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as at 30 January 2021**



Wellington Regional Water Board Act 1972

Local Act 1972 No 3
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Commencement see section 1

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Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
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An Act to constitute the Wellington Regional Water Board

1 Short Title and commencement

- (1) This Act may be cited as the Wellington Regional Water Board Act 1972.
- (2) Part 1 shall come into force on 1 December 1972.
- (3) Subject to subsection (7) of section 120, Parts 2 to 10 shall come into force on 1 March 1973.

2 Interpretation

In this Act, unless the context otherwise requires,—

Board means the Wellington Regional Water Board constituted under this Act
constituent authority means the local authority of any local district the whole or any part of which is for the time being comprised within the region

financial year means a period of 12 months ending with the last day of February

forest produce includes trees and other plants and the produce of trees and other plants

forestry area means land set apart as a forestry area under section 43

local authority means a territorial authority within the meaning of the Local Government Act 1974

local district means the district of a local authority

prescribed means prescribed by this Act or by any bylaw made under the authority of this or any other Act

region means the Wellington Water Region constituted under this Act

scenic way means and includes any way, path, or other means of access intended for public use and set aside by the Board in that behalf on any land owned or controlled by or vested in the Board

Secretary means the Secretary for the time being of the Board; and includes any person for the time being appointed by the Board to perform the duties of the Secretary, howsoever designated

timber includes trees when they have fallen or been felled, and whether sawn, hewn, split, or otherwise fashioned

Treasurer means the Treasurer for the time being of the Board; and includes any person for the time being appointed by the Board to perform the duties of the Treasurer, howsoever designated

trees includes not only timber trees, but also all other kinds of trees, shrubs, bushes, seedlings, saplings, cuttings, suckers, and shoots of every description

water collection area means land set apart as a water collection area under section 43.

Section 2 **local authority**: replaced, on 1 April 1980, by section 8(3) of the Local Government Amendment Act 1979 (1979 No 59).

Section 2 **local district**: replaced, on 1 April 1980, by section 8(3) of the Local Government Amendment Act 1979 (1979 No 59).

2A Application

This Act applies subject to the Wellington Regional Council (Water Board Functions) Act 2005.

Section 2A: inserted, on 25 March 2005, by section 6 of the Wellington Regional Council (Water Board Functions) Act 2005 (2005 No 1 (L)).

Part 1 Preliminary

3 Wellington Water Region

- (1) For the purposes of this Act, there is hereby constituted a water region, to be known as the Wellington Water Region, which shall be deemed to be a water region within the meaning of the Water and Soil Conservation Act 1967.
- (2) The region shall comprise those areas of land described in Schedule 1.

4 Provisions relating to Manawatu Catchment District

- (1) That part of the land described in the said Schedule 1 which, immediately before 1 March 1973, was within the Manawatu Catchment District, shall on that date be excluded from that district.
- (2) The provisions of sections 27, 28, and 28A of the Municipal Corporations Act 1954 and Schedule 3 of that Act shall, so far as they are applicable and with the

necessary modifications, apply in respect of the area excluded from the Manawatu Catchment District by subsection (1) as if both the Manawatu Catchment Board and the Wellington Regional Water Board were corporations of a borough.

5 Wellington Regional Water Board

- (1) There is hereby constituted a Regional Water Board to be known as the Wellington Regional Water Board.
- (2) The Board shall be a body corporate with perpetual succession and a common seal, and may purchase or otherwise acquire, take on lease, hold, dispose of, and alienate real and personal property, and sue and be sued, and do and suffer all such acts and things as bodies corporate may lawfully do and suffer.
- (3) The Board is hereby declared to be a Regional Water Board within the meaning of the Water and Soil Conservation Act 1967 and, subject to the express provisions of this Act, the provisions of that Act shall extend and apply to the Board and the region.
- (4) The Board is also hereby declared to be a local authority within the meaning of the Public Works Act 1928 and the Local Authorities Loans Act 1956, and, subject to the express provisions of this Act, the provisions of those Acts shall extend and apply to the Board.

6 Members of Board

- (1) The Board shall consist of—
 - (a) 4 persons to be appointed by the Wellington City Council:
 - (b) 2 persons to be appointed by the Lower Hutt City Council:
 - (c) 7 persons to be appointed by the following local authorities, each of which shall appoint 1 person:
 - (i) the Porirua City Council:
 - (ii) the Upper Hutt City Council:
 - (iii) the Petone Borough Council:
 - (iv) the Tawa Borough Council:
 - (v) the Eastbourne Borough Council:
 - (vi) the Hutt County Council:
 - (vii) the Horowhenua County Council.
- (2) No person shall be appointed to the Board unless he is a member of the constituent authority which intends to appoint him.
- (3) A constituent authority may, by resolution, appoint any qualified person to be the deputy of any of its representatives to attend meetings of the Board or of committees of the Board, and to exercise and perform the powers and functions of that representative. Any such appointment may in a like manner be revoked

at any time. No person shall be appointed as a deputy of a member of the Board unless he is a member of the same constituent authority as the member of the Board for whom he is acting as deputy.

- (4) In addition to the power contained in subsection (3), if, by reason of sickness or other unavoidable cause, any member is unable to attend a meeting of the Board, the Mayor or Chairman, as the case may be, of the constituent authority which that member represents may, by writing under his hand, appoint a qualified person to attend that meeting as the deputy of such representative and there to exercise and perform the powers and functions of that representative.
- (5) The creation, abolition, merger, union, or other alteration of any local district shall not in itself have any operation so as to affect the then existing membership of the Board.
- (6) The Governor-General may from time to time, by Order in Council, whenever in his opinion it becomes necessary or expedient to do so by reason of the creation, abolition, merger, union, division, or alteration of any local district, make provision with respect to the membership of the Board, including provision for the vacation of office of any member or members of the Board and for the appointment of an additional member or additional members thereof, and any other provisions in respect of any of those matters which in the circumstances he thinks fit, and may from time to time revoke or amend any provisions made by him.
- (7) If by any Order in Council under subsection (6) representation on the Board is taken away from any local district, the members representing that local district shall retire from office on the day appointed in that behalf by the Order in Council.
- (8) If by any Order in Council under subsection (6) a reduction is made in the number of members of the Board which a constituent authority is entitled to appoint, a sufficient number of those members shall retire from office on the day appointed in that behalf by the Order in Council, so that the number of members appointed by that constituent authority may conform to the Order in Council. The members so to retire from office shall, in default of agreement among all the members appointed by that constituent authority, be determined by lot in such manner as the Board directs.
- (9) If the population of any local district, or of any part of a local district which is within the region, increases by natural growth, as certified by the Government Statistician after the census taken in 1976 and after each successive quinquennial census, the Governor-General may by Order in Council increase the number of members to be appointed to the Board by the constituent authority of the local district or part thereof so that the number of members which that constituent authority may appoint represents 1 for every 40 000 people or part thereof residing in the local district or part of the local district.

7 Representative of industrial users

- (1) The Board may appoint, from time to time and in such manner as it thinks fit, any person to represent industrial users of underground water for industrial purposes within the region for the time being holding current permits so to do, and may also appoint any person to be a deputy of a representative so appointed to act in the absence of the representative from any cause.
- (2) Any person so appointed or, as the case may be, his deputy, shall hold office during the pleasure of the Board, shall not be a member of the Board, but shall be entitled to attend and be heard, but not vote, at meetings of the Board, while matters relating to the Board's functions under Part 4 are under discussion.
- (3) The Board shall give the person so appointed reasonable notice of the time and place of, and of the matters relating to the Board's functions under Part 4, to be discussed at, every such meeting of the Board.

8 Appointment of members

On a day not later than 31 January 1973, and on some day after every triennial general election of members of the constituent authorities held after that date (being in each case a day not later than 31 January next following that election), the constituent authorities shall hold meetings of their respective local authorities, which shall proceed to appoint the members of the Board in accordance with section 6.

9 Term of office of members

- (1) Every member of the Board appointed under section 8 shall come into office on 1 March 1973, or on the day following that on which he is appointed, as the case may require.
- (2) Every member of the Board shall, unless he sooner vacates his office under section 11, continue in office until his successor comes into office.
- (3) Every person appointed to fill an extraordinary vacancy in the membership of the Board shall come into office on the day following that on which he is appointed, and shall hold office for the residue of the term for which his predecessor was appointed.

10 Insurance of Board members

- (1) The Board may from time to time enter into contracts of insurance insuring members of the Board against loss from personal accident arising out of and in the course of the exercise and performance of their powers and duties as members of the Board, and may pay the premiums payable in respect of those contracts.
- (2) The Board may pay the net proceeds received by it under any such contract of insurance to the member affected or to his personal representatives, as the case may be.

11 Vacancies

- (1) The office of a member of the Board shall become vacant if he—
 - (a) resigns his office by writing under his hand delivered to the Secretary or Chairman of the Board, or dies, or is ousted of his office; or
 - (b) is absent without leave from 4 consecutive ordinary meetings of the Board; or
 - (c) ceases to be a member of the constituent authority which appointed him.
- (2) Every person who does any act as a member of the Board after his office has become vacant under this section, commits an offence and is liable on conviction to a fine not exceeding \$100.
- (3) Any vacancy occurring under this section shall be deemed to be an extraordinary vacancy.

Section 11(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

12 Filling of extraordinary vacancies

In the event of an extraordinary vacancy occurring the appropriate constituent authority shall forthwith appoint a member to fill the vacancy.

13 Ouster of office

- (1) Upon proof in the first instance, by affidavit or otherwise, that any member of the Board is or has become incapable under this Act of holding his office, any office of the District Court in the region may grant a summons calling upon the person holding such office to show cause why he should not be adjudged to be ousted of the same.
- (2) If on the return of such summons it appears to the court, on affidavit or oral evidence on oath, that such person is incapable under this Act of holding the said office, the court may adjudge such person to be ousted of the same, and such person shall be ousted of office accordingly.
- (3) In any such proceeding the District Court may exercise all the powers and authorities which it may exercise in its ordinary jurisdiction in civil cases, and the procedure of the court shall, so far as applicable, apply generally to proceedings had under this section.
- (4) No matter in respect of a disputed appointment shall be heard by the District Court under this section.
- (5) If under this section the District Court adjudges that any member of the Board be ousted of his office—
 - (a) the decision shall not take effect until the expiration of the time for appealing against the decision and, in the event of an appeal against the decision, until the appeal is determined; and

- (b) the member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member of the Board during the period of that leave of absence.
- (6) If any person does any act as a member of the Board while on leave of absence pursuant to subsection (5), he commits an offence and shall be liable on conviction to a fine not exceeding \$100.

Section 13(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 13(3): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 13(4): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 13(5): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 13(6): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

14 Chairman of Board

- (1) At its first meeting after 1 December 1972 and at its first meeting after each triennial election of members of the constituent authorities thereafter, the Board shall elect one of its members to be Chairman of the Board to hold office until the first meeting of the Board after the next triennial election, unless he shall sooner vacate office under the provisions of section 11.
- (2) At every meeting for the election of Chairman, the Secretary shall preside while the Chairman is being elected; or if there is no Secretary, then some person appointed by the Board, not being a member of the Board, shall so preside, and in the case of an equality of votes shall determine the election by lot in such manner as the Board determines.
- (3) The Chairman shall come into office on his election and shall hold office until the election of his successor.
- (4) The Chairman may resign his office by writing under his hand delivered to the Secretary, and in such case, or in the case of his ceasing from any cause to be a member of the Board, his office shall become vacant, and the Secretary shall forthwith convene a meeting of the Board for the election of a new Chairman.
- (5) The Board may from time to time appoint one of its members to be a Deputy Chairman either for a specified period or until the next meeting of the Board at which a Chairman is elected.

15 Chairman's allowance

- (1) The Chairman may be paid, out of the funds of the Board, such annual allowance as may from time to time be fixed by the Board with the approval of the Minister of Finance.

(2) *[Repealed]*

Section 15(1): replaced, on 17 January 1977, by section 2(1) of the Wellington Regional Water Board Amendment Act 1976 (1976 No 11 (L)).

Section 15(2): repealed, on 17 January 1977, by section 2(2) of the Wellington Regional Water Board Amendment Act 1976 (1976 No 11 (L)).

16 Committees

- (1) Subject to subsection (2), the Board may from time to time appoint standing or special committees consisting of 2 or more persons, and may relegate to any such committee any matters for consideration, inquiry, management, or regulation; and may delegate to any such committee any of the functions, rights, powers, and duties conferred or imposed on the Board by this Act, except the power to borrow money, to make a bylaw, to institute an action, or to make assessments upon constituent authorities.
- (2) Any such committee to which any functions, rights, powers, and duties under the Soil Conservation and Rivers Control Act 1941 and the Water and Soil Conservation Act 1967 are so delegated shall, for the purpose of considering or exercising the same, comprise not only the members appointed by the Board but also 3 additional representatives, 1 of whom shall be appointed by the Minister of Lands, 1 of whom shall be appointed by the Minister of Forests, and 1 of whom shall be appointed by the Minister for the Environment. The 3 additional representatives so appointed shall be entitled to attend and be heard, but not vote, at meetings of the committee.
- (3) Notwithstanding anything to the contrary in this section, every representative appointed by a Minister of the Crown shall hold office during the pleasure of the Minister.
- (4) The Board may appoint a member of any committee, other than a person appointed under subsection (1) of section 7, to be the Chairman thereof, and such power may be exercised by the committee where the Board, on the appointment of the committee, does not appoint a Chairman. Any committee may from time to time appoint a Deputy Chairman to act in the absence of the Chairman.
- (5) Any person may be appointed to a committee under this section notwithstanding that he is not a member of the Board.
- (6) The Board may at any time, and from time to time, discharge, alter, continue, or reconstitute any committee, or discharge any member of a committee, and, if it thinks fit, appoint another member in his stead.
- (7) Every committee shall, unless sooner discharged by the Board, be deemed to be discharged on the coming into office of the members appointed at the first general appointment of the whole Board after the appointment of the committee.
- (8) Every committee to which any powers or duties are delegated as aforesaid (other than a Tribunal constituted under section 24 of the Water and Soil Con-

servation Act 1967 or a committee to which subsection (2) of this section applies) may, without confirmation by the Board, exercise or perform them in like manner and with the same effect as the Board could itself have exercised or performed them.

