

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]
House of Representatives, 29th June, 1943.

Mr. Sutherland

TAUPIRI DRAINAGE AND RIVER DISTRICT
AMENDMENT

[LOCAL BILL]

ANALYSIS

Title.	2. Maintenance rate and adminis- trative rate.
Preamble.	
1. Short Title.	3. Repeal.

A BILL INTITULED

AN ACT to amend the Taupiri Drainage and River District Act, 1929 Title.

WHEREAS the Taupiri Drainage and River Board Preamble.
5 (hereinafter called the Board) is empowered by the
Taupiri Drainage and River District Act, 1929, from
time to time to make and levy on all lands subject to
the special rate levied under the said Act a rate (to
be called a maintenance rate) of such amount as may
10 be necessary to maintain the works constructed under
the provisions of the said Act: And whereas the Board
is also empowered by the Land Drainage Act, 1908, and
the River Boards Act, 1908, to make and levy on all
lands in the Board's district rates of such amount as
15 may be necessary to maintain all other works in the
Board's district, subject nevertheless to the restrictions
contained in the Land Drainage Act, 1908, ~~and its~~
~~amendments,~~ and the River Boards Act, 1908, ~~and its~~

~~amendments.~~ And whereas, owing to the fact that most of the works in the Board's district have been constructed partly under the provisions of the Taupiri Drainage and River District Act, 1929, and partly under the powers vested in the Board under the Land Drainage Act, 1908, and the River District ~~Act~~ *Boards Act, 1908*, difficulties have arisen in determining what amount of rates for maintenance should be levied by the Board under the Taupiri Drainage and River District Act, 1929, and what amount should be levied under the Land Drainage Act, 1908, and the River District ~~Act~~: *Boards Act, 1908*:

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

Short Title.

1. This Act may be cited as the Taupiri Drainage and River District ~~Act~~ Amendment Act, 1943, and it shall ~~form part of and~~ be read together with *and deemed part of* the Taupiri Drainage and River District Act, 1908 ~~1929~~ (hereinafter called *referred to as* the principal Act).

Maintenance rate and administrative rate.

2. (1) The Board may from time to time make and levy on all lands in the Board's district a rate (~~to be called a maintenance rate~~) of such amount as may be necessary to ~~maintain~~ *meet administrative costs of the Board and the cost of maintaining* all works in the Board's district, whether constructed under the provisions of the principal Act, the Land Drainage Act, 1908, or the River ~~District Act~~, *Boards Act, 1908*.

(2) Such rate ~~may~~ shall be levied according to a classification list and statement of proportions prepared ~~under in accordance with~~ the provisions of ~~the principal this~~ Act.

(3) The power to make and levy rates *for administrative purposes and for maintenance* under this section shall be in substitution for and not in addition to the powers of the Board to make and levy rates *for administrative purposes and for maintenance* under the provisions of the Land Drainage Act, 1908, ~~and its amendments,~~ and the River Boards Act, 1908. ~~and its amendments.~~

New

5 2A. Any rate levied by the Board under the *last preceding* section may, if the Board thinks fit, be levied separately in the separate areas, and in such case the rates levied in one separate area may vary from the rates levied in any other separate area.

Rates may be levied separately in separate areas.

10 2B. (1) For the purposes of the rates referred to in section *two* hereof the Board shall appoint one or more fit persons to examine and classify separately in each separate area all lands in the district and the classification with respect to each such area shall be made without reference to lands of the district outside such area.

Board to classify land for maintenance and administrative rates.

15 (2) The lands within each separate area shall be classified according to—

20 (a) The degree of benefit, direct or indirect, received or likely to be received from any works carried out in the district by the Board or any former Drainage Board or River Board whether under the principal Act, the Land Drainage Act, 1908, or the River Boards Act, 1908; or

25 (b) The degree (if any) to which any works theretofore carried out for the artificial drainage of any such lands has made it necessary to provide to a greater extent than would otherwise be required for the drainage of other lands in the separate area—

30 or, as the case may require, according to both such considerations; and where, in the opinion of the persons making such classification, any land in the separate area does not benefit or is not likely to benefit as aforesaid, and has not been artificially drained so as to require provision to be made as aforesaid for the drainage of other lands in the separate area such lands shall be placed in a separate class.

40 (3) The said persons shall also name with respect to each separate area the proportions in which the rates to be made and levied under section *two* hereof shall be imposed on the several classes into which the lands in the area have been classified; but lands

New

classified in the separate class referred to in the *last preceding* subsection shall not be liable to bear any proportion of the rate.

