

Mr. Isitt.

## CHRISTCHURCH DISTRICT DRAINAGE AMENDMENT.

[LOCAL BILL.]

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### A BILL INTITULED

AN ACT to amend the Christchurch District Drainage Act, 1907. Title.

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

1. This Act may be cited as the Christchurch District Drainage Amendment Act, 1920, and shall form part of and be read together with the Christchurch District Drainage Act, 1907 (hereinafter referred to as the principal Act). Short Title.

10 2. Section three of the principal Act is hereby amended by adding the following words to subsection one:— Section 3 of principal Act amended

15 “Provided that the district may from time to time be enlarged with the consent of the ratepayers of the new area which it is proposed to add to the district, such consent to be obtained in the manner prescribed by the Local Elections and Polls Act, 1908. ‘Ratepayers,’ for the purposes of this section, shall mean those persons whose names appear for the time being in the occupiers column in the rate-book of any local authority in respect of any rateable property in the new area which it is proposed to add to the district, provided that in case of boroughs subsection two of section six of the Municipal Corporations Act, 1908, shall not apply.”

20 3. Section forty-four of the principal Act is hereby amended by omitting the words— Section 44 of principal Act amended.

25 “Provided that no such sewerage area shall at any time be enlarged except with the consent of the ratepayers of the proposed new area obtained in the manner prescribed by the the Local Elections Act, 1904.”

Section 3 of  
Christchurch  
District Drainage  
Act, 1909, repealed.

Section 47 of  
principal Act  
amended.

Classification of  
drainage area.

Classification-list.

Classification-list  
may be amended.

Appeals.

Notice of appeal to  
be given.

4. Section three of the Christchurch District Drainage Act, 1909, is hereby repealed.

5. Section forty-seven of the principal Act is hereby amended by adding the following words to subclause two:—

“Provided that at any poll taken by the Board under the said Act a majority of the total valid votes recorded shall suffice to carry the proposal.” 5

6. (1.) When the Board proposes to construct any drainage-works in any part of the district it may, before entering upon the construction of such works, define and create a special area comprising the lands that will be benefited directly or indirectly by such works; and the Board may from time to time, as it thinks fit, classify all lands in this special area so created into the following classes, that is to say:— 10

(a.) Land receiving or supposed to receive immediate and direct benefit from the construction of the drainage-works. 15

(b.) Land receiving or supposed to receive less direct benefit therefrom.

(c.) Land receiving only an indirect benefit therefrom.

(2.) The rates to be levied to defray the cost and maintenance of such drainage-work may be levied upon the said three classes of land in such proportion as the Board in each case appoints. 20

7. Where any classification is made as aforesaid the same shall be made and entered on a classification-list, and the same shall be signed by the Chairman of the Board, and the Board shall cause to be given public notice of such classification and of the place where the list may be inspected for a period of twenty-one days; and the person having the custody of such classification-list shall permit the same to be inspected during office hours by the owner or occupier of any land included therein. 25 30

8. The classification-list may from time to time be amended by the Board, provided that no such amendment shall have effect until the expiration of one month after the service of notice of the amendment on all ratepayers affected thereby. The provisions in this Act relating to appeals and the authentication of the classification-list shall apply to every such amendment of the list. 35

9. Any person who thinks himself aggrieved by such classification may appeal against the same on the following grounds, and on no other grounds:—

(a.) That the classification does not fairly classify the land of the appellant: 40

(b.) That any land liable to be classified is omitted from the classification, or is not fairly classified:

(c.) That any land is improperly included within or excluded from the special area to which the classification relates. 45

10. Notice of appeal setting forth the matter objected to and the cause of objection must be given to the Clerk of the Magistrate's Court at the City of Christchurch within seven days next after the expiration of the twenty-one days appointed for the inspection of the classification-list, and not less than seven clear days' notice of such appeal shall be given to the Board before the day for hearing the appeal. 50

11. Within three days after the expiration of such seven days as last aforesaid the Magistrate shall give public notice of a day for the hearing of such appeals, and such appeals may be heard at such place named in such notice, and the Magistrate may, after hearing such appeals, cause the classification-list to be amended in such manner as appears to him to be reasonable, and the Magistrate shall sign such amended classification-list, and his determination shall be final and conclusive. The Magistrate by whom any appeals are heard shall have full power to award to either of the parties the costs incidental to any such appeal and the hearing thereof.

Appeals to be heard by a Magistrate.

12. Every classification-list, when signed by the Chairman as aforesaid if there is no appeal, or when signed by the Magistrate as aforesaid after an appeal, shall, for the purpose of any proceedings for the recovery of rates payable under this or the principal Act, be conclusive evidence of the liability of the person named therein; and every such list shall remain in force until the same is amended or another made under the provisions of this Act.

Classification-list to be conclusive.

13. In any case where a poll has been taken upon any question required by the principal Act or any Act amending the principal Act to be submitted to the ratepayers of the district or of any part thereof, or of any proposed extension of the district, and the valid votes recorded in favour of such question so submitted shall not have sufficed to carry such proposal, the Board may present a petition to the Governor-General praying that the said poll shall have been deemed to have been carried, notwithstanding the adverse result of such poll upon any or all of the following grounds, that is to say:—

Board may petition Governor General if poll not carried.

That the question submitted to the ratepayers, if carried at the poll, would be in the interest of public health, or for the public benefit, or for the benefit of the district, or part of the district concerned, or of the proposed extended area.

14. (1.) Upon the presentation of such petition to the Governor-General by the Board, the Governor-General may, if he thinks fit, direct any Magistrate or other person or persons to be a Commission to inquire into and report to him upon any matter which he deems necessary to enable him to determine the question raised by such petition.

Governor-General may appoint a Commission.

(2.) Such Commission shall have all the powers, authorities, and functions of a Commission appointed under the Commissions of Inquiry Act, 1908.

(3.) If such Commission reports to the Governor-General that it is in the interests of public health, or for the public benefit, or for the benefit of the district, or part of the district concerned, or of the proposed extended area, the Governor-General may by Order in Council direct that the poll shall be deemed to have been carried, notwithstanding the adverse result of the said poll; and the Board shall have authority to proceed to carry into effect the proposal submitted to the ratepayers, and any Act, matter, or thing done or carried out by the Board and any loan raised, or rates levied, or work done in pursuance of the authority conferred upon the Board by such Order in Council shall be as validly done or carried out, raised, levied, or done as if such poll as aforesaid had resulted in favour of the proposal submitted at such poll.

(4.) All costs, charges, and expenses attending or incidental to the exercise of the powers conferred upon the Governor-General or upon such Commission shall be a charge upon the revenues of the Board, and may be recovered as a debt due to His Majesty in any Court of competent jurisdiction.

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By Authority : MARCUS F. MARKS, Government Printer, Wellington.—1920.