

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,

27th October, 1922.

Hon. Mr. Coates.

WAIMAKARIRI RIVER IMPROVEMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title and commencement.</p> <p>2. Waimakariri River Trust District constituted.</p> <p>3. Waimakariri River Trust constituted.</p> <p>4. Trust incorporated.</p> <p>5. Election of Commissioners.</p> <p>6. First election.</p> <p>7. Application of certain provisions of River Boards Act and Land Drainage Act.</p> <p>8. Powers of Trust.</p> <p>9. Trust to approve proposed works.</p> <p>10. Obstruction of flow of flood-waters.</p> <p>11. Penalty for damage to Trust property.</p>	<p>12. By-laws.</p> <p>13. Works to be carried out by the Trust.</p> <p>14. Additional duties of Trust.</p> <p>15. Existing water-races protected.</p> <p>16. In lieu of paying compensation Trust may purchase land injuriously affected by its operations.</p> <p>17. Certain land vested in Trust as endowment.</p> <p>18. South Waimakariri River District abolished.</p> <p>19. Railway lands safeguarded.</p> <p>20. Waimakariri Harbour Board to exercise its powers subject to this Act.</p> <p>Schedules.</p>
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A BILL INTITULED

AN ACT to make Better Provision for the Improvement of the Waterway of the Waimakariri River and the Protection of certain Land in Canterbury. 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 Waimakariri River Improvement Act, 1922, and shall come into force on a date to be fixed in that behalf by the Governor-General by Order in Council. Short Title and commencement.

10 2. (1.) The area described in the *First* Schedule hereto is hereby constituted and declared to be a special river district, to be called the Waimakariri River Trust District (hereinafter referred to as the district). Waimakariri River Trust District constituted.

15 (2.) The district is hereby divided into two subdivisions, to be known respectively as the Northern Subdivision and the Southern Subdivision, as the same are respectively described in the *Second* Schedule hereto.

20 3. There shall be for the district a Trust under the name of the Waimakariri River Trust (hereinafter referred to as the Trust) consisting of eight Commissioners, of whom two shall be elected by the ratepayers of the Northern Subdivision, four shall be elected by the ratepayers of the Southern Subdivision, and two shall from time to time be appointed by the Minister of Public Works. The said Minister may from time to time revoke the appointment of either of the members appointed by him as aforesaid, and thereupon such Commissioner shall cease to be a member of the Trust. The Minister shall declare one of the Commissioners appointed by him to be the Chairman of the Trust. Waimakariri River Trust constituted.

Trust incorporated.

4. The Trust shall be a body corporate under the name of the Waimakariri River Trust, with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

Election of Commissioners.

5. The first elective Commissioners of the Trust shall come into office on the day of their election. 8

First election.

6. (1.) The Governor-General shall appoint a day for the first election of the elective Commissioners, and shall appoint a Returning Officer, and make such other appointments as may be necessary, and generally shall do all things necessary in or towards the carrying-out of such election. 10

(2.) For the purposes of the first election of Commissioners every person who immediately before the commencement of this Act was entitled to vote at an election for any riding of a county, or for any road district, town district, or borough, or for any part thereof respectively which is included in the district, shall be entitled to be enrolled as an elector. 15

(3.) Such person as the Governor-General appoints for the purpose shall make a roll of electors for the district by placing thereon the names of all persons entitled to be enrolled as aforesaid, and in such roll shall assign to each elector the number of votes he would be entitled to exercise if he were an elector at an election under the River Boards Act, 1908 ; and in any case where a property lies partly within and partly outside the district may apply to the Valuer-General to be furnished with an assessment of such first-mentioned part of such property to enable him to complete the roll. 20 25

(4.) The first meeting of the Trust shall be held at such place and at such time as the Governor-General may, by notice in the *Gazette*, appoint in that behalf.

Application of certain provisions of River Boards Act and Land Drainage Act.

7. The enactments specified in the *Third* Schedule hereto shall be deemed to be incorporated with and to form part of this Act, and for the purposes of this Act references in any of the said enactments to a Board or to any member or members of a Board shall be construed as references to the Trust and to a Commissioner or to Commissioners, as the case may require. 30 35

Powers of Trust.

8. (1.) The Trust shall have full power to do all such things as may in its opinion be necessary to effectively cope with the drainage and the flooding of the district.

(2.) In particular, and without restricting the general powers hereby conferred, the Trust may— 40

(a.) Enter upon any land within the district, divert any drain, stream, or river, and close up any outlet or inlet to or from the same, without payment of any compensation for loss of riparian or other water rights :

(b.) Divert, raise, lower, or alter roads, bridges, and culverts where in the opinion of the Trust they interfere with the proper discharge of flood-waters. 45

Trust to approve proposed works.

