

## POUKAWA NATIVE RESERVE AMENDMENT.

## MEMORANDUM.

THE Poukawa Native Reserve has an area of about 3,668 acres. About 1,300 acres are lake and swamp. By the drainage works contemplated about 1,000 acres of this swamp will be reclaimed. The estimated cost is £6,000; the value of the land to be reclaimed, £28,000.

The water, after leaving the lake, flows through a flat, sinuous channel for about seven miles. Some of the riparian owners are apprehensive of damage through the letting-out of the waters, but as this will take place gradually and when the lake is low little or no injury will be done. It is desirable, however, to ascertain the amount of the compensation, if any, such owners will be entitled to, before the works are undertaken, and for this reason a limit in time is fixed for making claims. The total cost should be known before contracts are let or costly preparations made. This is provided for in clause 6, which bars all claims not served within three months after notice calling for them. This is on the analogy of the Mining Act in claims consequent on the proclamation of sludge-channels.

A good deal of land apart from the reserve will be benefited by the works, and it is right that the owners of it should contribute a fair amount towards the cost of the drainage. This is provided for in clauses 14 to 17.

The work of surveying and draining will be done by the Public Works Department, which has the necessary staff of experts, the moneys being found by the Public Trust Office.

The portion of the reserve not covered by swamp and lakes is at present occupied by the Native owners.

The lands to be drained are very fertile, and it is believed that the rents to be obtained for them will, within thirty years, repay the whole cost of the works, when the reserve could be restored to the owners. The Public Trustee is opposed to giving perpetual leases of any portion of this reserve, and provision is made for leasing for thirty years with or without compensation for improvements (clause 19).

Hon. Mr. Carroll.

## POUKAWA NATIVE RESERVE AMENDMENT.

### ANALYSIS.

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| Title.   | 11. Public Trustee may sell part of lands drained with consent of beneficiaries. |
| 1. Short Title.  | 12. Beneficial owner may pay amount charged upon his share.                      |
| 2. Power of Public Trustee to drain lake and swamps.             | 13. Minister to have all the powers of a Drainage Board.                         |
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| 5. Copy to be open for public inspection.                        | 16. Agreement or award may be registered against land.                           |
| 6. Limit of time for lodging claims.                             | 17. How moneys received to be applied.   |
| 7. Claims to be decided under Public Works Act, 1908.            | 18. Minister to confer with Public Trustee.                                      |
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| 9. Public Trust Office funds to be applied.                      | 20. Regulations.   |
| 10. Moneys to be repaid in thirty years.                         | 21. Repeal.  |

### A BILL INTITULED

AN ACT to amend the Poukawa Native Reserve Act, 1903, and to make Better Provision for draining the Lake and Swamps forming Part of the Poukawa Native Reserve. Title.

5 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 Poukawa Native Reserve Amendment Act, 1910, and shall be read together with and deemed Short Title.  
10 part of the Poukawa Native Reserve Act, 1903.

2. The Public Trustee may expend in draining the lake and swamps, now covering about thirteen hundred acres of the Poukawa Native Reserve, or any part or parts thereof respectively, and in compensating owners of land who may be injured thereby, a sum not Power of Public Trustee to drain lake and swamps.  
15 exceeding one-third part of the present capital value of the said reserve as determined under the Valuation of Land Act, 1908.

3. Before any moneys are expended under the authority of the *last preceding* section hereof, detailed plans of the proposed drainage-works shall be prepared by a competent engineer under the Plans and estimates to be prepared.  
20 authority of the Minister of Public Works (hereinafter called the Minister), together with a report showing—

- (a.) The total estimated cost of such works;
- (b.) The prospective liability for maintenance thereof;

