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Mr. Scott.

TAIERI LAND DRAINAGE.

[LOCAL BILL]

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Special drainage district constituted.</p> <p>3. Board.</p> <p>4. Ratepayers list.</p> <p>5. Voting-powers of ratepayers.</p> <p>6. Rates. Classification of land. Existing loans.</p> <p>7. General powers of Board. Particular powers of Board.</p> <p>8. Damage to drains, &c.</p> <p>9. Diverting water on to private land.</p>	<p>10. Borrowing-powers.</p> <p>11. Application of rates.</p> <p>12. Assets and liabilities of Commissioners appointed under the Taieri Land Drainage Act, 1910.</p> <p>13. Western Taieri Land Drainage Board Enabling Act, 1913, incorporated.</p> <p>14. Trustees for West Taieri, &c.</p> <p>15. Bed of Lakes Waipori and Waihola may be vested in Board. Leasing-powers.</p> <p>16. Repeals. Schedules.</p>
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A BILL INTITULED

AN ACT to consolidate certain Enactments of the General Assembly and to extend the Powers of the Western Taieri Land Drainage Board. Title.

5 **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 Taieri Land Drainage Act, 1919. Short Title.

10 2. (1.) The district described in subsection one of section three of the Taieri Land Drainage Act, 1910, is extended as described in the *First* Schedule hereto, and is hereby constituted and declared to be a special drainage district to be called "the Western Taieri Land Drainage District" (hereinafter referred to as the district). Special drainage district constituted.

15 (2.) Such district shall be deemed to be a district within the meaning of the Land Drainage Act, 1908, and of the River Boards Act, 1908, and, subject to the provisions of this Act, the provisions of those Acts shall apply accordingly.

20 (3.) The district shall be subdivided into seven subdivisions with the names and boundaries set forth in the *Second* Schedule hereto.

(4.) The Board may from time to time by special order alter the boundaries of any such subdivision.

25 "The Western Taieri Land Drainage Board" (hereinafter referred to as the Board) consisting of seven members, one of whom shall be elected by the ratepayers of each of the seven subdivisions. Board.

Ratepayers list.

4. The Returning Officer shall prepare a ratepayers list in the manner provided by the Land Drainage Act, 1908, except that there shall be inserted opposite the name of each ratepayer the total area of rateable land held by him within the subdivision in lieu of the value thereof.

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Voting-powers of ratepayers.

5. (1.) At all elections and polls of ratepayers every person whose name appears on the ratepayers list shall be entitled to exercise the number of votes following, that is to say:—

(a.) If he appears as the occupier of rateable land not exceeding fifty acres in area, he shall have one vote:

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(b.) If he appears as the occupier of rateable land exceeding fifty acres but not exceeding two hundred acres, he shall have two votes.

(c.) If he appears as the occupier of rateable land exceeding two hundred acres, he shall have three votes.

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(2.) Those occupiers who, in accordance with the classification of lands made as hereinafter provided, are so classed as to pay no rates shall not, so long as such classification is in force, be entitled to any vote.

(3.) Any person who has not on the thirty-first day of March last past paid all rates that on the thirty-first day of December previous he was then liable to pay shall not be entitled to any vote unless such rates are paid before the ratepayers list has been signed by the Magistrate.

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Rates.

6. (1.) The Board may make and levy rates, both general and special, on an acreage basis.

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(2.) The general rate shall be made and levied on a uniform basis, and shall not exceed *four* shillings per acre:

Provided that no general rate shall be made or levied on any land that is so classed as to pay no special rates.

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(3.) Special rates shall be made and levied on a scale graduated according to the classification of the lands in the district and classified as hereinafter provided.

Classification of land.

(4.) On any classification or reclassification of such lands the same shall be classified into as many classes, not exceeding seven, as the Board shall determine by reference to the degree to which they have benefited or are likely to be benefited by the operations of the Board or of the Commissioners appointed under section six of the Taieri Land Drainage Act, 1910.

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(5.) The Board shall as soon as practicable after the passing of the Act classify such lands, and pending such classification the Board may make and levy a general rate on all lands in the district.

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(6.) All appeals against any classifications shall be decided by a Stipendiary Magistrate sitting with two assessors, one of whom shall be appointed by the Board and the other by the Minister of Lands.

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Existing loans.

(7.) All the loans heretofore raised by the Board are hereby declared to have been legally raised, and all rates made as security for such loans are declared to have been legally made.

(8.) Where the Board levies and collects special rates already made by the Board or by any of the old Boards as defined in the Taieri Land Drainage Act, 1907, as security for past loans, and for loans apportioned to the Board in the manner provided by subsection

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one of section four of the Taieri Land Drainage Act, 1910, and also for loans raised by the Commissioners appointed under section six of the Taieri Land Drainage Act, 1910, the Board shall levy and collect the same on the rateable value of the land heretofore rated or on the acreage on the basis of the classification in force at the date of the passing of this Act (whichever shall apply) and which classification shall continue in force for the purpose of levying and collecting the said special rates until the loans in respect of which they are made shall be paid off.

