

Version
as at 28 October 2021



Rangitaiki Land Drainage Act 1956

Public Act 1956 No 34
Date of assent 25 October 1956
Commencement see section 1(2)

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Department of Internal Affairs.

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An Act to constitute the Rangitaiki Drainage District and to provide for its administration by a Board of Trustees under the Land Drainage Act 1908

1 Short Title and commencement

- (1) This Act may be cited as the Rangitaiki Land Drainage Act 1956, and shall be read together with and deemed part of the Land Drainage Act 1908 (hereinafter referred to as “the principal Act”).
- (2) This Act shall come into force on 1 April 1957.

2 Interpretation

In this Act—

Board means the Board of Trustees for the district constituted under this Act

district means the Rangitaiki Drainage District constituted under this Act.

3 Application of Land Drainage Act 1908

In its application to the Rangitaiki Drainage District and the Rangitaiki Drainage Board the principal Act shall be read subject to the provisions of this Act.

Rangitaiki Drainage District

4 Rangitaiki Drainage District constituted

The land described in Schedule 1 is hereby declared to be a drainage district for the purposes of the principal Act under the name of the Rangitaiki Drainage District as if it had been so constituted under the provisions of section 3 of the principal Act.

Rangitaiki Drainage Board

5 Rangitaiki Drainage Board constituted

- (1) There shall be a Board of Trustees for the district under the name of the Rangitaiki Drainage Board.
- (2) Notwithstanding anything in the principal Act, the first Board of Trustees for the district shall be appointed by the Minister of Lands by notice in the *Gazette*, and the Board shall comprise such number of trustees as the Minister thinks fit.
- (3) The first members of the Board may be so appointed at any time after the passing of this Act, and shall come into office on the commencement of this Act or on the date of appointment, whichever is the later.
- (4) No person shall be so appointed a member of the Board unless, if an election of members were held, he would be qualified under the principal Act to be elected as a member of the Board.
- (5) The members of the Board so appointed, unless they sooner vacate their office, shall hold office until the members of the Board elected at the first triennial election of members of Drainage Boards held after the commencement of this Act come into office:
provided that the Minister of Lands may at any time, by notice in the *Gazette*, revoke the appointments of all the members of the Board appointed by him, and thereupon a general election of the members of the Board shall be held. The provisions of section 5 of the principal Act shall apply to that election as if a new district had been constituted under that Act.
- (6) The number of members of the Board to be elected at the first general election of members of the Board shall be fixed by the Governor-General by Order in Council.

6 Extraordinary vacancies

Notwithstanding anything in section 10 of the principal Act, if any trustee, whether appointed by the Minister of Lands or elected as a member of the Board,—

- (a) dies; or
- (b) becomes incapable of acting; or

- (c) by writing addressed to the chairman resigns his office as trustee; or
 - (d) ceases to reside permanently in New Zealand; or
 - (e) is absent without leave from 3 consecutive meetings of the Board,—
- his office shall be deemed to be vacated, and the Board may by resolution appoint some qualified person to be a trustee in his stead. The person so appointed, unless he sooner vacates his office, shall hold office as trustee for so long only as his predecessor would have held office had he remained a trustee.

Vesting of assets in the Board

7 Land, drainage works, etc, to vest in the Board

- (1) Upon the execution by the Board and delivery to the Minister of Lands of the debenture referred to in section 8, all the lands, easements and other interests in land, drains, pumps, machinery, tools, implements, and drainage works owned by the Crown in respect of the drainage system carried on by the Crown at the commencement of this Act on the land described in Schedule 1 shall vest in and become the property of the Board.
- (2) The decision of the Minister of Lands as to what assets have vested in the Board under subsection (1) shall be final.
- (3) A notice in the *Gazette* by the Minister of Lands specifying that any land, easement, or other interest in land has vested in the Board under subsection (1) shall be conclusive evidence of that vesting to the District Land Registrar, and shall be sufficient authority to him to issue a certificate of title to the land in the name of the Board and to make such memorials in the Register Book and on any instrument of title as are necessary to record the vesting in the Board of any such easement or other interest.