- (9) Every such committee shall be subject in all things to the control of the Board, and shall carry out all directions, general or special, of the Board given in relation to the committee or its affairs.
- (10) The Board may fix the quorum of any committee appointed by it, and in default of its doing so the committee may fix the quorum.
- (11) Subsections (5), (6), (8), and (9) of section 17 (relating to meetings of the Board) shall, with the necessary modifications, apply to every meeting of a committee.

Section 16(2): amended, on 1 April 1988, by section 8 of the Ministry of Works and Development Abolition Act 1988 (1988 No 42).

17 Meetings of Board

- (1) Meetings of the Board shall be held at such times and places as the Board may from time to time appoint.
- (2) The Secretary shall give at least 2 clear days' notice in writing to each of the members of the time and place from time to time appointed for holding meetings, and the members shall attend those meetings without further notice of each meeting.
- (3) A special meeting of the Board shall be a meeting called pursuant to a resolution of the Board, or to a requisition in writing delivered to the Secretary and signed by the Chairman or by not less than 3 members of the Board, specifying the time and place at which the meeting is to be held and the business to be transacted at the meeting:
provided that no special meeting shall be held unless at least 2 clear days' notice in writing thereof and of the business to be transacted at the meeting has been given to every member of the Board.
- (4) At every meeting of the Board the quorum shall consist of half the total members of the Board when that number is even, and a majority of the members when that number is odd.
- (5) A meeting shall be duly constituted if a quorum is present, whether or not any member present is entitled to vote or exercises his vote.
- (6) No business shall be transacted at any meeting of the Board unless at least a quorum of members is present for the whole of the time during which the business is transacted.
- (7) The Chairman shall preside at every meeting of the Board at which he is present. If at any meeting of the Board the Chairman is not present, the Deputy Chairman shall preside; and if the Deputy Chairman also is not present or there is no Deputy Chairman, the members present shall appoint one of their number

to preside at that meeting. The Deputy Chairman or person so appointed shall have and may exercise and perform in any such case all the powers and functions of the Chairman for the purposes of the meeting.

- (8) At any meeting of the Board the person presiding shall have a deliberative vote, and, in the case of an equality of votes shall also have a casting vote.
- (9) Every act of the Board and every question before any meeting of the Board shall be done and determined by a majority of the votes of the members present and voting thereon.
- (10) The Secretary of the Board shall keep minutes of the proceedings of the Board in which he shall enter, subject to the direction of the Board, the names of the members attending each meeting and the names of the members voting on each question on which there is a division, and every resolution, order, or other proceeding of the Board, and any other matter directed by the Board to be entered in the minutes.
- (11) The minutes of the proceedings of every meeting shall be submitted to the next succeeding ordinary meeting and if approved by the Board, or when amended as directed by the Board, shall be signed by the Chairman of that succeeding meeting.
- (12) The minutes of proceedings of the Board so kept, or an extract thereof certified as correct by the Chairman or Secretary, shall be received as evidence of such proceedings, and the validity of all such proceedings shall be presumed unless the contrary is proved.

18 Proceedings not invalid by irregularities, etc

No act or proceeding of the Board or of any committee or of any person acting as a member of the Board shall be invalidated by virtue of there being a vacancy in the number of the Board at the time of such act or proceeding, or of the subsequent discovery that there was some defect in the election or appointment of any person so acting, or that he was incapable of being such a member.

19 Allowances to members

- (1) The Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951, and there may be paid to members of the Board and of any committee of the Board travelling allowances and expenses in accordance with that Act, which shall apply accordingly.
- (2) In addition to the allowances authorised by subsection (1), there may be paid, out of the Board's funds, to each member of the Board, other than the Chairman, in respect of each meeting of the Board or of any committee of the Board attended by him, remuneration at a rate fixed by the Board, not exceeding such amount as may be fixed from time to time by the Minister of Finance:

provided that the maximum amount paid to any member of the Board under this subsection shall not exceed, in any financial year, such amount as may be fixed from time to time by the Minister of Finance.

- (3) The Minister of Finance may fix different amounts under subsection (2) in respect of different specified categories of members and different specified classes of committees.

Section 19(2): replaced, on 17 January 1977, by section 3 of the Wellington Regional Water Board Amendment Act 1976 (1976 No 11 (L)).

Section 19(3): inserted, on 17 January 1977, by section 3 of the Wellington Regional Water Board Amendment Act 1976 (1976 No 11 (L)).

20 Rules as to proceedings of Board or committees, etc

The Board may from time to time, by resolution, make, alter, and rescind rules, not inconsistent with this Act, for all or any of the following purposes:

- (a) regulating the proceedings of the Board and of any committee, and the conduct of meetings thereof respectively:
- (b) regulating the adjournment and postponement of meetings of the Board, and the manner in which resolutions may be amended, revoked, or altered:
- (c) prescribing the form and the mode and time of service of notice of meetings:
- (d) regulating debates:
- (e) providing for the calling of special meetings and the notice to be given thereof to members:
- (f) providing for notice to be given to members of extraordinary business to be transacted at any ordinary meeting:
- (g) directing minutes to be kept of all proceedings of the Board, and prescribing the mode of authentication, inspection, and custody of them:
- (h) providing for the custody of documents and the custody and use of the common seal, and prescribing the mode and form of attestation of documents:

provided that no resolution made or passed under this paragraph shall affect any person acting in good faith and taking, or to take, any estate, interest, or advantage under any document having, or about to have, the common seal affixed thereto:

- (i) prescribing the powers and duties of its officers and employees:
- (j) prescribing the forms of, and in connection with, any proceedings of the Board:
- (k) concerning anything incidental to any of the matters referred to in this section.

21 Offices

- (1) The Board may from time to time provide and maintain public offices, within or outside the region, with furniture for the same, for holding its meetings and transacting its business, and for the use of its officers and employees, and for any other purpose, and may purchase, take, or otherwise acquire, or take on lease, land, or buildings, or parts of buildings, for such purposes, or may cause buildings to be erected on any land belonging to the Board, or may add to, alter, or improve any such building.
- (2) The Board may also from time to time enter into such arrangements as it thinks fit with any constituent authority for the use, on such terms and conditions as may be agreed upon, of portion of the offices of that constituent authority for any of the purposes referred to in subsection (1).

22 Officers and employees

- (1) The Board may from time to time, by resolution, appoint a Secretary, an Engineer, a Treasurer, and such other officers and employees, including temporary or casual officers and employees, as it thinks necessary for the efficient exercise and performance of its powers and functions under this Act. Any person may hold 2 or more of such offices.
- (2) Officers and employees of the Board may be paid, out of the funds of the Board, such salaries and allowances as the Board may from time to time determine, including allowances and travelling expenses in respect of their attendance at any meeting or conference approved by the Board or at any course of study or training that will, in the opinion of the Board, render them better fitted to carry out their duties.
- (3) *[Repealed]*
- (4) Every person appointed to receive any money payable to the Board shall give to the Board sufficient approved security for the faithful execution of his office and the due accounting for all money received by him on behalf of the Board:

provided that, in place of or in addition to taking such security from any officer, the Board may provide against any losses that may arise in the event of his dishonesty by taking out a guarantee policy and paying the premiums thereon.

Section 22(3): repealed, on 1 January 2004, by section 76 of the Chartered Professional Engineers of New Zealand Act 2002 (2002 No 17).

23 Acting officers

During the absence from duty of any officer of the Board by reason of illness, leave of absence, or other cause, the duties and powers of such officer may be performed and exercised by an acting officer appointed by the Board, and any such appointment may be either general or for some occasion only.

24 Power to acquire land and erect dwellings for employees

- (1) The Board may from time to time—

- (a) acquire land and erect dwellings thereon for occupation by persons in the employment of the Board:
 - (b) erect, on any land vested in the Board, not being land held in trust for any special purpose, dwellings for occupation by persons in the employment of the Board:
 - (c) purchase, either within the region or adjacent thereto, land with dwellings thereon, for occupation by persons in the employment of the Board:
 - (d) purchase dwellings for removal to any land vested in the Board so that they may be made available for occupation by persons in the employment of the Board:
 - (e) convert any building for the purpose of residential occupation by any person in the employment of the Board:
 - (f) alter, enlarge, repair, and improve any dwelling erected or acquired by the Board from time to time pursuant to the provisions of this section:
 - (g) advance money to any person in the employment of the Board, upon such security and conditions as the Board thinks fit, to enable him to erect, alter, or enlarge a dwelling on any land of which he is the owner or to acquire land with a suitable dwelling already erected thereon, or to enable him to repay or refinance a mortgage of any such land, and provide for the repayment of any such advance with interest by instalments.
- (2) The Board may dispose of any dwellings and the land appurtenant thereto to any person in the employment of the Board by way of sale or lease, or upon any tenancy.
 - (3) If any dwelling acquired or erected or converted by the Board for the purposes of this section is no longer required for such purposes, the Board may sell, let, exchange, or otherwise dispose of it in such manner and on such terms as it thinks fit.
 - (4) The purposes specified in subsection (1) shall be deemed to be purposes for which the Board may borrow money under section 83.

Section 24(1)(g): amended (with effect on 1 December 1972), on 17 January 1977, by section 4(1)(a) of the Wellington Regional Water Board Amendment Act 1976 (1976 No 11 (L)).

Section 24(1)(g): amended (with effect on 1 December 1972), on 17 January 1977, by section 4(1)(b) of the Wellington Regional Water Board Amendment Act 1976 (1976 No 11 (L)).

Part 2

Bulk water supply

25 Waterworks defined

In this Part, unless the context otherwise requires, the term **waterworks** includes all rivers, streams, lakes, waters, and underground waters, and all rights appertaining thereto, and all land, watersheds, catchment areas, water collection areas, reservoirs, dams, bores, tanks, and pipes, and all buildings,

machinery, and appliances of every kind, vested in the Board or acquired or constructed or operated by or under the control of the Board under this Act, for or relating to the purpose of water supply for or to the region or any part of it, or beyond the region.

26 Board to construct waterworks

- (1) It shall be the function of the Board to investigate, construct, extend, enlarge, maintain, and repair waterworks for the bulk supply of pure water to constituent authorities.
- (2) The Board may from time to time do all such things as may be necessary for the performance of its functions.
- (3) Without limiting the generality of subsection (2), the Board may from time to time—
 - (a) subject to the provisions of the Water and Soil Conservation Act 1967, take the water from any river, stream, lake, pool, or bore:
 - (b) subject to section 27, break up and dig into the surface of any road, street, service lane, accessway, private street, private way, or public place within or outside the region:
 - (c) subject to section 27, alter any drain, sewer, gas pipe, or power or telegraph pole, or underground cable, on or under any such road, street, service lane, accessway, private street, private way, or public place so far as is necessary for the construction or repair of any waterworks:
 - (d) prospect for water by boring, measuring, or by other means, whether the land to be prospected is situated within or outside the region.
- (4) All such waterworks shall vest in the Board.
- (5) For the purpose of exercising and performing its powers and functions under this Part, the Board shall be deemed to be a local authority under the Health Act 1956; and, subject to the express provisions of this Act, the provisions of the Health Act 1956 shall for that purpose extend and apply accordingly.

27 Local authorities to be notified of work, etc

- (1) Before interfering with any local work for the purpose of constructing waterworks, the Board shall give to the local authority having the control of the work not less than 1 month's notice in writing setting out the details of the proposed works.
- (2) If that local authority objects to the interference the matter shall be referred to the Minister of Local Government, whose decision shall be final.
- (3) The Board may at any time interfere with any local work, so far as may be necessary to effect all necessary repairs to any waterworks vested in it, on giving to the local authority having the control of the work not less than 3 days' notice in writing of its intention to do so.

- (4) In any sudden emergency or danger to the waterworks or property adjoining the Board may, without any previous notice, proceed to effect the necessary repairs, but shall as soon as practicable thereafter inform the local authority.
- (5) If the Board breaks up and digs into any land held for a local work for the purpose of constructing or repairing any waterworks, it shall, as soon as practicable, reinstate and make good the land or, at the option of the local authority having control of the local work, pay to it the cost of such reinstatement and making good; and shall indemnify such local authority in respect of any action, suit, claim, or demand arising directly or indirectly out of such work.
- (6) In this section—

local authority has the same meaning as in the Public Works Act 1928; and includes an owner within the meaning of the Gas Industry Act 1958

local work has the same meaning as in the Public Works Act 1928; and includes a gas undertaking within the meaning of the Gas Industry Act 1958.

Section 27(2): amended, on 1 April 1988, by section 8 of the Ministry of Works and Development Abolition Act 1988 (1988 No 42).

28 Entry on private land

- (1) Subject to the provisions of this section and of section 29, the Board may cause to be placed on or under any private land or under any building such pipes as it considers necessary for the conveyance of any water in connection with any waterworks:
provided that it shall not be lawful so to place any such pipe, other than an underground pipe, unless the permission in writing of the owner of the land or building has first been obtained.
- (2) Where, pursuant to subsection (1) or with the consent of the owner or occupier, any pipe or other part of any waterworks is at any time put on or under any private land, the Board may thereafter from time to time enter thereon to alter, renew, repair, or cleanse any such pipe or other part of the waterworks when required.
- (3) Except as otherwise provided in this section or where entry is to be made for the purpose of making surveys, nothing in this Part shall confer any right of entry on to private land without the consent of the owner or occupier.

29 Restrictions on entry

- (1) Before the Board causes any pipes to be placed on or under any private land or under any building, the following conditions shall be complied with:
 - (a) a plan and description of the proposed pipeline, showing how it affects the land, shall be deposited for public inspection at the office of the Board and at the office of the constituent authority within whose district the land is situated:

- (b) the Board shall give notice in writing to the occupier of the land, and also to the owner when known, of the intention to place the pipe under or on the land, and shall refer in the notice to the plan and description, and state where the same are on view:
 - (c) if within 1 month after the notice is given the occupier or owner serves on the Board a written objection to the proposed work the Board shall appoint a day for hearing the objection, and shall give notice of the same to the objector:
 - (d) the Board shall hold a meeting on the day so appointed, and may, after hearing any person making any objection, if present, determine to abandon the work proposed or to proceed therewith, with or without such alterations as the Board thinks fit.
- (2) Any person who is aggrieved by any determination of the Board under paragraph (d) of subsection (1) to proceed with the work proposed (with or without alterations) may appeal to the District Court against that determination within 14 days after the date thereof. Pending the decision of the court on the appeal, the Board shall not proceed with the work.
- (3) On the hearing of the appeal, the court, whose decision shall be final, may confirm or amend or set aside the determination of the Board.

