

*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,  
2nd October, 1946.*

*Hon. Mr. Semple*

## SOIL CONSERVATION AND RIVERS CONTROL AMENDMENT

### ANALYSIS

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### A BILL INTITULED

AN ACT to amend the Soil Conservation and Rivers Title.  
Control Act; 1941.

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

2                    *Soil Conservation and Rivers Control  
Amendment*

Short Title.	1. This Act may be cited as the Soil Conservation and Rivers Control Amendment Act, 1946, and shall be read together with and deemed part of the Soil Conservation and Rivers Control Act, 1941 (hereinafter referred to as the principal Act).	5
1941, No. 12		
Special drainage or river authorities.	2. For the purposes of this Act and the principal Act, unless the context otherwise requires,— “Special drainage or river authority” means a Board, Trust, or other body which is constituted or established by an Act and which has powers or functions similar to the powers or functions of drainage boards or river boards: “Special drainage or river district” means the district of a special drainage or river authority.	10 15
Constitution of Soil Conservation and Rivers Control Council altered.	3. (1) Section three of the principal Act is hereby amended by repealing subsection two, and substituting the following subsection:— “(2) The Council shall consist of— “(a) The Engineer-in-Chief of the Public Works Department: “(b) The Under-Secretary for Lands: “(c) The Director-General of the Department of Agriculture: “(d) The Director of Forestry: “(e) One person to represent the Commissioner of Works to be appointed by the Governor-General on the recommendation of the Minister: “(f) Five persons to be appointed by the Governor-General on the recommendation of the Minister; one of whom shall be nominated by the Municipal Association of New Zealand (Incorporated) as representing Borough Councils and Town Boards; two by the New Zealand Counties Association, one as representing County Councils of the North Island and one as representing County Councils of the South Island; one by the Drainage and River Boards Association, or by the Catchment Boards Association, as representing River Boards,	20 25 30 35 40

Drainage Boards, and Catchment Boards; and one by an organization of farmers, as representing agricultural and pastoral interests."

5 (2) The persons holding office at the time of the passing of this Act as representing local authorities, River Boards, Drainage Boards, and Catchment Boards shall as from the passing of this Act be deemed to have been appointed respectively as representing County  
10 Councils of the North Island and as representing River Boards, Drainage Boards, and Catchment Boards.

(3) On the passing of this Act the Governor-General may on the recommendation of the Minister appoint three persons to be members of the Council,  
15 one to represent the Commissioner of Works, one as representing Borough Councils and Town Boards, and one as representing County Councils of the South Island. Notwithstanding anything to the contrary in section three of the principal Act, the persons so  
20 appointed shall be appointed for a term expiring on the same day as the term of office of the appointed members of the Council in office on the passing of this Act.

(4) Subsection two of section six of the principal  
25 Act is hereby amended by omitting the word "four", and substituting the word "six".

(5) Section seventy-seven of the Statutes Amendment Act, 1945, is hereby repealed.

4. (1) Section fourteen of the principal Act is  
30 hereby amended by adding to subsection one the following paragraphs:—

"(f) Requiring persons to give notice of any continuing fire, and to use their best endeavours to control or extinguish fires:

35 "(g) Permitting any persons to go upon any land and to do any act or thing necessary or desirable for the purpose of extinguishing or controlling any fire, whether on that land or on any other land, and for that  
40 purpose to bring upon any land any machinery, vehicles, or equipment."

Repeal.  
1945, No. 40  
Regulations  
and by-laws as  
to soil  
conservation  
and land  
utilization.

(2) Section one hundred and fifty of the principal Act is hereby amended by adding to subsection one the following paragraphs:—

“(f) Requiring persons to give notice of any continuing fire, and to use their best endeavours to control or extinguish fires: 5

“(g) Permitting any persons to go upon any land and to do any act or thing necessary or desirable for the purpose of extinguishing or controlling any fire, whether on that land or on any other land, and for that purpose to bring upon any land any machinery, vehicles, or equipment.” 10

(3) Any regulations made under section fourteen of the principal Act may provide for a right of appeal by any person aggrieved by anything done pursuant to the regulations. 15

(4) Any by-law made under section one hundred and fifty of the principal Act may provide for a right of appeal by any person aggrieved by anything done pursuant to the by-law. 20

Management  
of soil  
conservation  
reserves by  
Catchment  
Boards.

5. (1) Notwithstanding anything to the contrary in section sixteen of the principal Act, the Council may, by agreement with the Board of any catchment district in which a soil-conservation reserve is situated, delegate to the Board all or any of its powers in relation to the management and control of the reserve. 25

(2) Any delegation under this section may at any time be varied or revoked by the Council.