- (c.) The probable damage, if any, likely to be suffered by any owner of land in consequence of the carrying-out of such works ;
- (d.) The benefit the said drainage will be to the said reserve and the lands of adjoining owners ; and 5
- (e.) Such other matters as the said engineer may be directed to report upon.
4. The cost of obtaining the said plans and report shall be paid by the Public Trustee.
5. A copy of such report and plans shall be deposited in the 10 Post-office at Hastings, and shall be open to inspection free of charge for three months.
6. (1.) A notice shall be published by the Minister in three successive issues of two newspapers circulating in the district in which the said reserve is situated, calling upon any 15 one whose property may be injured by the carrying-out of such drainage-works to lodge a claim for compensation, with full particulars thereof, with the Minister within such period as is specified in the said notice, not being less than three months after the date of the first publication of such notice. 20
- (2.) Any claim for compensation not received by the Minister of Public Works within the said period shall be absolutely barred.
7. (1.) If any claim (received as aforesaid) is not admitted by the Minister, it shall be decided in the same manner as a claim for 25 compensation under Part III of the Public Works Act, 1908, for which purpose the said Part III shall be deemed to be incorporated, *mutatis mutandis*, with this Act.
- (2.) In every such claim the Minister shall be the respondent.
8. When all the aforesaid claims are admitted, or settled, or decided as hereinbefore provided, the Governor may by Order in 30 Council authorize the payment thereof by the Public Trustee.
9. (1.) The Public Trustee shall, without other authority than this Act, advance out of the Public Trust Office funds the moneys required for the purposes of this Act.
- (2.) Such moneys shall bear interest at the rate of five pounds 35 per centum per annum, and shall be a first charge upon the said reserve and all rents and profits therefrom, in such proportions against the share of each beneficial owner as the Public Trustee determines.
10. The moneys so advanced, and interest thereon, shall be 40 repayable over a period not exceeding thirty years as the Public Trustee determines.
11. The Public Trustee may, with the precedent consent in writing of the beneficial owners (or their trustees in the case of owners under disability), or in pursuance of a resolution of the assembled 45 owners under Part XVIII of the Native Land Act, 1909, sell such part of the area drained under this Act as he thinks sufficient to repay moneys advanced under section *nine* hereof.
12. Any beneficial owner may pay to the Public Trustee the amount charged against his share under section *nine* hereof, and on 50 payment of that amount shall be entitled to have the rents and profits in respect of his share released from further liability.
- Costs to be paid by Public Trustee.
- Copy to be open for public inspection.
- Limit of time for lodging claims.
- Claims to be decided under Public Works Act, 1908.
- Governor may by Order in Council authorize payment of claims.
- Public Trust Office funds to be applied.
- Moneys to be repaid in thirty years.
- Public Trustee may sell part of lands drained with consent of beneficiaries.
- Beneficial owner may pay amount charged upon his share.

13. In the surveying, construction, and carrying-out of the drainage and other works authorized by this Act, the Minister shall have all the powers and shall be subject to the same liabilities as a Board of Trustees under the Land Drainage Act, 1908.

Minister to have all the powers of a Drainage Board.

5 14. The owners of lands adjoining or adjacent to the said reserve and benefited or likely to be benefited by the said works shall be liable to contribute to the cost of the same in proportion to the benefit so received or likely to be received by each parcel of land, but no such contribution in respect of any parcel shall exceed  
10 the amount by which the value of that parcel is increased or likely to be increased by the execution of the said works.

Owners of lands benefited to contribute.

15 15. (1.) If the Minister and any owner cannot agree upon the amount that should be contributed by such owner towards the cost of such works, the claim shall be settled on the application of the Minister (made at any time hereafter not later than two years after the execution of the said works) in manner provided for settlement of claims for compensation, *mutatis mutandis*, in Part III of the Public Works Act, 1908, for which purpose the said Part III shall be deemed to be incorporated with this Act.

If amount disputed, claim to be settled under the Public Works Act, 1908.

20 (2.) In every such claim the Minister shall be the claimant.

(3.) The amount agreed upon or found by the Compensation Court to be payable shall be paid to the Public Trustee, and may, at the option of the said owner, be paid at once or by instalments extending over a period not exceeding twenty-one years, with interest on the  
25 unpaid portions thereof at the rate of five pounds per centum per annum.

30 16. The instrument containing the agreement between the Minister and the adjoining owner as to the amount to be contributed by such owner, or a copy of the award of the Compensation Court, as the case may be, may be registered against the title of the land in respect of which the agreement is made or the award is delivered, and such amount shall be a charge against such land until the whole of the moneys due thereunder are paid, and shall take precedence of any mortgage or incumbrance registered against such land after  
35 the passing of this Act.

Agreement or award may be registered against land.

40 17. The moneys received by the Public Trustee under the *three* last preceding sections shall be applied by him in reduction of the debt against the reserve for the drainage and other works authorized by this Act.

How moneys received to be applied.

18. In exercising his powers and functions under this Act the Minister shall confer and co-operate with the Public Trustee.

Minister to confer with Public Trustee.

45 19. The Public Trustee may lease any portion of the said reserve not required by the Native owners for occupation for any period not exceeding thirty years, with or without provisions for compensation for improvements.

Additional powers of leasing.

20. The Governor may from time to time, by Order in Council, make, vary, or revoke such regulations as he thinks necessary for the purposes of this Act.

Regulations.

50 21. Sections three to twelve of the Poukawa Native Reserve Act, 1903, are hereby repealed.

Repeal.