

Mr. Herring.

ASHBURTON COUNTY RIVER DISTRICT.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to make Better Provision for the Improvement of the Ashburton and Hinds Rivers and Tributaries thereto, and for the Protection of certain Lands in the Ashburton County and the Lands contiguous thereto. Title.

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No. 62—1.

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

Short Title
and
commencement.

1. This Act may be cited as the Ashburton County River District Act, 1936, and shall come into operation on a date to be fixed on as above by the Governor-General by Order in Council (or shall come into operation on the day of , nineteen hundred and thirty-). **5**

Constitution
of district.

2. The areas comprised in the County of Ashburton, the Borough of Ashburton, and the Tinwald Town District as existing at the commencement of this Act are hereby constituted and declared to be a special river district to be called the "Ashburton County River District" (hereinafter called the district). **10**

Constitution
of River
Board.

3. There shall be for the district a Board under the name of the "Ashburton County River Board" (hereinafter referred to as the Board) consisting of fifteen members to be elected in manner hereinafter appearing. **15**

Constituting
Board a body
corporate.

4. Such Board shall be a body corporate, 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. **20**

Powers of
Board.

5. The Board hereby constituted shall be deemed to be a River Board under the River Boards Act, 1908, and shall have all the powers conferred on a River Board by that Act, and all the provisions of that Act, except in so far as any of such provisions are expressly or impliedly extended, varied, or repealed by this Act and the River Boards Act, apply accordingly. In addition to the foregoing powers the Board shall have and be empowered to exercise such of the provisions of the Land Drainage Act, 1908, as are set out in the Schedule hereunder written. In particular, without restricting the general powers hereby given, the Board shall have and possess the following powers, that is to say:— **25**

(a) It may divert any drain, stream, or river, and close up any outlet or inlet to or from the same: **40**

(b) It may from time to time make, maintain, alter, or discontinue in, on, over, through, or across

any land within the district such overflow or other channels as the Board may consider necessary for the purpose of carrying out its operations:

- 5 (c) It may out of any special loans raised for that purpose, or out of its general funds, purchase from any local authority or ratepayer within the district any land or any portion of the protection works erected by such local
- 10 authority or ratepayer without purchasing the land on which such protection work is erected, and with or without any easement over the land on which such protection works are erected, or any machinery and/or assets of
- 15 such local authority or ratepayer which in the opinion of the Board are or are likely to be required for the efficient carrying-out of the Board's operations under this Act.

6. (1) Notwithstanding section seven of the River Boards Act, 1908, or anything to the contrary in the said Act contained, the Board may by special order constitute any portion of the district a separate subdivision or may divide the district into subdivisions, and may in like manner increase, diminish, or abolish any sub-

20 division or may constitute any two or more subdivisions as one subdivision.

Power to constitute subdivisions.

(2) On the passing of any such special order constituting a subdivision or subdivisions, or constituting any two or more subdivisions as one subdivision, the

30 number of members of the Board shall not be increased or diminished, nor shall there be any alteration in the manner in which such members are elected.

(3) The Board shall have such powers as to rating and classification of land for rating as are conferred

35 by the River Boards Amendment Act, 1913, and such powers may by resolution of the Board be exercised separately with respect to each subdivision.

7. Any local authority or other public body or any ratepayer or other person shall not, except with the

40 consent in writing of the Board, do, construct, or erect any river-protection works in the district or do or construct or erect anything that will obstruct or which

Limitation of right of other local authorities or persons to construct river-protection works.

will be likely to obstruct the free flow of flood-waters over any land within the district.

Proposals for drains and for other works to be approved by the Board.

8. All proposals by any person or body for any drain or drains to be emptied into any river in the district or into any drain or drains under the control of the Board, and all plans of blocks, groynes, bridges, or embankments, shall be submitted to and approved by the Board before being carried into effect.

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Limitation of right to plant and cut trees.

9. No planting or cutting of willows or other trees on the banks of the Ashburton River or of any of the tributaries thereof, or any rivers under the jurisdiction of the Board, shall be done except by or by direction or approval of the Board.

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Power to make by-laws.

10. The Board may from time to time make by-laws concerning the taking or diverting of water from any drain, creek, or river within the district, and may by any such by-laws prescribe a fine not exceeding *fifty* pounds for any breach thereof.

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General powers of Board.

