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*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,
6th November, 1929.*

Hon. Mr. de la Perrelle.

TAUPIRI DRAINAGE AND RIVER DISTRICT.

ANALYSIS.

Title. Preamble. 1. Short Title. 2. Interpretation. 3. Provision for constitution of Taupiri Drainage and River District. 4. Taupiri Drainage and River Board. 5. Powers of Board. 6. Provisions as to existing river and drainage districts. 7. Financial adjustments. 8. Continuing jurisdiction of existing River and Drainage Boards. 9. Taupiri Board to prepare comprehensive scheme of drainage and river works for the district. 10. Scheme to be deposited for public inspection and objections called for. 11. Appeals against Board's apportionment of cost of scheme among separate areas.	12. Board may raise special loans for purposes of scheme. 13. Classification of lands before loan poll taken. 14. Appeal against classification and fixing of proportions in which special rate is to be borne. 15. Signed list to be sufficient evidence of classification. 16. Number of votes that ratepayer may exercise at loan poll. 17. Special rate to meet annual and other loan charges to be made and levied separately in each separate area. 18. Maintenance rate in respect of scheme. 19. Board may undertake other works. 20. Saving other powers of Board to classify lands for rating purposes. 21. Administrative rate, pending preparation of scheme, may be on uniform scale. 22. Payment of certain preliminary expenses.
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A BILL INTITULED

AN ACT to make Better Provision with respect to the Drainage of **Title.**
certain Lands in the Watershed of the Mangawhara River, and the
Protection of such Lands from Damage by Floods.

- 5 WHEREAS in the watershed of the Mangawhara River and its tributaries **Preamble.**
there is an extensive area of drained and partly drained swamp lands :
And whereas part of that area is under the control of the Mangawhara
River Board constituted under the River Boards Act, 1908, part thereof
is under the control of certain Drainage Boards constituted under the
10 Land Drainage Act, 1908, and the residue is not under the control of any
River Board or Drainage Board : And whereas the Chief Drainage
Engineer of the Department of Lands and Survey lately prepared a
scheme for the carrying-out of suitable land-drainage and river-protection
works in the said area, and indicated in a report accompanying such
15 scheme the particular part of the said area that would be affected by
such scheme :

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

- 20 1. This Act may be cited as the Taupiri Drainage and River **Short Title.**
District Act, 1929.

Interpretation.

2. In this Act, if not inconsistent with the context,—

“Local authority” means any Borough Council, County Council, Town Board, River Board, or Drainage Board the whole or any part of whose district is situated in the Taupiri Swamp or is adjacent thereto :

“Minister” means the Minister of Internal Affairs :

“Scheme” means a scheme of works prepared pursuant to this Act :

“Separate area” means a separate area defined under section *nine* of this Act :

“Taupiri Board” means the Board of the Taupiri Drainage and River District :

“Taupiri District” and “Taupiri Drainage and River District” mean the drainage and river district to be constituted in pursuance of this Act :

“Taupiri Swamp” means the area indicated by the Chief Drainage Engineer of the Department of Lands and Survey in the report of the scheme of land-drainage and river-protection prepared by him in respect of the area mentioned in the Preamble to this Act, such report being recorded in the Head Office of the Department of Lands and Survey at Wellington under number L. and S. 15/117.

Provision for
constitution of
Taupiri Drainage
and River District.

3. (1) As soon as practicable after the passing of this Act the Minister shall publish in the *Gazette*, and in one or more newspapers circulating in the locality, a notice containing an approximate description of the boundaries of the Taupiri Swamp, and such other particulars as may appear to him to be relevant, and shall in the said notice indicate that it is proposed to constitute the area so described a district for land-drainage and river-protection purposes, to be known as the Taupiri Drainage and River District ; and shall call upon all persons affected to lodge written objections to or petitions against the proposal within one month from the first publication of the said notice.

(2) No person other than a person having an interest in any land comprised in the area described in the said notice shall be entitled to lodge any objection to or petition against the proposal, and the only ground on which any person so entitled may lodge an objection or petition shall be either that the land in which he is interested does not and is not likely at any time to drain into the Mangawara River or its tributaries, or that such land has no community of interest with any other lands forming part of the Taupiri Swamp in respect of land-drainage or river-protection.

(3) Any local authority may lodge objections to or petitions against the proposal on the ground that any lands included in the area described in the said notice should not be so included, or that any lands not included in such area should be included therein.

(4) On the expiration of such period of one month the Governor-General may by Order in Council constitute the area described in the said notice, or any area substantially the same as that area, a district for the purposes of this Act, and he may leave the district undivided, or he may divide it into subdivisions with such names and boundaries as he assigns thereto ; or he may appoint a Commission under the Commissions of Inquiry Act, 1908, to inquire and report to him

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whether the area described in the said notice or any other area (either a greater or a lesser area) should be constituted a district for the purposes of this Act, whether the district so constituted should be undivided or should be divided into subdivisions, and, if divided into subdivisions, to recommend suitable names and boundaries for such subdivisions.

