

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 16 October 1952

Words struck out by the Committee of the Whole are shown in italics within bold brackets or in roman enclosed in panel; words inserted are shown in black or in roman with rule down side.

Hon. Mr. Goosman

SOIL CONSERVATION AND RIVERS CONTROL AMENDMENT

ANALYSIS

| Title. | |
|--|---|
| 1. Short Title. | 11. Special rates in respect of loans. |
| 2. Constitution of Soil Conservation and Rivers Control Council. | 12. Maintenance rate in respect of works constructed out of special loan. |
| 3. Contributions by local authorities towards cost of constructing or maintaining works executed by Council. | 13. Apportionment of rateable value. |
| 4. Appointment of Deputy Chairman. | 14. Liability of Catchment Boards for rates. |
| 5. Remuneration of Chairman. | 15. General classification of lands. |
| 6. Salaries and allowances payable to officers of Catchment Board while attending conferences. | 16. Appeal against classification, apportionment, and fixing of proportions in which rates to be borne. |
| 7. General rates. | 17. Loans to meet emergency expenditure may be charged on defined part of district. |
| 8. Separate rates for maintenance of works which cannot be otherwise maintained. | 18. Completion of works not to affect classification for rating in certain cases. |
| 9. Separate rates for portion of district. | 19. Number of votes that ratepayer may exercise at loan poll. |
| 10. Maintenance rate in respect of special work. | 20. Damage to watercourses and works. |
| | 21. Interfering with flood channels. |

A BILL INTITULED

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

5 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 Soil Conservation and Rivers Control Amendment Act 1952, 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). Short Title. 1941, No. 12

2 *Soil Conservation and Rivers Control Amendment*

Constitution
of Soil
Conservation
and Rivers
Control Council.
1946, No. 29

2. (1) Section three of the principal Act, as amended by section three of the Soil Conservation and Rivers Control Amendment Act 1946, is hereby further amended by repealing subsection two, and substituting the following subsection:—

“(2) The Council shall consist of—

“(a) One person who shall be an officer of the Ministry of Works to be appointed by the Governor-General on the recommendation of the Minister:

“(b) The Director-General of Lands:

“(c) The Director-General of Agriculture:

“(d) The Director of Forestry:

“(e) One person to be appointed by the Governor-General on the recommendation of the Minister:

Struck out

“(f) Six 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, Incorporated, one as representing County Councils of the North Island, and one as representing County Councils of the South Island; one by the New Zealand Drainage and River Boards Association, or by the New Zealand Catchment Boards Association, as representing River Boards, Drainage Boards, and Catchment Boards of the North Island; one by the New Zealand Drainage and River Boards Association, or by the New Zealand Catchment Boards Association, as representing River Boards, Drainage Boards, and Catchment Boards of the South Island; and one by an organization of farmers, as representing agricultural and pastoral interests.”

New

“(f) Seven 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

5 Borough Councils and Town Boards; two
by the New Zealand Counties Association,
Incorporated, one as representing County
Councils of the North Island, and one as
10 representing County Councils of the South
Island; two by the New Zealand Catchment
Boards' Association, one as representing
Catchment Boards of the North Island, and
one as representing Catchment Boards of
15 the South Island; one by the New Zealand
Drainage and River Boards Association, as
representing River Boards and Drainage
Boards; and one by an organization of
farmers, as representing agricultural and
pastoral interests."

(2) Subsection one of section three of the Soil Conservation and Rivers Control Amendment Act 1946 is hereby consequentially repealed.

20 (3) Notwithstanding anything to the contrary in section three of the principal Act, the person first appointed to the Council after the commencement of this Act under paragraph (a) of subsection two of that section (as substituted by this section), and the *[person]*
25 **persons** first appointed after the commencement of this Act as representing River Boards, **and** Drainage Boards, and **as representing** Catchment Boards of the South Island, shall be appointed for a term expiring on the same date as that of the other appointed members of the Council.

30 (4) The person holding office at the commencement of this Act as representing the Commissioner of Works shall be deemed to have been appointed under paragraph (e) of subsection two of section three of the principal Act, as set out in subsection *one* of this section.

35 (5) The person holding office at the commencement of this Act as representing River Boards, Drainage Boards, and Catchment Boards shall be deemed to have been appointed as representing *[River Boards, Drainage Boards, and]* Catchment Boards of the North Island.