8 Board to execute debenture in favour of the Crown

- (1) As soon as the members of the first Board of Trustees constituted under this Act come into office, the Board shall execute in favour of Her Majesty the Queen a debenture securing to Her Majesty the sum of 135,000 pounds, together with interest thereon as from the date on which those members came into office at the rate of 4 pounds per cent per annum, by 30 annual instalments each of 7,807 pounds 1 shilling and 4 pence.
- (2) That debenture shall be in a form approved by the Minister of Lands, and shall be secured over, and be a first charge on, all property both real and personal whatsoever and wheresoever at any time owned by the Board and all revenues of the Board from any source and all rates payable to the Board:
provided that the debenture shall not be secured over any special rates made as security for any special loans raised by the Board.

Special powers of the Board

9 Subdivision of district

- (1) Without limiting the powers of the Board under sections 16 and 31A of the principal Act, the Board may from time to time for the purpose of the better carrying out of drainage works and to facilitate the general administration of the principal Act in the district, by special order made on the petition of not less than half in number of the occupiers of the rateable property in any particular area of the district or on the petition of the occupiers of not less in the aggregate than half of the rateable property in any particular area of the district,—
 - (a) constitute that area a subdistrict, to be known by a distinctive name, in which drainage works of a general nature may be carried out; or
 - (b) constitute that area a subdivision, to be known by a distinctive number or name, within which, in addition to drainage works of a general nature, pumping schemes may be installed, maintained, and operated. Any such subdivision may be wholly within the boundaries of any subdistrict, or may be partly in one subdistrict and partly in another or others.
- (2) Notwithstanding the constitution of any subdistrict or subdivision under this section, all rateable property therein shall continue to be liable as part of the district to all rates levied from time to time on the whole district under section 31 of the principal Act.
- (3) The Board may at any time abolish any such subdistrict or subdivision by special order made on the petition of not less than half in number of the occupiers of the rateable property in the subdistrict or subdivision or on the petition of the occupiers of not less in the aggregate than half of the rateable property in the subdistrict or subdivision.
- (4) Notwithstanding anything to the contrary in the principal Act or in any other Act, any rate made and levied on lands in any subdivision in respect of any expenditure incurred in installing and operating pumping schemes, and administration and maintenance expenses, and interest in respect thereof, may be made and levied on an area basis.

Section 9(4): inserted, on 24 October 1957, by section 2 of the Rangitaiki Land Drainage Amendment Act 1957 (1957 No 66).

Section 9(4): amended, on 8 November 1974, by section 2(4) of the Land Drainage Amendment Act 1974 (1974 No 93).

10 Special provisions as to lands near the Tarawera River

- (1) The Board may from time to time, by notice in writing given to the occupier of any land within the district and situated near the Tarawera River, prohibit the construction of drains on the land or on such part thereof as may be specified in the notice, and also prohibit any other interference with the surface of the land or part thereof that may cause or be likely to cause the escape or seepage of

water from that river. The decision of the Board as to whether or not any land is near the Tarawera River for the purposes of this section shall be final.

- (2) A notice to any occupier under this section may be given by delivering it to him personally, or by posting it upon a conspicuous part of the land and posting a copy thereof by registered letter addressed to the occupier at his last known place of abode or business in New Zealand, or to the agent or representative of the occupier. A notice so posted shall be deemed to have been given at the time when the registered letter would in the ordinary course of post be delivered.
- (3) Any notice given under this section may be at any time in like manner amended or revoked.
- (4) Every person who does or causes or permits to be done any act prohibited by a notice given to him under this section commits an offence and is liable on conviction to a fine not exceeding 100 pounds.
- (5) The Board may from time to time do such things as it deems necessary for the purposes of filling in any drain on any land in respect of which a notice has been given under this section and of remedying any other interference with the surface of any such land, whether the drain was constructed or the interference was made before or after the commencement of this Act or before or after the giving of the notice.
- (6) For the purposes of this section the Board and all persons authorised by it in that behalf may enter upon and pass over any land within the district, with or without vehicles, and may take from any land in the immediate vicinity such spoil as may be required.
- (7) Every person suffering any damage from the exercise of any of the powers conferred on the Board by subsection (6) shall be entitled to full compensation therefor in accordance with the provisions of the Public Works Act 1928 relating to compensation. All such claims for compensation shall be made in writing to the Board within 12 months from the time when the claim arose, and no claim for compensation shall be allowed unless made within that period.
- (8) All costs incurred by the Board under subsection (5) or subsection (6) in respect of any drain constructed or other interference made on any land at any time while the construction or making thereof was prohibited by a notice given under this section to the occupier of the land shall constitute a debt forthwith due and payable to the Board by that occupier, and shall be a charge on the land and may be recovered in the same manner as rates that have been validly demanded under the principal Act.
- (9) Subject to the provisions of subsection (8), all costs incurred by the Board under subsection (5) shall be deemed to be part of the expenses of the general administration of the principal Act in the district.
- (10) On the application of any owner or occupier of any land affected by a notice under this section, the Board may from time to time exempt that land or any part thereof from liability for rates under the principal Act either wholly or in

