

*Issue II.—Is or is not the Board's method of charging the different districts for clearing streams and rivers a just one?*

The Drainage Board is in the habit of charging each district under its control with a proportion of the cost of cleansing the rivers and streams that pass through such district. The work appears to be usually let by contract, and the cost is divided among the different districts through which the river runs in direct proportion to the chainage length of the river-bank in each district. If two districts are divided by a stream, then half the cost per chain frontage is charged to each. If the stream is not a boundary one, then the district is charged the full amount in proportion to the length of the stream in such district.

The plaintiffs contended that this is not always fair, and they affirm that the surface drains in Christchurch bring a great deal of silt and other matter into the river that passes through the city, which silt lodges in the lower reaches of the river, and which will in time require to be dredged out at the expense of all. This being so, plaintiffs contend that it is not just that the city should only pay at the same rate as do the other districts. They also point out that occasionally, when the pumping station is unable to cope with the full amount of sewage-matters, that the overflow is sent down one of the storm- or surface-water drains, thus creating a nuisance. The plaintiffs therefore ask that the apportionment should be on the basis of benefit received, and not necessarily on a chainage basis without reference to benefits, and they propose that in the case of dispute some method of appeal, as by commission, as is the case under sections 118 and 119 of the Public Works Act, should be adopted.

The City Council did not object to the plaintiffs' proposal, but the Drainage Board said that the system of charging in proportion to frontage had worked very well and was just and fair, and they objected strongly to have any tribunal to which dissatisfied persons might appeal from their decisions, as it would be likely to lead to endless delay and trouble.

In my opinion the system of charging a proportionate rate according to frontage is a sound one, provided always that some discrimination is used in adopting it, and under the system it is quite as possible to charge according to benefit received as under any other system, and there is nothing to prevent the Board using such discrimination. The evidence showed it had attempted to do so in one case at least—viz., in the case of one of the rivers that flows through the city area; but for some unaccountable reason, which was not disclosed, it charged the area in the city very much less per chain than it charged the outside areas for cleaning the same river. This, however, had now been altered, and the same rate is charged per chain in the city as in the other areas. It is conceivable and probable that one district may tend to pollute and send much more silt and other matter down a river than another portion, especially if such portion takes drainage from factories, or silt in large quantities is allowed to flow through the drains into the river. Consequently a rigid adherence to a proportional chainage basis on one average rate for the whole river would not in such case be fair. The district, or even persons, who cause the extra charge should, I consider, be made to contribute to the extra cost thrown by their action on the Board, and this would be the measure of the amount which should be paid by such district beyond the average chainage rate. But I do not mean that, because, owing to natural causes, it may cost more or less in one subdistrict than in another to cleanse a river, that therefore such subdistrict should necessarily pay more or less than the others. Each case should be considered on its merits. Thus there is much more vegetable growth in the river in and near Christchurch, that has to be removed, than there is at the estuary at New Brighton, but this does not seem to give New Brighton any claim that it should pay very much less than the other districts, because what benefits the flow of the river in one place benefits it all through, and if the flow of the upper waters were impeded by vegetation the lower portions might tend to silt up and damage would ensue.

The answer then to this issue, therefore, is that, while the Board's method of charging the different districts in proportion to the length of the frontage of