Section 29(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

30 Surplus water may be sold for motive power

Subject to the consent of the constituent authority within whose district the water supply is to be given, the Board may from time to time, where the supply of water in any local district is in excess of all demands for general, ordinary, and extraordinary supply within the meaning of any bylaw, enter into contracts to supply any person with an extraordinary supply of water for use as a motive power for any term not exceeding 7 years, upon such terms and conditions and at such charges, to be paid in such manner, as the Board thinks fit; and may at any time, on giving 3 months' notice in writing or, if the aforesaid excess of water fails, may at any time without previous notice, discontinue that extraordinary supply, without being liable to pay any compensation for the discontinuance.

31 Board may purchase waterworks

The Board may purchase any waterworks within or outside the region, and those waterworks, when purchased, shall be deemed to be waterworks constructed under this Part.

32 Board may contract for water supply

The Board may contract, for any period not exceeding 21 years at one time, with the owners of any waterworks or any other person for such supply of water as the Board thinks necessary for the purposes of this Part.

33 Drawing off water from streams supplying waterworks

Every person who, without lawful authority, does any act whether previously authorised in that behalf or not, whereby the waters of any river or stream, being a part of any waterworks under this Part, are drawn off or diminished in quantity, and does not immediately on receiving notice in writing in that behalf from the Board restore the river or stream to the state in which it was in all respects before that act, commits an offence and is liable on conviction to a fine not exceeding \$200 for every day during which the offence has continued; and the Board may, if it thinks fit, itself restore the river or stream to the said former state, and may recover from that person all the expenses incurred by so doing.

Section 33: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

34 Offences with respect to waterworks

- (1) Every person commits an offence and is liable on conviction to a fine not exceeding \$200 who does any of the following things:
- (a) negligently injures or destroys any part of the waterworks; or
 - (b) unlawfully draws off or diverts any water belonging to the waterworks; or
 - (c) bathes, or washes clothing or other things, in any water of the waterworks; or
 - (d) throws any animal or refuse or litter or debris of any sort into any water of the waterworks; or
 - (e) wilfully obstructs any person acting under the authority of the Board in doing anything which the Board is by this Part empowered to do; or
 - (f) opens the ground so as to uncover any pipe belonging to the waterworks, or connects any pipe with any such pipe, without the prior written permission of some person acting with the authority of the Board in that behalf; or
 - (g) connects any pipe with a pipe of the waterworks except in the presence of and pursuant to the direction of the officer appointed by the Board to superintend the same; or
 - (h) connects with a pipe of the waterworks any pipe of a strength or material not approved by the Board.

- (2) Every person who commits an offence against this section may, in addition to any penalty for the offence, be ordered to pay the cost incurred by the Board in repairing the injury done to any part of the waterworks by any such act.

Section 34(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

35 Pollution of waterworks

- (1) Every person commits an offence who throws or pours any pollutant, or suffers or allows any pollutant to fall or flow, into any water or watershed, being a part of or taken or used for supplying water to any waterworks, or who suffers or permits any livestock of which he is the owner or of which he has control to trespass on to any waterworks.
- (2) Every person who commits an offence against this section is liable on conviction to a fine not exceeding \$200, and to a further fine not exceeding \$20 for every day during which the offence has continued after he has received notice in writing from the Secretary to discontinue the same.
- (3) In this section, **pollutant** means anything which contaminates water so as to change its physical or chemical condition in such a manner as to make it unclean, noxious, or impure, or as to be detrimental to the health, safety, or welfare of persons using the water, or as to render the water undrinkable.

Section 35(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

36 Factories, etc, may be examined

The Board may at any time, by any authorised officer or employee, enter upon any works, factory, or business premises and cause the same to be thoroughly examined in order to ascertain whether any pollutant therefrom is flowing into any water or watershed, being a part of, or used to supply water to, any waterworks, and may take samples of liquids being discharged therefrom; and, if it appears upon that examination that such is the case, the Board may recover from the person carrying on or managing or having charge or control of the works, factory, or business premises all the expenses incurred in making the examination and in analysing any sample so taken.

37 Diversion of water from waterworks in case of flood

The Board may in time of flood or other emergency lead any surplus water from any waterworks vested in it into any natural stream with a view to the protection of the waterworks.

38 Supply of water to constituent authorities

- (1) Subject to subsection (2), the Board shall, if and when water is available under the operation of this Act, supply water to every constituent authority on such terms and conditions as may be fixed by the Board after consultation with the constituent authority.

- (2) The amount of water allocated for supply to each constituent authority shall from time to time be fixed by the Board after consultation with the constituent authority. On determining the amount of water to be allocated to any constituent authority the Board shall forthwith notify the authority in writing of the amount of the allocation.
- (3) Every supply of water shall be delivered to the inlet of the service reservoirs or to the first reticulation branch or such other point or points as may be agreed upon between the Board and the constituent authority to be supplied, within the district of that authority.
- (4) All works, equipment, and fittings installed and provided in connection with the distribution of water received from the Board shall conform in every respect to the standards from time to time laid down by or approved by the Board relating to design, materials, workmanship, repair, and maintenance. The Board may restrict any supply of water or disconnect any service in respect of which this requirement is not observed or performed on giving to the constituent authority not less than 1 month's notice in writing of its intention to do so.
- (5) Before any constituent authority makes any bylaw which includes provisions—
 - (a) prescribing the size, nature, materials, strength, and workmanship, and the method of arrangement, connection, disconnection, alteration, and repair of water fittings; or
 - (b) forbidding the use of any water fittings which are of such a nature or are so arranged or connected as to cause or permit, or be likely to cause or permit, waste, undue consumption, misuse, erroneous measurement, or contamination of water, or reverberation in pipes—it shall forward a copy of the proposed bylaw to the Board and take into account any comments or suggestions the Board may make in respect of the proposed bylaw.
- (6) No consumer shall receive water from the Board otherwise than by way of a feeder main coming from a source of water controlled by the Board unless the Board in any case otherwise approves.

39 Appeals relating to supply of water

- (1) If any constituent authority is dissatisfied with any decision of the Board under subsection (1) or subsection (2) of section 38, it may appeal against the decision to the High Court.
- (2) The decision of the High Court on any such appeal shall be final.

Section 39(1): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 39(2): replaced, on 15 August 1991, by section 3(4) of the Judicature Amendment Act 1991 (1991 No 60).

40 Board may operate constituent authority's waterworks

The Board may, at the request of any constituent authority, investigate, construct, operate, repair, and maintain waterworks necessary to distribute water to consumers within such area and on such terms and conditions as may be agreed upon between the Board and the constituent authority.

41 Supply of water outside the region

- (1) The Board may, with the consent of the local authority of the district in which the supply is given and of any other authority responsible for the supply of water within that district, supply any person outside the region with water; and for that purpose all the provisions of this Part relating to waterworks, and all the powers given to the Board thereby, shall apply equally to all places, persons, and things outside as they apply to the same within the region.
- (2) The Board may, subject to the consent of the local authority to whose district water is to be supplied, contract, on such terms and conditions as it thinks fit, with the local authority of any district adjoining the region or with any other local authority responsible for water resources, to supply water to that local authority.
- (3) The Board may at any time, on giving 12 months' notice in writing of its intention so to do, discontinue the supply of water outside the region without being liable to pay any compensation for the discontinuance:

provided that nothing in this subsection shall apply in any case where water is supplied to any local authority pursuant to a contract entered into under subsection (2).

42 Constituent authorities not to carry out Board's functions

- (1) Notwithstanding anything to the contrary in the Municipal Corporations Act 1954 or the Counties Act 1956, no constituent authority shall carry out any of the Board's functions under this Part without the written consent of the Board.
- (2) Except as otherwise provided in subsection (1), the provisions of Part 17 of the Municipal Corporations Act 1954 or of Part 18 of the Counties Act 1956, as the case may require, shall apply in respect of the constituent authorities and their districts.

43 Water collection and forestry areas

- (1) The Board may from time to time by notice in the *Gazette* set apart any land vested in it or under its control as a water collection area or as a forestry area.
- (2) All land held by the Mayor, Councillors, and Citizens of the City of Wellington, under the Wellington City and Suburban Water-supply Act 1927, for forestry purposes shall, on the commencement of this Part, be deemed to have been set apart as a forestry area under subsection (1).

Part 3

Forestry provisions

44 Forestry

- (1) The Board shall, subject to this Part, have the exclusive control and management of water collection areas and forestry areas vested in it or under its control in respect of—
 - (a) all matters of forest policy;
 - (b) all forests;
 - (c) the establishment, maintenance, and utilisation of forests, and the establishment and maintenance of nurseries;
 - (d) the granting of leases, permits, licences, and other rights and authorities granted under this Part;
 - (e) the enforcement of the conditions of such leases, permits, licences, rights, and authorities;
 - (f) the collection and recovery of all fees, rents, royalties, charges, and revenues under this Part; and
 - (g) the administration of this Part.
- (2) The Board may, with the approval of the Minister of Forests, accept the control and management of other areas within the region for forestry purposes.
- (3) Notwithstanding anything to the contrary in this Act, no timber shall be felled on the land eighthly described in Schedule 1 of the Wellington City and Suburban Water-supply Act 1927 without the written consent of the Minister of Lands, who may refuse to consent or may give his consent unconditionally or subject to such terms and conditions as he thinks fit to impose.

45 Sale of land

- (1) The Board may from time to time, with the prior written consent of the Minister of Forests, sell all or part of any forestry area or of any other land vested in the Board and used for forestry purposes in such manner, for such price, and subject to such terms and conditions as that Minister approves:

provided that no part of the land eighthly described in Schedule 1 of the Wellington City and Suburban Water-supply Act 1927 shall be sold under this section without the prior written consent of the Minister of Lands.
- (2) Subject to the terms and conditions of any such approval, the net proceeds of any such sale shall be applied in or towards the purchase of other land to be held by the Board for the purposes of this Part or for the purpose of forestry operations.
- (3) Section 35 of the Public Works Act 1928 shall not apply in respect of any land sold under the authority of this section.

46 Forest officers

- (1) The Board may from time to time designate any employee as a forest officer.
- (2) Any forest officer may, with the written consent of the Secretary, hold an auction of forest produce whether or not the forest officer is registered as an auctioneer under the Auctioneers Act 2013.

Section 46(2): amended, on 18 December 2013, by section 28(3) of the Auctioneers Act 2013 (2013 No 148).

47 Honorary rangers

The Board may from time to time appoint persons to be honorary rangers on such terms and conditions as it thinks fit.

48 Industries

The Board may establish and carry on any operations or industries relating to the extraction, removal, conversion, or distribution of timber and other forest produce, and may construct, purchase, or hire buildings, plant, and machinery for that purpose.

49 Working plans

- (1) The Board shall from time to time prepare working plans in respect of forestry operations in forestry areas and in other land vested in or under the control of the Board and used for forestry purposes.
- (2) A working plan shall not come into force until it is approved by the Minister of Forests and may, with the consent of that Minister, be altered by the Board.
- (3) Every such plan shall, subject to any rights existing on the date of its adoption by the Board and to the provisions of this Part, regulate the management of the forest area to which it relates for such period not exceeding 10 years as may be specified in the plan.
- (4) Every working plan shall specify—
 - (a) the maximum area of the land affected from which forest produce may be taken annually;
 - (b) the maximum quantity of forest produce that may be disposed of annually;
 - (c) forestry operations proposed to be carried out during the currency of the plan;
 - (d) the protection and development operations to be carried out; and
 - (e) such other matters as the Board thinks fit.
- (5) The Board shall not carry out any forestry operations unless and until a plan relating thereto is in force, and all such operations shall be carried out in accordance with the plan.

- (6) The Board shall, not later than 30 April in each year, forward to the Minister of Forests a report for the financial year then immediately preceding setting out in detail particulars of forestry operations and of the administration of all forestry areas and all other land vested in or under the control of the Board for forestry purposes, and of the financial operations relating thereto, and at the same time shall submit a plan of operations and of the administration proposals for the ensuing year for the approval of the Minister.

50 Disposal of forest produce

The Board may dispose of by private sale, tender, or auction any timber, trees, tree seeds, firewood, or other forest produce, derived from forestry operations.

51 Licences to take forest produce

- (1) Subject to this Part, the Board may grant licences to take forest produce from any water collection area or forestry area on such terms and conditions as it thinks fit.
- (2) A licence to take forest produce may confer on the licensee rights over the land specified in the licence for the purpose of obtaining, converting, and removing such timber and other forest produce as may be specified in the licence.
- (3) Any such licence may confer on the licensee exclusive rights in respect of the produce specified in the licence, or may confer on the licensee rights in respect of such produce to be exercisable in common with any other licensee or licensees.
- (4) Every such licence shall be granted subject to the payment by the licensee of such royalties, rent, charges, or other fees as may be prescribed.
- (5) All forest produce obtained under the authority of such a licence and not removed from the area to which the licence applies within 30 days after the expiry of the licence or any renewal thereof, shall be forfeited to the Board and may be disposed of by the Board in accordance with section 50.

52 Permits for temporary occupation

- (1) Subject to this Part, the Board may from time to time grant permits for the temporary occupation of any water collection area or forestry area on such terms and conditions as it thinks fit.
- (2) Such a permit may confer on the holder the right to enter on the land specified in the permit and to do all such things as may be specified in the permit, not being prejudicial to forestry or water supply or to the rights conferred on any person by any lease or licence under this Act.

