

# Soil Conservation and Rivers Control Amendment Act 1988

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**Soil Conservation and Rivers Control  
Amendment Act 1988**

1988 No 48

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**An Act to amend the Soil Conservation and Rivers Control Act  
1941**

**BE IT ENACTED by the Parliament of New Zealand as follows:**

**1 Short Title and commencement**

- (1) This Act may be cited as the Soil Conservation and Rivers Control Amendment Act 1988, and shall be read together with and deemed part of the Soil Conservation and Rivers Control Act 1941 (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on the 1st day of April 1988.

**2 Interpretation**

- (1) *This subsection amended the definition of **Authority** in section 2(1) of the principal Act.*
- (2) *This subsection amended the definition of **Catchment Board** in section 2(1) of the principal Act.*
- (3) *This subsection amended the definition of **Minister** in section 2(1) of the principal Act.*

- (4) *This subsection inserted section 2(1A) of the principal Act.*
- (5) Section 3 of the Soil Conservation and Rivers Control Amendment Act 1983 is hereby consequentially repealed.

### **3 Objects of Act**

- (1) *This subsection substituted section 10 of the principal Act.*
- (2) Section 5 of the Soil Conservation and Rivers Control Amendment Act 1983 is hereby consequentially repealed.

### **4 Repealing provisions relating to Authority's functions**

- (1) Section 11 of the principal Act is hereby repealed.
- (2) The following enactments are hereby consequentially repealed:
  - (a) Sections 4 and 5 of the Soil Conservation and Rivers Control Amendment Act 1948:
  - (b) Section 4 of the Soil Conservation and Rivers Control Amendment Act 1959:
  - (c) The Soil Conservation and Rivers Control Amendment Act 1963:
  - (d) Section 6 of the Soil Conservation and Rivers Control Amendment Act 1983.

### **5 Repealing provision relating to Authority having powers of Commission of Inquiry**

- (1) The principal Act is hereby amended by repealing section 12.
- (2) Section 8 of the Soil Conservation and Rivers Control Amendment Act 1983 is hereby consequentially repealed.

### **6 Soil conservation reserves**

- (1) *This subsection substituted section 16(1) of the principal Act.*
- (2) Section 16(4) of the principal Act is hereby amended by omitting the words "Authority and the Authority", and substituting the words "Board within whose district it is situated, and the Board".
- (3) Notwithstanding the provisions of section 16(4) of the principal Act (as amended by subsection (2) of this section), the soil conservation reserve described in the Schedule to this Act shall be under the control and management of such body as is

from time to time designated by the Minister for the purposes of this subsection.

Section 6(3) was amended, as from 1 July 1992, by section 46(1) Crown Research Institutes Act 1992 (1992 No 47) by substituting the words “such body as is from time to time designated by the Minister for the purposes of this subsection” for the words “the Department of Scientific and Industrial Research”.

**7 Offences in relation to soil conservation reserves**

- (1) *This subsection substituted section 17(1)(b) of the principal Act.*
- (2) So much of Schedule 1 to the Mining Act 1971 as relates to section 17(1)(b) of the principal Act is hereby consequentially repealed.

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**10 Disposal of land not required**

- (1) This subsection substituted the word “Board” for the word “Authority” in sections 20(2), 20(3), 20(4), and 20(6).
- (2) Nothing in section 20 of the principal Act shall apply in respect of the soil conservation reserve described in the Schedule to this Act.

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**12 Repealing provisions relating to powers of Authority**

- (1) Sections 22 and 23 of the principal Act are hereby repealed.
- (2) Section 6 of the Soil Conservation and Rivers Control Amendment Act 1948 is hereby consequentially repealed.

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**17 Repealing certain provisions relating to National Water and Soil Conservation Authority**

- (1) Sections 32 and 33 of the principal Act are hereby repealed.

- (2) Section 2 of the Soil Conservation and Rivers Control Amendment Act 1970 is hereby consequentially repealed.

**18 Minister or Tribunal to hear matters**

- (1)
- (2) The following enactments are hereby consequentially repealed:
- (a) Section 2 of the Soil Conservation and Rivers Control Amendment Act 1958:
  - (b) Section 12 of the Soil Conservation and Rivers Control Amendment Act 1983.

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**24 Repealing provision relating to alteration or abolition of catchment districts**

Section 37 of the principal Act is hereby repealed.

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**30 Repealing provision relating to approval of schemes of works**

- (1) Section 128 of the principal Act is hereby repealed.
- (2) The following enactments are hereby consequentially repealed:
- (a) Section 10 of the Soil Conservation and Rivers Control Amendment Act 1948:
  - (b) Section 4 of the Soil Conservation and Rivers Control Amendment Act 1954.

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**35 Compensation for acts of Catchment Commissions, local authorities, and Catchment Boards**

- (1) Section 145A of the principal Act (as substituted by section 11 of the Soil Conservation and Rivers Control Amendment Act 1962) is hereby repealed.
- (2) Section 11 of the Soil Conservation and Rivers Control Amendment Act 1962 is hereby consequentially repealed.

