

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,
3rd September, 1925.*

Mr. Nash.

MANAWATU-OROUA RIVER DISTRICT AMENDMENT.

[LOCAL BILL.]

Title.	ANALYSIS.
1. Short Title.	11. Local authorities to contribute to cost of works in certain cases. Governor-General may apportion cost between subdivisions of district. Governor-General may appoint Commissioner to inquire into the matter.
2. Section 34 of principal Act amended.	12. Separate classification may be made in case of separate rate or special rate.
3. Boundaries of district extended and subdivisions varied.	13. Properties may be classified as a whole or may be divided into parts for classification.
4. Lands benefited may be included in river district.	14. Local authority may apply for a Commission hereunder.
5. Section 8 (1) of principal Act amended.	Schedules.
6. Board may adjust anomalies in classification.	
7. Person on ratepayers' roll not entitled to vote if exempted from rates.	
8. Section 33 (1) of principal Act amended.	
9. Section 33 (2) of principal Act amended.	
10. Section 38 of principal Act amended.	

A BILL INTITULED

AN ACT to amend the Manawatu-Oroua River District Act, 1923. Title.

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

1. This Act may be cited as the Manawatu-Oroua River District Amendment Act, 1925, and shall form part of and be read together with the Manawatu-Oroua River District Act, 1923 (hereinafter called "the principal Act"). Short Title.

10 2. Section thirty-four of the principal Act is hereby amended by omitting all the words after the words "at the River Board's option," and substituting the following: "into four or more classes by reference to the degree if any to which those lands have received or are likely to receive either an increase in value or an indirect benefit from the works and operations carried out or proposed to be carried out by the River Board. In the event of the second method of classification being adopted the rates shall be levied upon all the said classes of land (other than lands classified as not having received and not being likely to receive any increase in value or any indirect benefit from the said works and operations) in such proportions as the River Board in each case approves."
20

Section 34 of principal Act amended.

Boundaries of district extended and subdivisions varied.

3. (1. The boundaries of the Manawatu-Oroua River District constituted under the principal Act are hereby extended as from the twenty-second day of October, nineteen hundred and twenty-four, by including therein the area described in the *First* Schedule hereto.

(2.) In lieu of the subdivisions described in the Second Schedule to the principal Act, the district as so enlarged is hereby divided as from the said twenty-second day of October, nineteen hundred and twenty-four, into five subdivisions with the names and boundaries set out in the *Second* Schedule hereto. 5

(3.) Subsection two of section three of the principal Act and the Second Schedule to that Act are hereby repealed. 10

Lands benefited may be included in river district.

4. (1.) If the Board is of opinion that lands not included in the district have derived or may derive benefit from the 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-General praying that the boundaries of the district may be altered so as to include such lands in the district or in any subdivision thereof. 15

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

(3.) On presentation to the Governor-General of such petition by the Board, the Governor-General may, if he thinks fit, direct a Commission, consisting of the Commissioner of Crown Lands, the District Land Valuer for the district in which the land proposed to be included are situated, and some third person whom the Governor-General deems qualified for the purpose, to inquire and report to him as to whether the lands defined in the petition or any part thereof have derived or may derive substantial benefit from the operations carried out or proposed to be carried out by the Board, and whether such lands or part 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. 20 25 30

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

(5.) If the Commission reports to the Governor-General that such lands or any part thereof ought to be included in the district, the Governor-General may, by Order in Council, alter the boundaries of the district by including therein such lands or any part thereof. All lands so included shall, as from the date of the Order in Council, be liable to the levy of all rates thereafter made by the Board. 35 40

(6.) If the Commission reports to the Governor-General that such lands or any part thereof ought to become liable for the future levy of rates theretofore made by the Board, the Governor-General may, by the same Order in Council, direct that such lands or part 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. 45

(7.) On any alteration of the boundaries of the district under the provisions of this section the Governor-General may, by the same or any other Order in Council, alter the boundaries of the subdivisions of the district. 50

Section 8 (1) of principal Act amended.

5. Subsection one of section eight of the principal Act is hereby amended by omitting the reference to paragraphs (a), (b), and (c), and substituting a reference to paragraphs (a), (b), and (e).