(5) On the receipt of the report of such Commission the Governor-General may by Order in Council constitute the area recommended by the Commission a district for the purposes of this Act, and, if the Commission so recommends, he may divide such district into not more than twelve subdivisions, with such names and boundaries as are recommended by the Commission.

(6) The district so constituted shall be called the Taupiri Drainage and River District, and shall be deemed to be a drainage district within the meaning of the Land Drainage Act, 1908, duly constituted under that Act; and all the provisions of that Act, except in so far as they are inconsistent with the provisions of this Act, shall apply to such district accordingly.

4. (1) The Governor-General may, in the Order in Council constituting the district or in any subsequent Order in Council, fix the number of members to comprise the Board of the Taupiri District, but so that there shall be not less than five nor more than twelve members of the Board.

Taupiri Drainage and River Board.

(2) If the district is divided into subdivisions, the Governor-General may in like manner fix the number of members to represent each subdivision, but so that there shall be not less than one nor more than five members for any subdivision.

5. The Taupiri Board, in addition to the powers conferred on it by the Land Drainage Act, 1908, shall have and may exercise, for the purpose of protecting lands in the district from flooding by the overflow of or the breaking of the banks of any river within the district, all the powers exercisable by a duly constituted River Board under the River Boards Act, 1908, for the protection of lands in a river district, including the power to make and levy rates under that Act.

Powers of Board.

6. On the constitution of the Taupiri District the following provisions shall apply:—

Provisions as to existing river and drainage districts.

(a) With respect to any river district or drainage district that is wholly within the Taupiri District, the Governor-General may by Proclamation abolish such river district or drainage district and dissolve the Board thereof:

(b) With respect to any river district or drainage district that is partly within the Taupiri District, the Governor-General may by Proclamation abolish such river district or drainage district and dissolve the Board thereof, or may exclude from such river district or drainage district such portion thereof as is within the limits of the Taupiri District.

7. (1) On the abolition of any such river district or drainage district pursuant to the *last preceding* section—

(a) All property, real or personal, belonging to such river district or drainage district shall become vested in the Taupiri Board:

Financial adjustments.

(b) All rates and other moneys payable to the Board of any such river district or drainage district shall be payable to the Taupiri Board :

(c) All liabilities and engagements of any such River Board or Drainage Board shall become liabilities and engagements of the Taupiri Board :

(d) All proceedings pending by or against any such River Board or Drainage Board may be carried on and prosecuted by or against the Taupiri Board.

(2) On the alteration pursuant to this section of the boundaries of any such river district or drainage district the provisions of section eighty-seven of the Land Drainage Act, 1908, shall apply in all respects as if the alteration of boundaries had been made under that Act.

Continuing jurisdiction of existing River and Drainage Boards.

8. (1) After the constitution of the Taupiri District and until the abolition of any river district or drainage district, or until the exclusion of any area therefrom, pursuant to section *six* of this Act, the Board of such river district or drainage district shall, subject to the provisions of this section, continue to exercise its powers, duties, and functions in respect of the area for the time being comprised in its district which forms part of the Taupiri District.

(2) Where the Board of any such river district or drainage district proposes to construct any work in any part of the Taupiri District, it shall first give to the Taupiri Board not less than one month's notice in writing of its intention to begin such work, and with such notice shall supply full particulars of such work.

(3) If the Board giving such notice does not within one month from the date thereof receive any objection in writing from the Taupiri Board, or if within the said period of one month the Taupiri Board notifies its assent to the carrying-out of the said works, but not otherwise, then the Board giving notice may forthwith proceed with such work.

(4) Nothing in the *last preceding* subsection shall apply in respect of the carrying-out by any such Board of any urgent work to meet an emergency.

Taupiri Board to prepare comprehensive scheme of drainage and river works for the district.

9. (1) As soon as practicable after the first election of members thereof the Taupiri Board shall cause to be prepared a comprehensive scheme of such drainage and river works as it deems necessary for the drainage and protection of lands within the district, all such works being of such a nature as to be within the powers conferred on the Board by this Act.

(2) The scheme shall set out with proper particulars the details of the works proposed to be constructed, either as new works or by way of alteration of or addition to or reconstruction of existing works, together with an estimate of the total cost of the preparation and execution of the scheme.

(3) In addition to the matters aforesaid, the scheme shall also group the lands within the district into separate areas to be defined in the scheme, each such separate area comprising lands that have a common interest in a particular section or in particular sections of the works proposed in the scheme not directly shared by lands outside such area, and shall make provision for the apportionment of the total cost of the scheme as aforesaid among such separate areas.

