

SOIL CONSERVATION AND RIVERS CONTROL AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Soil Conservation and Rivers Control Act 1941.

Clause 1 relates to the Short Title to the Bill.

Clause 2 declares that Catchment Commissions shall be bodies corporate; that they shall be local authorities within the meaning, and for the purposes, of the Public Works Act 1928 and the Local Authorities Loans Act 1956; and that they may pay their members remuneration and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951. The clause also provides that an appeal to the Local Government Commission against the inclusion or proposed inclusion in a catchment area of the district or any part of the district of a local governing authority, Drainage Board, or River Board lies only on the grounds that there is no present or likely future need for the carrying out in its district of any soil conservation, river control, flood prevention, or drainage work, and that it is unlikely to derive any direct or indirect benefit from the carrying out in the catchment area of any such work.

Clause 3 amends section 30 of the principal Act so as to provide that grants and loans may be made by the Soil Conservation and Rivers Control Council to Catchment Commissions in the same way as they can be made to Catchment Boards.

Clause 4 declares that, in the constitution, alteration, or abolition of a catchment district, proper regard shall be had to the direct and indirect benefit that will accrue or is likely to accrue to any area in that district from the carrying out in that district of any soil conservation, river control, flood prevention, or drainage work, and the absence in any such area of the need for any such work shall not of itself justify the exclusion of the area from that district

Clause 5 clarifies the system of voting at elections of members of combined districts.

Clause 6 reduces the period of the required notice of a special meeting to three days.

Clause 7 provides that the Council may pay a subsidy on administrative rates in catchment areas in certain cases. Catchment areas are put on the same footing as catchment districts in this respect.

Clause 8 amends section 103 of the principal Act, which relates to appeals against classification, or the apportionment of rateable values, or the fixing of the proportions in which rates are to be borne. The section is being amended so as to authorise a Magistrate to refer doubtful questions of law to the Land Valuation Court instead of to the Supreme Court, as at present, and so as to make the determination of the Magistrate final on matters that come within his jurisdiction. A Magistrate's jurisdiction does not extend to appeals concerning the validity of a classification as a whole.

Clause 9 amends section 122 (3) of the principal Act, which provides that, except in case of urgent necessity, no contract the amount whereof exceeds £50 shall be made except after public tender of which due public notice shall be given. The clause alters the specified amount to £500.

Clause 10 extends section 22 of the Finance Act (No. 2) 1957 so as to enable Catchment Commissions to provide dwellings for their employees as Catchment Boards may now do.

Clause 11: Section 145A of the principal Act, as inserted by section 27 of the Soil Conservation and Rivers Control Amendment Act 1959, makes the Minister responsible for the payment of compensation for land taken or injuriously affected by a local authority or Catchment Commission acting under powers delegated to it by the Council. As Catchment Commissions and local authorities have power under section 23A of the principal Act (inserted by section 7 of the Soil Conservation and Rivers Control Amendment Act 1959) to raise loans and levy rates to finance such works, it is more appropriate that they should be directly responsible for compensation. The clause provides for this. The Catchment Commissions and local authorities are protected, because they have the final say as to whether they do the work, and they may receive subsidies from the Council.

Clauses 12 to 14 extend to Catchment Commissions and their areas the provisions of sections 153 to 155 of the principal Act which at present relate to offences in connection with the obstruction of the Council and Catchment Boards, damage to watercourses and works, and interfering with watercourses.

Hon. Mr Goosman

**SOIL CONSERVATION AND RIVERS CONTROL
AMENDMENT**

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A BILL INTITULED

An Act to amend the Soil Conservation and Rivers Control Act 1941

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

1. **Short Title**—This Act may be cited as the Soil Conservation and Rivers Control Amendment Act 1962, and shall be read together with and deemed part of the Soil
10 Conservation and Rivers Control Act 1941 (hereinafter referred to as the principal Act).

2. Catchment Commissions—(1) Section 13 of the principal Act (as substituted by section 5 of the Soil Conservation and Rivers Control Amendment Act 1959) is hereby amended by inserting, after subsection (3), the following subsections: 5

“(3A) Every Catchment Commission shall be a body corporate with perpetual succession and a common seal, and may purchase, hold, and transfer real and personal property, and sue and be sued, and do and suffer all that bodies corporate may do and suffer. 10

“(3B) Every Catchment Commission shall be a local authority within the meaning, and for the purposes, of the Public Works Act 1928 and the Local Authorities Loans Act 1956.”

(2) The said section 13 of the principal Act is hereby further amended by inserting, after the words “to the Local Government Commission” the words “on the grounds that there is no present or likely future need for the carrying out in its district of any soil conservation, river control, flood prevention, or drainage work, and that it is unlikely to derive any direct or indirect benefit from the carrying out in the catchment area of any such work”. 15 20

(3) The said section 13 of the principal Act is hereby further amended by inserting, after subsection (9), the following subsection: 25

“(9A) Any Catchment Commission may pay to its members remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the members of each such Commission were members of a statutory Board within the meaning of that Act.” 30

3. Grants and loans to Catchment Commissions—Section 30 of the principal Act, as heretofore amended, is hereby further amended— 35

(a) By inserting, after the words “Catchment Board” where they appear in paragraph (g) of subsection (1) and also where they appear in subsection (4), the words “Catchment Commission”:

(b) By inserting, after the words “Catchment Board” in each place where they appear in subsections (3) and (5), the words “or Catchment Commission”: 40

- (c) By inserting, after the word "Board" in each place where it appears in paragraph (f) of subsection (1), in the last two places where it appears in subsection (3), and in the last place where it appears in subsection (5), the words "or Catchment Commission":
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- (d) By inserting, after the words "catchment district" where they appear in paragraph (e) of subsection (1), the words "or catchment area".

