

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE.]
House of Representatives, 9th September, 1913.

Hon. Mr. Massey.

LAND DRAINAGE AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Land Drainage Act, 1908.

Title.

BE IT 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 Land Drainage Amendment Act, 1913, and shall form part of and be read together with the Land Drainage Act, 1908 (hereinafter referred to as the principal Act).

Increased rating-power.

2. (1.) Notwithstanding anything in section thirty-one of the principal Act, a rate may be levied exceeding six farthings *but not exceeding three pence* in the pound if—

(a.) A petition has been presented to the Board signed by not less than three-fourths of the ratepayers, representing not less than ~~three-fourths~~ *one-half* of the rateable value of all the properties liable to be rated within the district or subdivision, requesting that a rate specified in the petition may be levied :

(b.) The Board has notified by public notice that such petition has been presented requesting the levy of such rate, and that such petition will be open for inspection at some place named in the notice for a period of ~~fourteen~~ *twenty-eight* days from the date of the first publication of such public notice, and that objections in writing to the petition or the prayer thereof will be considered by the Board at a meeting of the Board to be held after the expiration of the said period of ~~fourteen~~ *twenty-eight* days :

(c.) The Board at its meeting so held after the expiration of the period of ~~fourteen~~ *twenty-eight* days has, after consideration of the subject of such objections in writing (if any), resolved to levy the rate specified in the petition, or any rate less than the rate so specified.

(2.) Public notice issued by the Board or an officer of the Board of a resolution of the Board purporting to have been made in pursuance of the powers conferred by the *preceding* subsection, and of the intention of the Board to levy such rate, shall be conclusive evidence that all the conditions prescribed by the *preceding* subsection have been duly complied with prior to and in respect of such resolution; and no objection shall be taken to the validity of any rate levied in pursuance of or in accordance with the terms of such resolution on the ground that any of the conditions prescribed by this Act have not been performed or complied with.

Rates to be on graduated scale.

3. (1.) Every rate and special rate hereafter made under the principal Act shall be levied on a graduated scale according to a classification made by the Board of the rateable property within the district:

Provided that if the Minister of Internal Affairs, on the request of the Board, and after due inquiry, is satisfied that all the lands liable to be rated will derive practically equal benefit from the drainage-works in respect of which any rate or special rate is proposed to be made and levied, he may authorize the Board to make and levy such rate on a uniform scale or on an acreage basis on a graduated scale according to the classification of the lands in the district.

Repeal.

(2.) This section is in substitution for subsection one of section thirty-two of the principal Act, and that subsection is hereby accordingly repealed.

Saving.

(3.) Nothing herein shall affect any rate or special rate made before the commencement of this Act, notwithstanding that the levy thereof may be after the commencement of this Act.

Section 33 of principal Act amended.

4. Section thirty-three of the principal Act is hereby amended by adding the following proviso at the end thereof:—

“ Provided that before the appointment of such proportions, the Board shall cause public notice to be given of the respective proportions it proposes to appoint; and shall, at a meeting of the Board to be held after the expiration of a period of ~~fourteen~~ *twenty-eight* days from the first publication of such public notice, consider all objections in writing (if any) which have been received by the Board to such proposed proportions.”

Amendment of classification-list.

5. The classification-list may from time to time be amended by the Board:

Provided that no such amendment shall have effect until the expiration of two months after the service of notice of the amendment on all ratepayers affected thereby. The provisions of the principal Act relating to appeals and to the authentication of the classification-list shall apply to every such amendment of the list.

Boundaries of districts may be altered on petition.

6. (1.) If the Board is of opinion that lands not included in the district have derived, or are deriving, or may thereafter derive benefit from the drainage works or operations carried out or proposed to be carried out under the powers conferred by the principal Act, the Board may present a petition to the Governor praying that the boundaries of the district may be altered so as to include such lands in the district.

(2.) Every such petition by the Board shall define with reasonable certainty the boundaries of the lands proposed to be included.

(3.) Upon the presentation to the Governor of such petition by the Board, the Governor may, if he thinks fit, direct a Commission, consisting of the Commissioner of Crown Lands and an officer in charge of the Valuation District in which the lands proposed to be included are situated, and some third person whom the Governor shall deem qualified for the purpose, to inquire and report to him as to whether the lands defined in the petition or part or parts thereof have derived, or are deriving, or may derive substantial benefit from the drainage works or operations carried out or proposed to be carried out by the Board, and whether such lands or such part or parts thereof should be included in the district, and accordingly become liable to levy of rates thereafter to be made by the Board, and to what extent (if any) such lands ought to become liable for the future levy of rates already made by the Board.

(4.) Such Commission shall have all the powers, authorities, and functions of a Commission under the Commissions of Inquiry Act, 1908.

(5.) If such Commission reports to the Governor that such lands or parts thereof ought to be included in the district, the Governor may, by Order in Council, alter the boundaries of the district by including therein such lands or such part or parts thereof. All such lands so included shall, as from the date of the Order in Council, be liable to the levy of all rates thereafter to be made by the Board.

(6.) If such Commission reports to the Governor that such land or such part or parts thereof ought to become liable for the future levy of rates theretofore made by the Board, the Governor may, by the same Order in Council, direct that such lands or such part or parts thereof shall be so liable, and the same shall be so liable for all levies of such rates after the date of the Order in Council.

(7.) The powers conferred by this section are exclusive of and in addition to, and not in substitution for, the power conferred upon the Governor by section three of the principal Act to alter the boundaries of a district by including therein an area upon the petition of the majority of the ratepayers of that area.