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10. (1) On completion of the preparation of the scheme the Board shall deposit the same for public inspection at the office of the Board. Public notice of such deposit and of the scheme being open for inspection shall be given by the Board by advertisement in one or more newspapers circulating in the district, and in such notice the Board shall call upon all persons affected to lodge at the office of the Board, within one month after the first publication of the notice, any objections to the scheme or any works comprised therein, or to the boundaries or number of the separate areas defined therein, or to the apportionment of the total cost of the scheme among such separate areas.

Scheme to be deposited for public inspection and objections called for.

(2) On the expiration of the said period of one month the Board shall consider all objections to the scheme, and shall finally approve of the scheme with such amendments (if any) as it deems necessary, and shall deposit the approved scheme for public inspection at the office of the Board, and give public notice of such deposit in the manner provided by the *last preceding* subsection.

11. (1) Within one month after the first publication of the notice given pursuant to subsection *two* of the *last preceding* section any person having any interest in any lands within the Taupiri District may forward to the Minister written objection to the apportionment of the total cost of the scheme among the separate areas defined in the scheme.

Appeals against Board's apportionment of cost of scheme among separate areas.

(2) If no such objections are received within the said period the Minister shall notify the Board to that effect, and the Board may thereupon proceed to carry out the scheme.

(3) If objections are received they shall be considered and determined by a Commission appointed by the Governor-General under the Commissions of Inquiry Act, 1908, consisting of such number of persons as the Governor-General thinks fit.

(4) After considering all objections received as aforesaid, the Commission may disallow the same, or it may make such alteration of the apportionment of the total cost of the scheme among the separate areas as it deems proper, and the decision of the Commission shall be final.

(5) The Commission shall report its decision to the Minister, who shall give notice thereof in the *Gazette*, and shall transmit a copy of the report of the Commission to the Taupiri Board. A copy of the *Gazette* containing such notice shall for all purposes be conclusive evidence of the decision of the Commission.

(6) In carrying out the scheme the Board shall be bound to apportion the total cost thereof among the separate areas in the proportions provided in the scheme, or, as the case may require, in accordance with the decision of the Commission.

12. (1) The Taupiri Board may from time to time borrow by way of special loan under the Local Bodies' Loans Act, 1926, a sum or sums not exceeding in the whole an amount equal to the total estimated cost of the scheme, and may expend the proceeds of such loan or loans in meeting the cost of the preparation and execution of the scheme.

Board may raise special loans for purposes of scheme.

(2) The total amount from time to time required to meet interest and other charges in respect of all loans raised pursuant to the authority

conferred by this section shall be apportioned among the separate areas defined in the scheme according to the apportionment as aforesaid of the total cost of the scheme.

(3) Notwithstanding anything to the contrary in subsection *one* of this section, the Board may, if necessary, raise a supplementary loan in accordance with section nineteen of the Local Bodies' Loans Act, 1926. 5

Classification of
lands before loan
poll taken.

13. (1) Before a poll of ratepayers is taken upon a proposal to raise a special loan as aforesaid, or, where several such polls are proposed to be taken, before the first of such polls is taken, the provisions of this and the *next succeeding* section shall be complied with. 10

(2) 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. 15

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

(a) The degree of benefit, direct or indirect, to be received or likely to be received from the carrying-out of the works; 20
or

(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; 25

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 will not benefit or be 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 land shall be placed in a separate class. 30

(4) The said persons shall also name with respect to each separate area the proportions in which the special rate to be made and levied in respect of such loan shall be imposed on the several classes into which the lands in such area have been classified; but lands classified in the separate class referred to in the *last preceding* subsection shall not be liable to bear any proportion of the rate. 35

(5) 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 special rate is 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. 45

(6) 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 any works, and for one class of land to be exempt from liability for rates. 50
The said classes shall be respectively designated as Class A, Class B, Class C, Class D, Class E, Class F, and Class G.

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14. (1) Any person aggrieved by any such classification or by the fixing of the proportions in which the special rate is to be borne by the various classes may appeal against the same on the grounds following, and on no other grounds:—

Appeal against classification and fixing of proportions in which special rate is to be borne.

5 (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:

10 (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 special rate is proposed to be levied on the several classes do not fairly represent the relationship of the several classes to one another, or that the proportion of the rate imposed on any particular class or classes is too great or too small.

15 (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 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. All objections so given shall forthwith be forwarded to the Minister by the Clerk of the Court.

20 (3) The appeal shall be heard by a Commission appointed by the Governor-General, and consisting of such number of persons as he thinks fit, at such convenient time and place as the Commission appoints, of which not less than seven days' notice shall be given to the Board and to the appellant.

25 (4) On the hearing of any such appeal the Commission may cause the appropriate classification list, or the statement therein of the proportions in which the rate is to be levied, to be amended in such manner as it thinks reasonable, and the Commission shall sign the list and the statement of proportions as so amended, and the decision of the Commission shall be final and conclusive.