(3) Subsection one of section seventeen of the principal Act is hereby amended by inserting in paragraph (b), after the word “ Council ”, the words “ or, in the case of a soil-conservation reserve under the management and control of a Board, without the written consent of the Board,”. 30 35

(4) In any case where the management and control of a soil-conservation reserve is delegated to a Catchment Board pursuant to the foregoing provisions of this section, the Council shall not grant any license pursuant to subsection three of section twenty of the principal Act except with the approval of the Board. 40

(5) The Council and any Board to which the management and control of a soil-conservation reserve is delegated as aforesaid may from time to time agree as to the manner in which any income from the reserve is to be apportioned.

(6) In any case where pursuant to section twenty of the principal Act a soil-conservation reserve is dealt with or disposed of under the Land Act, 1924, and, in the opinion of the Minister of Finance, the value thereof had been increased by improvements thereto carried out by a Catchment Board while the reserve was under its management and control, there shall be paid to the Board, without further appropriation than this Act, such amount as the Minister of Finance considers to be the amount of the Board's expenditure (exclusive of any subsidies), but not exceeding the amount of the increase in value caused by the improvements.

See Reprint  
of Statutes,  
Vol. IV, p. 622

6. (1) Section thirty of the principal Act is hereby amended by adding to subsection one the following paragraphs:—

Extending  
provision for  
grants or loans  
by Council.

“(f) Meeting the administration expenses of any Board for a period expiring not more than two years after the first meeting of the Board:

“(g) Enabling any local authority, Catchment Board, Drainage Board, or River Board to purchase plant and machinery for use for soil conservation or river control purposes.”

(2) The said section thirty is hereby further amended by adding the following subsection thereto:—

“(5) Any Catchment Board may repay any loan made under this section out of the proceeds of any separate rate or special works rate levied under section eighty-six, section eighty-seven, or section eighty-eight of this Act, or, in the case of a loan made under paragraph (e) or paragraph (f) of subsection one hereof, out of the proceeds of any administrative rate levied under section eighty-four of this Act, and the Board may make provision for repayment as aforesaid in any agreement made under the last preceding subsection.”

7. In any case where pursuant to section one hundred and thirty of the principal Act any watercourses have been placed under the exclusive care, control, and management of a Catchment Board it shall be lawful, notwithstanding anything in that section or in section one hundred and twenty-five of the principal Act, for the

Delegation of  
powers, &c., by  
Boards to local  
authorities.

Catchment Board, pursuant to the said section one hundred and twenty-five, to enter into a contract with the Board, local authority, or body corporate in which functions, powers, and duties in respect of the water-courses were formerly vested, whereby that Board, local authority, or body corporate agrees upon such terms and conditions as are contained in the contract to exercise functions, powers, or duties of the Catchment Board with respect to the care, control, and management of the watercourses, and it shall be lawful for that Board, local authority, or body corporate to exercise the functions, powers, and duties accordingly.

Report as to  
dissolution of  
special drainage  
or river  
authorities.

8. (1) In any case where there is a special drainage or river district either wholly or partly within a catchment district, the Catchment Board shall in the report referred to in subsection one of section one hundred and forty-one of the principal Act, and may in any further report under that section, report as to the advisability of dissolving the special drainage or river authority or abolishing the special drainage or river district.

(2) The Council after considering the report may, if it thinks fit, require the Catchment Board to present a petition to the Governor-General praying that the special drainage or river authority be dissolved and that the powers and functions thereof be transferred to the Catchment Board, or praying that the special drainage or river district be abolished.

(3) At any time after a special drainage or river authority has been dissolved and the powers and functions thereof transferred to a Catchment Board, the Board or the Council may, if it thinks fit, present a petition to the Governor-General praying that the special drainage or river district be abolished.

Procedure on  
petition.

9. (1) On the presentation to the Governor-General of a petition pursuant to the *last preceding* section, the Minister of Internal Affairs shall publicly notify a notice setting out the proposal contained in the petition, and calling upon all persons affected to lodge their objections (if any) within one month after the first publication of the notice. Every such objection shall be in writing and shall be lodged in accordance with the terms of the notice.

(2) After considering the petition and the objections so lodged (if any) the Governor-General may, if he thinks fit, direct a Commission consisting of a Magistrate either with or without one or two other persons, 5 one of whom shall be nominated by the special river or drainage district which is the subject of the petition, to inquire and report to him upon the subject-matter of the petition and the objections thereto, and to make such recommendations therein as it thinks fit.

10 (3) Every Commission appointed under this section shall have the powers of a Commission under the Commissions of Inquiry Act, 1908, and all the provisions of that Act shall apply thereto accordingly.

See Reprint  
of Statutes,  
Vol. I, p. 1036

15 **10.** (1) If the Commission reports to the Governor-General that the special drainage or river authority should be dissolved and that the powers and functions thereof should be transferred to the Catchment Board, or if no Commission has been appointed, the Governor-General may by Order in Council dissolve the special 20 drainage or river authority and transfer the powers and functions thereof to the Catchment Board.