10 7. (1.) The Board shall have full power to do all such things as may in its opinion be necessary to effectively cope with the drainage of the district and the flooding of the Taieri Plain either from the surface water or by floods and freshes in the Waipori and Taieri Rivers or any of their tributaries. General powers of Board.

15 (2.) In particular, and without restricting the general powers hereby given, the Board may erect or make any dam or reservoir in, about, or across the Taieri or Waipori River or any of their tributaries, and exercise all the powers of a River Board at any part of the said rivers or on any land anywhere in their watershed, whether Particular powers of Board.

20 8. Every drain, tidal or flood gate or box or valve, or other appliance constructed or maintained by the Board shall be deemed to be the property of the Board, and any person doing any act whereby any such drain, gate, box, or appliance may be damaged or its efficiency impaired shall be liable to a penalty not exceeding *five hundred* pounds. Damage to drains, &c.

25 9. In addition to the matters for which the Board may under the Land Drainage Act, 1908, make by-laws the Board may from time to time make by-laws concerning the taking or diverting of water from any drain within the district, and may by any such by-laws impose a fine not exceeding *fifty* pounds for any breach thereof. Diverting water on to private land.

30 10. The Board may from time to time, without any poll of the ratepayers, borrow for the purposes of this Act such money, not exceeding in the whole *one hundred thousand* pounds, as it from time to time determines by special order. Borrowing-powers.

35 11. (1.) The annual charges on any loan or any part of a loan expended on works solely for the benefit of lands in the following districts and the cost of maintenance of such works shall be paid out of rates levied on the lands in such districts, namely:— Application of rates.

- 40 (a.) The Silverstream Subdivision :
- (b.) The Owhiro Subdivision :
- (c.) Such part of the district as is situated on the western side of the Taieri River :
- 45 (d.) All land on the south side of the said river lying between Allanton Township and the steel traffic-bridge near Henley :
- (e.) For the work of improving the waterway of the Waipori River, on such part of the district as is situated on the western side of the Taieri River :
- 50 (f.) For the work of improving the waterway of the Taieri River between the steel traffic-bridge near Henley and the traffic-bridge near Outram, on the whole district.

(2.) Before entering upon any scheme of improvement in or for the benefit of any of the districts as defined in the *preceding* subsection, the lands shall be classified as hereinbefore provided.

(3.) In lieu of making a fresh classification list for any of the districts in subsection *one* of this section, the Board may from time to time by resolution make such modifications in the classification as it thinks fit. 5

(4.) Notice of every such modification shall be given to the person whose land is affected thereby, and he shall have the like right of appeal as is given by section thirty-four of the Land Drainage Act, 1908. 10

Assets and liabilities of Commissioners appointed under the Taieri Land Drainage Act, 1910.

12. On the coming into operation of this Act the Commissioners appointed under section six of the Taieri Land Drainage Act, 1910, shall go out of office, and all their property shall be vested in the Board, and all the liabilities and engagements of the Commissioners shall become liabilities and engagements of the Board; and all rates payable to the Commissioners shall be paid to the Board, and all proceedings and actions pending by or against the Commissioners may be carried on by or against the Board. The liabilities of the Commissioners, whether for loans or otherwise, shall remain the same charge upon the area of land comprised in the Silverstream Subdivision as herein defined as if the Commissioners had not been dissolved; and the Board shall continue to levy and collect the same special rates made as security for loans and other special rates only within the area over which they were originally levied by the Commissioners in order to liquidate all liabilities of the Commissioners. 15 20 25

Western Taieri Land Drainage Board Enabling Act, 1913, incorporated.

Trustees for West Taieri, &c.

13. The Western Taieri Land Drainage Board Enabling Act, 1913, shall be incorporated with and form part of this Act.

14. The Trustees for the West Taieri, Momona, Snow, Lee Creek, and Lakes Subdivisions elected at the triennial election held in the year nineteen hundred and eighteen shall hold office as Trustees until the triennial election to be held in the year nineteen hundred and twenty-one. 30

Bed of Lakes Waipori and Waihola may be vested in Board.

15. (1.) The Governor-General in Council may by Proclamation declare that the bed of Lakes Waipori and Waihola shall be vested in the Board as an endowment within boundaries to be defined in and subject to such conditions (if any) as may be prescribed in such Proclamation. 35

(2.) Upon the gazetting of such Proclamation the bed of the said lakes as therein defined shall become vested in the Board as an endowment subject to such prescribed conditions (if any). 40

Leasing-powers.

