

## New Zealand.



### ANALYSIS.

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| <p style="text-align: center;">Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Section 5 of principal Act amended.</li> <li>3. Minister of Lands may levy administration and maintenance rate.</li> </ol> | <ol style="list-style-type: none"> <li>4. Special provisions with respect to Waihi Drainage Area constituted under principal Act. Repeal.</li> <li>5. Special provisions with respect to Kaitaia Drainage Area constituted under principal Act.</li> <li>6. Additional powers conferred on Minister for purpose of carrying out drainage-works.</li> </ol> |
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1926, No. 58.

Title. AN ACT to amend the Swamp Drainage Act, 1915.

*[9th September, 1926.]*

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 Amendment Act, 1926, and shall be read together with and deemed part of the Swamp Drainage Act, 1915 (hereinafter referred to as the principal Act).

Section 5 of principal Act amended. 2. Section five of the principal Act is hereby amended by repealing subsection one, and substituting the following :—

“(1.) The Minister of Lands may from time to time make and levy a special rate on all land in any drainage area of an amount sufficient for the payment of annual charges in respect of interest and a sinking fund of not more than one per centum per annum on so much of the moneys raised as aforesaid as has been expended on that drainage area. Every such rate shall be an annually recurring rate, and may be levied year by year without further proceeding by the Minister until the moneys in respect of which it was made are paid off.”

Minister of Lands may levy administration and maintenance rate. 3. (1.) In addition to the rate which he is authorized to make and levy pursuant to section five of the principal Act as amended by the last preceding section, the Minister of Lands may in any drainage area from time to time make and levy on all lands therein a general rate of such amount as he deems sufficient to cover the cost of administration of the principal Act, including the maintenance of works constructed under that Act, in that area.

(2.) The provisions of subsections two to eleven of the said section five shall apply with respect to every general rate made under this section.

4. (1.) The capital expenditure chargeable against the Waihi Drainage Area constituted under the principal Act shall, as from the first day of April, nineteen hundred and twenty-seven, be the sum of seventy-five thousand pounds, and that sum shall, for the purposes of any special rate to be made and levied in that area under section five of the principal Act, be deemed to be the amount of loan-moneys expended on that area.

Special provisions with respect to Waihi Drainage Area constituted under principal Act.

(2.) The Governor-General may, by Order in Council, exclude any lands from the Waihi Drainage Area and redefine the boundaries of the said area, and may, in the same or a subsequent Order in Council, divide the area so redefined into two or more subdivisions, and may define the boundaries thereof.

(3.) If the drainage area is subdivided as aforesaid, the said capital sum of seventy-five thousand pounds shall be allocated between the several subdivisions in such proportions as the Governor-General by Order in Council determines, having regard to the extent to which each subdivision has been benefited by the drainage-works carried out in the area, and any special rate to be made and levied under section five of the principal Act over the said drainage area shall be made and levied separately for each subdivision as if it were a separate drainage area :

Provided that the classification of the land for the purposes of the several rates shall be with reference to the whole area and not to the separate subdivisions.

(4.) National-endowment lands included in the said drainage area (whether or not the freehold of such lands is hereafter acquired) shall be exempt from any special rate under section five of the principal Act, and the amount of any such special rate shall be determined after allowing for the exclusion of such national-endowment land.

(5.) On and after the first day of January, nineteen hundred and twenty-seven, all moneys accruing from the sale, letting, or other disposal of national-endowment lands within the said drainage area, or of products of such lands, shall be paid into the Swamp Land Drainage Account.

(6.) Section twenty-two of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1925, is hereby repealed as from the thirty-first day of December, nineteen hundred and twenty-six.

Repeal.

5. (1.) The capital expenditure chargeable against the Kaitaia Drainage Area constituted under the principal Act shall, as from the first day of April, nineteen hundred and twenty-seven, be the sum of one hundred and twenty-five thousand pounds, and that sum shall, for the purposes of any special rate to be made and levied in that area under section five of the principal Act, be deemed to be the amount of loan-moneys expended on that area.

Special provisions with respect to Kaitaia Drainage Area constituted under principal Act.

(2.) The said drainage area shall be deemed to be divided into two subdivisions, of which the Kaitaia Town District forms one and the balance of the said area the other, and the said capital sum of one hundred and twenty-five thousand pounds shall be allocated between the two subdivisions in the proportion of fifteen thousand pounds to the subdivision consisting of the Kaitaia Town District and one hundred and ten

thousand pounds to the other subdivision, and any special rate to be made and levied under section five of the principal Act over the said drainage area shall be made and levied separately for each subdivision as if it were a separate drainage area.

(3.) For the purpose of any general rate to be made and levied over the Kaitaia Drainage Area for administration and maintenance purposes under section three of this Act, the Minister shall estimate what amount of the total cost of administration and maintenance is properly chargeable to each subdivision, and separate general rates shall then be made and levied for each subdivision as if it were a separate drainage area.

(4.) Nothing in subsections three to seven of section five of the principal Act shall apply to any rate made and levied on any lands in the subdivision of the said area consisting of the Kaitaia Town District, and every such rate shall be a uniform rate on all such lands.

Additional powers  
conferred on  
Minister for purpose  
of carrying out  
drainage-works.

6. (1.) In addition to all other powers conferred on him by the principal Act, the Minister of Lands, for the purpose of better enabling him to carry out in any drainage area the works authorized by section three thereof, and to protect and to maintain the effectiveness of such works, may—

- (a.) Without any previous agreement with the owner or occupier of any land, on giving twenty-four hours' notice, enter on any such land and take levels of the same :
- (b.) Construct, carry on, and maintain on any such land such works as he deems necessary :
- (c.) Authorize any Drainage Engineer and any other officers and servants appointed for the purpose of carrying out any works under the principal Act, and with or without vehicles, loaded and unloaded, to enter on and pass through and over any such lands for any of the purposes of that Act, doing thereby no unnecessary or avoidable damage to such land :
- (d.) Lay or deposit on any such land any materials whatever to be used in the construction or maintenance of any such works, and erect on any such land any temporary shelter for any workmen engaged in the construction or maintenance of any such work, causing thereby as little damage or inconvenience as may be :
- (e.) Deposit on any such land any spoil from any works constructed under the authority of the principal Act.

(2.) Every person having any estate or interest in any land, buildings, or other improvements injuriously affected by the exercise of any power conferred on the Minister by the last preceding subsection shall be entitled to full compensation for all loss thereby sustained by him. Claims for compensation under this section shall be made and determined within the time and in the manner determined by the Public Works Act, 1908, in respect of damage done from the exercise of any powers conferred by that Act.