53 Licences for grazing and other purposes

- (1) Subject to this Part, the Board may from time to time grant, in respect of forestry areas, licences for all or any of the following purposes:
- (a) grazing, and other purposes of a similar nature:

- (b) sites for sawmills, timber depots, tramways, and incidental purposes:
 - (c) sites for tents, buildings, and dwellings:
 - (d) sites for industrial purposes:
 - (e) such other purposes as the Board thinks fit.
- (2) No such licence shall be granted for a term of more than 21 years, but any licence may contain 1 right of renewal for a term not exceeding the original term.
- (3) Every such licence shall be granted subject to the payment by the licensee of such rent, charges, or other fees, and subject to such conditions, as may be prescribed from time to time by the Board.
- (4) No compensation shall be payable to a licensee on the expiry or prior termination of any such licence for any improvements effected on the land to which the licence relates; but, subject to subsection (5), the licensee shall be entitled, at any time before or within 3 months after the expiry of the licence, to remove any buildings, plant, or machinery constructed or acquired by him, or to dispose of them to an incoming licensee.
- (5) The Board shall have the right at any time within the last year of the licence to notify the licensee that the Board intends, on the expiry of the licence, to purchase any such buildings, plant, or machinery at a price to be fixed, in default of agreement, by arbitration; and in any such case the buildings, plant, and machinery shall on the expiry of the licence become the property of the Board, and shall not be removed from the land by the licensee.

54 Forfeiture of licences and permits

Every licence or permit granted under this Part shall be liable to forfeiture on default, for a period to be specified in the licence or permit, in the payment of any royalties, rent, charges, or fees payable thereunder, or for any breach or non-observance by the holder of any of the provisions of this Part or of any bylaws made thereunder or of the terms and conditions of the licence or permit.

55 Certain provision of the Municipal Corporations Act 1954 applied to licences

Subject to this Part, the provisions of sections 153, 155 to 160, and 162 of the Municipal Corporations Act 1954 shall, with the necessary modifications, apply to licences granted under this Part.

56 Scenic ways and pleasure grounds

- (1) The Board may from time to time construct and maintain scenic ways on any land owned by or vested in or controlled by the Board.
- (2) The Board may from time to time, on any water collection area or forestry area, construct pleasure grounds, parking places, and buildings for the amusement

and convenience of the public, and may charge such admission fees in respect thereof as it thinks fit.

57 Offences in respect of water collection and forestry areas

Every person commits an offence and is liable on conviction to a fine not exceeding \$200 who, within any water collection or forestry area vested in or under the control of the Board, except pursuant to a licence or permit granted under this Part or to other lawful authority,—

- (a) hunts, shoots, kills, destroys, lays poison, or sets traps for the purpose of killing or capturing any animal or bird; or
- (b) liberates any animal or bird; or
- (c) occupies or clears or breaks up any land for any purpose; or
- (d) causes any pollution; or
- (e) lights any fire.

Section 57: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

58 Water supply and forestry bylaws

- (1) Subject to section 112, the Board may, in respect of its waterworks, water collection areas, and forestry areas, and other areas under its control, make bylaws for all or any of the following purposes:
 - (a) good rule and government of water collection areas and forestry areas:
 - (b) prescribing the terms and conditions of licences and permits granted under this Part:
 - (c) regulating, controlling, or prohibiting traffic within any area vested in the Board for the purposes of this Part:
 - (d) regulating, controlling, or prohibiting access to, entry on, and egress from any land vested in or under the control of the Board for the purposes of this Part, and providing for the prevention of damage to waterworks:
 - (e) regulating drainage and sanitation:
 - (f) providing for scenic ways and their use, and providing for and regulating the construction of anything on, over, or under scenic ways:
 - (g) regulating, controlling, or prohibiting bathing and swimming:
 - (h) preventing danger from fire:
 - (i) regulating the management of forests and the cutting, hewing, sawing, or other methods of conversion of timber or other forest produce:
 - (j) prescribing the procedure for the sale by auction or tender or otherwise of forest produce, and prescribing upset prices and minimum royalties and charges:

- (k) providing for the payment of fees or deposits with any application or tender for a licence under this Part, and prescribing the amounts of such fees or deposits:
 - (l) prescribing the manner in which forest produce from water collection areas or forestry areas is to be branded or marked:
 - (m) requiring the holders of licences or permits in respect of timber or forest produce to produce for inspection to any officer of the Board the books of accounts, returns, and other documents connected with the licence or permit:
 - (n) regulating, controlling, or prohibiting destruction of or damage to plant life:
 - (o) regulating, controlling, or prohibiting the lighting of fires on any land vested in or under the control of the Board for the purposes of this Part, and providing for the prevention and suppression of such fires:
 - (p) authorising forest officers to detain or seize any produce produced in any water collection area or forestry area.
- (2) Any such bylaw may apply only to part of any land vested in or under the control of the Board for the purposes of this Act.
- (3) Except for the purpose of preventing damage to, or protecting, waterworks and water collection areas and forestry areas vested in or under the control of the Board, no bylaw shall in any way affect the rights of the holder of any licence issued under the Fisheries Act 1908.

Part 4 Underground water

59 Interpretation

In this Part, unless the context otherwise requires,—

bore means every device for, or means of, tapping underground water; but does not include a natural spring or natural watercourse unless something has been done to it by any person which increases the amount of underground water tapped by it

underground water means natural water which is below the surface of the ground, the bed of the sea, or the bed of any lake or river or stream, whether the water is flowing or not and, if it is flowing, whether it is in a defined channel or not; and includes all natural water which has been, by means of a bore, brought above the surface from below the surface of the ground, the bed of the sea, or the bed of any lake or river or stream.

60 Underground Water Act 1953, etc, not to apply to Board

Except for the purposes of section 67, the provisions of—

- (a) the Underground Water Act 1953; and
- (b) paragraph (j) of subsection (5) of section 20 of the Water and Soil Conservation Act 1967—

shall not apply in respect of the Board or the region.

61 Bylaws

- (1) The Board may from time to time make bylaws for all or any of the following purposes:
 - (a) controlling, regulating, or limiting the locations, dimensions, and depths of bores; or prohibiting the making of bores within the whole or any specified part or parts of the region:
 - (aa) controlling, regulating, or limiting the use of a bore for the purpose of taking and using underground water under any land in that part of the region described in Schedule 2:
 - (b) requiring the lining, sealing, capping, filling, restriction, or control of bores:
 - (c) controlling, regulating, limiting, or prohibiting in the whole or any specified part or parts of the region any boring, drilling, pile driving, dredging, or digging which would or might affect underground water which is within the region:
 - (d) providing for the inspection, cleaning, and repairing of bores:
 - (e) requiring the issue of a permit by the Board before any bore is used, made, or altered:
 - (f) prescribing the form of any permit or dispensation which may be issued or granted under this Part and all or any of the terms and conditions thereof:
 - (g) requiring any person claiming to hold a permit or dispensation under this Part to produce it for inspection:
 - (h) prohibiting or preventing uneconomic or wasteful methods of extraction and of utilisation of underground water which is within the region:
 - (i) requiring persons who make or maintain bores to keep records and provide information in relation to those bores that would or might be of value to the Board in the proper performance of its functions:
 - (j) requiring persons to permit free access to any records kept in accordance with any such requirement, or to any bore, of a person duly authorised by the Board for the purpose of—
 - (i) inspecting and taking copies of or extracts from the records:
 - (ii) inspecting the bore and the material excavated therefrom:
 - (iii) taking any specimen of any such material or of the water from the bore:

- (k) specifying in respect of any purpose for which underground water is required the source of supply and limits of depth from which the water may be taken:
 - (l) protecting the purity of underground water within the region for domestic, farming, and industrial use:
 - (m) providing for any dispensation from observance of any bylaw to be granted by the Board or by the holder for the time being of any specified office or by any specified person:
 - (n) controlling, regulating, limiting, or prohibiting, on land anywhere within the region or within any specified part or parts thereof, the placing or discharge on, onto, or into the ground of anything which is liable to affect detrimentally the purity of underground water in the region either directly or indirectly.
- (2) With the exception of any bylaw made under subsection (1)(aa), any such bylaw may apply within the whole of the region or within such part or parts thereof as may be specified in the bylaw.
- (3) Unless the Governor-General, by Order in Council, in any case otherwise provides, and subject to such conditions as he may impose, no bylaw made under this Part shall affect—
- (a) any mining privilege under the Mining Act 1971:
 - (b) any coal mining right under the Coal Mines Act 1925:
 - (c) any licence under the Petroleum Act 1937:
 - (d) any coal mine within the meaning of the Coal Mines Act 1925 or any quarry within the meaning of the Quarries Act 1944:
 - (e) any bore sunk in the mining of or search for coal within the meaning of the Coal Mines Act 1925:
 - (f) any bore sunk in the mining of or search for minerals within the meaning of the Mining Act 1971:
 - (g) any bore sunk in the search for or recovery of petroleum products:
 - (h) any bore sunk under the Geothermal Energy Act 1953:
 - (i) any bore sunk by the Mines Department or the New Zealand Geological Survey or any other bore which is for the time being in use and which has been sunk only for the purpose of obtaining geological, geophysical, or geochemical information:
 - (j) any right which any person may have under any other Act or any rule of law to restrict or prevent, or obtain damages in respect of, the taking, use, or pollution of underground water.
- (4) Notwithstanding the provisions of subsection (1) of section 21 of the Water and Soil Conservation Act 1967, any bylaw made under this Part may apply to any

bore used for tapping underground water for domestic needs or the needs of animals or for or in connection with fire-fighting purposes.

Section 61(1)(aa): inserted (with effect on 1 April 1974), on 3 May 1975, by section 2(1) of the Wellington Regional Water Board Amendment Act 1975 (1975 No 3 (L)).

Section 61(1)(e): replaced (with effect on 1 April 1974), on 3 May 1975, by section 2(2) of the Wellington Regional Water Board Amendment Act 1975 (1975 No 3 (L)).

Section 61(2): replaced (with effect on 1 April 1974), on 3 May 1975, by section 2(3) of the Wellington Regional Water Board Amendment Act 1975 (1975 No 3 (L)).

62 Appeal against refusal to grant permit or dispensation

The provisions of section 25 of the Water and Soil Conservation Act 1967 shall apply to every decision of the Board to refuse to grant a permit or a dispensation from observance of any bylaw, under this Part, as if it were a decision of the Board under section 24 of that Act.

63 Disallowance of bylaws

- (1) The Minister of Works and Development may at any time, by notice in the *Gazette*, disallow, in whole or in part, any bylaw made under this Part if in his opinion the bylaw is unreasonable or undesirable.
- (2) On any such disallowance the bylaw shall, to the extent to which it is so disallowed, become wholly void as if it had been revoked.
- (3) Any such disallowance shall take effect as aforesaid either on the day of the publication of the notice of disallowance in the *Gazette* or on such later date as may be specified in that behalf in the notice.
- (4) Any such disallowance shall not affect the validity of anything done, before the disallowance took effect, under the bylaw or part of the bylaw disallowed.

Section 63(1): amended, on 21 November 1973, pursuant to section 2(4)(a) of the Public Works Amendment Act 1973 (1973 No 44).

64 Breach of bylaws

- (1) Every person who acts in contravention of or fails to comply with any provision of any bylaw made under this Part commits an offence and shall be liable on conviction—
 - (a) if the bylaw was made under paragraph (l) or paragraph (n) of subsection (1) of section 61, to a fine not exceeding \$2,000 and, if the offence is a continuing one, to a further fine not exceeding \$100 for every day or part of a day during which the offence has continued;
 - (b) in any other case, to a fine not exceeding \$100 and, if the offence is a continuing one, to a further fine not exceeding \$10 for every day or part of a day during which the offence has continued.
- (2) For the purposes of this section, the continued existence of anything in a state contrary to any provision of any bylaw made under this Part shall be deemed to be a continuing offence.

- (3) Without limiting the liability of any person to be convicted of an offence under subsection (1), the High Court shall have jurisdiction to restrain any breach or threatened breach of any bylaw made under this Part by injunction at the instance of the Board, and to make such order in the matter as to costs and otherwise as it thinks fit.

Section 64(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 64(3): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

65 Charges for water

Except as provided in section 66, nothing in any bylaw made under this Part shall authorise the Board to make a charge against or levy upon the owner or occupier of any land in respect of any natural water taken on the land or from any bore on the land.

66 Charges for permits in part of region

- (1) The Board may from time to time, by resolution, fix charges in respect of permits, issued under bylaws made under this Part, relating to any land in that part of the region described in Schedule 2.
- (2) Such charges may be based on total consumption or total allocation or peak usage or on any combination of those bases:
provided that the charges so made in any financial year—
- (a) in the case of the quantity of underground water lawfully taken by any person for his reasonable requirements without waste in any period of 24 hours in the year ended 31 March 1963 from any bore or system of bores in existence in the said part of the region on 18 March 1959, shall not exceed a fair and reasonable sum based on the assessed cost of administration, investigation, and research relating to underground water in the said part of the region:
- (b) in all other cases shall not exceed a fair and reasonable sum based on the assessed costs of bulk water supplied in the region.
- (3) Nothing in subsection (1) shall apply in respect of any bore being used on any land if the underground water being tapped is reasonably required for fire-fighting purposes or is used exclusively for, and not in excess of the reasonable needs of, the owners and occupiers of the land for domestic purposes or for the needs of any animals usually on the land.
- (4) Any holder of a permit may object to any charges under subsection (1) by lodging a written notice of objection with the Registrar of the office of the District Court nearest to the land to which the permit relates or, with the consent of the Board, with the Registrar of any other office of the District Court.
- (5) A copy of the notice of objection shall be served on the Board either before or immediately after it is lodged with the Registrar.

- (6) The Registrar of the court shall give notice of the time and place fixed for the hearing of the objection to the objector and the Board.
- (7) The Board and the objector, either personally or by their counsel, shall be entitled to be present and to be heard at the hearing of the objection.
- (8) On hearing the objection, the court shall allow the objection in whole or in part or decline it.
- (9) The decision of the District Court on any such objection shall be final.

Section 66(2) proviso paragraph (a): replaced (with effect on 1 April 1975), on 3 May 1975, by section 3(1) of the Wellington Regional Water Board Amendment Act 1975 (1975 No 3 (L)).

Section 66(3): replaced (with effect on 1 April 1975), on 3 May 1975, by section 3(2) of the Wellington Regional Water Board Amendment Act 1975 (1975 No 3 (L)).

Section 66(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 66(9): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

67 Saving of existing bylaws

Every bylaw made by the Hutt Valley Underground Water Authority that is in force immediately before the commencement of this Part shall, so far as it is not inconsistent with this Part, for all purposes be deemed to have been made by the Board and shall continue in force within those parts of the region to which it related until it is superseded by a bylaw made by the Board or by a resolution of the Board under subsection (1) of section 66.