6. (1.) Where the Board is of opinion that under any classification heretofore made under section thirty-four of the principal Act minor anomalies and injustices have resulted by reason of the fact that a property classified as a whole receives varying degrees of benefit, it may modify the classification by classifying the property into more than one class, provided always that no modification shall be made which will increase the total rates payable in respect of the property.

Board may adjust anomalies in classification.

(2.) Any modification made as aforesaid shall be noted on the classification list and the entry thereon signed by the Board. Every modification shall then for all purposes of section thirty-five of the principal Act be deemed to be part of the classification list as if it had originally appeared thereon.

(3.) Where the classification of any property is modified as aforesaid it shall not be deemed to be a reclassification of the property, and there shall be no right of appeal against such modification.

7. Notwithstanding anything in the principal Act contained, no person shall be entitled to vote at any election of a member of the Board, or at any poll upon a proposal submitted to the ratepayers of the district, or shall be capable of being elected or of holding office as a member of the Board, while the land in respect of which his name appears on the ratepayers' roll is, by reason of the classification of that land for rating purposes, exempt from payment of all rates made and levied by the Board of the district.

Person on ratepayers' roll not entitled to vote if exempted from rates.

8. Subsection one of section thirty-three of the principal Act is hereby amended by adding after the word "subdivisions" the following words: "or any defined part of any subdivision (whether called by a distinctive name or not)."

Section 33 (1) of principal Act amended.

9. Subsection two of section thirty-three of the principal Act is hereby amended by omitting the word "equally"; and by adding after the word "subdivision" wherever it occurs in the subsection the words "or defined part of a subdivision"; and after the word "subdivisions" the words "or defined parts."

Section 33 (2) of principal Act amended.

10. Section thirty-eight of the principal Act is hereby amended by adding after the word "district" the following words: "or subdivision or defined part."

Section 38 of principal Act amended.

11. (1.) If the Board is of opinion that any local authority whether within the district or outside the district is deriving or will derive benefit from the operations carried out or proposed to be carried out under the powers conferred by the principal Act or this Act, then and in every such case the Board may apply to the Governor-General to apportion the cost between the Board and the said local authority, and the Governor-General may thereupon, but subject to the provisions of subsection *three* hereof, by notice gazetted apportion the cost accordingly, and the apportionment so gazetted shall be final and binding on all parties concerned and may be enforced by the Board as if it were a judgment of the Supreme Court.

Local authorities to contribute to cost of works in certain cases.

(2.) When making any such apportionment the Governor-General may apportion among all or any of the subdivisions of the district the proportion of the cost fairly chargeable to such subdivision.

Governor-General may apportion cost between subdivisions of district.

(3.) Before making the apportionment aforesaid the Governor-General may, if he thinks proper, appoint some fit person or persons to be a Commissioner or Commissioners with all the powers of a Com-

Governor-General may appoint Commissioner to inquire into the matter.

mission appointed by the Governor-General in Council under the Commissions of Inquiry Act, 1908, for the purpose of inquiring into the proportion of the said cost, if any, fairly chargeable to the said local authority and the various subdivisions of the district, and the Commissioners so appointed shall inquire into the said matters and shall report to the Governor-General thereon. 5

Separate classification may be made in case of separate rate or special rate.

12. Before making and levying a separate rate or a special rate over a subdivision or defined part of a subdivision in terms of section thirty-three of the principal Act, the Board shall cause the land comprised in such subdivision or defined part to be classified in accordance with the provisions of section thirty-four of the principal Act as amended by this Act. Any such classification shall be in addition to any other then existing classification of the land included therein, and no variation between any such classifications in respect of any of the lands included therein shall in any wise invalidate any or all of such classifications. 10 15

Properties may be classified as a whole or may be divided into parts for classification.

13. In carrying out the classification of land in accordance with the provisions of section thirty-four of the principal Act the persons appointed to make the classification may in their discretion treat each property as a whole and classify it accordingly or divide each property into parts and classify each part separately. In any appeal against the classification of any property there shall be no appeal against any decision of the classifiers under this section as to the method of classification to be adopted. 20

Local authority may apply for a Commission hereunder.