30 (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 person.

35 15 Every classification list signed by the Chairman of the Board, or signed by the Commission 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.

40 16. (1) The number of votes that may be exercised by any ratepayer at a poll upon a proposal to raise a loan under the authority conferred by this Act shall, subject to the provisions of the Land Drainage Act, 1908, as to disqualification of ratepayers from voting, be determined as follows:—

Number of votes that ratepayer may exercise at loan poll.

(a) If the value of his rateable property in the district determined in accordance with the next succeeding subsection does not exceed one thousand pounds he shall have one vote:

50 (b) If the value of his rateable property determined as aforesaid exceeds one thousand pounds but does not exceed two thousand pounds he shall have two votes:

- (c) If the value of his rateable property determined as aforesaid exceeds *two* thousand pounds he shall have three votes.
- (2) For the purposes of this section the value of any and in respect of which any person claims to be entitled to vote shall be ascertained as follows:—
- (a) The value of any land in any separate area classified as Class A land in accordance with section *thirteen* hereof shall be deemed to be the rateable value of that land (within the meaning of the Rating Act, 1925) as appearing on the valuation roll of the district: 5
- (b) The value of any land classified as aforesaid as Class B land shall be deemed to be five-sixths of the rateable value as aforesaid: 10
- (c) The value of any land classified as aforesaid as Class C land shall be deemed to be four-sixths of the rateable value as aforesaid: 15
- (d) The value of any land classified as aforesaid as Class D land shall be deemed to be three-sixths of the rateable value as aforesaid:
- (e) The value of any land classified as aforesaid as Class E land shall be deemed to be two-sixths of the rateable value as aforesaid: 20
- (f) The value of any land classified as aforesaid as Class F land shall be deemed to be one-sixth of the rateable value as aforesaid.
- (3) Land classified as aforesaid as Class G land shall be deemed not to be rateable property for the purposes of this section. 25
- (4) Where any person is entitled to vote by virtue of being the occupier of lands of more than one class, the number of votes that he may exercise shall be determined in accordance with the total value of all such lands as ascertained in accordance with the foregoing provisions of this section. 30
17. (1) In the event of the proposal to raise a special loan as aforesaid being duly carried the Taupiri Board shall make and levy in each separate area a special rate of such amount as may be necessary to produce the amount apportioned to that area in accordance with subsection *two* of section *twelve* hereof in respect of the interest and other charges on such loan. 35
- (2) Every such rate shall in each year be levied on a graduated scale according to the classification list and statement of proportions aforesaid. 40
18. (1) The Taupiri Board may from time to time make and levy on all lands subject to the special rate as aforesaid a rate (to be called a maintenance rate) of such amount as may be necessary to maintain the works constructed in accordance with the scheme.
- (2) Such rate shall be made and levied separately in each separate area according to the classification list and statement of proportions prepared for that area as aforesaid. 45
19. Nothing in the foregoing provisions of this Act shall prohibit the Board from carrying out drainage and river works not provided for in the scheme, but no such works shall be of such a nature or be so carried out as to interfere with or injuriously affect any works comprised in the scheme. 50

Special rate to meet annual and other loan charges to be made and levied separately in each separate area.

Maintenance rate in respect of scheme.

Board may undertake other works.

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20. Any classification of lands made in pursuance of the foregoing provisions of this Act shall be in addition to and not in substitution for any classification of lands within the area comprised in the Taupiri District or any portion thereof made, for other purposes than the special rate aforesaid, under the provisions of the Land Drainage Act, 1908, and the River Boards Act, 1908.

Saving other powers of Board to classify lands for rating purposes.

21. (1) Notwithstanding anything to the contrary in this or any other Act, until the Taupiri Board carries out works in accordance with the scheme it may in any year make and levy on a uniform scale on all lands in the district an administrative rate to provide for the payment of general administrative charges.

Administrative rate pending preparation of scheme, may be on uniform scale.

(2) Any such rate may be either in addition to or in lieu of the general rate under the Land Drainage Act, 1908, or the River Boards Act, 1908, and the amount of the administrative rate shall not exceed the maximum general rate prescribed under those Acts; but to the extent to which an administrative rate is made and levied it shall not be lawful for the Board to make and levy the general rate.

22. (1) All payments heretofore made by any local authority in any way connected with the proposal to make provision for the carrying-out of a scheme of land-drainage or river-protection for the Taupiri Swamp, or in any way connected with a proposal to constitute one district for such purposes, are hereby validated.

Payment of certain preliminary expenses.

(2) It shall be lawful for any local authority hereafter to make payments for such purposes.

(3) Any local authority may refund to the Mangawara River Board any payments heretofore or hereafter made by that Board for such purposes.