Part 5

Soil conservation and rivers control

68 Application of Soil Conservation and Rivers Control Act 1941

- (1) Subject to the express provisions of this Act—
 - (a) the provisions of the enactments set out in Schedule 3 shall, with the necessary modifications, apply in respect of the Board as if it were a Catchment Board:
 - (b) references in the said provisions to a Catchment Board shall be read as references to the Board:
 - (c) references in the said provisions to a catchment district shall be read as references to the region.
- (2) In its application to the region and the Board, the references in section 11 of the Soil Conservation and Rivers Control Amendment Act 1948 to a valuation roll shall be read as references to the valuation rolls prepared in respect of the districts of the constituent authorities under section 28 of the Valuation of Land Act 1951 or section 28 of the Rating Act 1967.

68A Affiliation with Catchment Authorities' Association

For the purposes of its functions under section 68, the Board may affiliate with the New Zealand Catchment Authorities' Association and may out of administrative funds pay the annual subscription to the Association and the actual and reasonable travelling expenses of its representatives incurred in attending meetings of the conferences of the Association or any other meetings whatsoever called, or approved, by the Minister for the Environment.

Section 68A: inserted (with effect on 1 April 1975), on 3 May 1975, by section 4 of the Wellington Regional Water Board Amendment Act 1975 (1975 No 3 (L)).

Section 68A: amended, on 1 April 1988, pursuant to section 52(1) of the Soil Conservation and Rivers Control Amendment Act 1988 (1988 No 48).

Part 6 Powers and duties

69 General powers of the Board

- (1) The Board shall, in addition to any other powers given to it by this Act, have the power—
- (a) to enter, by itself or its officers, agents, or servants, without being deemed to commit trespass, upon any unoccupied land or buildings, or upon any occupied land or buildings after giving to the occupier thereof not less than 24 hours' previous notice of the intended entry, for the purpose of making any surveys or, subject to section 29, doing anything which the Board is empowered to do under the provisions of this Act:
 - (b) to make surveys or inspections for or in connection with any proposed work or with a view to carrying out any of the purposes of this Act, and for any such purpose to exercise all or any of the powers given by Part 5 of the Public Works Act 1928 for the purposes of that Act, all of the provisions of which shall, subject to paragraph (a), apply to any survey or inspection made under this section, and to any survey mark or other thing made, fixed, or set up in connection therewith:
 - (c) to take, in the manner provided by the Public Works Act 1928, or purchase, or otherwise acquire and hold any land, or any estate or interest in land, within or outside the region, which in its opinion is necessary or convenient for the purposes of or in connection with any work which the Board is empowered to undertake, construct, or provide, or for carrying out any of the purposes of this Act:
 - (d) without any previous payment, tender, or deposit to enter upon and use any land within the region for the purpose of taking therefrom any earth, clay, stone, boulders, gravel, sand, and other material:
 - (e) at all reasonable times, by itself, its engineers, officers, agents, and employees, and with or without vehicles, plant, and machinery, to enter

into and pass through and over any land within the region for the purpose of constructing, altering, repairing, inspecting, and maintaining any work which the Board is empowered to undertake, construct, or provide; and for that purpose to make on any such land temporary roads or approaches to the work, doing thereby no unnecessary or avoidable damage to the land:

- (f) to lay or deposit on any land within the region any materials whatsoever to be used in connection with any work which the Board is empowered to undertake, construct, or provide.
- (2) Except in the case of an emergency, the powers conferred on the Board by paragraphs (d) to (f) of subsection (1) shall not be exercised unless not less than 24 hours' previous notice of the intended entry has been given to the occupier of the land.

70 Public Works Act 1928 to apply to construction of works

The Board, in carrying out or executing any work it is empowered to undertake under this Act shall have and may exercise all the powers and authorities given to local authorities by the Public Works Act 1928.

71 Land acquired for works to vest in the Board

All land taken, purchased, or acquired under section 69 shall be vested in the Board for the purpose for which it was acquired, subject to the provisions of the Public Works Act 1928 relating to a change of that purpose.

72 Board may purchase land, plant, and machinery

- (1) Any land purchased by the Board may, with the approval of the Minister of Local Government, be paid for by the Board out of the revenue by instalments extending over a period not exceeding 20 years, and interest at such rates as the Minister of Local Government approves may be paid by the Board in respect of any portion of the purchase money that may for the time being be unpaid:

provided that, except in any case where the rate of interest is fixed by any other enactment, the Minister of Local Government shall not approve a rate of interest in excess of the maximum rate determined for the time being by the Minister of Finance for the purposes of section 9 of the Local Authorities Loans Act 1956:

provided also that the approval of the Minister of Local Government to the purchase or to the rate of interest shall not be required in the case of the purchase of land from the Crown on deferred payment licence under the Land Act 1948, and the instalments under any such licence may extend over a period not exceeding 30 years.

- (2) The Board may from time to time purchase or hire plant and machinery for the purpose of executing any of its works.

- (3) The Board may sell or let out on hire or on loan, on such terms as it thinks fit, any such plant or machinery purchased by it.

Section 72(1): amended, on 1 April 1988, by section 8 of the Ministry of Works and Development Abolition Act 1988 (1988 No 42).

Section 72(1) first proviso: amended, on 1 April 1988, by section 8 of the Ministry of Works and Development Abolition Act 1988 (1988 No 42).

Section 72(1) second proviso: amended, on 1 April 1988, by section 8 of the Ministry of Works and Development Abolition Act 1988 (1988 No 42).

73 Contracts for works

- (1) The Board may from time to time enter into such contracts as it thinks fit for the execution of any works directed or authorised by this Act to be done by the Board or for furnishing materials or for any other thing necessary for the purposes of this Act.
- (2) If a contract is for the execution of any work, it shall specify the work to be done, and the materials to be furnished, and the price to be paid for the same, and the time or times within which the work is to be completed, and the penalties to be suffered in the case of non-performance thereof.
- (3) The provisions of Schedule 5 of the Municipal Corporations Act 1954 shall, with the necessary modifications, apply to contracts entered into under this section.

74 Co-operative contracts

- (1) The Board may from time to time make any contract for work or labour to be done on a co-operative system to any value or amount without calling for public tenders, or carry out any work or employ labour without the intervention of a contractor.
- (2) The Board shall keep at its offices a list of the rates of wages and the hours of labour to be paid and observed on works which are to be done on the co-operative system or which the Board resolves to conduct without the intervention of a contractor.
- (3) The list shall be based on the rates of wages and hours of labour generally accepted as usual and fair in the trade or class of labour to which they relate, and shall at all reasonable times be open to public inspection.

75 Board may make compositions

The Board may compound with any person for such sum of money or other recompense as it thinks fit in respect of the breach of any contract, or of any penalty incurred thereunder, or of any debt due to the Board, or of any damage by the Board or its employees, whether before or after any action is brought for or in respect of the same.

76 Compensation payable by Board for land taken or injuriously affected

Every person having any estate or interest in any land taken under the authority of this Act for any work, or injuriously affected thereby, or suffering any damage from the exercise of any of the powers conferred by this Act, shall be entitled to full compensation for the same from the Board. That compensation may be claimed and shall be determined in the manner provided by the Public Works Act 1928.

77 Government works not to be interfered with

- (1) Nothing in this Act shall—
- (a) authorise the Board to interfere with any public work used, operated, executed, or carried on by or under the control of the Government without the previous consent and approval of the Minister of the Crown under whose control the work is being used, operated, executed, or carried on; or
 - (b) prejudice or affect any power or authority vested in the Crown, or in the Governor-General or in any Minister or other person on behalf of the Crown or the Governor-General under any Act authorising the erection, construction, carrying on, or maintenance of any work; or
 - (c) authorise the Board to interfere with any State highway within the meaning of the National Roads Act 1953 without the prior consent of the National Roads Board, which may be granted subject to such conditions whether as to reinstatement or payment of the cost of reinstatement or otherwise, as the National Roads Board thinks fit.
- (2) In giving any consent and approval under subsection (1), the Minister may impose such conditions as he thinks fit for the protection and safety of the public work.
- (3) In any sudden emergency or danger to any waterworks or property adjoining the Board may, without any previous notice, proceed to effect the necessary repairs, but shall as soon as practicable thereafter inform the appropriate Minister or the National Roads Board, as the case may require.

Section 77(1)(a): amended, on 1 April 1988, by section 8 of the Ministry of Works and Development Abolition Act 1988 (1988 No 42).

Section 77(2): amended, on 1 April 1988, by section 8 of the Ministry of Works and Development Abolition Act 1988 (1988 No 42).

78 Board not authorised by this Act to create a nuisance

Nothing in this Act shall entitle the Board to create a nuisance, or shall deprive any person of any right or remedy he would otherwise have against the Board or any other person in respect of any such nuisance.

Part 7

Financial provisions

79 Bank account

- (1) The Board shall keep a bank account known as the Wellington Regional Water Board Account.
- (2) Where any money belonging to the Board amounting to \$20 or upwards comes into the hands of any officer of the Board or other person authorised to receive money on behalf of the Board, that officer or other person shall, within 7 days after the money comes into his hands, or within such shorter period as the Board from time to time directs, pay the same to the Treasurer or to such other officer of the Board as the Board from time to time directs, who shall forthwith pay the same, together with any money received direct by him, into the appropriate account at such bank as the Board from time to time appoints.
- (3) No such money shall be withdrawn from the bank except by cheque or other instrument (not being a promissory note or bill) signed by the Treasurer, and countersigned by the Chairman or a member of the Board:

provided that it shall be lawful, with the prior consent in writing of the Auditor-General, for any money to be withdrawn from the bank by cheque or other such instrument signed by the Treasurer and countersigned by any officer of the Board whom the Board, by resolution, from time to time appoints for that purpose.
- (4) Notwithstanding the provisions of subsection (3), it shall be lawful, with the prior consent in writing of the Auditor-General and subject to such conditions as the Auditor-General prescribes, for any money to be paid by the Board by cheque bearing facsimiles of the signatures of the persons so authorised to sign and countersign cheques, and every cheque bearing such facsimiles shall be deemed to have been duly signed and countersigned in accordance with that subsection.
- (5) Every payment of money by the Board shall be authorised by a prior resolution of the Board or shall be submitted to the Board for confirmation at its first ordinary meeting after the date of payment.

Section 79(3) proviso: amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 79(4): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

80 Board may establish imprest account

- (1) Notwithstanding the provisions of section 79, the Board may, by resolution, establish an imprest account which shall be kept at such bank as the Board from time to time appoints.
- (2) The imprest account may be held jointly in the names of and be operated on by the Treasurer and 1 other person appointed in that behalf by the Board, or may,

with the express approval in writing of the Auditor-General, but not otherwise, be in the sole name of and be operated on by the Treasurer or any other approved officer of the Board. Where the imprest account is held jointly in the names of the Treasurer and 1 other person, that other person shall be either a responsible officer of the Board or a member of the Board.

- (3) The Board shall from time to time, by resolution, fix the maximum amount that may be held at any time in the imprest account not exceeding \$150 in any case where the imprest account may be operated on by 1 person acting alone, and not exceeding such amount as the Auditor-General may approve in any other case.
- (4) Money in the imprest account shall be available only for the payment of salaries and wages and emergency expenditures. A statement of every payment made from the account shall be submitted to the Board for confirmation at its first ordinary meeting after the date of payment.
- (5) The payment of money out of the imprest account for any purpose not authorised by subsection (4) shall be misappropriation of the funds of the Board.

Section 80(2): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 80(3): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

81 Financial records

- (1) The Board shall provide and keep financial records, and shall enter therein full and correct accounts of all money received and expended by it under this Act and the several purposes for which money has been received and expended and shall, in particular, keep the following separate accounts:
 - (a) a water supply account relating to all receipts and payments in respect of waterworks as defined in section 25, and of all general activities in connection with waterworks:
 - (b) an underground water account, including all receipts and payments relating to the Board's activities under Part 4:
 - (c) a forestry account, including all receipts and payments relating to the Board's forestry activities:
 - (d) a soil conservation and rivers control account, including all receipts and payments relating to the Board's soil conservation and rivers control activities:
 - (e) a pleasure ground account, including all receipts and payments relating to the Board's activities under sections 56 and 109:
 - (f) a general account:
 - (g) any other accounts which the Board may resolve to keep:
 - (h) such other accounts as the Board is required to keep under this or any other Act.

- (2) The decision of the Auditor-General as to whether any expenditure is properly chargeable against any such account shall be final.
- (3) Any administrative and general charges of the Board which cannot be allocated directly to any specific separate account shall be charged to the general account, and shall, at the end of each financial year, be allocated between the separate accounts in such proportions as may from time to time be determined by the Board, subject to the approval of such apportionment by the Auditor-General.
- (4) The Board may from time to time transfer the whole or any part of any balance remaining to the credit of any of the separate accounts referred to in paragraphs (b) to (e), (g), and (h) of subsection (1) to any other such separate account:
provided that no money shall be so transferred until due provision has been made for all sums with which any such separate account is by law chargeable, and for the payment out of the separate account of the interest, or interest and sinking fund, on any loan raised in connection with the work or undertaking to which the separate account relates:
provided also that no such transfer shall be made from the forestry account except after consultation with the Minister of Forests.
- (5) The whole or any portion of any amount transferred pursuant to subsection (4) may at any time be re-transferred to the said separate account.

Section 81(2): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 81(3): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

82 Board may establish depreciation and plant renewal funds and reserve funds

- (1) The Board may from time to time, by resolution specifying the purpose or purposes of the fund, establish 1 or more funds for the purpose of providing for the cost of the repair, renewal, replacement, or improvement of any property, plant, fixtures, or appliances of the Board, and for the cost of purchasing additional property, plant, fixtures, or appliances.
- (2) The Board may from time to time apply the money in any such fund only to the purpose or purposes for which the fund is established.
- (3) The Board shall, not later than 31 May in every year, pay into a separate bank account all money credited to any such fund during the immediately preceding financial year:
provided that the amount so payable into the separate bank account may be reduced by the amount of any expenditure actually incurred and properly charged to the fund which has not already been withdrawn from the separate bank account.

- (4) The Board may from time to time invest any money in the said separate bank account.

Section 82(4): amended, on 30 January 2021, by section 161 of the Trusts Act 2019 (2019 No 38).

