

New Zealand.



ANALYSIS.

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1915, No. 34.

Title.

AN ACT making Provision for the Drainage of Swamp Lands.

[1st October, 1915.]

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

Short Title.

1. This Act may be cited as the Swamp Drainage Act, 1915.

Constitution of drainage areas.

2. The Governor may from time to time, by Order in Council gazetted, declare any area of land described in the Order to be a drainage area to which this Act applies.

Construction, &c., of drainage-works.

3. The Minister of Lands is hereby authorized to construct and carry on such works as he thinks fit for the drainage, reclamation, and roading of any such drainage area, or otherwise rendering the same fit for settlement.

Power to borrow money.

4. (1.) The Minister of Finance, on being authorized by the Governor in Council so to do, may from time to time raise, on the security of and charged upon the public revenues, such sums of money as he thinks fit, not exceeding in any one year the sum of seventy-five thousand pounds.

(2.) The sums so raised shall bear interest at such rate, not exceeding five per centum per annum, as the Minister of Finance prescribes.

(3.) This Act shall be deemed to be an authorizing Act within the meaning of the New Zealand Loans Act, 1908, and the moneys hereby authorized to be raised shall be raised under and subject to the provisions of that Act.

(4.) All moneys raised under this Act shall be paid into the Public Account and credited to an account to be called the Swamp Land Drainage Account, and all expenses incurred in administering this Act or in constructing and carrying on the works authorized by this Act shall be paid out of that account.

5. (1.) The Minister of Lands may from time to time make and levy a rate on all land in any drainage area of an amount sufficient for the payment of the expenses of the administration of this Act in that drainage area, and for the payment of interest on so much of the moneys raised as aforesaid as has been expended on that drainage area, together with a sinking fund of one per centum per annum on the moneys so expended. Power to levy rate.

(2.) The rate shall be made and levied on the unimproved value of all land within the drainage area, whether the same is rateable property within the meaning of the Rating Act, 1908, or not, and whether the land is Crown land or not, except that areas of Native land used for Native settlements and not exceeding fifty acres in any one settlement shall not be liable to be rated under this Act.

(3.) The rate shall be made and levied on a graduated scale according to the classification of the land as hereinafter mentioned. Lands to be classified.

(4.) For the purpose of classifying the land, arbitrators shall be appointed as follows: One arbitrator shall be appointed in writing by the Minister of Lands, and one shall be elected by the occupiers of land within the drainage area; and those two members shall appoint some disinterested person as umpire.

(5.) The provisions of the Arbitration Act, 1908, shall apply to the said arbitrators and umpire in the same manner as if this section were a submission within the meaning of that Act.

(6.) The said arbitrators shall classify all lands within the drainage area that are liable to be rated into the following classes:—

- (a.) Lands that will receive direct benefit from the construction of the works authorized by this Act;
- (b.) Lands that will receive less direct benefit therefrom;
- (c.) Lands that will receive only an indirect benefit therefrom; and
- (d.) Lands that will receive only an indirect benefit therefrom, but which on account of their situation or physical condition should not, in the opinion of the arbitrators, be classed under the last preceding paragraph.

(7.) The rates shall be made and levied upon the aforesaid classes of land in such proportions as the arbitrators appoint.

(8.) The provisions of the Rating Act, 1908, shall, so far as applicable, extend and apply to all rates levied under the authority of this Act in the same manner as if the Minister were a local authority and the drainage area a district within the meaning of that Act.

(9.) In respect of Crown land of which there is for the time being no occupier within the meaning of the Rating Act, 1908, the said Minister shall be deemed to be the occupier, and all rates payable in respect of such land shall from time to time be payable out of the Consolidated Fund without further appropriation than this Act.

(10.) In respect of any Native reserve or of any Native freehold land situated within a drainage area and vested in any trustee within the meaning of section nine of the Rating Amendment Act, 1913, the trustee's liability for rates under this Act shall be as prescribed by that section :

Provided that—

(a.) The limit of four years prescribed by that section shall not apply :

(b.) Rates which for want of funds the trustee cannot pay shall accumulate with compound interest at the rate of five per centum per annum, and shall be payable out of the first net revenues received by him, or, if the reserve or land is sold or otherwise alienated, shall be payable out of the net proceeds of the sale or other alienation.