11. The Board shall so far as its funds will permit carry out the following works:—

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(a) Works to safeguard the Borough of Ashburton, the County of Ashburton, and the Township of Tinwald from flood:

(b) Works to protect from erosion the banks on either side of the Ashburton River or of any tributary of the same:

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(c) Such works as may be necessary to remove shingle, debris, and other obstructions of the free flow of the water from the Ashburton River, the Hinds River, or any tributary or creek thereof respectively, and to take such steps as in the opinion of the Board may be necessary to keep such rivers and the tributaries and creeks thereof free from obstruction or to prevent the flood or flood-waters from such rivers, creeks, or tributaries from overflowing the banks thereof:

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(d) Generally such works as may be necessary or desirable to prevent or mitigate the flooding of land in the district by flood-waters from the Ashburton River and the Hinds River and the tributaries or creeks thereof respectively.

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12. (1) Notwithstanding anything to the contrary in the River Boards Act, 1908, or any other Act, the Board may, with the consent in writing of the Minister of Public Works, construct river-protection works on those parts of the south bank of the Rakaia River lying outside the County of Ashburton.
- (2) Notwithstanding anything to the contrary in the Geraldine County River District Act, 1921, or any other Act, the Board may, with the consent in writing of the Minister of Public Works, construct river-protection works in or in the bank of that part of the Rangitata River lying within or on the boundary of the County of Ashburton.
13. In constructing any works under this Act the Board shall not cut off from the Ashburton River or interfere with the supply of water to any water-races vested in the Ashburton County Council whether under the Water-supply Act, 1908, or otherwise.
14. 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 Board is hereby empowered to purchase such land.
15. If the owner of such land and the Board cannot agree as to the price to be paid therefor the Board shall pay compensation, which shall be determined in the manner prescribed by Part III of the Public Works Act, 1908.
16. It shall not be lawful for the Board or for any local authority or public body or for any other person to execute any work upon or affecting any railway land in any part of the district except 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.
17. (1) The Wakanui River Board constituted under the River Boards Act, 1908, is hereby abolished.
- (2) All property of such Board is hereby vested in the Board constituted hereby, and all liabilities and engagements of such Board shall become the liabilities and engagements of the aforesaid Board, and all rates

With consent of Minister of Public Works, may construct certain works outside the district.

Prohibition against interference with supply of water to water-races.

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Wakanui River Board to be abolished.

and other moneys payable to such Board so abolished shall notwithstanding its abolition become payable to the said Board, and all actions and proceedings which in the abolition of such Board are pending or which might thereafter have been instituted by or against such Board had it continued to exist may be carried on or instituted by or against the Board. 5

Constituting
County of
Ashburton a
separate
subdivision.

18. The area comprised in the County of Ashburton as existing at the commencement of this Act shall, subject to provision as to alteration contained in section *six* or otherwise in this Act or in the River Boards Act, 1908, form a separate subdivision of such district. 10

Constituting
Borough of
Ashburton
a separate
subdivision.

19. The area comprised in the Borough of Ashburton as existing at the commencement of this Act shall, subject to the provision as to alteration aforesaid, form a separate subdivision of such district. 15

Constituting
Town District
of Tinwald a
separate
subdivision.

20. The area comprised in the Town District of Tinwald shall, subject to the provision as to alteration aforesaid, form a separate subdivision of such district. 20

Prescribing
how members
of Board
elected.

21. Notwithstanding anything contained in the River Boards Act, 1908, the members of the Board shall be elected under paragraph (*b*) of section eighteen of the River Boards Act, 1908, by the following local authorities—namely, twelve members by the Chairman, Councillors, and Inhabitants of the County of Ashburton, two members by the Mayor, Councillors, and Burgesses of the Borough of Ashburton, and one member by the Commissioners of the Tinwald Town Board. 25

Members
appointed to
Board to be
members of
respective
local bodies.

22. The members appointed by the Ashburton County Council, the Borough of Ashburton, and the Tinwald Town Board respectively shall at the date of their appointment be members respectively of the Ashburton County Council, the Ashburton Borough Council, and the Tinwald Town Board. 30 35

Date of
election of
members of
first Board.

23. The first Board shall be elected by the local bodies above mentioned upon a date to be appointed by the Governor-General in Council. The members so elected shall hold office until the first day of May, nineteen hundred and thirty-eight, or until their successors are appointed. 40

24. During the month of July, nineteen hundred and thirty-eight, and during the month of July in every succeeding third year thereafter, members of the Board shall be elected by the local authorities mentioned in 5 sections *twenty-one* and *twenty-two* hereof, and they shall hold office for a period of three years from the date of their election or until their successors are appointed.

Date of election of members of succeeding Boards.

SCHEDULE.

Schedule.

SECTIONS of the Land Drainage Act, 1908, and its amendments, which are incorporated in this Act—viz., sections 17, 18, 19, 23, 50, 57, 62.