83 Borrowing powers

- (1) The Board may from time to time borrow by way of special loan such sums as are necessary for carrying out the purposes of this Act.
- (2) Special loans may be raised by the Board under the Local Authorities Loans Act 1956 and, notwithstanding anything in section 34 of that Act, any special loan may be raised without the prior consent of the ratepayers of the districts of the constituent authorities.
- (3) Under the provisions of this section the Board may raise a loan for an authorised purpose for the benefit of a defined part or parts of the region (whether called by a distinctive name or not), and in any such case the portion of every local district within the defined part or parts shall, without limiting the meaning of the expression legal subdivision in section 27 of the Local Authorities Loans Act 1956, be deemed to be a legal subdivision.
- (4) Notwithstanding anything to the contrary in the Local Authorities Loans Act 1956, a loan may be raised by the Board for the benefit of defined parts of the region, although such parts may not together form 1 continuous area.

84 Unauthorised expenditure

The Board may, in every financial year, out of the general account, expend for purposes not authorised by any Act or law for the time being in force, any sum or sums not amounting in the whole to more than 1% of its gross receipts for that year, exclusive of loan money, nor, in any case, to more than \$2,500.

85 Annual estimates of receipts and payments

- (1) The Board shall in respect of each financial year cause an estimate to be prepared of all the proposed receipts and payments for the following accounts:
- (a) water supply account:
 - (b) underground water account:
 - (c) forestry account:
 - (d) soil conservation and rivers control account:
 - (e) pleasure ground account:
 - (f) general account:
 - (g) any other account which the Board may resolve to keep or which it is required to keep under this or any other Act.
- (2) The estimates shall show the following with respect to the activity appropriate to their purposes:

- (a) the annual charges on account of loans for works serving or intended to serve the local districts or portions thereof of 1 or more of the constituent authorities or on account of any other loans raised by the Board for the purpose of this Act:
 - (b) the sum or sums that may be required for carrying out, operating, or maintaining in good order the works authorised to be constructed by this Act and any other works vested in or controlled by the Board and in respect of works serving or intended to serve the local districts or portions thereof of 1 or more of the constituent authorities:
 - (c) the sum or sums that may be required for the administrative costs of the Board, which shall be deemed to include the cost of engineering investigations and engineering and general administration with respect to the particular activity of each account:
 - (d) any sums already available for such purposes.
- (3) Any deficiency or surplus at the end of any financial year shall be carried forward as a debit or credit as the case may be into and calculated or allowed for in making and assessing the next year's requirements.
 - (4) The net estimated excess of expenditure over estimated receipts in the general account shall be allocated in the proportions fixed by the Board to the separate accounts and included in the respective estimates of expenditure.
 - (5) The estimates shall also show any sums which the Board considers may be required as additional sums.

86 Water supply

- (1) The Board shall charge the constituent authorities a uniform charge for water supplied to those authorities under this Act.
- (2) The amount payable by each constituent authority to recover the net expenditure chargeable in respect of the water supply account under section 85 shall be calculated by the Board on the basis of a peak or total consumption or a combination of both in such manner as the Board, after consultation with the constituent authorities, from time to time determines:

provided that, for the purposes of this subsection, actual peak or total consumption during any period may be adjusted if it is unusually high owing to any circumstances beyond the control of the constituent authority.
- (3) Charges for water shall be payable by the constituent authorities to the Board by such instalments and at such times as the Board, after consultation with the constituent authorities, from time to time determines.

87 Surcharges for exceeding allocations

- (1) Every constituent authority shall pay to the Board a surcharge for all water received by it in excess of its allocation.

- (2) The amount of any such surcharge shall be fixed from time to time by the Board by resolution in that behalf after consultation with the constituent authorities.

88 Payment of charges and surcharges

- (1) If any charge or surcharge is not paid on or before the date on which it is due, the constituent authority in default shall be liable for and shall pay interest on the amount remaining unpaid, until payment thereof, at the rate which is for the time being charged by the bankers of the Board for money owing to them by the Board, or which would be chargeable if money were owing, as the case may be.
- (2) Every constituent authority may pay the amount of any charge or surcharge out of its ordinary revenue or funds or from its water rate or may, if it thinks fit, in addition to its other powers raise the required amount by a separate rate to be made and levied for that purpose.
- (3) The amount of any charge or surcharge so payable by a constituent authority shall constitute a debt payable by the authority to the Board.
- (4) The Board may, notwithstanding that the amount sought to be recovered is in excess of the jurisdiction of the District Court, sue and recover any such debt in any such court.
- (5) Sections 91 to 97 shall apply in respect of all charges and surcharges payable by constituent authorities under this Part.

Section 88(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

89 Calculation of assessments

[Repealed]

Section 89: repealed, on 1 April 1984, by section 2(1) of the Wellington Regional Water Board Amendment Act 1983 (1983 No 11 (L)).

90 Contributions by constituent authorities

[Repealed]

Section 90: repealed, on 1 April 1984, by section 2(1) of the Wellington Regional Water Board Amendment Act 1983 (1983 No 11 (L)).

91 Assessment of contributions

- (1) The Board shall, on or before 15 August each year, hold a meeting at which the charges payable by the constituent authorities for water under section 86 for the current year commencing on 1 March then last past shall be assessed.
- (2) Written notices shall forthwith be given by the Board to each of the constituent authorities showing—
 - (a) the amounts for which the constituent authority is assessed for the current financial year; and

- (b) a copy of the estimates of the expenditure of the Board for the current financial year; and
- (c) a statement showing the receipts and expenditure of the Board for the preceding financial year.

Section 91(1): amended (with effect on 16 December 1989), on 30 March 1990, by section 50 of the Local Government Reform (Transitional Provisions) Act 1990 (1990 No 27).

Section 91(1): amended, on 1 April 1984, by section 2(2) of the Wellington Regional Water Board Amendment Act 1983 (1983 No 11 (L)).

92 Appeal against estimate or assessment

- (1) If any constituent authority is dissatisfied with such estimate or assessment, it may, within 28 days after notice of the assessment has been given to it, appeal to the High Court against the estimate or assessment.
- (2) The provisions of the Land Valuation Proceedings Act 1948, so far as they are applicable and with the necessary modifications, shall apply in respect of every such appeal.
- (3) On any such appeal the court may confirm or modify the estimate or assessment to which the appeal relates.

Section 92(1): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

93 Jurisdiction of District Court

Except where section 38 of the Land Valuation Proceedings Act 1948 applies, the Board may, notwithstanding that the amount sought to be recovered is in excess of the jurisdiction of the District Court, sue for and recover the amount of any such contribution in any such court as a debt.

Section 93 heading: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 93: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

94 Production of documents to be evidence

The production in any court of documents purporting to be—

- (a) a copy of the said estimates of expenditure; and
- (b) a copy of the said notice to each constituent authority purporting to be pursuant to a resolution of the Board—

shall be sufficient evidence of the liability of each constituent authority therein mentioned to pay to the Board the respective amount therein and thereby shown to be assessed as its contribution to the Board for the purposes of this Act, in the absence of proof to the contrary.

95 Payment of assessments

- (1) Each constituent authority shall pay to the Board the amount of the assessment as set out in the notice given to it pursuant to section 91 in 3 equal instalments,

to be paid respectively not later than the last day of each of the months of September, December, and March in the financial year to which the assessment relates.

- (2) If any such instalment is not paid in accordance with the provisions of subsection (1), each constituent authority in default shall be liable for and shall pay interest on any and every amount so remaining unpaid, until payment thereof, at the rate which is for the time being charged by the bankers of the Board for money owing to them by the Board, or which would be chargeable if money were owing, as the case may be.
- (3) If any appeal against any assessment has been lodged under section 92, the amount fixed by the court shall be substituted for the amount of the assessment, but nothing in this subsection or in the said section 92 shall absolve the constituent authorities or any of them from liability to pay the instalment or instalments from time to time falling due after the date of the assessment and before the decision of the court.
- (4) If any such instalment is not paid in accordance with the provisions of subsection (1), interest shall accrue in terms of subsection (2) notwithstanding that an appeal has been lodged.
- (5) If on any such appeal an adjustment is made of the amount of any such assessment and accordingly of any instalment in respect thereof, the Board shall, forthwith upon receipt of the decision of the court, adjust the assessment, and shall give credit for any amount overpaid by any constituent authority on any instalment, together with interest on that amount calculated at the rate fixed by subsection (2), or, as the case may be, require the constituent authority to pay to the Board the amount of any increase of any such assessment payable in accordance with the decision of the court together with interest calculated at the rate fixed by subsection (2) on the amount of any such adjustment unpaid within 30 days after the date of the demand thereof by the Board.

Section 95(1): amended (with effect on 16 December 1989), on 30 March 1990, by section 51 of the Local Government Reform (Transitional Provisions) Act 1990 (1990 No 27).

96 Powers of constituent authorities in respect of payment

- (1) Every constituent authority shall, in respect of its assessment of contribution to the Board in every year, have the following powers:
 - (a) it may pay the amount out of its ordinary revenue or funds:
 - (b) instead of exercising the power contained in paragraph (a), or to the extent to which its payment thereunder is less than the amount of its assessment, it may make and levy a separate rate over the whole of the district or over that portion of the district which is within the defined part or parts of the district in respect of which any portion of the assessment is made calculated to produce that portion of the assessment or the balance thereof, as the case may be, and interest thereon (if any) and the costs of and incidental to its collection.

- (2) The power to make and levy a rate conferred by paragraph (b) of subsection (1) may be exercised by a constituent authority in addition to all other powers which it has under any other Act and notwithstanding any provision in any Act limiting or in any way affecting its power to rate.
- (3) Where a constituent authority resolves to levy a separate rate under the provisions of paragraph (b) of subsection (1), it may classify the rateable properties within its local district or the portion thereof within the region and make and levy a separate rate on a sliding scale according to such classification; and the provisions of the Soil Conservation and Rivers Control Act 1941 shall, with the necessary modifications, apply to such classification and rate.

97 Powers of Board to recover contributions in case of default

- (1) If any constituent authority, after notice of the said assessment is delivered to it, fails or neglects to pay any instalment thereof or any part of such instalment for a period of 30 days after the day on which it should be paid, or the interest on any such instalment, it shall be lawful for the Board, in addition to any other powers or remedies given by this Act, to make, levy, and collect the rates authorised to be made, levied, and collected by section 96, and to pay or retain the amount of such assessment and interest and all costs and charges to which it has been put by reason of such default or neglect.
- (2) The constituent authority so in default shall, on request, hand over and supply to the Secretary correct lists of rateable properties, rate books, assessment rolls, and all other documents and books of any and every kind necessary, or considered so by the Board or its officers, for the purpose of enabling the Board to so make, levy, and collect such rate.
- (3) Such constituent authority and its officers and employees shall give every assistance to the Board and its officers to so make, levy, and collect such rate.
- (4) For the purpose of enabling the Board to collect and recover the amount of such contribution or assessment, interest, and costs, any Judge of the High Court shall, on application by or on behalf of the Board, have the same power, with the necessary modifications, with reference to such constituent authority as he would have under the Local Authorities Loans Act 1956, if default had been made by that authority in payment of any principal or interest due on any debenture by it and also full power to order, authorise, and empower the Board and its officers to make, levy, and collect such rate in the same way and to the same extent as such constituent authority so in default would be entitled to do.

Section 97(4): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

98 Superannuation and other benefits for employees

- (1) The Board is hereby declared to be a local authority for the purposes of the National Provident Fund Act 1950 and section 6 of the Finance Act (No 2) 1941.

- (2) The Board may from time to time, by way of subsidy, pay such sums as it thinks fit to the funds of any sick, death, or funeral benefit society, or other similar institution established by its employees, or any section of them, the benefits of which are confined to such employees and their dependants.

99 Preparation of accounts

As soon as practicable after the end of every financial year, the Treasurer shall prepare an abstract of all the transactions in the accounts referred to in section 81 in respect of that year, together with such statements as may be prescribed by the Auditor-General that are necessary to show fully the financial position of the Board and the financial results of its operations during that year.

Section 99: amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

100 Audit of accounts

- (1) The Board's accounts shall be audited by the Auditor-General who for that purpose shall have and may exercise all the powers that he or she has under the Public Revenues Act 1953 in respect of public money and stores and persons dealing therewith.
- (2) The Board's accounts in respect of each financial year shall be submitted to the Auditor-General for audit before 30 September next following that year.

Section 100(1): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 100(2): inserted, on 17 January 1977, by section 5 of the Wellington Regional Water Board Amendment Act 1976 (1976 No 11 (L)).

Section 100(2): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

101 Abstract and inspection of accounts

- (1) The Treasurer shall forthwith after such audit send a copy of the audited accounts to each constituent authority.
- (2) The financial records referred to in section 81 shall at all reasonable times during office hours be open to inspection by any member of the Board or by any member of any constituent authority or other person appointed by it in that behalf, and any such person may make copies of or take extracts from such financial records.
- (3) Every person commits an offence and is liable on conviction to a fine not exceeding \$20 who, having the custody of the financial records, fails or refuses or neglects to permit any person permitted under the provisions of subsection (2) to inspect or to make copies of or take extracts from such financial records.

Section 101(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 8

Abolition of certain local authorities

102 Abolition of Wellington City and Suburban Water-supply Board

The Wellington City and Suburban Water-supply Board is hereby abolished.

103 Abolition of Hutt River Board

The Hutt River Board is hereby abolished.

104 Abolition of Hutt Valley Underground Water Authority

The Hutt Valley Underground Water Authority is hereby abolished.

Part 9

Transfer of assets and liabilities

105 Transfer of property

- (1) All land, interests in land, and personal property, rights, or privileges vested in or held on behalf of the Mayor, Councillors, and Citizens of the City of Wellington under or for the purposes of the Wellington City and Suburban Water-supply Act 1927 are hereby vested in the Board for the same purposes for which they were so vested in or held, subject to any leases, licences, rights, easements, and interests subsisting in respect of the land or property on the commencement of this Part.
- (2) All land, interests in land, and personal property, rights, or privileges vested in or held on behalf of the corporations of every constituent authority for the purposes of water supply are hereby vested in the Board for water supply purposes, subject to any leases, licences, rights, easements, and interests subsisting in respect of the land or property on the commencement of this Part:

provided that this subsection shall apply only in respect of land or property that the Board and the constituent authority concerned agree is used or will be used for the bulk supply of water within the region.
- (3) All land, interests in land, and personal property, rights, or privileges vested in or held on behalf of the Hutt River Board are hereby vested in the Board for the same purposes for which they were vested in or held by the Hutt River Board, subject to any leases, licences, rights, easements, and interests subsisting in respect of the land or property on the commencement of this Part:

provided that all land vested in or held by the Hutt River Board for river protection purposes shall be deemed to be vested in the Board for soil conservation and river control purposes.
- (4) All land, interests in land, and personal property, rights, or privileges vested in or held on behalf of the Hutt Valley Underground Water Authority are hereby vested in the Board for the same purposes for which they were vested in or

held by the Hutt Valley Underground Water Authority, subject to any leases, licences, rights, easements, and interests subsisting in respect of the land or property on the commencement of this Part.

