

New Zealand.



REPEALED : See Act, 1926

No. 19

(LOCAL)

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title and commencement. 2. Orari and Waihi Rivers District constituted. 3. District to be abolished or altered only by special Act. 4. Subdivision of district. 5. Certain river districts abolished. 6. Powers with respect to drainage of district conferred on Orari and Waihi Rivers Board. 7. Board not to construct river-works or drainage-works except with approval of Minister of Public Works. 8. Minister of Public Works to prepare scheme of river-works and drainage-works, and submit to Board. Scheme to be available for public inspection. Objections to scheme to be transmitted to Minister of Public Works. 10. Approval of scheme by Minister of Public Works. 11. Adoption of scheme by Board. 12. Board may raise special loan for purposes of scheme. | <ol style="list-style-type: none"> 13. Moneys to be paid into Orari and Waihi Rivers Account. 14. Moneys in Orari and Waihi Rivers Account to be expended by Minister in construction and maintenance of works. 15. Minister not to incur liabilities in excess of amount standing to credit in the said account. 16. Land taken for purposes of work to vest in Board. 17. Transfer of works to Board. 18. Expenses chargeable to Orari and Waihi Rivers Account. 19. Questions as to expenses to be determined by the Audit Office. 20. Amendment of errors and defects in the scheme. 21. Board not to exercise authority with respect to works prior to transfer by Minister. 22. Preliminary expenses, if scheme not adopted, to constitute debt due by the Board to the Crown. 23. Supplementary loans authorized. Schedule. |
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1918, No. 16.

Title.

AN ACT to establish the Orari and Waihi Rivers Board, and to make Provision for the Protection of Lands in the Orari and Waihi Rivers District from Injury by the Orari and Waihi Rivers.

[10th December, 1918.]

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

Short Title and
commencement.

1. This Act may be cited as the Orari and Waihi Rivers Act, 1918, and shall come into force on a date to be appointed for the commencement thereof by Order in Council gazetted.

Orari and Waihi
Rivers District
constituted.

2. (1.) The area described in the Schedule hereto is hereby constituted a river district under the River Boards Act, 1908, which shall be known as the Orari and Waihi Rivers District.

(2.) Except as otherwise provided in this Act, the provisions of the River Boards Act, 1908, shall apply to the river district constituted by this Act and to the Board thereof

3. Notwithstanding anything to the contrary in the River Boards Act, 1908, the Orari and Waihi Rivers District as constituted by this Act shall not be abolished or united with any other district, nor shall any alteration be made in the boundaries thereof, save under the authority of a special Act to be passed in that behalf:

District to be abolished or altered only by special Act.

Provided, however, that at any time before or concurrently with the making of the Proclamation referred to in the next succeeding section the Governor-General may, by Proclamation, alter the boundaries of the district on the recommendation of a Commission appointed under the Commissions of Inquiry Act, 1908, and consisting of a Stipendiary Magistrate, a Commissioner of Crown Lands, and two other persons.

4. (1.) At any time after the commencement of this Act the Governor-General may, subject to the provisions of section seven of the River Boards Act, 1908, by Proclamation divide the district into such subdivisions as he thinks fit, and shall assign to each subdivision a distinctive name.

Subdivision of district.

(2.) By the same Proclamation the Governor-General shall determine the number of members of the Board of the district (being not less than six and not more than eleven), and shall determine the number of members to be elected by the electors of each subdivision.

(3.) Subject to the provisions of this section, section eight of the River Boards Act, 1908, shall apply to the first election of the Board under this Act in the same manner as if the district had been constituted by Proclamation under that Act on the day of the commencement of this Act.

5. (1.) The South Orari and the Upper Orari River Districts, constituted under the River Boards Act, 1908, and the Boards of those districts are hereby abolished as from the day appointed for the first election of the Orari and Waihi Rivers Board under this Act.

Certain river districts abolished.

(2.) Thereupon all property of the Boards so abolished shall become vested in the Orari and Waihi Rivers Board, and all liabilities and engagements of the Boards so abolished shall become liabilities and engagements of the Orari and Waihi Rivers Board, and all rates and other moneys payable to either of the Boards so abolished shall become payable to the Orari and Waihi Rivers Board, and all actions and proceedings which are then pending or which might thereafter have been instituted by or against either of the Boards so abolished had it continued to exist may be carried on or instituted by or against the Orari and Waihi Rivers Board.

(3.) Until so abolished the Boards of the South Orari and Upper Orari River Districts may continue to exercise their functions as if this Act had not been passed.

6. (1.) In addition to the powers conferred upon River Boards by the River Boards Act, 1908, the Orari and Waihi Rivers Board is hereby empowered to construct and maintain within the district all such works as may be deemed necessary for the drainage of the district.

Powers with respect to drainage of district conferred on Orari and Waihi Rivers Board.

(2.) All such works shall be deemed to be river-works within the meaning of the River Boards Act, 1908, and that Act, in its application to the Orari and Waihi Rivers District and the Board thereof, shall be read and shall have effect accordingly.