(3.) The Board shall in respect of the bed of the said lakes as defined in the Proclamation be deemed to have been declared a leasing authority within the meaning of the Public Bodies' Leasing-powers Act, 1908, and shall have the powers of leasing thereby conferred upon local authorities. 45

Repeals.

16. The Taieri Land Drainage Act, 1910, the Taieri Land Drainage Act, 1912, the Taieri Land Drainage Amendment Act, 1914, and the Western Taieri Land Drainage Act, 1917, are hereby repealed. 50

SCHEDULES.

Schedules.

FIRST SCHEDULE.

BOUNDARIES OF THE WESTERN TAIERI LAND DRAINAGE DISTRICT.

COMMENCING at the centre of the Taieri River at the West Taieri Traffic-bridge, thence along the main road Outram towards Mosgiel to its intersection with the Half-way Bush to Muir's Road at Section 11, Block XVII, East Taieri District; thence along the Half-way Bush to Muir's Road to the north-east boundary-line of Block XIII, East Taieri District; thence along the north-eastern boundary of said Block XIII, the south-eastern boundary of Block XIII, the north-eastern boundary of Block I, and the south-eastern boundary of Blocks I, II, III, IV, and XX, East Taieri District, and River Section No. 26 (Keith Hall Estate) to the Taieri River; thence along the said river to the western boundary of the Township of Allanton; thence along the south-western boundary of the Township of Allanton to the Main South Road; thence by the Main South Road to the steel traffic-bridge at Henley; thence along the Main South Road to the south-western side of the Township of Waihola; thence along the boundary of the said township to the shore of Lake Waihola; thence along the southern, western, and northern shores of the said lake to the south-eastern corner of Block XVI, Waihola District; thence by the southern and western sides of said block to the north-east corner of Block XVII; thence along the northern boundary of said block to its north-western corner; thence in a south-western direction along the boundary of said block to the south-eastern corner of Section 5, Block VII, Clarendon District; thence along the south side of said Section 5 to the road-line bounding that section; thence along the said road to Berwick; thence by the right bank of the Waipori River up to a point immediately opposite the north-western corner of Section 1 of 37, Block II, Maungatua District; thence across the river and along the north-western and north-eastern boundaries of said Section 1 of 37, and along the south-eastern boundary of same to Section 43; thence along the north-eastern boundary of Sections 43, 1 of 39, 1 of 11, and 1 of 9 of said Block II to the main road Berwick to Outram; thence along the Berwick-Outram Road to its intersection with the Woodside Road at the north-east corner of Section 1, Block IV, West Taieri District; thence by Woodside Road to Woodside; thence by Woodside-Outram Road to western boundary of River Section 38, West Taieri; thence along western and northern boundary of said Section 38 to the Taieri River; thence along the river to the West Taieri Bridge, and across bridge to the point of commencement; excluding the Borough of Mosgiel, the Township of Waihola, and the Government railways.

SECOND SCHEDULE.

BOUNDARIES OF SUBDIVISIONS OF THE WESTERN TAIERI LAND DRAINAGE DISTRICT.

Silverstream Subdivision.

COMMENCING at the centre of the Taieri River at the West Taieri Traffic-bridge, thence along the main road Outram towards Mosgiel to its intersection with the Half-way Bush to Muir's Road at Section 11, Block XVII, East Taieri District; thence along the Half-way Bush to Muir's Road to the north-east boundary-line of Block XIII, East Taieri District; thence along the north-eastern boundary of said Block XIII, the south-eastern boundaries of Blocks XIII, V, VI, VII, and VIII and Irregular Block, East Taieri District, to the south-western corner of Section 83, Irregular Block; thence in a south-westerly direction along the road-line between river sections and Block XX to the road-line between River Sections 32 and 33; thence along that road-line between the said Sections 32 and 33 and a prolongation of that line to a point in the centre of the Taieri River; thence by the centre of that river to the point of commencement; excluding the Borough of Mosgiel and the Government railways.

Owhiro Subdivision.

Commencing at the northern corner of Block I, East Taieri District, thence along the north-eastern boundary of said Block I and the south-eastern boundary of Blocks I,

II, III, IV, and XX, East Taieri District, and River Section No. 26 (Keith Hall Estate) to the centre of the Taieri River; thence up the centre of the Taieri River to the boundary of the Silverstream Subdivision; thence along the boundary of that subdivision to the point of commencement: excluding the Borough of Mosgiel and the Government railways.

West Taieri Subdivision.