Dissolution of  
special drainage  
or river  
authority and  
substitution of  
Catchment  
Board.

(2) On the coming into force of an Order in Council dissolving a special drainage or river authority and transferring the powers and functions thereof to a 25 Catchment Board—

(a) The whole of the property, debts, liabilities, engagements, powers, and functions of the special drainage or river authority shall vest in and become the property, debts, liabilities, 30 engagements, powers, and functions of the Catchment Board:

(b) Until the special drainage or river district is abolished the Catchment Board may, if it thinks fit, exercise all or any of the powers and functions of the special drainage or river authority within the special drainage or river district in the same manner and to the same extent as if it were the special drainage or river authority and that authority had not 35 been dissolved:  
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Provided that the total amount of rates levied pursuant to this paragraph for general and maintenance purposes, together with the total amount of general and separate rates levied pursuant to the principal Act, shall not exceed the amount of the maximum general rate referred to in section eighty-five of the principal Act: 5

(c) All references to the special drainage or river authority in any Act, regulation, rule, by-law, order, or other enactment, or in any contract, agreement, application, license, notice, or other document whatsoever, shall thereafter be read as references to the Catchment Board. 10

Abolition of special drainage or river district.

11. (1) If the Commission reports to the Governor-General that the special drainage or river district should be abolished, or if in the case of a petition for the abolition of the special drainage or river district no Commission has been appointed, the Governor-General may by Order in Council abolish the district and may, if the special drainage or river authority has not previously been dissolved, in like manner dissolve that authority. 15 20

(2) Where a special drainage or river district is abolished and the powers and functions of the special drainage or river authority have not been previously transferred to a Catchment Board as provided in the *last preceding* section, the whole of the property, debts, liabilities, and engagements of the special drainage or river authority shall vest in and become the property, debts, liabilities, and engagements of the Catchment Board. 25 30

Creditors not to be affected.

12. No action taken under either of the *last two preceding* sections shall in any way affect the rights or interests of any debenture-holder or other creditor of the special drainage or river authority, or shall affect any special rate, and every such rate shall continue to be charged upon the whole of the area upon which it was charged before the action was taken, and it shall not by reason thereof become a charge on any additional area. 35 40



13. (1) In any case where an internal drainage district, or internal river district, or a special drainage or river district has been abolished, whether before or after the passing of this Act, and it has become the function of a Catchment Board to undertake the care, control, and management of the watercourses which were formerly under the care, control, and management of the board or authority of the district which has been abolished, the Catchment Board may by special order declare that any specified general classification of the lands in that district which has previously been made by the Board or authority of that district for rating purposes, and the proportions fixed in relation thereto, shall continue in force as if they were a classification made and proportions fixed pursuant to the principal Act specially for the purposes of a separate rate upon all property liable to be rated within that portion of the catchment district which was situated within the district which has been abolished.

Adoption by Catchment Board of classification list of abolished district.

(2) If the Board or authority of the district that has been abolished made the classification and fixed the proportions for the purpose of levying rates on an acreage basis, the classification and proportions shall not be continued in force for more than six years after the making of the special order, and while they continue in force the Catchment Board shall levy the separate rate on an acreage basis.

(3) The classification and proportions so continued in force may from time to time be amended as provided in section one hundred and five of the principal Act.

(4) It is hereby declared that in any case where a Catchment Board assumes the liability of a Board or authority which has been dissolved for a special loan, the Catchment Board may, until the loan is repaid, continue to levy the special rate made as security for the loan upon the same basis, in accordance with the same classification, and in the same proportions as applied immediately before the dissolution of the Board or authority.

14. (1) In any case where a district has been constituted under the Counties Act, 1920, for the construction of drainage-works and, pursuant to the principal Act, it has become the function of a Catchment Board to undertake the care, control, and management of the

Abolition of county drainage districts.  
See Reprint of Statutes, Vol. V, p. 180

aforesaid drainage-works, the County Council may by special order abolish the district constituted by it as aforesaid under the Counties Act, 1920.

(2) The provisions of the *last preceding* section shall extend and apply, with the necessary modifications, to enable a Catchment Board to adopt any classification and proportions made and fixed by a County Council in respect of rates for drainage purposes in any rating area in any case where it has become a function of the Board to undertake the care, control, and management of the drainage works in the area. 5 10

Subscriptions  
to Catchment  
Boards'  
Association,  
and travelling-  
expenses.

**15.** (1) Any Catchment Board affiliated to the New Zealand Catchment Boards' Association may from time to time, out of its Administrative Funds, pay the annual subscription of the Board to the Association and the actual reasonable travelling-expenses of its representatives incurred in attending meetings of the conferences of the Association or any other meetings whatsoever called, or approved, by the Council. 15

(2) This section shall be deemed to have come into force on the *first* day of *April*, nineteen hundred and forty-*six*. 20