

PUBLIC WORKS AMENDMENT (NO. 2) BILL

EXPLANATORY NOTE

THIS Bill makes special provision for compensation in respect of land taken or acquired for or in connection with the Clutha Valley Development Project.

Clause 1 relates to the Short Title.

Clause 2 provides that the Bill is to apply only in respect of land (which includes any estate or interest in land) taken or acquired for or in connection with the Clutha Valley Development Project.

Clause 3 defines 3 terms used in the Bill.

"Building" includes part of a building:

"Clutha Valley Development Project" or "project" means the project for the generation of electricity and for the construction of irrigation works in the catchment of the Clutha River and its tributaries upstream of the Roxburgh Dam:

"Land" includes any estate or interest in land.

Clause 4, subclause (1) provides that where any person from whom land is taken or acquired for the project desires to have other land or an estate or interest in a building vested in him in satisfaction or part satisfaction of compensation, the Minister of Works and Development may, with the concurrence of the Minister of Finance—

- (a) Purchase, acquire, and develop other land and construct buildings thereon or construct buildings on land owned by the Crown and grant the land or any estate or interest in any such building to the person so entitled; or
- (b) Grant to the person so entitled any Crown land or any land reserved, taken, or acquired for any public work or for the use, convenience, or enjoyment of any public work, if the land is not required for any public work.

Subclause (2) applies the provisions of section 99 of the principal Act to the granting of land under *subclause (1)*. That section provides for surveys and the issue of certificates of title by the District Land Registrar, and for the bringing forward, with the consent of the grantee, of encumbrances to which the land taken was subject.

Subclause (3) provides that in granting any land or an estate or interest in a building, the Minister may enter into such agreement as he thinks fit for the recovery of any money that may be agreed to be due to the Crown.

Subclauses (4) to (6) provide for any money agreed to be due to the Crown to be a charge on the land granted and for the charge to be registered under the Statutory Land Charges Registration Act 1928.

Clause 5 empowers the Minister to construct or provide such reserves, scenic areas, works, and other amenities as he considers warranted as compensation for the disruption, inconvenience, or other disturbance arising from the carrying out of the project, and to grant such amenities to any local or public authority.

The total expenditure in constructing or providing such amenities is not to exceed 1 percent of the total estimated cost of the Clutha Valley Development Project.

Clause 6 empowers the Minister and any local authority (in addition to the powers conferred by section 31 of the Finance Act (No. 3) 1944) to enter into and carry out such agreement for the acquisition, execution, control, and management of any work or scheme for the provision of facilities, services, and other public amenities, including community buildings, as the Minister considers to be warranted owing to the carrying out of the project.

The provisions of the said section 31 are applied to every such work or scheme.

NOTE: Section 31 of the Finance Act (No. 3) 1944 is included in the reprint of the Public Works Act 1928 (see 1957 Reprint, Vol. 12, p. 738).

Hon. Mr Connelly

PUBLIC WORKS AMENDMENT (NO. 2)

ANALYSIS

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A BILL INTITULED

An Act to amend the Public Works Act 1928

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

1. Short Title—This Act may be cited as the Public Works Amendment Act (No. 2) 1975, and shall be read together with and deemed part of the Public Works Act 1928* (hereinafter referred to as the principal Act).

*1957 Reprint, Vol. 12, p. 475

Amendments: 1958, No. 28; 1960, No. 105; 1961, No. 32; 1962, No. 41;
1963, No. 42; 1964, No. 107; 1965, No. 26; 1967, No. 31; 1967, No. 113;
1970, No. 145; 1971, No. 124; 1972, No. 96; 1973, No. 44; 1974, No. 16

2. Application of this Act—This Act shall apply only in respect of land taken or acquired for or in connection with the Clutha Valley Development Project.

3. Interpretation—In this Act, unless the context otherwise requires,— 5

“Building” includes part of a building:

“Clutha Valley Development Project” or “project” means the project for the generation of electricity and for the construction of irrigation works in the catchment of the Clutha River and its tributaries upstream of the Roxburgh Dam: 10

“Land” includes any estate or interest in land.

