shall have been made the Treasurer may pay over to such local body or local bodies (if more than one) the amount so agreed to be paid.

8. 7. The Governor may, by Order in Council, from time to time delegate to any local body or to any number of local bodies united for the purpose, and may from time to time resume, any powers or authorities vested in him in relation to the construction or control of any public works within the district or districts under the jurisdiction of such local body or united local bodies, upon such terms and conditions as shall be expressed in such order.

Governor in Council may delegate or resume power to local body to construct public works.

15 *Struck out.*

9. In addition to the powers of delegation hereinbefore given to the Governor, he (the Governor) may by Order in Council delegate to any local body for any period, and subject to any regulations, restrictions, or stipulations which may be specified in such Order, all or any of the powers vested in him by this Act, and all or any of the powers vested in him by any other Act, which he has power to delegate, and which in his opinion it may be expedient to delegate, under this provision; and every such delegation may from time to time alter or revoke: Provided that any such alteration or revocation shall not affect the validity of instruments completed or acts done during the existence of such delegation.

10. 8. "The Roads and Bridges Construction Act, 1882," and any Acts amending the same, are hereby repealed, but shall notwithstanding remain in full force so far as relates to any thing done, appointment or instrument made, right or privilege accrued, work authorized, offence committed, forfeiture penalty or liability incurred, action prosecution or proceeding commenced, under the authority of or against the provisions of the said Acts before the passing of this Act.

Repeal.

SCHEDULE.

Schedule.

DURING each financial year, in respect of all sums actually collected by way of general rates for the year ending on the thirty-first day of March, 1886 (exclusive of all general rates collected in respect of Crown lands and Native lands by virtue of "The Crown and Native Lands Rating Act, 1882," and "The Crown and Native Lands Rating Act 1882 Amendment Act, 1883"), but not exceeding the amount so recoverable on a rate of three farthings in the pound on the capital value, and one shilling in the pound on the annual value, and to be proportionately reduced if less rates be levied and collected, the sums following:—

- (A.) To each Borough Council and Town Board—
- (1.) When the general rates actually collected shall not exceed a total sum of £750, then a sum equal to £1 for every £1 of such rates, and no more.
 - (2.) When the general rates so collected shall exceed a total sum of £750, then a sum equal to 10s. for £1 of such rates, and no more. Provided that no lesser sum than £750 nor greater than £1,800 shall be paid in any one year under this subsection (2) to any such Council or Board.
- (B.) To each Council of a county wherein there are no road districts—
- (1.) When the general rates so collected by the County Council shall not exceed a total sum of £1,000, then a sum equal to £2 for every £1 of such rates, and no more.

(2.) When the general rates so collected shall exceed a total sum of £1,000, then a sum equal to £1 for every £1 of such rates, and no more. Provided that no lesser sum than £2,000 nor greater sum than £10,000 shall be paid in any one year under this subsection (2) to any such Council.

(c.) In respect of counties when there are road districts—

(a.) To each Road Board in such county wherein the Counties Acts are not in full force—but, if the Counties Acts are so in full force, then to each Road Board and the County Council in equal parts—

(1.) When the general rates actually collected by the Road Board in the road district shall not exceed a total sum of £500, then a sum equal to £2 for every £1 of such rates, and no more.

(2.) When the general rates so collected shall exceed a total sum of £500, then a sum equal to £1 for every £1 of such rates, and no more. Provided that no lesser sum than £1,000 nor greater than £2,000 shall be paid in any one year under this subsection (2) to any such Road Board.

Provided that, whenever any road district becomes divided into two or more road districts, these road districts shall each share under the last subsection, if the road district at the time of division would by a rate of $\frac{3}{4}$ d. in the pound on the capital value have levied more than £500.

Provided further, that if any road district does not collect rates the county may claim the payment on behalf of such road district if the county collect rates within such road district.

(b.) To the County Council—

(1.) When the general rates actually collected by the County Council in the outlying districts of such county shall not exceed a total sum of £500, then a sum equal to £2 for every £1 of such rates, and no more.

(2.) When the general rates so collected shall exceed a total sum of £500, then a sum equal to £1 for every £1 of such rates, and no more. Provided that no lesser sum than £1,000 nor greater than £2,000 shall be paid in any one year under this subsection (2) to any such Council.

Provided that, whenever one or more Road Boards or parts of Road Boards merge in a county and become a riding or part of a riding, the same rate of subsidy shall be paid to the County Council on account of such riding or part of riding as would have been payable had the riding or part of riding continued a Road Board or Road Boards or parts of Road Boards.

Provided that no greater sum in all than £10,000 shall be paid in any one year in respect of the total amount of general rates levied and collected altogether by the Road Boards in the road districts and by the County Council in the outlying districts in any county, and in the ridings by the last proviso: and when the total amount of subsidy that would be payable in respect of the total amount of general rates collected as last aforesaid shall exceed £10,000, then the total amount of subsidy to be payable to the Road Boards and County Council shall be apportioned *pro rata* according to the amount of general rates collected as aforesaid by such Road Boards and the County Council respectively.