40 **3.** (1) Section twenty-four of the principal Act is hereby amended by inserting in subsection two, after the words " or of ", the words " the whole or ".

(2) Section twenty-four of the principal Act is hereby further amended by adding the following *[subsection]*
45 **subsections** :—

Contributions
by local
authorities
towards cost
of constructing
or maintaining
works executed
by Council.

4 *Soil Conservation and Rivers Control Amendment*

“(7) Where, in the opinion of the local authority, works undertaken under this section (whether **undertaken before or after the commencement of this subsection and whether** completed or not) benefit a particular portion of its district, the local authority may, by special order defining the portion, declare the work to be a special work, and may make and levy a special works rate (whether or not the works are on a navigable river) on all property within the portion so defined for the purpose of defraying the local authority’s share of the cost of the work and of the maintenance thereof.

New

See Reprint
of Statutes,
Vol. V, p. 180

“(8) Where an agreement under this section has been made (whether before or after the commencement of this subsection) between the Council and a County Council in respect of a work affecting a watercourse, the County Council may, by resolution, declare the work to be a drainage work, and thereupon the provisions of sections one hundred and sixty-seven to one hundred and eighty-two of the Counties Act 1920 (excepting subsection two and subsection six of section one hundred and sixty-eight of that Act) shall apply to that work.”

Appointment
of Deputy
Chairman.

4. (1) Section fifty-eight of the principal Act is hereby amended by adding the following subsection:—

“(5) The Board may if it thinks fit at any time appoint one of its members to be Deputy Chairman, to carry out the duties of the Chairman in the absence of the Chairman, and may at any time revoke any such appointment. The Deputy Chairman shall, so long as he continues to be a member of the Board, hold that office until the revocation of his appointment or the appointment of his successor.”

(2) Section sixty-two of the principal Act is hereby amended by repealing subsection two, and substituting the following subsection:—

“(2) If at any meeting of the Board the Chairman for the time being is not present or there is no Chairman, the Deputy Chairman shall preside at the meeting; and in any such case, if the Deputy Chairman is not present at the meeting or there is no Deputy Chairman, the members present shall choose one of their number to be the chairman of that meeting. The Deputy Chairman or person so chosen shall have and may exercise in any such case all the powers and functions of the Chairman for the purposes of the meeting.”

Soil Conservation and Rivers Control Amendment 5

- 5 Section fifty-nine of the principal Act is hereby amended by omitting the words "one hundred and fifty pounds"; and substituting the words "two hundred pounds".
6. Section eighty of the principal Act is hereby amended by adding the following subsection:—
- 10 " (5) Subsection one of this section shall be deemed to authorize and from its commencement to have authorized the payment to any officer of the Board of such salaries and allowances as the Board thinks reasonable in respect of his attendance at any conference, meeting, or course of study or training that in the opinion of the Board will render him better fitted to carry out his duties for the Board."
- 15 7. Section eighty-five of the principal Act is hereby amended by adding the following subsection:—
- 20 " (3) From the proceeds of every such rate there may be deducted such sum as in the opinion of the Board is necessary to defray the cost of making and levying the rate and of the supervision and clerical work necessary in connection with the expenditure thereof."
8. Section eighty-six of the principal Act is hereby amended by inserting, after subsection one, the following subsection:—
- 25 " (1A) Where any work has been constructed and a rate for the maintenance thereof cannot be levied under section eighty-nine or section ninety-one of this Act, the Board may from time to time, either in addition to or instead of any general rate, make and levy a separate rate for that purpose:
- 30 " Provided that the total amount of separate rates and general rates together shall not exceed the amount of the maximum general rate referred to under section eighty-five of this Act."
- 35 9. Section eighty-six of the principal Act is hereby further amended by omitting from subsection four the words "wholly within", and substituting the words "wholly for the benefit of".
- 40 10. Section eighty-nine of the principal Act is hereby amended by adding to subsection two the following proviso:—
- 45 " Provided that there may be deducted from the proceeds of any such rate such sum as in the opinion of the Board is necessary to defray the cost of making and levying the rate and of the supervision and clerical work necessary in connection with the expenditure thereof."

Remuneration of Chairman.

Salaries and allowances payable to officers of Catchment Board while attending conferences.