Commencing at the centre of the river at the West Taieri Traffic-bridge, thence down the centre of the Taieri River to the Mosgiel-Ourtram Railway; thence south-westerly along the said railway to the south-east corner of Section 1, Block I, West Taieri Survey District; thence along the road on the south-east side of Blocks I, II, and III to the south-west corner of Section 6, Block III, West Taieri Survey District; thence north-west along the road on the south-west side of said Block III to the main Berwick-Ourtram Road; thence along the said road to its intersection with the Woodside Road at the north-east corner of Section 1, Block IV, West Taieri District; thence by Woodside Road to Woodside; thence by Woodside-Ourtram Road to western boundary of River Section 38, West Taieri; thence along the western and northern boundaries of the said Section 38 to the Taieri River; thence along the river to the West Taieri Bridge, and across bridge to the point of commencement: excluding Government railways.

Momona Subdivision.

Commencing at the centre of the Taieri River at the Mosgiel-Ourtram Railway-bridge, thence down the centre of the Taieri River and the south-western boundary of the Silverstream and Owhiro Subdivisions to Allanton; thence across to left bank of river and along the said river to the western boundary of the Township of Allanton; thence along the south-western boundary of the Township of Allanton to the Main South Road; thence south-west along that road to River Section 12, Taieri District; thence by north-east boundary of said Section 12 and boundary produced to the road forming the east boundary of the Momona Settlement; thence along the said road in a northerly direction to Section 45, Block III, Maungatua Survey District; thence north-easterly along the said road to opposite the eastern corner of Section 43, Block III, Maungatua Survey District; thence north-westerly along a road fronting Sections 35 and 36, Block III, Maungatua Survey District; thence along the road fronting Sections 36 and 37 of said block and district to the south-east corner of Section 56, same block and district; thence along road-line on south boundary of said Section 56, and the western boundaries of Sections 56, 57, 58, and 59, same block and district, to the road-line which is the south boundary of the West Taieri Subdivision; thence along the south boundary of the said West Taieri Subdivision to the place of commencement: excluding Government railways.

Snow Subdivision.

Commencing at the intersection of the roads to the west of Section 12, Block III, Taieri Survey District, thence along the western boundaries of West Taieri and Momona Subdivisions to the Main South Road; thence south-west along that road to River Section 5, Taieri Survey District; thence by north-east boundary of said Section 5 to the centre of the Taieri River; thence down the centre of that river to the south-west corner of Section 44, Block IV, Maungatua Survey District; thence along boundary between Sections 43 and 44, Block IV, said survey district, and this line prolonged to the south-east boundary of Section 38, said block and district; thence south-westerly and north-westerly along the boundary of said Section 38; thence north-westerly along boundaries between Sections 25, 20, and 7 on the one side, and Sections 24, 21, and 6 respectively on the other side to Lee Creek; thence along Lee Creek and road to the south-eastern boundary of Section 3, Block IV, Maungatua Survey District; thence south-westerly along the boundary of said Section 3, and north-westerly along the boundary between Sections 3 and 4, said block and district; thence south-westerly and north-westerly along boundary of Section 12, Block I, Maungatua, to the Ourtram-Berwick Road; and thence along the said road to the place of commencement: excluding Government railways.

Lee Creek Subdivision.

Commencing at a point on the Ourtram-Berwick Road at the north-west corner of Section 12, Block I, Maungatua Survey District; thence along the south-western

boundary of Snow Subdivision to the Main South Road ; thence along that road to Section 50, Block IV, Otokia ; and thence by north-east boundary of said Section 50, and by right line to south-east corner of Section 78, Block VI, Maungatua District ; and by north-east boundary of said Block VI, Maungatua District, and Section 10, Block II, Maungatua District, to the Outram-Berwick Road ; and thence along the said road to the place of commencement : excluding Government railways.

Lakes Subdivision.

Commencing at the north-east corner of Section 10, Block II, Maungatua District, on the Berwick-Outram Road ; thence south-east by Lee Creek Subdivision to Main South Road ; thence by the Main South Road to the steel traffic-bridge at Henley ; thence along the Main South Road to the south-western side of the Township of Wai-hola ; thence along the boundary of the said township to the shore of Lake Waihola ; thence along the southern, western, and northern shores of the said lake to the south-eastern corner of Block XVI, Waihola District ; thence by the southern and western sides of said block to the north-east corner of Block XVII ; thence along the northern boundary of said block to its north-western corner ; thence in a south-western direction along the boundary of said block to the south-eastern corner of Section 5, Block VII, Clarendon District ; thence along the south side of said Section 5 to the road-line bounding that section ; thence along the said road to Berwick ; thence by the right bank of the Waipori River up to a point immediately opposite the north-western corner of Section 1 of 37, Block II, Maungatua District ; thence across the river and along the north-western and north-eastern boundaries of said Section 1 of 37, and along the south-eastern boundary of same to Section 43 ; thence along the north-eastern boundary of Sections 43, 1 of 39, 1 of 11, and 1 of 9 of said Block II to the main road, Berwick to Outram ; thence along the Berwick-Outram Road to the point of commencement : excluding Township of Waihola and Government railways.