9. All proposals by any person or body for any drain or drains to empty into any river in the district or into any drain or drains under the control of the Trust, and all plans for locks, tide-gates, bridges, ferries, or wharves, shall be submitted to and approved by the Trust before being carried into effect. No planting or cutting of willows on the banks of the Waimakariri River shall be done except by or by direction of the Trust. 50

10. It shall not be competent for any person to do or to erect anything that will obstruct, or will be likely to obstruct, the free flow of flood-waters over any land within the district, unless with the written consent of the Trust.

Obstruction of flow of flood-waters.

6 11. Every drain, tidal or flood gate, and every box, valve, levee, or other appliance, constructed or maintained by the Trust shall be deemed to be the property of the Trust; and any person doing any act whereby any such drain, gate, box, valve, levee, or appliance may be damaged or its efficiency impaired, or doing any work or thing in contravention of this Act, shall be liable to a fine not exceeding *five hundred* pounds.

Penalty for damage to Trust property.

10 12. The Trust 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 prescribe a fine not exceeding *fifty* pounds for any breach thereof.

By-laws.

15 13. The Trust shall, so far as its funds will permit, carry out the following works:—

Works to be carried out by the Trust.

- (a.) Works to safeguard the City of Christchurch from flooding:
- (b.) Works to protect from erosion the banks on either side of the Waimakariri River:

20 (c.) Works to prevent or mitigate the ponding-up of flood-waters near the lower end of Coutt's Island:

- (d.) Works to prevent or mitigate damage by flooding from the Eyre and Cust Rivers.

25 14. In addition to any other duties of the Trust under this Act, it shall be the duty of the Trust—

Additional duties of Trust.

- (a.) To have detail surveys, plans, estimates, and specifications made for carrying out the works hereinbefore prescribed, such plans to be approved by the Commissioners appointed by the Minister of Public Works:

30 (b.) To carry out the necessary work, either by contract or direct labour, in as expeditious a manner as possible:

- (c.) To maintain the works efficiently, and to do whatever extra work may be necessary to improve the regimen of the Waimakariri River and secure the fullest protection for the district from floods:

35 (d.) To take all necessary observations and keep records that will assist in the study of the hydrology of the river, changes in its regimen, heights and duration of floods, rainfalls, and other information that will be of service to the Trust.

40 15. In constructing any works under this Act, the Trust shall not cut off from the Waimakariri River or interfere with the supply of water to any water-races subject to the Water-supply Act, 1908.

Existing water-races protected.

45 16. (1.) In lieu of paying compensation to the owner or occupier of any land that may be damaged or injuriously affected by any work carried out under the provisions of this Act, the Trust is hereby empowered to purchase any such land.

In lieu of paying compensation Trust may purchase land injuriously affected by its operations.

50 (2.) If the owner of any such land and the Trust cannot agree as to the price to be paid therefor, the Trust shall pay compensation, which shall be determined in the manner provided by Part III of the Public Works Act, 1908.

(3.) The Trust shall have the power to lease or to sell, convey, and transfer any lands (other than endowments) belonging to it.

Certain land vested
in Trust as
endowment.

17. (1.) The bed of the Waimakariri River outside the limits of the Waimakariri Harbour is hereby vested in the Trust as an endowment.

(2.) The Trust shall, in respect of such endowment, be a leasing authority within the meaning of the Public Bodies' Leases Act, 1908. 5

(3.) Any revenue derived from the endowment shall be applied by the Trust towards the interest and other charges on any loan or loans raised for the purpose of improving the waterway of the Waimakariri River.

South Waimakariri
River District
abolished.

18. (1.) The South Waimakariri River Board is hereby dissolved 10
as from the commencement of this Act, and the South Waimakariri River District is hereby abolished.

(2.) All loans heretofore raised by the said Board are hereby declared to have been legally raised, and all rates made as security for such loans are hereby declared to have been legally made. 15

(3.) On the dissolution of the said Board all its property shall, subject to the *next succeeding* subsection, become the property of the Trust, and all the liabilities and engagements of the Board shall become liabilities and engagements of the Trust, and all proceedings and actions pending by or against the Board may be carried on and prosecuted by 20
or against the Trust, and all rates payable to the Board shall be payable to and may be recovered by the Trust. Where the said Board has made and levied any special rates that have not been collected, the Trust shall collect the same according to the classification in force on the coming into operation of this Act, which classification shall 25
continue in force for the purpose of the levying and collection of the said special rates until the loans in respect of which they are made have been paid off.