7. Notwithstanding anything contained in the River Boards Act, 1908, or in this Act, it shall not be lawful for the Orari and Waihi Rivers Board to construct any river-works or drainage-works, except with the approval of the Minister of Public Works.

8. (1.) So soon as may be after the commencement of this Act the Minister of Public Works shall prepare and submit to the Orari and Waihi Rivers Board a complete scheme of such river-works as he deems necessary for the protection of the Orari and Waihi Rivers District, and of such drainage-works (if any) as in his opinion should be included in the scheme, all such works being of such a nature as to be within the powers of the Board under the River Boards Act, 1908, and this Act.

(2.) The scheme shall set out with proper particulars the details of the works proposed to be constructed, together with an estimate of the cost of preparation and execution of the scheme.

9. (1.) A copy of the scheme so submitted to the Board shall be submitted by the Board for public inspection at the office of the Board or at some other convenient place within the district for not less than thirty days.

(2.) Written objections to the scheme may be transmitted to the Board by any person having any lawful interest in the matter, and shall as soon as possible after the expiration of the period of thirty days aforesaid be transmitted by the Board to the Minister of Public Works, together with any objections made to the scheme by the Board itself.

10. After consideration of any such objections so transmitted to him the Minister of Public Works shall finally approve of the scheme with such amendments (if any) as he deems necessary, and shall notify the Board of his final approval and of the amendments (if any) so made by him.

11. (1.) The Board may thereupon by resolution adopt the scheme as so finally approved by the Minister of Public Works.

(2.) Such resolution shall be conclusive proof that all the foregoing requirements of this Act as to the scheme have been duly observed.

12. So soon as may be after the adoption of the scheme the Board shall submit to the ratepayers of the district in accordance with the Local Bodies' Loans Act, 1913, a proposal to raise for the purposes of the scheme a special loan under that Act of an amount sufficient to meet the cost of the preparation and execution of the scheme as estimated in manner aforesaid, together with the estimated cost of raising the loan, and if such proposal is carried by the ratepayers the Board may thereupon raise the loan so authorized either in one sum or by such instalments as may be required having regard to the progress of the works.

13. The moneys so borrowed, after deducting the cost of raising the loan, shall be forthwith paid by the Board into the Public Works Fund to the credit of a special account to be called the Orari and Waihi Rivers Account.

Board not to construct river-works or drainage-works except with approval of Minister of Public Works.

Minister of Public Works to prepare scheme of river-works and drainage-works, and submit to Board.

Scheme to be available for public inspection.

Objections to scheme to be transmitted to Minister of Public Works.

Approval of scheme by Minister of Public Works.

Adoption of scheme by Board.

Board may raise special loan for purposes of scheme.

Moneys to be paid into Orari and Waihi Rivers Account.

14. (1.) So long and as often as any moneys remain standing to the credit of the Orari and Waihi Rivers Account the Minister of Public Works shall be authorized to expend those moneys, without further appropriation than this Act, in constructing and maintaining the works included in the scheme so approved by him and adopted by the Board, and otherwise in carrying that scheme into execution, and in meeting all liabilities and expenses incurred in the construction or maintenance of the works or in the preparation and execution of the scheme.

Moneys in Orari and Waihi Rivers Account to be expended by Minister in construction and maintenance of works.

(2.) The works shall be constructed and maintained and the scheme carried into execution by the Minister in all respects as if the works were a Government work within the meaning of the Public Works Act, 1908, and as if he were acting on behalf of the Crown.

15. In constructing and maintaining the said works and in carrying out the said scheme it shall not be lawful for the Minister of Public Works to incur any expenditure or liabilities in excess of the sum standing for the time being to the credit of the Orari and Waihi Rivers Account; but if by mistake, accident, or otherwise any expenditure or liability is so incurred in excess of that sum the amount thereof shall nevertheless constitute a debt due and payable by the Orari and Waihi Rivers Board to the Crown and charged upon any moneys which may thereafter be standing to the credit of the said account.

Minister not to incur liabilities in excess of amount standing to credit in the said account.

16. All land taken or acquired by the Minister as for a public work in connection with the said scheme shall vest in the Orari and Waihi Rivers Board and not in the Crown, notwithstanding anything in the Public Works Act, 1908, to the contrary.

Land taken for purposes of work to vest in Board.

17. (1.) When the said scheme has been completed by the Minister of Public Works, or has been so far completed by him that in his opinion the control and completion of the works may properly be transferred to the Board, the Minister may publish in the *Gazette* a notice that the works constructed by him under this Act are, as from a date to be specified in that notice, transferred to the Orari and Waihi Rivers Board.

Transfer of works to Board.

(2.) On the day so specified the authority of the Minister of Public Works under this Act in respect of the scheme and the works constructed thereunder shall cease and determine, and the control of all such works shall pass to the Board, which shall thereafter have and exercise the same functions and authority as if the works had been constructed by the Board itself.

