

*Mr. Roy*

LOWER CLUTHA RIVER IMPROVEMENT  
AMENDMENT BILL

[LOCAL BILL]

ANALYSIS

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A BILL INTITULED

AN ACT to amend the Lower Clutha River Improvement Act, 1938, and to vest in the Lower Clutha River Trust the Tuakitoto and Kaitangata Lakes, and the Power of the Bruce County Council and the Kaitangata Borough Council in relation thereto. Title.

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

- 10 1. This Act may be cited as the Lower Clutha River Improvement Amendment Act, 1942, and should be read together with and deemed part of the Lower Clutha River Improvement Act, 1938 (hereinafter referred to as the principal Act). Short Title and commencement.

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Interpretation.	2. In this Act, unless such meanings shall be inconsistent with the context,— “ The Borough ” means the Kaitangata Borough Council: “ The Council ” means the Bruce County Council.	5
Vesting of lands and rights.	3. The lands described in the First and Second Schedules to the Tuakitoto and Kaitangata Lakes Act, 1911 (hereinafter referred to as the said lands), and all works constructed or undertaken by the Council and the Borough or either of them, or by any predecessors of either of them, for the reclamation or drainage of all or any of the said lands or for the drainage of the Tuakitoto and Kaitangata Lakes or either of them, and all lands, rights-of-way, easements, and other rights whatsoever over lands acquired by them or any of them in connection with or for the purposes of any such work, and all the rights, powers, and authorities vested (whether by the principal Act or otherwise) in the Council and the Borough respectively for the reclamation or drainage of the said lands or the said lakes, are hereby transferred to and vested in the Trust, and, in the case of the said lands, for an estate in fee-simple as endowments. The said rights, powers, and authorities shall no longer be exercisable by the Council or the Borough.	10 15 20 25
Power to lease lands.	4. The Trust shall have the power to lease any endowments and shall be in respect thereof a leasing authority within the meaning of the Public Bodies' Leases Act, 1908.	
Existing leases.	5. All leases granted by the Council or by the Borough in respect of such endowments and subsisting at the commencement of this Act shall be deemed to have been granted by the Trust.	30
Application of rents.	6. All rents arising from any of the lands hereby vested in the Trust may in its discretion be applied in or towards the construction or maintenance of any works which the Trust is hereby authorized to construct or maintain, or in or towards the payment of the principal or interest of any loan raised by the Trust for any such purpose or for which the Trust is made liable by section <i>eight</i> hereof.	35 40
Reclamation works.	7. All the powers conferred on the Trust by the principal Act (including those conferred by section four thereof) shall extend to and be exercisable in respect of the reclamation or drainage of any lands in pursuance of the powers hereby vested in the Trust.	45

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8. (1) The liability of the Council in respect of the loans mentioned in the Schedule hereto (being loans raised by it for the drainage and reclamation of the lands described in the First and Second Schedules to the Tuakitoto and Kaitangata Lakes Act, 1911) is hereby transferred to the Trust, and the said loans shall for all purposes be deemed to have been raised by the Trust. Special loans.
- (2) All special rates made for the purposes of the said loans shall be deemed to have been made by the Trust, and may from time to time be levied accordingly.
9. The Trust is hereby empowered to pay out of its funds all costs, charges, and expenses incurred by it in connection with the promotion of this Act. Promotion expenses.
10. The Council shall pay to the Trust upon the passing of this Act the sum of one thousand one hundred pounds, and no claim shall be made by the Trust against the Council in respect of any failure of the Council to clear and maintain the channels joining the Tuakitoto and Kaitangata Lakes with each other and with the Clutha River or to apply for that purpose any rents arising from the lands hereinbefore mentioned. Financial adjustment with the Council.
11. (1) The Trust shall not be bound to provide or maintain any bridge over any channel running into or through or over either of the said lakes, or the said lands or connecting the said lakes with each other or with the Clutha River. Bridges.
- (2) The Trust may in its discretion widen or deepen any such channel or any part thereof, but nothing contained herein or in the Lower Clutha River Improvement Act, 1938, shall be construed as authorizing or empowering the Trust to remove or interfere with any bridge now existing over any channel connecting the said lakes with each other or with the Clutha River, or to remove or interfere with any approach to any such bridge, or to expend any of its funds in or towards the removal, repair, or replacement of any such bridge now existing or any approach thereto.
12. The Trust shall not be bound to collect any special rate heretobefore or hereafter made or deemed to be made by it except to such extent as may from time to time be necessary for the purpose of paying the principal, interest, and other charges on the loan or loans for securing which such special rate was made. Collection of special rates.

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Power to  
hire plant.

**13.** The Trust may from time to time let to any person (with or without drivers or other servants to work the same) any plant or other chattels not required for its own immediate use and upon such terms and conditions as it thinks fit and without the necessity of advertising or calling for tenders. No contract for any such hiring or letting shall be open to objection on the ground that it amounts to a contract for the performance of work or labour by the Trust. 5

Allowances  
to members.

**14.** The Trust may out of its funds pay to any of its members such remuneration as it may deem reasonable, not exceeding one pound one shilling per diem for every day on which he may be engaged on the business of the Trust other than attendance at committee meetings, and not exceeding ten shillings and sixpence for attendance at each meeting of any Committee of the Trust, but the amount payable to any member under this section shall not exceed the sum of twelve pounds twelve shillings in any period of twelve months. 10 15 20

Repeals.

**15.** Sections six, eight, nine, and ten of the Tuakitoto and Kaitangata Lakes Act, 1911, and Tuakitoto and Kaitangata Lakes Amendment Act, 1913, and the Tuakitoto and Kaitangata Lakes Amendment Act 1914, are hereby repealed. 25

Schedule.

SCHEDULE.

LAKES DRAINAGE DISTRICT.

COMPRISES the area containing Blocks 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, South Tuakitoto Survey District, and Blocks 9, Sections 4, 5, 6, 7, Block 7, North Molyneux Survey District.

MATAU DRAINAGE DISTRICT.

Comprises the area containing Blocks 5 and 6; Sections 1 to 6, Block 7; Sections 1 to 4, Block 8; Sections 1 to 8, Block 10; Sections 1 to 10, Block 12; Sections Part of 1 to 5 (below railway), all 6 to 10, Block 13; Sections Part of 1 to 5 (below railway), Block 14. Part of township of Stirling included in part of Sections 1 to 3, Block 13, all in North Molyneux Survey District.

SCHEDULE OF LOANS.

- (1) Kaitangata Tuakitoto Lakes Canal Loan.
- (2) Lakes Drainage No. 4 Deepening Morrison's Creek Loan.
- (3) Matau Riding Extension Drainage Works Loan.