

Reprint  
as at 1 March 2017



**Lakes District Waterways Authority (Shotover River)  
Empowering Act 1985**

Local Act 1985 No 2  
Date of assent 3 April 1985  
Commencement 3 April 1985

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**An Act to empower the Lakes District Waterways Authority to make bylaws relating to the use of part of the Shotover River and to provide for certain other related matters**

**1 Short Title**

This Act may be cited as the Lakes District Waterways Authority (Shotover River) Empowering Act 1985.

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

## 2 Interpretation

In this Act, unless the context otherwise requires,—

**Act** means the Harbours Act 1950

**Authority** means the Lakes District Waterways Authority constituted by the Lakes District Foreshore, Lakeshore, Lakebed, Riverbed, and Waters Control Order 1983 published in *Gazette* 1983, Vol II, at page 2010

**class of vessel** includes a class of vessel defined by reference to ownership, or the person or persons who operate the vessel, or by reference to its design or the materials used in its construction

**river** means that part of the Shotover River between Tucker Beach and the Edith Cavell Bridge

**vessel** has the same meaning as in the Act; and includes any raft or canoe.

## 3 Power to make bylaws

- (1) The Authority may from time to time make bylaws—
  - (a) empowering the Authority to—
    - (i) reserve, for such period or periods as may be specified by the Authority, the use of the river to any person, vessel, or class of vessel so specified for any activity so specified:
    - (ii) prohibit the use of the river during the specified period or periods for all other activities by other persons or vessels:
  - (b) prescribing the charge or charges to be paid to the Authority in respect of the use of the river by any person, vessel, or class of vessel for whom or for which any such reservation is made.
- (2) Any bylaw made under subsection (1) may empower the Authority to—
  - (a) reserve the use of the river not only to any specified person, vessel, or class of vessel but also to any person, vessel, or class of vessel authorised by any person, or operator of a vessel or class of vessel, for whom or for which the reservation is made for such activities as may be specified by the Authority:
  - (b) make any reservation unconditional or make it subject to conditions or limitations to be met by or observed by any person, vessel, or class of vessel for whom or for which the reservation is made.
- (3) Any charge or charges prescribed pursuant to subsection (1)(b) shall be prescribed on the basis of—
  - (a) the use of the river by vessels; or
  - (b) the number of passengers carried on such vessels; or
  - (c) the period or periods during which the river is used; or
  - (d) the period of any reservation; or

- (e) the fare charged for passengers; or
  - (f) a percentage of gross revenue earned from operations on the river; or
  - (g) any combination of the bases set out in paragraphs (a) to (f).
- (4) The powers conferred by this section shall be in addition to and shall not derogate from the bylaw-making powers of the Authority under the Act or any other enactment.
- (5) Bylaws made under this section shall be made in the manner specified in section 232A(1)(ca) of the Act, and sections 235, 236, 237, and 239 of the Act shall apply to any such bylaws as if the Authority was a harbour board; and, for the purpose of the application of those provisions to such bylaws, the Authority shall be deemed to be a harbour board and may do or suffer all those things that a harbour board may do or suffer in respect of its bylaws.
- (6) Section 8A(8) and (9) of the Act shall apply in respect of any bylaws made pursuant to this section as if they were made pursuant to the said section 8A.

#### **4 Authority's powers to be exercised fairly and without bias**

The powers conferred on the Authority by any bylaws in force under section 3(1)(a) shall be exercised fairly and without bias.

#### **5 Appeals against Authority's decisions**

- (1) Any person aggrieved by any decision of the Authority made under any bylaws in force under section 3(1)(a) may, within 21 days after the date of the decision or within such further time as the court on application may allow, appeal against that decision to the office of the District Court having civil jurisdiction nearest to the river.
- (2) For the purposes of hearing the appeal the court shall have all the powers vested in it in its civil jurisdiction.
- (3) On hearing the appeal the court may make such order as it thinks fit, and every such order shall be binding on the parties.
- (4) Every decision of the District Court under this section shall be final.

Section 5(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 5(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

#### **6 Expiry of bylaws**

Any bylaws made pursuant to section 3 shall be deemed to be revoked on the expiry or sooner revocation of the Lakes District Foreshore, Lakeshore, Lakebed, Riverbed, and Waters Control Order 1983 published in *Gazette* 1983 Vol II, at page 2010 unless the grant of control to the Authority in that order is renewed or is replaced by a similar grant of control to the Authority in respect of the same or substantially the same area.

**7 Public Bodies Meetings Act 1962 to apply to Authority**

*[Repealed]*

Section 7: repealed, on 1 March 1988, by section 58(1) of the Local Government Official Information and Meetings Act 1987 (1987 No 174).

**8 Other Acts not affected**

Nothing in this Act or in any bylaw made under this Act shall limit or affect the provisions of the Soil Conservation and Rivers Control Act 1941 or the Water and Soil Conservation Act 1967.

## Reprints notes

### **1**    *General*

This is a reprint of the Lakes District Waterways Authority (Shotover River) Empowering Act 1985 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2**    *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3**    *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4**    *Amendments incorporated in this reprint*

District Court Act 2016 (2016 No 49): section 261

Local Government Official Information and Meetings Act 1987 (1987 No 174): section 58(1)