10 **4. Constitution, alteration, or abolition of districts**—The principal Act is hereby amended by inserting, after section 37, the following section:

15 "37A. In the constitution, alteration, or abolition of a catchment district, proper regard shall be had to the direct and indirect benefit that will accrue or is likely to accrue to any area in that district from the carrying out in that district of any soil conservation, river control, flood prevention, or drainage work, and the absence in any such area of the need for any such work shall not of itself justify the

20 exclusion of the area from that district."

5. Election of members of combined districts—(1) Section 46 of the principal Act is hereby amended by adding to subsection (3) the following additional proviso:

25 "Provided also that, where the system of rating is not the same in all the constituent districts, the number of votes to which each elector shall be entitled shall be determined in accordance with section 51 of the Counties Act 1956 by reference to the rateable capital value of his property as appearing on the valuation roll of the constituent district."

30 (2) Section 46 of the principal Act is hereby further amended by inserting, after subsection (3), the following subsection:

35 "(3A) Every elector in a combined district comprising one or more boroughs or town districts and one or more counties or road districts shall have the number of votes agreed upon by their Councils pursuant to the requirements of the proviso to subsection (1) of section 42 of this Act, as substituted by section 11 of the Soil Conservation and Rivers Control Amendment Act 1959."

40 **6. Special meetings**—Section 66 of the principal Act is hereby amended by omitting from subsection (2) the word "seven", and substituting the word "three".

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7. Subsidy on Catchment Commissions administrative rate—Section 78 of the Statutes Amendment Act 1945 is hereby amended—

- (a) By inserting, after the word “district” in each place where it appears, the words “or catchment area”:
- (b) By inserting, after the word “Board”, the words “or Catchment Commission”.

8. Appeals—(1) Section 103 of the principal Act, as substituted by section 18 of the Soil Conservation and Rivers Control Amendment Act 1959, is hereby amended by repealing subsection (6), and substituting the following subsection:

“(6) The Magistrate may state a case for decision by the Land Valuation Court upon any question of law arising in proceedings in a Magistrate’s Court under this section, and the Land Valuation Court may state a case for decision by the Court of Appeal upon any question of law arising in a Magistrate’s Court or in the Land Valuation Court under this section.”

(2) The said section 103 of the principal Act is hereby further amended—

- (a) By omitting from subsection (9) the words “or the Supreme Court” where they first appear and also the words “or the Supreme Court, as the case may be”:
- (b) By omitting from subsection (10), and also from subsection (12), the words “or the Supreme Court”:
- (c) By adding to subsection (12) the words “and the determination of the Magistrate shall be final and conclusive”.

9. Tenders—Section 122 of the principal Act is hereby amended by omitting from subsection (3) the words “fifty pounds”, and substituting the words “five hundred pounds”.

10. Catchment Commissions may provide dwellings for their employees—Section 22 of the Finance Act (No. 2) 1947 is hereby amended by inserting, after the word “Board” in each place where it appears, the words “or Catchment Commission”.

11. Compensation for acts of Catchment Commissions, local authorities, and Catchment Boards—The principal Act is hereby amended by repealing section 145A, as inserted by section 27 of the Soil Conservation and Rivers Control Amendment Act 1959, and substituting the following section:

- “145A. (1) Every person having any estate or interest in any land taken by any Catchment Commission or local authority for any of the purposes of this Act under powers delegated to it by the Council or injuriously affected thereby, or damaged or injuriously affected by the construction of any works by any Catchment Commission or local authority, or suffering any damage or injurious affection from the exercise by any Catchment Commission or local authority of any other power delegated to it by the Council (not being a power conferred by or under section 149 or paragraphs (b), (e), (f), and (g) of subsection (1) of section 150 of this Act), shall be entitled to full compensation for the same from the Catchment Commission or local authority by which the land is taken or injuriously affected or damaged.
- “(2) Nothing in this Act or any other Act shall operate to make the Council or Minister liable for compensation or damages in respect of any action or prohibition or refusal by a Catchment Board or Catchment Commission, whether or not the Council or Minister has approved or consented to or required that action, prohibition, or refusal under this Act.”

12. Obstruction of Catchment Commission—Section 153 of the principal Act is hereby amended by inserting, after the word “Board” in each place where it appears, the words “or Catchment Commission”.

- 13. Damage to watercourses and works**—Section 154 of the principal Act (as substituted by section 20 of the Soil Conservation and Rivers Control Amendment Act 1952) is hereby amended by inserting, after the word “Board” in each place where it appears, the words “or Catchment Commission”.

14. Interfering with watercourses—Section 155 of the principal Act is hereby amended—

- (a) By inserting, after the word “Board” in each place where it appears, the words “or Catchment Commission”;
- (b) By inserting, after the word “district” in each place where it appears, the words “or area”.