(4) Every classification so made with respect to each separate area shall be set out in a list to be signed by the Chairman of the Board at a meeting thereof, which list shall also contain a statement of the proportions in which the rates aforesaid are to be imposed on the several classes; and the Board shall forthwith cause to be given public notice of all such classifications and of the said proportions, and of the place where the lists may be inspected for a period of twenty-one days, and of the right of appeal hereinafter conferred.

(5) For the purposes of a classification to be made under the foregoing provisions of this section the scheme of classification shall provide for six classes of lands liable to be rated for the purposes of this Act, and for one class of land to be exempt from liability for rates. The said classes shall be respectively designated as Class A, Class B, Class C, Class D, Class E, Class F, and Class G.

2c. (1) Any person aggrieved by any such classification or by the fixing of the proportions in which the said rates are to be borne by the various classes may appeal against the same on the grounds following and on no other grounds:—

- (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:
- (c) That any land is improperly included within or excluded from the area to which the classification relates:
- (d) That the proportions in which the said rates are proposed to be imposed on the several classes do not fairly represent the relationship of the several classes to one another, or that the proportion of the rates imposed on any particular class or classes is too great or too small.

Appeal against classification and fixing of proportions.

New

(2) In the case of an appeal as aforesaid, a notice of appeal setting out the grounds thereof shall, before or within seven days after the expiration of the
5 twenty-one days appointed for the inspection of the classification lists, be given to the Clerk of the Magistrate's Court nearest to the office of the Board, and a copy thereof shall within the same period be lodged at the office of the Board.

10 (3) The appeal shall be heard by a Magistrate exercising jurisdiction in such Court as aforesaid, at such convenient time and place as he appoints, of which not less than seven days' notice shall be given to the Board and to the appellant.

15 (4) On the hearing of any such appeal the Magistrate may cause the classification list or the statement of proportions in which the rates are to be imposed to be amended in such manner as he thinks reasonable, and he shall sign the list and the statement of
20 proportions as so amended, and the determination of the Magistrate shall be final and conclusive.

(5) The Board or any member or officer thereof authorized in that behalf by the Board shall have the same right of appeal as any other person.

25 **2D.** Every classification list signed by the Chairman of the Board, or signed by a Magistrate in the case of any such appeal as aforesaid, shall for all purposes be sufficient evidence of such classification and proportions as aforesaid having been duly made and fixed.

Signed list to be sufficient evidence of classification.

30 **2E.** (1) Any classification list or proportions referred to in section *two B* hereof may from time to time be amended:

Amendment of classification list.

35 Provided that, except as provided in the *next succeeding* subsection, every such amendment shall be made in the same manner as the classification list is made and the provisions of this Act relating to appeals and to the authentication of the classification list shall apply thereto.

40 (2) In any case where any land appearing in a classification list is subdivided, the Valuer-General may on the application of the Board, and at the expense of

New

the Board, classify the separate pieces of the subdivided land, and the Board may alter or adjust the classification list to accord with that classification.

Qualification
for voting
at elections
and polls.

2F. (1) Notwithstanding anything contained in section nine of the Land Drainage Act, 1908, section seven of the Land Drainage Amendment Act, 1922, or any other enactment, the number of votes that may be exercised by any ratepayer at any election or poll shall be determined as follows:—

(a) If the area of his rateable property determined in accordance with this section does not exceed fifty acres, he shall have one vote:

(b) If the area of his rateable property determined as aforesaid exceeds fifty acres but does not exceed one hundred acres, he shall have two votes:

(c) If the area of his property determined as aforesaid exceeds one hundred acres, he shall have three votes.

(2) For the purposes of this section the area of any land shall be ascertained as follows:—

(a) The area of any land in any separate area classified as Class A land in accordance with section *two B* hereof shall be deemed to be the area of that land as appearing on the valuation roll of the district:

(b) The area of any land classified as aforesaid as Class B land shall be deemed to be five-sixths of the area as aforesaid:

(c) The area of any land classified as aforesaid as Class C land shall be deemed to be four-sixths of the area as aforesaid:

(d) The area of any land classified as aforesaid as Class D land shall be deemed to be three-sixths of the area as aforesaid:

(e) The area of any land classified as aforesaid as Class E land shall be deemed to be two-sixths of the area as aforesaid:

New

(f) The area of any land classified as aforesaid as Class F land shall be deemed to be one-sixth of the area as aforesaid.

5 (3) Land classified as aforesaid as Class G land shall be deemed not to be rateable property for the purposes of this section.

10 (4) Where any person is entitled to vote by virtue of being the owner of any lands of more than one class the number of votes that he may exercise shall be determined in accordance with the total area of the land as ascertained in accordance with the foregoing provisions of this section.

15 **3.** Section eighteen of the principal Act is hereby Repeal.
repealed.