- (5) The District Land Registrar, on written request by or on behalf of the Board, under the seal of the Board, shall without fee make such entries in his registers and on any outstanding documents of title and generally do all such things as may be necessary to give effect to the provisions of subsections (1) to (4). The receipt by the District Land Registrar of a written request under this subsection shall be conclusive evidence that the land described in it is land to which subsection (1), subsection (2), subsection (3), or subsection (4), as the case may be, applies if it specifies which one of the said subsections is applicable.

106 Exemption from stamp duty

No stamp duty shall be payable in respect of the transfer of any property to the Board under section 4 or section 105.

107 Provisions in respect of transfer of property

- (1) On the commencement of this Part the following provisions shall apply:
- (a) all debts, loan charges, liabilities, and obligations, whether present or contingent, incurred in the name or on behalf of any local authority in respect of any land or property vested in the Board under subsections (1) to (4) of section 105 shall become debts, liabilities, and obligations of the Board:
 - (b) all money payable to any such local authority in respect of any such land or property shall become payable to the Board:
 - (c) the benefit of any contract entered into by or on behalf of any such local authority in respect of any such land or property shall be deemed to be assigned to the Board:
 - (d) all proceedings pending by or against any such local authority in respect of any such land or property shall be carried on by or against the Board.
- (2) All rates and other money payable to the Hutt River Board and not received by that Board before the commencement of this Part, may be recovered by the Board from the person liable to pay them in the same manner as the Hutt River Board could have recovered them if this Act had not been passed.
- (3) Every reference to—
- (a) the Mayor, Councillors, and Citizens of the City of Wellington, or to the Wellington City Council, in respect of their or its powers, functions, and duties under the Wellington City and Suburban Water-supply Act 1927; and
 - (b) the Hutt River Board; and
 - (c) the Hutt Valley Underground Water Authority—

in any Act, agreement, deed, instrument, notice, or other document whatsoever shall hereafter be read as a reference to the Board.

Part 10

General provisions

108 Extending Local Authorities (Employment Protection) Act 1963

In their application to the Board, the provisions of the Local Authorities (Employment Protection) Act 1963 shall be read as if the term **permanent employee** meant any person who was, immediately before the commencement of this Part, employed by the Hutt River Board, the Wellington City Corporation, the Lower Hutt City Corporation, or the Hutt Valley Underground Water Authority, regardless of the period of such employment.

109 Board may provide sports grounds and recreation areas

- (1) The Board may take, purchase, or otherwise acquire land for the purposes of providing sports grounds and recreation areas for the inhabitants of the region, and may for those purposes develop, manage, and control any land vested in it for soil conservation and river control purposes.
- (2) For the purposes of subsection (1), the Board, in addition to its powers under this or any other Act, shall have the following powers:
 - (a) to grant leases of land, without submitting the same to public auction or tender, to any of the constituent authorities or to sports bodies (whether incorporated or not) or other persons, either with or without the right of renewal, but so that the aggregate duration of the original and renewed terms shall not exceed 50 years:
 - (b) to erect, develop, improve, and maintain training halls, lecture rooms, club rooms, pavilions, and other buildings, and from time to time add to, renovate, improve, remove, and dispose of the same:
 - (c) to grant easements over land, but not so as to interfere with the use and enjoyment of the land:
 - (d) to drain, level, and generally improve any land:
 - (e) to plant any land in grass, trees, shrubs, and other plants, and fence and lay out gardens and promenades:
 - (f) to pay all expenses for surveying and engineering and for obtaining designs for the development of land:
 - (g) to lay out and construct roadways, paths, and tracks through or over any land:
 - (h) to authorise the Board's tenants to charge for admission to land leased to them at such rates and on such terms and conditions as the Board from time to time approves:

- (i) by resolution, from time to time to make rules—
 - (i) prescribing the conditions under which the public or any section of the public may have access to any land, enclosure, or building;
 - (ii) regulating the price for admission on any occasion; and
 - (iii) regulating the charges that may be made for the occupation of any land.

110 Bylaws

- (1) In addition to its powers under this or any other Act to make bylaws, the Board may from time to time make bylaws for all or any of the following purposes:
 - (a) the safety and preservation of and to prevent injury to the buildings, fences, turf, and other property, on sports grounds and recreation areas:
 - (b) preventing persons gaining or attempting to gain admission to any land, building, or enclosure within any sports ground or recreation area without payment of any admission fee that is payable.
- (2) No bylaw made by the Board under this section shall come into force until it has been approved by the Minister of Local Government and has been published in the *Gazette*.
- (3) The publication in the *Gazette* of any bylaw purporting to be made under this section shall be sufficient evidence that it has been duly made and approved under this section, in the absence of proof to the contrary.
- (4) Every person who commits a breach of any bylaw made under this section shall be liable on conviction to a fine not exceeding \$200.

Section 110(2): amended, on 1 April 1988, by section 8 of the Ministry of Works and Development Abolition Act 1988 (1988 No 42).

Section 110(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

111 Reserves and Domains Act 1953 not to apply

The Reserves and Domains Act 1953, and any other enactment relating to public reserves and public domains, shall not apply in respect of any sports ground or recreation area held or acquired by the Board under section 109 of this Act, unless it has been provided from money derived from or in respect of any public reserve or public domain.

112 Bylaws and special orders

- (1) Except as otherwise provided in this Act, the provisions of sections 77, 78, 79, 391, 392, 395, and 396 of the Municipal Corporations Act 1954 shall, with the necessary modifications, apply in respect of bylaws and special orders made or to be made by the Board under the authority of this Act.
- (2) In addition to the public notice required by paragraph (c) of the said section 77 of the Municipal Corporations Act 1954 the Board shall give to each constitu-

ent authority not less than 14 clear days' notice of the time and place fixed for the subsequent meeting and of the purport of the resolution to be confirmed at such subsequent meeting.

113 Time for filing charging document

Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against this Act or any bylaw made under it ends on the date that is 12 months after the date on which the offence was committed.

Section 113: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

114 Liability for rates

All rateable property of the Board within the meaning of the term rateable property in the Rating Act 1967 and owned or used by the Board for the purpose for which it is constituted shall be liable to be rated by a local authority having jurisdiction in that respect.

115 Board exempt from Fencing Act 1908

The Board shall be entitled to the same exemptions and privileges in relation to fencing as apply to unalienated Crown lands, except where the Board resolves or the Minister of Lands determines that a fence is necessary for the proper farming of the adjacent land.

116 Governor-General may extend time fixed by Act for exercising powers, etc

At any time before or after the day appointed for the holding of any meeting of the Board or for the doing of any act, matter, or thing by this Act, or by any bylaw made by the Board under this Act or any other Act, required to be done on or before a day certain, it shall be lawful for the Governor-General to extend the time allowed or to fix a later day for the holding of such meeting or for the doing of any such act, matter, or thing as aforesaid, notwithstanding that the day may have passed on which the same ought to have been held or done; and to adopt or cause to be adopted such measures as may be necessary to remove any obstacle of a technical or formal nature by which the carrying out of the provisions of this Act may be impeded, and to supply any deficiency which may be required to be supplied in order to enable the said provisions to be carried out.

117 Service of notices, etc

- (1) In any case in which it is provided by this Act or by any bylaw made by the Board under this Act or any other Act, that an order may be made upon or notice given to any person requiring him to do or abstain from doing anything, or where any notice is required by this Act or any other Act or by any such bylaw to be given or sent to any person, such order or notice shall be delivered to such person either personally or by posting it by registered letter addressed

to that person at his last known place of abode or business in New Zealand. A notice so posted shall be deemed to have been served at the time when the registered letter would in the ordinary course of post be delivered.

- (2) If such person is absent from New Zealand, the order or notice may be delivered as aforesaid to his agent in New Zealand. If he is deceased, the notice may be delivered as aforesaid to his personal representative.
- (3) If such person is not known, or is deceased and has no personal representative, and the order or notice relates to any land, work, material, building, or other structure, the order or notice, addressed to the owner or occupier of such land, work, material, building, or other structure as the case may require, may be served on the occupier thereof, or left with some inmate of his abode, or, if there is no occupier, may be placed on some conspicuous part of such land, work, material, building or other structure. It shall not be necessary in any such notice to name the occupier or owner of such land, work, material, building, or other structure.
- (4) In all cases other than those provided for in subsection (3), if the person is not known, or is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no personal representative, the order or notice shall be delivered in such manner as may be directed by an order of the court.
- (5) Notwithstanding anything in the foregoing provisions of this section, the court may in any case make an order directing the manner in which any order or notice is to be delivered, or dispensing with the delivery thereof.
- (6) This section shall not apply to orders or notices served in proceedings in the court.
- (7) Every order or notice required to be sent or served by the Board shall be signed as provided by section 119.
- (8) In all cases in which any matter or thing is required to be published, advertised, or inserted by the Board in a newspaper generally circulating in the district, the said newspaper shall be such newspaper as the Board from time to time appoints in that behalf, or, if there is no Board at the time when the matter or thing ought to be advertised, the said newspaper shall be such as the Secretary appoints in that behalf.
- (9) In this section the expression **the court** means—
 - (a) in any case where any order or notice relates to any sum of money not exceeding \$4,500 or to any property the value of which does not exceed the sum of \$14,000, the District Court:
 - (b) in any other case, the High Court.

Section 117(9)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 117(9)(b): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

118 Service of legal proceedings on Board

Any summons, writ, notice, or other legal proceeding requiring to be served on the Board may be served by being left at the public office for the time being of the Board or by delivering the same personally to the Chairman or Secretary for the time being of the Board.

119 Authentication of documents by Board

Every order, notice, or other document requiring authentication by the Board may, unless otherwise provided, be signed by any 2 members or by the Secretary and need not be under the common seal of the Board.

120 Repeals, revocations, and savings

- (1) The enactments specified in Schedule 4 are hereby repealed.
- (2) The Orders in Council specified in Schedule 5 are hereby revoked.
- (3) Every reference to the Hutt River Board in the Hutt River Improvement and Reclamation Act 1922 shall hereafter be read as a reference to the Board.
- (4) Notwithstanding anything in the River Boards Act 1908 or the Local Elections and Polls Act 1966, but subject to subsection (5), every person who, on the passing of this Act, is a member of the Hutt River Board shall, subject to section 34 of the River Boards Act 1908, continue to hold office as a member of that Board until the expiry of 28 February 1973.
- (5) Notwithstanding anything in the River Boards Act 1908 or the Local Elections and Polls Act 1966, on the occurrence of an extraordinary vacancy in the office of a member of the Hutt River Board on or after the passing of this Act and before 28 February 1973, that Board may by resolution determine—
 - (a) that the vacancy shall not be filled; or
 - (b) that the vacancy shall be filled by the appointment by that Board of a person who, but for the passing of this Act, would be qualified to be elected as a member of that Board.
- (6) The Hutt River Board (Cancellation of Election) Act 1971 is hereby repealed.
- (7) Subsections (4) to (6) shall come into force on the passing of this Act.

121 Saving of existing bylaws

All bylaws that have been made by the Wellington City Council, under the Wellington City and Suburban Water-supply Act 1927, and that are in force immediately before the commencement of this Part shall, so far as they are not inconsistent with this Act, be in force within those parts of the region to which they related when made until such bylaws are superseded by bylaws made by the Board under the authority of this Act.

122 Existing water rights

Every right in respect of natural water within the region that has been granted by a Regional Water Board within the meaning of the Water and Soil Conservation Act 1967, and which is in force immediately before the commencement of this Part, shall be deemed to have been granted by the Board, and every provision, obligation, condition, or direction attached to the right shall accordingly be enforceable by the Board.

123 Amendments to other Acts

(1) *[Repealed]*

(2) *[Repealed]*

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

(5) *[Repealed]*

Section 123(1): repealed, on 1 July 2003, by section 266 of the Local Government Act 2002 (2002 No 84).

Section 123(2): repealed, on 1 March 1988, by section 58(1) of the Local Government Official Information and Meetings Act 1987 (1987 No 174).

Section 123(5): repealed, on 1 December 1974, by section 197(1) of the Local Government Act 1974 (1974 No 66).

124 Public Bodies Leases Act 1969 applied to Board

The Board is hereby declared to be a leasing authority for the purposes of the Public Bodies Leases Act 1969.

Schedule 1

Wellington water region

s 3(2)

Firstly, all that area in the Wellington Land District containing 621 square miles, more or less, bounded by a line commencing at a point on the mean high-water mark of the sea in line with the south-western boundary of Lot 4, DP 2392, in Block V, Kaitawa SD, and proceeding generally easterly to and along that boundary and the south-western boundary of Lot 3, DP 2392, and its production to the eastern side of the North Island Main Trunk Railway, along that side to and along the south-western boundaries of Ngawahakangutu South No 1 and Section 7, Block VI, Kaitawa SD, the south-eastern boundaries of Sections 7 and 6, Block VI, Kaitawa SD, and the south-western boundary of Section 14, Block VII, Kaitawa SD, to the western watershed of the Waikanae River; thence northerly, easterly, and southerly along the western, northern, and eastern watershed of the Waikanae River to the north-western corner of Lot 6, DP 10208, in Block III, Akatarawa SD; thence generally easterly along the northern boundaries of the said Lot 6 to the road angle opposite the north-western corner of Lot 1, DP 10208, along a right line to that corner, along the northern and eastern boundaries of Lot 1, DP 10208, along a road side and the eastern boundaries of Lot 2, DP 10208, along a road side and the northern boundary of Lot 3, DP 10208, along a road side and the northern boundary of Lot 4, DP 10208, along a road side and the north-western and north-eastern boundaries of Lot 5, DP 10208, to the easternmost corner of the said Lot 5, along the south-eastern boundary of a trig reserve to Trig Station G Renata, and along the watershed of the Hutt and Waiotauru Rivers to the summit of the Rimutaka Range in Block I, Eritonga SD; thence generally south-west-erly along that summit to the north-eastern boundary of Orongorongo A 1 in Block VII, Pencarrow SD; thence south-easterly along that boundary and its produc-tion to the mean high-water mark of the sea; thence southwesterly, and generally westerly and north-westerly along the mean high-water mark of the sea and Wellin-gton and Porirua Harbours, following the mean high-water mark on the north-western side of the North Island Main Trunk Railway where it crosses Porirua Harbour, to the point of commencement.