4. Land may be purchased, developed, and built on, and vested as compensation—(1) Where any person from whom any land has been taken or acquired, or is to be taken or acquired, for the project desires to have other land or an estate or interest in a building vested in him in payment or satisfaction or in part payment or part satisfaction of the compensation payable under the principal Act for the land taken or acquired, the Minister may, with the concurrence of the Minister of Finance— 15 20

(a) Purchase, acquire, and develop other land and construct buildings thereon or construct buildings on land owned by the Crown and grant the land or any estate or interest in any such building to the person so entitled; or 25

(b) Grant to the person so entitled any Crown land or any land reserved, taken, or acquired for any public work or for the use, convenience, or enjoyment of any public work, if the land is not required for any public work. 30

(2) The provisions of section 99 of the principal Act shall, so far as they are applicable and with the necessary modifications, apply to the granting of any land under this section: 35

Provided that the reference in subsection (2) of that section to a certificate in the form set out in the Twelfth Schedule to the principal Act shall be read as a reference to a certificate in the form set out in the Schedule to this Act.

(3) In granting to the person so entitled any such land or any estate or interest in any such building, the Minister may enter into such agreement with that person as he thinks fit for the recovery of any money that may be agreed to be due to the Crown. 40

(4) Any money agreed to be so due shall constitute a debt due to the Crown and shall be a charge on the estate or interest in the land so granted to that person and may be registered against that land under the provisions of the
5 Statutory Land Charges Registration Act 1928.

(5) Except with the consent of the District Commissioner of Works, no dealing in connection with any such estate or interest (other than a dealing which is not required to be executed by the registered proprietor) shall be registered while
10 a charge under subsection (4) of this section is registered against the land.

(6) For the purposes of the Statutory Land Charges Registration Act 1928 notice of any charge under subsection (4) of this section and any certificate releasing any such charge,
15 and any consent under subsection (5) of this section, may be signed by a District Commissioner of Works.

5. Minister may construct amenities, etc.—The Minister is hereby empowered to construct or provide such reserves, scenic areas, works, and other amenities as he considers
20 warranted as compensation for the disruption, inconvenience, or other disturbance arising from the carrying out of the project, and to grant such amenities to any local or public authority:

Provided that the total expenditure in constructing or
25 providing such amenities shall not exceed 1 percent of the total estimated cost of the project.

6. Crown and local authority may combine for purposes of works—The Minister and any local authority are hereby empowered (in addition to the powers conferred by section 31
30 of the Finance Act (No. 3) 1944) to enter into and carry out such agreement for the acquisition, execution, control, and management of any work or scheme for the provision of facilities, services, and other public amenities, including community buildings, as the Minister considers to be warranted
35 owing to the carrying out of the project; and the provisions of the said section 31 shall apply to every such work or scheme as if it were of both national and local importance.

Section 4 (2)**SCHEDULE**

CERTIFICATE UNDER SECTION 99 OF THE PUBLIC WORKS ACT 1928 (AS APPLIED BY SECTION 4 (2) OF THE PUBLIC WORKS AMENDMENT ACT (No. 2) 1975)

Name, Occupation, and Address of person to whom land is to be granted:

Nature of estate or interest being granted:

Area and description of land to be granted in exchange or part exchange for land taken purchased or acquired or for damage done or loss suffered:

Amount paid or received by the Crown:

Date from which entitled:

Encumbrances, liens, and interests to affect land to be granted:

Reservations and restrictions to affect land to be granted:

I hereby certify that the above particulars are correct and that the land to be granted has been valued by a competent person and that the Minister of Works and Development has approved the granting of such land and the ^{payment} receipt by the Crown of the sum referred to above,

and I hereby further certify that the District Land Registrar is hereby authorised to issue under the Land Transfer Act 1952 accordingly a certificate of title in form 1 in the First Schedule to that Act.

Commissioner of Works

or

Assistant Commissioner of Works.