General rates.

Separate rates for maintenance of works which cannot be otherwise maintained.

Separate rates for portion of district.

Maintenance rate in respect of special work.

6 *Soil Conservation and Rivers Control Amendment*

Special rates in respect of loans.

11. Section ninety of the principal Act is hereby amended by adding to subsection two the following proviso:—

“ Provided that there may be deducted from the proceeds of any such rate such sum as in the opinion of the Board is necessary to defray the cost of making and levying the rate and of the supervision and clerical work necessary in connection with the expenditure thereof.” 5

Maintenance rate in respect of works constructed out of special loan.

12. Section ninety-one of the principal Act is hereby amended by adding to subsection two the following proviso:— 10

“ Provided that there may be deducted from the proceeds of any such rate such sum as in the opinion of the Board is necessary to defray the cost of making and levying the rate and of the supervision and clerical work necessary in connection with the expenditure thereof.” 15

Apportionment of rateable value.

13. Section ninety-two of the principal Act is hereby amended by repealing subsection three, and substituting the following subsections:—

“(3) Where any classification of lands within a catchment district is made pursuant to section one hundred and two hereof, the Valuer-General shall, in every case where portions of any piece of land are classified in different classes, apportion the rateable value of that piece of land between the several portions thereof and supply particulars of the apportionment to the Board. 20 25

“(4) In every case where any rateable value which has been so apportioned is subsequently altered, the Valuer-General shall make a fresh apportionment of the new rateable value and shall give notice thereof to the Board and to each owner and each occupier of the land. The Board or any such owner or occupier may object to the fresh apportionment within such time as is fixed by the Valuer-General in the notice, and every such objection shall be heard and determined as if it were an objection to a valuation under section nineteen of the Valuation of Land Act 1951, and the provisions of sections twenty to twenty-four of that Act shall apply accordingly. 30 35

1951, No. 19

“(5) In every case where an apportionment of the rateable value of any piece of land between several portions thereof is made or varied as a result of an objection as aforesaid, the united rateable value of all the portions shall be equal to the rateable value of the piece of land. 40 4

Soil Conservation and Rivers Control Amendment 7

“ (6) The cost of preparing the certified copy of the valuation roll or the statement referred to in subsection two hereof and the cost of preparing the apportionment or reapportionment and supplying the particulars referred to in subsections *three* and *four* hereof, shall be paid by the Board.”

14. The principal Act is hereby amended by inserting, after section one hundred, the following section:—

Liability of Catchment Boards for rates.

“ 100A. Where a Catchment Board owns any land (other than land permanently used in connection with its administrative offices and the workshops and yards incidental thereto) which it uses for soil conservation and river control purposes and, in any rating year, there is no occupier of the land other than the Board and no revenue is received from the land, no rates shall be payable in that rating year in respect of the land.”

15. (1) Section one hundred and two of the principal Act is hereby amended by repealing subsection four, and substituting the following subsections:

General classification of lands.

“ (4) Every classification so made shall be set forth in a list, which list shall—

“ (a) Be signed by the Chairman of the Board after the Board has, by resolution, adopted the classification:

“ (b) Include a statement of the proportions in which the rate is to be imposed on the several classes of land to which the list relates:

“ (c) Include the following information in respect of each piece of land included in the list—

“ (i) Particulars from the valuation roll of the district for the time being in force, of the valuation number, situation, description, area, names of owner and occupier, and rateable value, of the land; and

“ (ii) The apportionment made by the Valuer-General, pursuant to section ninety-two of this Act, of the rateable value of the land between the several classes thereof; and

“ (d) Include the number of votes exercisable in accordance with section one hundred and ten of this Act by each ratepayer:

“ (e) Have attached thereto a map of the land to which the list relates showing by distinctive colouring the outer boundaries of each class of land.