Secondly, the adjacent islands known as Somes Island, Mokopuna Island, Ward Island, and Taputeranga Island.

Schedule 2

Part of region to which section 66 applies

s 66

All that area in the Wellington Land District bounded by a line commencing at a point in the middle of a public walking track, in line with the southern boundary of Lot 2, DP 14977; thence north-easterly generally along the middle of the said walking track and Maungaraki Road to a point in line with the southern boundary of Subdivision Part 8A, Maungaraki Maori Reserve; thence easterly and northerly to and along the southern and eastern boundaries of that subdivision to the south-western corner of Lot 1, DP 14031, along the southern boundary of that lot to and along the northern side of Miromiro Road, the western side of Poto Road and the northern side of Wilson Grove to the south-eastern corner of Lot 28, DP 19019, along the eastern boundary of that lot, the northern boundaries of Lots 27, 26, and 25, DP 19019, Lot 29, DP 18067, and its production to the middle of Normandale Road; thence north-easterly along the middle of that road to a point in line with the northern boundary of Lot 1, DP 17677; thence south-easterly generally to and along that boundary and along the north-eastern and south-eastern boundaries of that lot the south-eastern boundaries of Lots 2, 3, 4, 5, 6, 7, 8, 9, and the north-eastern boundaries of Lots 10, 12, 13, 16, 18, and 19 all as shown on DP 17677 and the production of the last-mentioned boundary to the northern boundary of Lot 1, DP 8952; thence easterly generally along the northern boundary of that lot and the northern boundaries of Lot 2, DP 8952, to the north-western boundary of Section 75, Hutt District; thence north-easterly along that boundary, the north-eastern and northern boundaries of that section to its intersection with the eastern side of the Western Hutt State Highway; thence along a right line to the intersection of the eastern side of the former Wellington-Wairarapa railway with the south-eastern boundary of Section 37, Hutt District; thence north-easterly along the south-eastern side of the said railway to a point in line with the south-western boundary of Section 54, Hutt District; thence to and along the south-western and north-western boundaries of Section 54 aforesaid, the north-western boundaries of Sections 57 and 60, Hutt District, the north-western and northern boundaries of Section 187, Hutt District, to and along the north-western boundaries of Sections 179 and 178, Hutt District, to the intersection of the last-mentioned boundary with the generally north-eastern side of a road passing through Section 196A, Hutt District; thence north-westerly generally along that side of the said road to and along the north-eastern side of the Haywards-Paremata State Highway, to and along the south-eastern side of the road forming the north-western boundaries of Section 12, 11, 5, and 3, Block IV, Belmont Survey District, and Section 14, Block X, Paekakariki Survey District, the south-western boundary of Section 15, Block X aforesaid and passing through Section 11, Block X aforesaid, to the north-eastern boundary of that section and continuing north-westerly generally along that boundary and the north-eastern boundary of Section 17, the south-eastern, north-eastern, and north-western boundaries of Section 7, Block X aforesaid, to a point in line with the north-eastern boundary of Section 8, Block X aforesaid, across Moonshine Road to and along the last-mentioned boundary and the north-western boundary of the said Section 8, to and along the northern boundary of

Section 23, Block X aforesaid, to a point in line with the eastern boundary of Lot 11, DP 610; thence northerly along a right line to the south-eastern corner of that lot; thence westerly and northerly generally along the southern boundaries of that lot, the southern and western boundaries of Lot 12, DP 610, to the southern side of a public road; thence easterly generally along that side of the said road to a point in line with the western boundary of Lot 2, DP 610; thence northerly to and along that boundary to the north-western corner of that lot; thence easterly along the northern boundary of that lot and Lots 3, 4, 5, and 6, DP 610 and Lot 2, DP 631, to the western boundary of Lot 1, DP 631; thence northerly along that boundary and its production to the right bank of the Wakatikei River; thence south-easterly down the said right bank to a point in line with the northern boundary of land as shown on DP 4705; thence easterly to and along that boundary to the north-eastern corner of that land; thence southerly along its eastern boundaries to the southern boundary of Lot 6, DP 631; thence easterly along that boundary to the south-western corner of Section 6, Block X, Akatarawa Survey District; thence northerly along the western boundary of that section to and along the generally western side of Snow Hill Road and its production across the Akatarawa River West to the left bank of that river; thence easterly generally down the said left bank to a point in line with the eastern boundary of Lot 5, DP 613; thence northerly to and along that boundary and the eastern boundaries of Lots 4, 3, 2, and 1, DP 613, the eastern boundaries of Lots 7, 6, 5, 4, 3, 2, and 1, DP 620, to the southern boundary of Section 402 Hutt District; thence easterly along that boundary and the southern boundary of Section 403, Hutt District, to the south-eastern corner of that section; thence northerly along the eastern boundaries of Sections 403, 404, and 407, Hutt District, to the southern boundary of Lot 1, DP 619; thence easterly generally along that boundary to and along the southern side of a road to a point opposite the north-western corner of Lot 8, DP 10208, and along a right line across that road to the north-western corner of the said Lot 8; thence southerly generally along the western boundaries of Lot 8, DP 10208, across a public road to and along the western boundaries of Lot 9, DP 10208, again across the public road and along the western boundaries of Lot 1, DP 10209, again across that public road and along the western boundaries of Lot 2, DP 10209, again across that public road and again along the south-western boundaries of Lot 1, DP 10209, to and along the south-eastern boundaries of Lots 1 and 2, DP 615, to the northern boundary of Lot 2, DP 1820; thence easterly along that boundary and south-easterly along the north-eastern boundaries of that lot and Lot 3, DP 1820, to the south-western corner of Lot 4, DP 1820; thence easterly generally along the southern boundaries of that lot to the western boundary of Section 32, Block XVI, Akatarawa Survey District; thence southerly generally along the generally western boundaries of the said Section 32 to the Masterton-Wellington State Highway at the easternmost corner of Section 24, Pakuratahi District; thence westerly along the generally northern side of that highway to a point in line with the generally northern boundary of Section 20, Pakuratahi District, to and along that boundary to the eastern boundary of part Section 6, Pakuratahi District; thence southerly along that boundary to the southernmost corner of the said part Section 6; thence westerly and northerly generally along the southern and western boundaries of that section and

the western boundaries of parts Sections 5 and 4, Pakuratahi Block; thence westerly along the southern boundaries of parts Sections 2 and 1, Pakuratahi District, to the Masterton-Wellington State Highway, across that highway and along its northern side to a point in line with the south-eastern boundary of Section 29, Pakuratahi District, thence south-westerly to and along that boundary to the northernmost corner of Section 438, Hutt District; thence south-westerly generally along the eastern southern, and western boundaries of the said Section 438 and the southern boundary of Section 418, Hutt District, to the northernmost corner of Section 299, Hutt District; thence southerly along the eastern boundaries of that section, the eastern and south-eastern boundaries of Section 416, Hutt District, the south-eastern boundary of Section 299 aforesaid, the north-eastern boundary of Section 293 the north-eastern and south-eastern boundaries of Section 294, both of Hutt District, and the north-eastern boundary of Lot 3, DP 943, to the easternmost corner of that Lot; thence south-westerly along the south-eastern boundaries of Lots 3, 4, 5, 6, 7, 8, and 9A, DP 943, the south-eastern boundaries of Lot 10A, DP 944, the south-eastern boundaries of Lots 1 and 2, DP 3873, the south-eastern boundaries of Lots 12A and 13A, DP 944, to the easternmost corner of Lot 4, DP 3864; thence westerly generally along the north-eastern and north-western boundaries of the said Lot 4, the generally northern boundaries of Lots 3, 2, and 1, DP 3864, the generally northern boundaries of the land taken for waterworks purposes as shown on SO Plan 17025, and the south-western and western boundaries of part Lot 8, DP 983, to the northernmost corner of the said part Lot 8, along the southern boundaries of Sections 232 and 231, Hutt District, to and along the south-eastern boundary of Lot 1, DP 14660, the south-eastern boundaries of Lot 2, DP 17433, to and along the southern boundaries of Section 2, Block XV, Belmont Survey District, Section 440, Hutt District, Lots 126, 168, 170, 171, 172, 173, 174, 175, 176, and 177, DP 16690, the production of the last-mentioned boundary across Seddon Street, along the southern boundaries of part Section 18, Waddington Settlement and its production across Judd Crescent, and Lots 76 and 77, LT 16551, to the north-eastern corner of Lot 1, DP 4581, along the eastern and southern boundaries of that lot to its westernmost corner, along a right line to the easternmost corner of Section 27, Hutt District, along the south-eastern boundary of that section, part of the south-eastern boundary of Section 23, Hutt District, to and along the northern, eastern, and southern boundaries of Lot 3, DP 7866, the southern boundary of Lot 1, DP 18406, the eastern boundaries of Sections 238, 239, and 240, the northern and eastern boundaries of Section 76, the eastern and southern boundaries of Section 77, all of Hutt District to and along the south-eastern side of Gracefield Road to its junction with the Lower Hutt-Eastbourne State Highway, due west along a right line across that highway, and along its north-western side to the southernmost corner of Section 4, Block XVI, Belmont Survey District; thence northerly generally along the south-western boundary of that section and the south-western and western boundaries of Section 5, Block XVI aforesaid, to and along the mean high-water mark being the boundaries of the land reclaimed from Port Nicholson as shown on SO 19810 to a point in line with the south-western side of Marine Parade, Borough of Petone; thence north-westerly along a right line towards the said south-western side to the right bank

of the Hutt River, down that right bank to and along the high-water mark of Port Nicholson, crossing the mouth of the Korokoro Stream to a point in line with the north-eastern boundary of Section 19, Harbour District; thence northerly generally to and along that boundary and the eastern boundary of Section 78, Hutt District, to the north-western corner of Section 79, Hutt District; thence easterly along the northern boundary of that section to a point in the middle of a public walking track in line with the southern boundary of Lot 2, DP 14977, being the point of commencement.

Schedule 3
Provisions of Soil Conservation and Rivers Control Act 1941 and
amendments which apply to Board and region

s 68

Soil Conservation and Rivers Control Act 1941

Sections 2, 11, 30, 34 to 39, 108A, 122(3), 125 to 131, 132(3), 133, 134, 135(e), (f), 136 to 138, 143, 144, 145A, 146 to 152, 152A, 153 to 160, 165A, 168.

Soil Conservation and Rivers Control Amendment Act 1946

Sections 4(4), 7.

Soil Conservation and Rivers Control Amendment Act 1948

Sections 11, 12.

Soil Conservation and Rivers Control Amendment Act 1959

Part 2.

Statutes Amendment Act 1945

Section 80.

Schedule 4 Enactments repealed

s 120(1)

Hutt River Board Empowering Act 1928 (1928 No 5 (L))

Hutt River Board Empowering Act 1957 (1957 No 8 (L))

Hutt River Board (Gear Island) Empowering Act 1927 (1927 No 12 (L))

Hutt Valley Underground Water Authority Empowering Act 1963 (1963 No 9 (L))

Local Authorities (Employment Protection) Act 1963 (1963 No 65)

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

Local Authorities (Members' Interests) Act 1968 (1968 No 147)

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

Local Government Commission Act 1967 (1967 No 134)

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

Public Bodies Contracts Act 1959 (1959 No 98)

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

Public Bodies Meetings Act 1962 (1962 No 113)

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

Rating Act 1967 (1967 No 123)

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

Wellington City and Suburban Water-supply Act 1927 (1927 No 24 (L))

Wellington City and Suburban Water-supply Amendment Act 1930 (1930 No 11 (L))

Wellington City and Suburban Water-supply Amendment Act 1947 (1947 No 8 (L))

Wellington City and Suburban Water-Supply Amendment Act 1952 (1952 No 6 (L))

Schedule 5
Orders in Council revoked

s 120(2)

Constituting the Hutt Valley Underground Water Area and Constituting the Underground Water Authority for the Area (*Gazette*, 1959, Vol I, p 346)

Amending an Order in Council Constituting the Hutt Valley Underground Water Authority (*Gazette*, 1967, Vol I, p 515)

Reprints notes

1 *General*

This is a reprint of the Wellington Regional Water Board Act 1972 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*

Trusts Act 2019 (2019 No 38): section 161

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

Auctioneers Act 2013 (2013 No 148): section 28(3)

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

Wellington Regional Council (Water Board Functions) Act 2005 (2005 No 1 (L)): section 6

Local Government Act 2002 (2002 No 84): section 266

Chartered Professional Engineers of New Zealand Act 2002 (2002 No 17): section 76

Public Audit Act 2001 (2001 No 10): section 52

Judicature Amendment Act 1991 (1991 No 60): section 3(4)

Local Government Reform (Transitional Provisions) Act 1990 (1990 No 27): sections 50, 51

Soil Conservation and Rivers Control Amendment Act 1988 (1988 No 48): section 52(1)

Ministry of Works and Development Abolition Act 1988 (1988 No 42): section 8

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

Wellington Regional Water Board Amendment Act 1983 (1983 No 11 (L))

District Courts Amendment Act 1979 (1979 No 125): section 18(2)

Judicature Amendment Act 1979 (1979 No 124): section 12

Local Government Amendment Act 1979 (1979 No 59): section 8(3)

Wellington Regional Water Board Amendment Act 1976 (1976 No 11 (L))

Wellington Regional Water Board Amendment Act 1975 (1975 No 3 (L))

Local Government Act 1974 (1974 No 66): section 197(1)

Public Works Amendment Act 1973 (1973 No 44): section 2(4)(a)

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