part and for such period as it thinks fit, and may from time to time remit either wholly or in part any rates made and levied under the principal Act in respect of that land or any part thereof. Any exemption granted under this subsection may be at any time in like manner varied or revoked.

- (11) Except as otherwise expressly provided in this section, no compensation shall be payable under the Public Works Act 1928 or any other Act in respect of any damage suffered from the exercise of any powers conferred on the Board by this section.
- (12) Notwithstanding anything to the contrary in the Impounding Act 1955, or any other Act, and notwithstanding that any stopbank along the Tarawera River may not be on fenced land, the Board may claim and recover as a debt from the owner of any stock full satisfaction for any actual damage caused by the stock to the stopbank. For the purposes of this subsection the terms **fenced land** and **stock** have the same meanings as in the Impounding Act 1955.

Section 10(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Rates

11 Maximum general rate

[Repealed]

Section 11: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

12 Existing classification of land continued in force

[Repealed]

Section 12: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

13 Lands exempt from rates

The following lands in the district are hereby declared to be exempt from the payment of all rates made and levied by the Board, namely:

- (a) the land described in Schedule 2:
- (b) the land in the Town of Matata and the district adjoining in respect of which the powers of a Borough Council as to the supply of water for domestic purposes were conferred on the former Whakatane County Council by an Order in Council made pursuant to section 74 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1922.

Section 13(b): amended, on 1 April 1980, by section 8(3) of the Local Government Amendment Act 1979 (1979 No 59).

14 Board may authorise Whakatane County Council to collect rates

[Repealed]

Section 14: repealed, on 29 June 1988, by section 209(1) of the Rating Powers Act 1988 (1988 No 97).

*Miscellaneous provisions***15 Extending power of Board to make bylaws**

Without limiting the power to make bylaws conferred on the Board by the principal Act or any other Act, the Board may from time to time, in the manner provided by section 50 of the principal Act, make bylaws—

- (a) preventing or regulating the overflow of artesian wells or the pumping of water into any watercourse within the district, whether the watercourse is under the control of the Board or not:
- (b) regulating the location and capacity of pumps installed after the commencement of this Act:
- (c) prescribing such matters in relation to pumping as the Board considers necessary for the effective drainage of the district:
- (d) regulating the use of any constructed watercourse under the control of the Board:
- (e) prescribing conditions on which other constructed watercourses may be connected or continue to be connected with any constructed watercourse under the control of the Board, including in those conditions the payment to the Board of any annual or other charges:
- (f) preventing the widening and deepening of watercourses under the control of the Board or the alteration of the course thereof without the consent of the Board:
- (g) prohibiting or regulating the removal of shingle, sand, or other material from any watercourse under the control of the Board:
- (h) prohibiting or regulating access to or the passing over or along any bank, dam or other defence against water, or other work of any kind whatsoever constructed, or maintained by, or under the control of, the Board:
- (i) prohibiting or regulating the erection of any structures or fences within a specified distance from the banks of any watercourse under the control of the Board or in any place where they will obstruct or be likely to obstruct the free flow of floodwaters in any existing flood channel, and regulating the maintenance of any such structures or fences:
- (j) generally preventing trespasses, nuisances, obstructions, and damage to watercourses under the control of the Board or to plantations established or maintained by the Board, and making all such provision as the Board deems necessary or expedient for the protection and proper management

of its property and all machinery and works of every kind under its care, control, and management.