(3.) Any surplus standing to the credit of the Orari and Waihi Rivers Account after the payment of all costs and expenses incurred by the Minister of Public Works in the exercise of his authority under this Act shall, on the transfer of the works to the Board, be repaid to the Board without further appropriation than this Act, and may be expended by the Board in the construction of river-works or drainage-works within the district in accordance with the aforesaid scheme, or in accordance with any other scheme approved by the Minister of Public Works.

(4.) The officer of the Board charged with the control of the works transferred to the Board pursuant to this section shall be an engineer to be approved for the purpose by the Minister of Public Works.

Expenses chargeable to Orari and Waihi Rivers Account.

18. Without in any manner restricting the generality of the foregoing provisions of this Act, the expenses payable out of the Orari and Waihi Rivers Account shall include—

- (a.) Such charges as the Minister of Public Works may approve in respect of any professional or other services rendered by officers or servants of the Crown in connection with the construction or maintenance of the said works or the preparation or execution of the said scheme :
- (b.) All compensation payable under the Workers' Compensation Act, 1908, in respect of accidents arising out of the construction or maintenance of the said works or the preparation or execution of the said scheme :
- (c.) The cost of all machinery, plant, equipment, and appliances procured by the Minister of Public Works for the purpose of the said scheme :
- (d.) Such charges as the Minister of Public Works may approve in respect of the use of any property of the Crown used for the purpose of the said scheme :
- (e.) Compensation payable under the Public Works Act, 1908, whether in respect of land taken or otherwise.

Questions as to expenses to be determined by the Audit Office.

19. If any question arises between the Board and the Minister of Public Works as to the expenses payable out of the Orari and Waihi Rivers Account the question shall be determined by the Audit Office, whose determination shall be final and conclusive.

Amendment of errors and defects in the scheme.

20. Notwithstanding the final approval of a scheme of works by the Minister of Public Works as aforesaid and its adoption by the Board, the Minister shall have full authority at any time and from time to time, whether before or after the authority of the ratepayers has been obtained for the raising of a loan for the execution of the scheme, to amend any errors or defects which may be disclosed in the scheme, and to execute in accordance with this Act the scheme as so amended.

Board not to exercise authority with respect to works prior to transfer by Minister.

21. Until the works constructed or in course of construction by the Minister of Public Works under this Act have been transferred to the Board in accordance with this Act it shall not be lawful for the Board to interfere in any manner with such works, and they shall be exclusively under the control and jurisdiction of the Minister.

Preliminary expenses, if scheme not adopted, to constitute debt due by the Board to the Crown.

22. If the Board does not adopt the scheme as approved by the Minister of Public Works under this Act, or fails to submit to the ratepayers a proposal for raising the moneys required for the purpose of that scheme, or if at a poll of ratepayers the proposal is not carried, all expenses theretofore incurred by the Minister of Public Works in respect of the preparation of the aforesaid scheme shall constitute a debt due to the Crown and payable by the Board.

Supplementary loans authorized.

23. If the moneys borrowed with the authority of the ratepayers for the purposes of the scheme, as approved by the Minister of Public Works and adopted by the Board under this Act, are found to be insufficient for the completion of that scheme, the Board may from time to time, with the approval of the Minister, borrow under the Local Bodies' Loans Act, 1913, without a poll of the ratepayers, such further sums as may be estimated to be required for the completion of the scheme, and all moneys so borrowed shall be dealt with in the same manner as moneys borrowed under section twelve of this Act.

SCHEDULE.

Schedule.

BOUNDARIES OF ORARI AND WAIHI RIVERS DISTRICT.

THE Orari and Waihi Rivers District shall comprise all the lands situated within the following boundaries, viz. :—

Commencing at the junction of Lawlor's Road and Ashby's Road, in Block VIII, Orari Survey District; thence proceeding south-easterly by the line of Ashby's Road, Cooper's Creek Road, Struggler's Flat—Orari—Heel Forest Road, with its extension southwards approximately parallel to the Orari River, to the cross-road at the south-eastern corner of Section 16737, Block IV, Arcthenua Survey District; thence by the before-mentioned cross-road on north boundary of Section 5, Block IV aforesaid, and the road on east boundary of Sections 5 and 13899 to the sea; thence south-westerly by high-water mark to the eastern corner of N.R. 882 on right bank of Opihi River; thence north-westerly by right bank of Opihi River to its junction with the Haehaetemoana River; thence by the right bank of the Haehaetemoana River to the crossing of Boundary Road, in Block IX, Geraldine Survey District; thence easterly along Boundary Road to Chapman's Road; thence northerly along Chapman's Road and Burke's Road to the south corner of Section 10370, Block V, Geraldine Survey District; thence by the south and east boundaries of Section 10370 aforesaid, the west boundary of Sections 5966, 5231, the south and west boundaries of Section 6520, the south, west, and north boundaries of the Town of Geraldine, to the right bank of the Waihi River; thence along the right bank of the Waihi River to Gould's Road, in Block VIII, Orari Survey District; thence north-easterly along Gould's Road and Lawlor's Road to the point of commencement.