8 *Soil Conservation and Rivers Control Amendment*

See Reprint
of Statutes,
Vol. V, p. 360

“(5) Every classification list so made shall be deemed for the purposes of the Local Bodies’ Loans Act 1926 to be the special roll of ratepayers of the area to which it relates:

“Provided that no objection under that Act may be lodged in respect of the list: 5

“Provided also that the copy of the list for the use of persons conducting or supervising any poll shall be sufficient if it includes the names of the persons entitled to vote and the number of votes to which each is entitled and it shall not be necessary for it to include any other particulars. 10

“(6) Upon the completion of any such classification list the Board shall forthwith cause public notice to be given— 15

“(a) That the land has been classified:

“(b) Of the proportions in which the rate is to be imposed on the several classes of land:

“(c) Of the place where the classification list may be inspected during a period of twenty-eight days following the day of the giving of the notice: 20

“(d) That the classification list is deemed to be a special roll of ratepayers for the purposes of the Local Bodies’ Loans Act 1926: 25

“(e) That the classification list includes an apportionment by the Valuer-General of the rateable value of the land in those cases where portions of a piece of land are classified in different classes: 30

“(f) That there are no rights of objection or appeal in respect of the matters appearing in the classification list except those given by section one hundred and three of this Act:

“(g) Of the last day on which any appeal may be lodged in accordance with that section.” 35

(2) Where a classification list has been prepared and signed by the Chairman of the Board before the commencement of this Act and it is not desired to make a fresh classification list in accordance with section one hundred and two of the principal Act as amended by this section, appeals against the classification may be made, polls may be taken, and all proceedings dependant on the classification may be continued, and completed under section one hundred and three of this Act had not been passed: 40 45

Soil Conservation and Rivers Control Amendment 9

Provided that, where a poll is taken in any such case, the special roll of ratepayers for use in connection with the poll shall be sufficient if it includes the names of the persons entitled to vote and the number of votes to which each is entitled, and it shall not be necessary for it to include any other particulars.

16. The principal Act is hereby amended by repealing section one hundred and three, and substituting the following section:—

10 “ 103. (1) Any person aggrieved by any classification or apportionment of rateable values or fixing of proportions in which the rates are to be borne by the various classes may appeal against the same on all or any of the following grounds:—

Appeal against classification, apportionment, and fixing of proportions in which rates to be borne.

15 “(a) That the classification does not fairly classify the land of the appellant:

“ (b) That any land liable to be classified is omitted from the classification or is not fairly classified:

20 “(c) That any land is improperly included within or excluded from the area to which the classification relates:

25 “(d) That the proportions in which the rates are proposed to be imposed on the several classes do not fairly represent the varying degrees of benefit to the land in the several classes, or that the proportion of the rate imposed on any particular class or classes is too great or too small:

30 “(e) That the rateable value of any piece of land is not fairly apportioned between the portions thereof which are classified in different classes:

35 “(f) That any information in the classification list has been incorrectly transcribed from the valuation roll:

“ (g) That the number of votes that may be exercised by him is not in accordance with section one hundred and ten of this Act.

40 “ (2) The Valuer-General and any employee of the Valuation Department authorized by him in that behalf, and the Board and any member thereof authorized by it in that behalf, shall have a right of appeal as if he or it were an aggrieved person. The Valuer-General and any

10 *Soil Conservation and Rivers Control Amendment*

employee of the Valuation Department authorized by him in that behalf shall be entitled to be heard on any question of valuation arising directly or indirectly in any appeal.

“(3) No person may object to or appeal against any such classification, apportionment, or fixing of proportions— 5

“(a) On any grounds other than those specified in subsection *one* of this section; or

“(b) Under any other Act or regulations or by any proceedings other than those specified in this section. 10

“(4) In the case of an appeal under subsection *one* of this section, a notice of appeal describing the land in respect of which the appeal is made and setting out the grounds of the appeal shall, not later than twenty-one days after the expiration of the twenty-eight days appointed for the inspection of the classification list, be filed in the office of the Magistrate’s Court nearest to the office of the Board and, not later than the last day on which the notice may be given, one copy thereof shall be lodged at the office of the Board and another at the office of the Valuer-General **and, where the appeal is by the Valuer-General or any employee of the Valuation Department or by the Board or any member thereof, a copy shall be served on every person affected by the appeal.** 15 20 25

“(5) The appeal shall be heard by a Magistrate exercising jurisdiction in such Court as aforesaid at such convenient time and place as the [Magistrate] Registrar, on the application of the appellant or the Board, shall appoint. The party making the application shall give notice of the time and place of the hearing to [the Valuer-General and to the other party (being either the Board or the appellant)] **all other interested persons including the Valuer-General and the Board.** 30 35

“(6) On the hearing of any such appeal, the Magistrate may **confirm the classification list** or cause the classification list or any detail therein to be amended in such manner as he thinks reasonable and shall sign the list as so amended and every amendment made by him. 40

“(7) The fees prescribed under the Magistrates’ Courts Act 1947 shall be payable on any such appeal.