16 Penalty for breach of bylaws

Notwithstanding the provisions of subsection (2) of section 50 of the principal Act, bylaws made by the Board under this Act or the principal Act may prescribe fines not exceeding 50 pounds for any breach thereof, and in the case of a continuing breach may prescribe a further fine not exceeding 5 pounds for every day or part of a day during which the breach has continued.

17 Power of Board to borrow in anticipation of revenue

Notwithstanding anything in the Local Authorities Loans Act 1956 the Board during the first 2 years of its existence may, with the consent of the Minister of Local Government and upon such terms as he specifies, borrow money in anticipation of its revenue, whether on overdraft or otherwise, from its bankers or from any person or persons, and may give such security for the repayment thereof and interest thereon by debenture or otherwise as the Board, with the approval of the Minister of Local Government, thinks fit.

Section 17: amended, on 1 April 1980, pursuant to section 10(7)(a) of the Local Government Amendment Act 1979 (1979 No 59).

18 Appointment of officers

- (1) Without limiting the powers conferred on the Board by section 43 of the principal Act, the Board may agree with the Whakatane District Council for the employment by the Board, on a part time or other basis, of clerical, engineering, and other employees of the Council and to pay to the Council such sums as remuneration for those services as may be agreed on between the Board and the Council.
- (2) The Council is hereby empowered to enter into contracts with the Board for the purposes of this section upon such terms as it thinks fit.

Section 18(1): amended, on 1 April 1980, by section 8(3) of the Local Government Amendment Act 1979 (1979 No 59).

19 Special provisions as to land in Edgecumbe township

- (1) The following provisions shall apply with respect to the land for the time being within the boundaries of the county town of Edgecumbe (being the land referred to in this section as the **township**), namely:
 - (a) the Whakatane District Council shall be entitled to connect with the drains controlled by the Board, in a manner approved by the Board, all stormwater drains within the township:
 - (b) so long as the Whakatane District Council connects the stormwater drains within the township with the drains controlled by the Board, there shall be payable each year by the Council to the Board an amount equal to the total amount that would have been received in that year by the

Board in respect of land in the township if the township had formed part of the district and rates on that land had been levied by the Board on the basis of the special rateable value determined by the Valuer-General under paragraph (c) and according to the class in which the land would have been classified had it formed part of the district:

- (c) for the purposes of paragraph (b), the Valuer-General shall as soon as possible after the commencement of this Act, and thereafter whenever the values on the district valuation roll of the District of Whakatane are revised under the Valuation of Land Act 1951, determine a special rateable value for the land in the township as if the land were used in such number of farms as the Valuer-General thinks fit for farming purposes of the kind generally carried on on the farming land in the district, and shall notify the Board and the Council of the total special rateable value so determined.
- (2) A determination under subsection (1)(c) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	It is not required to be published. However, the Valuer-General must notify the Board and the Council in accordance with paragraph (c)	LA19 s 73(2)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 19(1): amended, on 23 October 1969, by section 2(1) of the Rangitaiki Land Drainage Amendment Act 1969 (1969 No 103).

Section 19(1)(a): amended, on 1 April 1980, by section 8(3) of the Local Government Amendment Act 1979 (1979 No 59).

Section 19(1)(b): amended, on 1 April 1980, by section 8(3) of the Local Government Amendment Act 1979 (1979 No 59).

Section 19(1)(c): amended, on 1 April 1980, by section 8(3) of the Local Government Amendment Act 1979 (1979 No 59).

Section 19(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

20 Repeals, savings, and amendments

- (1) The enactments specified in Schedule 4 are hereby repealed.
- (2) The repeal of any enactment by this Act shall not affect the liability of any person for the payment of any rate made and levied under any such enactment before the commencement of this Act, and all such rates shall continue to be owing and shall be deemed to be owing to the Board, which shall have the same powers in respect thereof as if those rates had been made and levied by the Board under this Act at the dates when the same were respectively made and levied.

(3) *Amendment(s) incorporated in the Act(s).*

(4) *[Repealed]*

(5) *Amendment(s) incorporated in the Act(s).*

Section 20(2): replaced (with effect on 1 April 1957), on 24 October 1957, by section 3 of the Rangitaiki Land Drainage Amendment Act 1957 (1957 No 66).

Section 20(4): repealed, on 1 April 1968, by section 177(1) of the Rating Act 1967 (1967 No 123).

