

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES,^S and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

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House of Representatives,
22nd October, 1913.

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE.]
Legislative Council, 18th November, 1913.

Hon. Mr. Herdman.

RIVER BOARDS AMENDMENT.

ANALYSIS.

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| 1. Short Title. | 7. Names of members to be gazetted. |
| 2. Section 6 of principal Act amended. | 8. Drainage rates to be on graduated scale. Classification of lands for rating purposes. |
| 3. Alteration of districts. Repeal. | 9. Classification-list may be amended. |
| 4. Lands benefited may be included in river district. | 10. Repeal. |
| 5. Section 15 of principal Act amended. | 11. Section 66 of principal Act amended. |
| 6. Provision on failure to elect. Repeal. | 12. Governor may confer on River Board the powers of a Drainage Board. |

A BILL INTITULED

AN ACT to amend the River Boards 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:—

1. This Act may be cited as the River Boards Amendment Act, 1913, and shall form part of and be read together with the River Boards Act, 1908 (hereinafter referred to as the principal Act). Short Title.
2. (1.) Section six of the principal Act, as amended by the River Boards Amendment Act, 1910, is hereby amended by omitting the words "not less than one-fourth in number," and substituting the words "a majority." Section 6 of principal Act amended.
- (2.) So much of the Schedule to the River Boards Amendment Act, 1910, as relates to section six of the principal Act is hereby repealed. Alteration of districts.
3. (1.) The Governor may from time to time, by Proclamation, on a petition signed by a majority of the ratepayers of any area proposed to be included in or excluded from a river district, alter the boundaries of the district, and on any such alteration may leave the district undivided, or divide it into subdivisions with such names as he thinks fit, or may abolish any existing subdivisions. Repeal.
- (2.) The Governor may in like manner, on a petition signed by a majority of the ratepayers of a district, abolish the district.
- (3.) This section is in substitution for subsection one of section fourteen of the principal Act, and that subsection and also so much of the Schedule to the River Boards Amendment Act, 1910, as relates to the said section fourteen are hereby accordingly repealed.

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 praying that the boundaries of the district may be altered so as to include such lands in the district. 5

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

(3.) On 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, the officer in charge of the Valuation District in which the lands proposed to be included are situated, and some third person whom the Governor 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. 15 20

(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 that such lands or any part 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 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. 25 30

(6.) If the Commission reports to the Governor that such lands or any part 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 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. 35

(7.) The powers conferred by this section are exclusive of and in addition to, and not in substitution for, the power conferred on the Governor by the principal Act to alter the boundaries of a district.

Section 15 of
principal Act
amended.

5. Subsection one of section fifteen of the principal Act is hereby amended by omitting the word "three," and substituting the word "four." 40

Provision on failure
to elect.

6. (1.) If on the day fixed for a general election of members of a Board no election is held, or if at any such election no persons are duly elected or a less number is elected than is by law required, the Governor may appoint such number of qualified persons as the occasion requires to be members of the Board, and the members so appointed shall hold office in the same manner and subject to the same conditions as if they had been duly elected on the day so fixed. 45

(2.) If on the occurrence of an extraordinary vacancy in a Board no election is held, or if at any such election no person is duly elected, the Governor may appoint a qualified person to be a member 50

of the Board to fill such vacancy, and the member so appointed shall hold office in the same manner and subject to the same conditions as if he had been duly elected to fill such vacancy.

(3.) Subsection two of section thirty-four of the principal Act is hereby repealed. Repeal.

7. Notice of every election or appointment of members of a Board shall forthwith be gazetted, and the *Gazette* containing such notice shall be conclusive evidence that such election or appointment was duly made. Names of members to be gazetted.

8. (1.) Every rate or 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: Drainage rates to be on graduated scale.

15 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 works in respect of which any rate or special rate is proposed to be made or levied, he may authorize the Board to make and levy such rate or special rate on a uniform scale.

20 (2.) For the purposes of this section the Board may from time to time appoint one or more fit persons to examine and classify all rateable property within the district into the following classes:— Classification of lands for rating purposes.

(a.) Lands receiving or likely to receive immediate and direct benefit from the river-works;

25 (b.) Lands receiving or likely to receive less direct benefit therefrom;

(c.) Lands receiving or likely to receive only an indirect benefit therefrom; and

(d.) All other lands.

30 (3.) The rate shall be imposed upon the several classes in such proportions as the Board in each case appoints:

35 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:

40 Provided also that the rate shall not be imposed on any property which has not received and is not likely to receive any benefit from the expenditure in respect of which the rate is made.

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

45 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 amendment of the list.

50 10. (1.) Sections eighty-eight, ninety-three, and ninety-four of the principal Act and so much of the Schedule to the River Boards Amendment Act, 1910, as relates to the said section eighty-eight are hereby repealed. Repeal.

New.

(2.) Section ninety-six of the principal Act is hereby amended by omitting from paragraph (a) the words "specify the actual liability to damage," and substituting the word "classify."

(Clause 11, as amended, to become clause 7a.)

Section 66 of principal Act amended.

11. (1.) Section sixty-six of the principal Act is hereby amended by omitting the words "living at a distance of over five miles from the ordinary place of meeting," and substituting the words "who are required to travel not less than five miles (counting one way only) on the business of the Board."

New.

(2.) This section shall be deemed to have been in operation from the commencement of the principal Act.

Governor may confer on River Board the powers of a Drainage Board.

12. The Governor may, subject to such restrictions, modifications, and conditions as he thinks fit, from time to time, by Order in Council, confer upon any specified River Board such of the powers of a Drainage Board as he thinks fit; and thereupon the said River Board shall have and may exercise the said powers accordingly, pursuant to the tenor of the said Order in Council:

Struck out.

Provided that an Order in Council under this section shall not be deemed to authorize a River Board to exercise any power inconsistent with or in contravention of any of the provisions of the principal Act.