(4.) The Trust shall cause a valuation to be made of all the saleable assets of the said Board, and shall credit the General Account 30
of the Board with the amount of such valuation.

(5.) If after such amount has been so placed to the credit of the General Account there remains a credit balance in the account, then such credit balance shall be applied to the interest account in respect of one of the loans of the Board. 35

(6.) If after such amount has been so placed to the credit of the General Account there is a debit balance in the account, the Trust is hereby empowered to make and levy a separate rate, on the basis of the classification in force at the time of the coming into operation of this Act, of such an amount as will produce a sum sufficient to 40
liquidate such debit balance.

(7.) All reserves heretofore vested in the said Board are hereby declared to be vested in the Trust upon the same trusts and conditions on which such land was held by that Board, save that all revenue or income derived therefrom may be used by the Trust for 45
any of the purposes of, or in executing any works authorized by, this Act.

Railway lands
safeguarded.

19. It shall not be lawful for the Trust, or for any local authority or other public body, or for any other person, to execute any work upon or affecting any railway land in any part of the district, except 50
with the previous consent and approval of the Minister of Railways, who may impose such conditions for the protection and safety of the railways as he thinks fit.

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Waimakariri
Harbour Board to
exercise its powers
subject to this Act.

20. (1.) The powers granted to the Waimakariri Harbour Board by the Harbours Act, 1908, or by any other Act, shall be exercised by that Board subject to the provisions of this Act, and in the event of any dispute arising between that Board and the Trust in respect of anything done by the Trust pursuant to or purporting to be done pursuant to this Act, it shall be submitted to the Minister of Public Works, whose decision shall be final. Save as provided herein, the powers, rights, functions, and duties of the said Harbour Board shall not be affected by this Act, nor shall anything herein be deemed to affect the rights of any creditor of the Board or relieve the Board of any duty cast upon it to keep the portion of the Waimakariri River within its jurisdiction in a fit state for navigation, whether by the use of dredges or otherwise, or to cast upon the Trust any liability or duty for so doing.

15 (2.) The plans of any works proposed to be executed by the Waimakariri Harbour Board for the purpose of obtaining a deep-water channel to the mouth of the Waimakariri River shall not be sanctioned by the Governor-General in Council until such plans have been considered by the Trust, which shall report thereon to the Minister of
20 Marine.

(3.) Notwithstanding anything in the Harbours Act, 1908, or in any other Act, it shall be lawful for the Trust, in furtherance and as part of the general scheme of flood-prevention, to divert the course of the Waimakariri River or any branch thereof, and every such work shall be deemed to be a public work within the meaning of the Public Works Act, 1908, and its amendments.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

THE WAIMAKARIRI RIVER TRUST DISTRICT.

ALL that area in the Canterbury Land District, comprising the whole watershed of the Waimakariri River and its tributaries up to the railway-crossing on the Lower Gorge and also all territory at present included in the South Waimakariri River District which is not within the watershed; the whole as indicated on the plan marked P.W.D. 51668, sheet 6, deposited in the office of the Minister of Public Works, at Wellington, in the Wellington Land District, and thereon bordered red.

SECOND SCHEDULE.

SUBDIVISIONS OF THE WAIMAKARIRI RIVER TRUST DISTRICT.

Northern Subdivision.

ALL that portion of the area described in the *First* Schedule to this Act situated generally to the north of the Waimakariri River, and comprising the Eyre County, portion of the Oxford County, portion of the Rangiora County, and the Borough of Kaiapoi, but excluding Government railways.

Southern Subdivision.

All that area described in the *First* Schedule to this Act, less the Northern Subdivision hereinbefore described, and excluding Government railways.

THIRD SCHEDULE.

SECTIONS IN THE RIVER BOARDS ACT, 1908, AND ITS AMENDMENTS, AND THE LAND DRAINAGE ACT, 1908, AND ITS AMENDMENTS, WHICH ARE INCORPORATED IN THIS ACT.

Title of Act.	Extent of Incorporation.
River Boards Act, 1908	Sections 26 to 46, 49, 51 to 82, 85 to 87, 89 to 92, 95 to 105, 107 subsection (1), 108, 110 to 117, 121, 122, 124 to 126.
River Boards Amendment Act, 1910	Sections 2, 3, 4, 5, and 7.
River Boards Amendment Act, 1913	Sections 6, 7, 8, 9, 10, and 11.
River Boards Amendment Act, 1917	Sections 2, 3, 4, 5, and 6.
Land Drainage Act, 1908	Sections 17, 18, 19, 23, 26, 50, and 57.

By Authority : W. A. G. SKINNER, Government Printer, Wellington.—1922.