

# SUPPLEMENTARY ORDER PAPER.

## HOUSE OF REPRESENTATIVES.

Wednesday, the 28th Day of September, 1898.

### LAND DRAINAGE ACT AMENDMENT BILL.

Mr. PIRANI, in Committee, to move the following amendments:—

In this Act, if not inconsistent with the context, "local authority" means and includes any Borough Council, County Council, Town Board, Road Board, Harbour Board, Drainage Board, and any other Board, Commissioners, Trustees, or other persons or body however designated having authority under any Act of the General Assembly to undertake the construction of any public work.

The Governor may, by Proclamation publicly notified, direct that any drains or drainage-works already constructed or which may hereafter be constructed, and any watercourses, respectively shall, from and after a date to be fixed in such Proclamation, be under the exclusive care, control, and management of such local authority as shall be mentioned in that behalf in such Proclamation; and may, by any subsequent Proclamation publicly notified from time to time, vary or alter such care, control, and management; and may by such Proclamation as aforesaid fix and determine whether all or any, and, if so, what, part of the cost of managing, repairing, improving, or reconstructing any such drain, drainage-works, or watercourses, and the machinery and appliances used therewith, is to be provided and paid by any local authority or local authorities (if more than one), and, if so, by what local authority or local authorities (if more than one); and may by any such Proclamation as aforesaid direct how, when, and to whom any such payment is to be made; and every payment so directed to be made shall be made as directed by such Proclamation, and unless so made may be recovered in any Court of competent jurisdiction at the suit of the Minister as a debt due to Her Majesty or of the local authority, as the case may be, to whom such payment ought to be made.

In fixing and apportioning the cost of managing, maintaining, repairing, improving, or reconstructing any such drain, drainage-works, or watercourses, and the machinery and appliances used therewith, the Governor shall take into account the net revenue (if any) derived from or incident to the use of such drain, drainage-works, or watercourses by the local authority having the care, control, management, or maintenance thereof.

The Governor may from time to time, with the view of determining whether it is expedient to vest the exclusive care, control, management, and maintenance of any such drain, drainage-works, or watercourses in any local authority, or with the view of determining the proportion in which it would be fair and reasonable to fix and determine the amount to be provided and paid by any local authority or local authorities for or towards the costs of managing, maintaining, repairing, improving, or reconstructing any such drain, drainage-works, or watercourses, and the machinery and appliances used therewith, direct any Stipendiary Magistrate or other person or

persons to be a Commissioner or Commissioners to inquire and report to him upon any matter which he shall deem necessary to enable him to determine any such question as aforesaid; and such Commissioner or Commissioners shall have all the powers of a Board of Commission appointed by the Governor in Council under the provisions of "The Commissioners' Powers Act, 1867," and "The Commissioners' Powers Act 1867 Amendment Act, 1872." Such Commissioner or Commissioners shall report to the Governor, after such inquiry as he or they shall deem requisite and reasonable, his or their opinion as to the matters respecting which he or they were appointed to report; but it shall not be obligatory upon the Governor to act in accordance with any opinion that may be expressed by such Commissioner or Commissioners, nor to give effect to any recommendation that may be contained in his or their report.

All costs, charges, and expenses attending or incidental to the exercise of the powers conferred upon the Governor, or upon such Commissioner or Commissioners, or other persons, shall be a charge upon the revenues of such local authority or local authorities as the Governor may direct, and may be recovered as a debt due to Her Majesty in any Court of competent jurisdiction.