14. (1.) If any local authority exercising jurisdiction over any area wholly or partly within the district of the Manawatu-Oroua River Board, or any ratepayer in such district, claims that any protection works carried out by such local authority or ratepayer within the district are or are likely to be required for the efficient carrying-out of the River Board's operations under its statutory powers, or are or may be of substantial benefit to such operations, such local authority or ratepayer may request the Board to bear a proportion of the cost of such protection works or to grant some commensurate consideration to the lands within the district in respect of such works. 25 30

(2.) On receipt of such request the Board shall apply to the Governor-General for the appointment of some fit person or persons to be a Commission to investigate and determine the matter, and the Governor-General may make such appointment accordingly. Such Commission shall have all the powers of a Commission appointed under the Commissions of Inquiry Act, 1908 : 35 40

Provided that the Board need not apply for the appointment of a Commission if the Engineer-in-Chief of the Public Works Department, or some other engineer of the Department appointed by him, gives a certificate in writing that the said works have not been and are not likely to be of substantial benefit to the efficient carrying-out of the Board's operations under its statutory powers. 45

(3.) There may also be referred to any Commission appointed as aforesaid the question of the value of any river protection works carried out by any other local authority or any other ratepayer in the Board's district and required or likely to be required for or which are or may be of substantial benefit to the efficient carrying-out of the Board's operations under its statutory powers, and the Commission shall determine 50

what proportion of the cost of such works should be borne by the Board, or what other relief should be granted by the Board, in consideration of such works.

(4.) When the Commission decides that any protection works are or
5 are likely to be required for, or of substantial benefit to, the efficient
carrying-out of the Board's operations it may recommend that an
adjustment be made either in connection with the classification of
lands for rating or in some other manner, and the recommendation
of the Commission shall be given effect to by the Board. If the
10 Commission recommends that a proportion of the cost of any such
works should be borne by the Board it shall also, if so requested,
apportion such proportion of the cost amongst the several subdivisions
of the district in such shares as it deems just.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

AREAS INCLUDED IN MANAWATU-OROUA RIVER DISTRICT.

ALL those areas in the Wellington Land District, situated in the Manawatu and Horowhenua Counties, and more particularly described as follows :—

Bounded by a line commencing at a point on the eastern boundary of Section 41, Block VI, Mount Robinson Survey District, 10 chains from north-east corner of said section, and proceeding by a right line westerly crossing a public road and through Sections 41, 40, and 39 to corner of public road; thence by eastern boundary of said road south-westerly to the north-western corner of Section 45; thence easterly by the boundary of the Manawatu-Oroua River District as defined in the Manawatu-Oroua River District Act, 1923, and northerly to the starting-point.

Bounded by a line commencing at the north-east corner of Lot 10, D.P. 6210, Block VI, Mount Robinson Survey District, and following in a westerly direction southern boundary of public road forming northern boundary of Lots 10, 9, 8, 1, D.P. 6210, crossing a public road, and continuing westerly along southern boundary of first-mentioned road; and then northerly to the south side of Purcell Street, Borough of Foxton; thence westerly by the south side of Purcell Street to its intersection with the Manawatu River; thence in a southerly direction by the right bank of the Manawatu River to the north-western corner of Section 421, Block V, Mount Robinson Survey District; thence easterly and northerly by the Manawatu-Oroua River District boundary as defined in the Manawatu-Oroua River District Act, 1923, to the starting-point.

Bounded by a line commencing at the south-eastern corner of Rerengaohau Block, in Block II, Moutere Survey District, thence following the left bank of the Manawatu River northerly, then south-westerly, then north-westerly, to the sea; thence southerly by the sea-coast to the south-western corner of Rerengaohau Block; thence easterly by southern boundary of said block to the starting-point.

Bounded by a line commencing at the north-eastern corner of Lot 11, D.P. 2590, Block V, Mount Robinson Survey District, at its intersection with the right bank of the Manawatu River, and following eastern and north-eastern boundaries of said lot to public road; thence westerly along boundary of aforesaid road to the Manawatu River; thence south-easterly and north-easterly along right bank of Manawatu River to the starting-point.

Bounded by a line commencing at the north-eastern corner of Section 3, Aratangata, Block IX, Mount Robinson Survey District, and following northern boundary of said section a distance of 45 chains; thence in a south-easterly direction by a right line to its intersection with the eastern boundary of aforesaid section at a point on said boundary 30 chains from north-east corner of section; thence northerly along eastern boundary of section to starting-point.

