

PUBLIC WORKS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Public Works Act 1981.

Clause 1 relates to the Short Title and commencement.

Clause 2 is deemed to have come into force on 1 February 1982, being the date of commencement of the principal Act. *Clause 3* will come into force on passing. The rest of the Bill is deemed to have come into force on 1 November 1982.

Clause 2 amends section 80 of the principal Act under which a claimant can bring a compensation claim in advance of the actual taking of his land.

The amendment makes it clear that a notice by the claimant under subsection (2) cannot have the effect of withdrawing a notice given by the Minister or local authority under section 18 (1) (a) unless the Minister or local authority has not indicated (within 3 months after receiving the claimant's notice) that he or it intends to proceed with the acquisition of the claimant's land.

Clause 3 amends section 158 of the principal Act, which provides that, where any person's right to make any use of his land is dependent upon that land having a road frontage, a limited access road is deemed not to be a road, unless the Minister otherwise determines at the request of the National Roads Board. This clause extends this provision to the subdivision of land, as well as the use of it.

Clauses 4 and 5 amend sections 202 and 209 of the principal Act which relate to the annual basic charge payable by irrigators.

The amendments provide for the inclusion in the basic charge of a proportion of the capital costs of the headworks as well as of off-farm distribution works. At present the capital costs of the headworks are excluded.

Hon. Mr Friedlander

PUBLIC WORKS AMENDMENT

ANALYSIS

Title	3. Limited access road not a road for certain purposes
1. Short Title and commencement	4. Notification of proposed irrigation scheme
2. Accelerating hearing of compensation claims	5. Calculation of basic charge

A BILL INTITULED

An Act to amend the Public Works Act 1981

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

- 1. Short Title and commencement**—(1) This Act may be cited as the Public Works Amendment Act 1982, and shall be read together with and deemed part of the Public Works Act 1981* (hereinafter referred to as the principal Act).
- 10 (2) Except as provided in sections 2 (2) and 3 (2) of this Act, this Act shall be deemed to have come into force on the 1st day of November 1982.

- 2. Accelerating hearing of compensation claims**—
- 15 (1) Section 80 (4) of the principal Act is hereby amended by inserting, after the words “has not lapsed”, the words “and the Minister or local authority has not indicated that he or it intends to proceed with the acquisition of the claimant’s land”.

(2) This section shall be deemed to have come into force on 20 the 1st day of February 1982.

*1981, No. 35

3. Limited access road not a road for certain purposes—(1) Section 158 (1) of the principal Act is hereby amended by inserting, after the words “any right involving the”, the words “subdivision or”.

(2) This section shall come into force on the date on which this Act receives the Governor-General’s assent. 5

4. Notification of proposed irrigation scheme—Section 202 (1) (a) (iii) of the principal Act is hereby amended by adding the words “for the purpose of recovering a proportion of the capital costs of the headworks and of the off-farm 10 distribution works”.

5. Calculation of basic charge—Section 209 of the principal Act is hereby amended by omitting the definition of the symbol C, and substituting the following definition:

“C is the amount estimated by the Minister of the capital 15 costs of the headworks and of the off-farm distribution works; and”.