“(8) On any such appeal the Magistrate may award such costs as he deems just either in favour of or against the appellant.” 45

17. The principal Act is hereby amended by inserting after section one hundred and eight, the following section:—

Loans to meet emergency expenditure may be charged on defined part of district.

5 “108A. Notwithstanding anything to the contrary in any other enactment, where (before or after the commencement of this Act) a Board has raised or raises a loan under section seven of the Local Bodies Finance Act 1921–22, the Board shall have and be deemed always to have had power to constitute a defined part of its
10 district a special rating area to secure the repayment of the loan and of the interest thereon.”

See Reprint of Statutes, Vol. V, p. 358

18. (1) Notwithstanding anything to the contrary in the principal Act or any other Act, where (before or after the commencement of this Act) any moneys have been
15 advanced by the Council to a Board for the purpose of carrying out any works and the Board has agreed to repay those moneys with or without interest, or where (before or after the commencement of this Act) the Board has expended moneys under the authority of
20 section seven of the Local Bodies' Finance Act 1921–22, the completion or partial completion of the works before the making of the classification for the purposes of any rate to be levied under the principal Act shall not affect the classification.

Completion of works not to affect classification for rating in certain cases.

25 (2) Section 20 of the Finance Act (No. 2) 1947 is hereby repealed.

1947, No. 45

19. (1) Section one hundred and ten of the principal Act is hereby amended by repealing subsection three, and substituting the following subsection:—

30 “(3) No person shall be entitled to vote upon the proposal to raise a special loan if the land in respect of which his name appears in the classification list for the district is classified as Class G land on that list.”

Number of votes that ratepayer may exercise at loan poll.

(2) Section one hundred and ten of the principal Act
35 is hereby amended by adding the following subsections:—

40 “(5) In any case where more than one person appears on the classification list as the occupier of any one property, then, for the purpose of voting, only the person whose name appears first on that list in respect of that property shall be entitled to vote in respect thereof.

45 “(6) Where any change in the ownership, occupation, or valuation of any land occurs after the classification of the land has been adopted, the Board shall make such amendments to the classification list as will enable each [owner and] occupier who is affected by the change to exercise the correct number of votes in respect of the land.”

12 *Soil Conservation and Rivers Control Amendment*

Damage to
watercourses
and works.

20. The principal Act is hereby amended by revoking section one hundred and fifty-four, and substituting the following section:—

“ 154. (1) Every person who, without the written approval of the Council or Board concerned, wilfully destroys or damages any watercourse or defence against water which is in any district or is under the control of the Council or of any Board, or is constructed, established, or maintained under this Act by the Council or by any Board, or who, without the written approval of the Council or Board concerned, wilfully destroys or damages any plantation or work under the control of the Council or of any Board, commits an indictable offence and shall be liable on conviction to imprisonment for a term of three years or to a fine not exceeding five hundred pounds. 5 10 15

“ (2) Every person who, without the written approval of the Council or Board concerned, destroys or damages any watercourse or defence against water which is in any district or is under the control of the Council or of any Board or is constructed, established, or maintained under this Act by the Council or by any Board, or who, without the written approval of the Council or Board concerned, destroys or damages any plantation or work under the control of the Council or of any Board whether or not he has been guilty of an offence against this section, shall be liable to pay to the Council or to the Board, as the case may be, the whole cost of restoring or repairing the damage or injury; and the amount thereof shall be recoverable as a debt due to the Council or to the Board as the case may be.” 20 25 30

Interfering with
flood channels.

21. (1) Section one hundred and fifty-five of the principal Act is hereby amended by adding to subsection one the words “ or on land in the district on which, if no such defence was erected, flood waters might encroach or flow ”. 35

(2) Section one hundred and fifty-five of the principal Act is hereby further amended by omitting from subsection two the words “ who commits an offence against this section is liable ”, and substituting the words “ who fails to comply with or acts in contravention of any of the provisions of this section commits an offence and shall be liable on summary conviction ”. 40