(11.) All rates collected under this Act shall be paid into the Swamp Land Drainage Account.

Separate accounts
to be kept.

6. The Minister of Lands shall cause separate accounts to be kept for each drainage area showing—

(a.) The amount of money received from the Swamp Land Drainage Account and the interest payable thereon :

(b.) The amount expended on that drainage area in the construction and carrying-on of works as aforesaid, including such proportionate part of the cost of administration of this Act as the Minister determines :

(c.) The amount of rates collected and of other moneys received under this Act in respect of the drainage area.

Power to take land
under Public Works
Act.

7. (1.) The Governor may from time to time take under the Public Works Act, 1908, as for a public work, or purchase (whether under the provisions of Part XIX of the Native Land Act, 1909, or otherwise), any area of land within the drainage area the acquisition of which is, in his opinion, necessary for the more effective carrying-out of the drainage or other works authorized by this Act, or for the better disposal of the Crown or other land within the drainage area :

Provided that land used exclusively for the purposes of Native settlement shall not be so taken or purchased unless its acquisition is, in the opinion of the Governor, necessary for the successful conduct of the drainage operations.

(2.) The compensation or purchase-money payable in respect of any land so taken or purchased shall be paid, without further authority than this Act, out of the moneys raised under the authority of this Act in the case of land acquired for drainage or other works, and out of the Land for Settlements Account in the case of land acquired for settlement purposes ; and in the latter case the land so acquired shall be deemed to be settlement land within the meaning of the Land for Settlements Act, 1908.

Payments of thirds
and fourths and
royalties.

8. All payments of thirds and fourths in respect of any land in a drainage area under sections one hundred and forty-five to one hundred and fifty-one of the Land Act, 1908, and all payments of royalties on flax and timber in respect of any such land under section three hundred and nineteen of the same Act, shall be made to the Minister, and not to the local authority, and shall be placed to the credit of the separate account of the drainage area.

9. (1.) In any case where a drainage district under the Land Drainage Act, 1908, lies wholly within a drainage area that district shall be abolished and the Board of the district shall be dissolved, as from a date to be specified in the Order in Council.

Drainage districts
within drainage
area abolished.

(2.) All assets (including unpaid rates) and liabilities of the said Board as existing on the date of the dissolution of the Board as aforesaid shall become assets and liabilities of the Crown.

10. (1.) In any case where part only of a drainage district lies within a drainage area that part shall cease to be part of the district.

Where part only of
drainage district
within drainage
area.

(2.) The Audit Office shall, on the request of the Minister of Lands, by an award in writing, determine what part of the assets (including unpaid rates) and liabilities of the Board of the said district should become assets and liabilities of the Crown, and every such award shall have effect according to its tenor.

11. The provisions of the Kauri-gum Industry Act, 1908, shall not apply within any drainage area under this Act.

Kauri-gum Industry
Act not to apply in
drainage area.
Regulations.

12. (1.) The Governor may, by Order in Council gazetted, make regulations providing for—

- (a.) The manner and time in which elections of arbitrators are to be held pursuant to section five hereof;
- (b.) The maintenance and fencing of all drains, whether constructed under the authority of this Act or not, within any drainage area;
- (c.) The regulation of traffic on any road constructed under the authority of this Act; and
- (d.) The protection of drains and other works constructed under the authority of this Act.

(2.) Such regulations shall within any drainage area supersede any by-laws made for any of the above-mentioned purposes by the local authority of the district in which any drainage area or part thereof is situated.

13. In each year, as soon as possible after the thirty-first day of March, a report on the administration of this Act, together with a statement of accounts in connection therewith, shall be prepared by the Minister of Lands, and laid before Parliament within thirty days after the commencement of the next ensuing session.

Report to
Parliament.

14. (1.) The Kaitaia Land Drainage Act, 1913, is hereby repealed.

Repeals.

(2.) The Poukawa Native Reserve Amendment Act, 1910, except section nineteen thereof, is hereby repealed:

Provided that in the event of the Poukawa Native Reserve being included in any drainage area under this Act all expenses incurred by the Public Trustee in connection with the drainage scheme authorized by the Poukawa Native Reserve Amendment Act, 1910, shall be deemed expenses incurred under this Act in connection with that drainage area and shall be paid to the Public Trustee accordingly.