Bounded by a line starting at north-west corner of Lot 6, D.P. 4440, Block XIV, Mount Robinson Survey District, where it intersects a public road, and following in an easterly direction northern boundary of Lots 6, 5, 4, 2, 1, D.P. 4440, to western side of public road; thence generally in a northerly direction by boundary of aforesaid road to south-east corner of Lot 3, D.P. 4138; and thence first north-westerly and then south-westerly by the Manawatu-Oroua River District boundary as defined in the Manawatu-Oroua River District Act, 1923, to starting-point.

Bounded by a line commencing at the north-eastern corner of Lot 5, D.P. 6042, Block XIV, Mount Robinson Survey District, and following northern boundary of said lot to the north-west corner; thence by a right line in a westerly direction to the north-east corner of Lot 1, D.P. 6042; thence by north-eastern boundary of Lot 1 to railway reserve; thence easterly and north-easterly by eastern boundary of railway reserve to its intersection with public road; thence south-easterly by western boundary of road to starting-point.

Bounded by a line starting at the intersection of the present boundary of the district with the boundary of the Buckley Drainage District near the north-west corner of Lot 3, D.P. 434, Block XV, Mount Robinson Survey District, and proceeding along the gazetted boundary of aforesaid drainage district in an easterly, southerly, and northerly direction to the intersection of said boundary with the boundary of the river district as defined in the Manawatu-Oroua River District Act, 1923, in the vicinity of part 2E 12, Manawatu Kuku Tauaki; thence southerly and westerly by present boundary of river district to starting-point.

Bounded by a line commencing at the south-west corner of Section 7, Mangawhata Settlement, Block XV, Te Kauwau Survey District, and following in a general north-westerly direction the eastern boundary of public road to the north-west corner of Section 5, Mangawhata Settlement; thence by north-west boundary of Section 5 in a north-easterly direction to public road; thence south-easterly by boundary of public road to intersection with the Manawatu-Oroua River District boundary as defined in the Manawatu-Oroua River District Act, 1923; thence easterly and south-westerly by said boundary to starting-point.

Bounded by a line commencing at the south-west corner of Section 14, Block VIII, Te Kauwau Survey District, and following western boundary of said section and of Section 13 to north-west corner of Section 13; thence easterly along northern boundary of Section 13, to western boundary of Section 12; thence northerly along western boundary of Section 12 to its north-west corner; thence easterly along north boundary of Sections 12, 11, 10, 9, 8, 1, and across public road; thence northerly along eastern boundary of road to northern boundary of Block VIII, Te Kauwau; thence easterly along block boundary to the Oroua River; thence generally south by the bank of the Oroua River to the Manawatu-Oroua River District boundary as defined in the Manawatu-Oroua River District Act, 1923; thence southerly and westerly by the said boundary to starting-point.

SECOND SCHEDULE.

OROUA SUBDIVISION.

ALL that area in the Manawatu-Oroua River District bounded on the south by the Himatangi No. 2 Block, on the west and north by the river district boundary, and on the east by the Oroua River and the Manawatu River.

KAIRANGA SUBDIVISION.

All that area in the Manawatu-Oroua River District bounded on the east by the river district boundary, on the south by the Manawatu River, and on the west and north by the Oroua River.

MAKERUA SUBDIVISION.

All that area in the Manawatu-Oroua River District bounded on the west and north by the Manawatu River, on the east by the river district boundary, and on the south by the Otatau Stream.

Manawatu-Oroua River District Amendment.

7

KOPUATAROA SUBDIVISION.

All that area in the Manawatu-Oroua River District bounded on the north and north-east by the Manawatu River and Otauru Stream, and on the south-east and south-west by the river district boundary.

MOUTOA SUBDIVISION.

All that area in the Manawatu-Oroua River District bounded on the north by Himatangi No. 1 Block, on the east and south by the Manawatu River, to its junction with the Levin-Foxton Road, thence by the river district boundary to the sea-coast, and on the west and north-west again by the river district boundary.

By Authority: W. A. G. SKINNER, Government Printer, Wellington.—1925.