

Poukawa Native Reserve Amendment Act 1910

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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.

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.

This Act may be cited as the Poukawa Native Reserve Amendment Act, 1910, and shall be read together with and deemed part of the Poukawa Native Reserve Act, 1903.

2 Power of Public Trustee to drain lake and swamps.

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 exceeding one-third part of the present capital value of the said reserve as determined under the Valuation of Land Act, 1908.

3 Plans and estimates to be prepared.

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 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
- (e.) Such other matters as the said engineer may be directed to report upon.

4 Costs to be paid by Public Trustee.

The cost of obtaining the said plans and report shall be paid by the Public Trustee.

5 Copy to be open for public inspection.

A copy of such report and plans shall be deposited in the Post-office at Hastings, and shall be open to inspection free of charge for three months.

6 Limit of time for lodging claims.

- (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 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.

- (2.) Any claim for compensation not received by the Minister of Public Works within the said period shall be absolutely barred.

7 Claims to be decided under Public Works Act, 1908.

- (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 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 Governor may by Order in Council authorize payment of claims.

When all the aforesaid claims are admitted, or settled, or decided as hereinbefore provided, the Governor may by Order in Council authorize the payment thereof by the Public Trustee.

9 Public Trust Office funds to be applied.

- (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 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 Moneys to be repaid in thirty years.

The moneys so advanced, and interest thereon, shall be repayable over a period not exceeding thirty years as the Public Trustee determines.

11 Public Trustee may sell part of lands drained with consent of beneficiaries.

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 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 Beneficial owner may pay amount charged upon his share.

Any beneficial owner may pay to the Public Trustee the amount charged against his share under section nine hereof, and on payment of that amount shall be entitled to have the rents and profits in respect of his share released from further liability.

13 Minister to have all the powers of a Drainage Board.

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.

14 Owners of lands benefited to contribute.

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 the amount by which the value of that parcel is increased or likely to be increased by the execution of the said works.

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

- (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.
- (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 unpaid portions thereof at the rate of five pounds per centum per annum.

16 Agreement or award may be registered against land.

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 the passing of this Act.

17 How moneys received to be applied.

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.

18 Minister to confer with Public Trustee.

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

19 Additional powers of leasing.

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.

20 Regulations.

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.

21 Repeal.

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