Schedule 1

Description of Rangitaiki Drainage District

s 4

All that area in the South Auckland Land District, situate in Whakatane County, bounded towards the north by the sea; towards the east generally by the Whakatane River; towards the south by Block VIII, Whakatane Survey District, and Block XII, Rangitaiki Upper Survey District; again towards the east generally by the summit of the western watershed of the Waimea Stream; again towards the south by Block XV, Rangitaiki Upper Survey District; towards the west generally by the western bank of the Rangitaiki River; again towards the south by the southern boundaries of Sections 114, 115, 116, 117, 125, and 127, Block X, Rangitaiki Upper Survey District, and a right line from the south-western corner of the last-mentioned section to the southernmost point of Lake Moturoa; and thence again towards the west generally by the western shore of that lake to the eastern boundary line of Section 41, Block IX, Rangitaiki Upper Survey District, by that section and its eastern boundary line produced to Lake Rotoroa; thence by the western shore of that lake and the north-western boundary line of Section 38 to the northernmost corner of that section; thence by a right line to the angle of the Matamata Main Road about 12 chains south of where it crosses the Mangowhiki Stream, and by that road to the township of Richmond, and by the south-western and north-western boundaries of the township of Richmond to the sea, but excluding the land described in Schedule 3.

Schedule 2

Land exempted from rates

s 13(a)

All that area in the South Auckland Land District situate in Blocks IV and V, Whakatane Survey District, County of Whakatane, containing approximately 1 459 acres: bounded, commencing at the junction of the northern boundary of part Rangitaiki Lot 21A and the western bank of the Whakatane River; thence in a south-westerly direction by the aforesaid boundary to and across a public road, and again by the north boundary of part Rangitaiki 21A to its junction with Lot 5 on Deposited Plan number 14700; thence westerly and generally in a southerly direction by the northern and western boundaries of the aforementioned Lot 5 to its intersection with the block boundary between Blocks IV and VIII, Whakatane Survey District; thence in an easterly direction by that block boundary to its intersection with the Whakatane River; thence generally northwards by the western bank of that river to the point of commencement; as the same is delineated on a plan marked L and S 15/11/3, deposited at the Head Office, Land Information New Zealand, at Wellington, and thereon bordered red.

Schedule 2: amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Schedule 3

Description of land in Edgecumbe township

[Repealed]

s 19

Schedule 3: repealed, on 23 October 1969, by section 2(2) of the Rangitaiki Land Drainage Amendment Act 1969 (1969 No 103).

Schedule 4

Enactments repealed

s 20(1)

Finance Act 1932 (1932 No 11)*Amendment(s) incorporated in the Act(s).***Finance Act (No 2) 1937 (1937 No 36)***Amendment(s) incorporated in the Act(s).***Finance Act 1938 (1938 No 13)***Amendment(s) incorporated in the Act(s).***Rangitaiki Land Drainage Act 1910 (1910 No 2 (L)) (1931 Reprint, Vol IV, p 574)****Rangitaiki Land Drainage Amendment Act 1948 (1948 No 41)****Reserves and Other Lands Disposal Act 1938 (1938 No 19)***Amendment(s) incorporated in the Act(s).***Reserves and Other Lands Disposal and Public Bodies Empowering Act 1922 (1922 No 50)***Amendment(s) incorporated in the Act(s).***Reserves and Other Lands Disposal and Public Bodies Empowering Act 1924 (1924 No 55)***Amendment(s) incorporated in the Act(s).*

Notes

1 *General*

This is a consolidation of the Rangitaiki Land Drainage Act 1956 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Criminal Procedure Act 2011 (2011 No 81): section 413

Survey Amendment Act 1996 (1996 No 55): section 5

Rating Powers Act 1988 (1988 No 97): section 209(1)

Public Works Act 1981 (1981 No 35): section 248(1)

Local Government Amendment Act 1979 (1979 No 59): sections 8(3), 10(7)(a)

Land Drainage Amendment Act 1974 (1974 No 93): section 2(4)

Rangitaiki Land Drainage Amendment Act 1969 (1969 No 103)

Rating Act 1967 (1967 No 123): section 177(1)

Rangitaiki Land Drainage Amendment Act 1957 (1957 No 66)