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**37 Power to make bylaws as to land utilisation**

Section 150(3) of the principal Act is hereby repealed.

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**41 Waikato Valley Authority and Catchment Commissions to be Catchment Boards**

- (1) The Waikato Valley as defined by—
  - (a) The notice called *Boundaries of the Waikato Valley Described* published in *Gazette*, 1970, Volume 3, at page 2139; and
  - (b) The notice called *Extending the Boundaries of the Waikato Valley* published in *Gazette*, 1972, Volume 1, at page 375; and
  - (c) The Order in Council called *The Waikato Valley Authority Order 1973* published in *Gazette*, 1973, Volume 1, at page 726; and
  - (d) The Order in Council called *The Waikato Valley-Hauraki Catchment District and Water Region Boundaries Alteration Order 1985* published in *Gazette*, 1985, Volume 2, at page 1507—

is hereby declared to be constituted as a catchment district within the meaning of the principal Act.

- (2) Each catchment area is hereby declared to be constituted as a catchment district within the meaning of the principal Act.
- (3) Subject to subsection (5) of this section, the Waikato Valley Authority, on the commencement of this section, shall for all purposes become a Catchment Board called the Waikato Catchment Board with jurisdiction over the Waikato Valley (as so defined). Every reference to the Waikato Valley Authority in any enactment or regulations or in any document whatever, unless the context otherwise requires, shall be read as a reference to the Waikato Catchment Board.
- (4) Subject to subsection (5) of this section, each Catchment Commission, on the commencement of this section, shall for all purposes become a Catchment Board called the [*name of Catchment Commission*] Catchment Board with jurisdiction over the area it previously administered as a catchment area. Every reference to a particular Catchment Commission in any enactment or regulations or in any document whatever, unless the context otherwise requires, shall be read as a reference to the [*name of Catchment Commission*] Catchment Board.
- (5) The Waikato Valley Authority and each Catchment Commission shall retain its existing constitution until such time as the Governor-General first makes an Order in Council under section 41 of the principal Act relating to the Waikato Valley or the relevant catchment area, as the case may be.

#### **42 Repeal of Waikato Valley Authority Act 1956**

- (1) The Waikato Valley Authority Act 1956 is hereby repealed.
- (2) The following enactments are hereby consequentially repealed:
  - (a) So much of Part 2 of Schedule 1 to the Public Bodies Contracts Act 1959 as relates to the Waikato Valley Authority:
  - (b) The Waikato Valley Authority Amendment Act 1961:
  - (c) Section 9(3) of the Local Authorities (Employment Protection) Act 1963:

- (d) So much of Part 2 of Schedule 1 to the Local Authorities (Members' Interests) Act 1968 as relates to the Waikato Valley Authority:
- (e) The Waikato Valley Authority Amendment Act 1968:
- (f) The Waikato Valley Authority Amendment Act 1977:
- (g) So much of Part 3 of Schedule 3 to the Local Government Amendment Act 1979 as relates to the Waikato Valley Authority Act 1956:
- (h) Clause 7(c) of Schedule 1A to the Local Government Act 1977 (as inserted by section 17 of the Local Government Amendment Act 1985):
- (i) So much of Part C of Schedule 1 to the State-Owned Enterprises Amendment Act 1987 as relates to the Waikato Valley Authority Act 1956:
- (j) So much of Part 2 of Schedule 1 to the Local Government Official Information and Meetings Act 1987 as relates to the Waikato Valley Authority.

#### **43 Amendments consequential on reconstitution of Catchment Commissions**

- (1)
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- (5) The following enactments are hereby consequentially repealed:
  - (a) Section 4(1) and (3) of the Soil Conservation and Rivers Control Amendment Act 1946:
  - (b) Section 3 of the Soil Conservation and Rivers Control Amendment Act 1952:
  - (c) Sections 5 to 8 of the Soil Conservation and Rivers Control Amendment Act 1959:
  - (d) Section 2(1) of the Soil Conservation and Rivers Control Amendment Act 1961:
  - (e) Sections 2, 3, 10, and 12 to 14 of the Soil Conservation and Rivers Control Amendment Act 1962:
  - (f) So much of Part 1 of Schedule 1 to the Local Authorities (Employment Protection) Act 1963 as relates to Catchment Commissions:



- (g) So much of Part 1 of Schedule 1 to the Local Authorities (Members' Interests) Act 1968 as relates to Catchment Commissions:
- (h) Section 2 of the Soil Conservation and Rivers Control Amendment Act 1969:
- (i) Section 7 of the Soil Conservation and Rivers Control Amendment Act 1972:
- (j) So much of Part 3 of Schedule 3 to the Local Government Amendment Act 1979 as relates to sections 23A, 23AA, 24, and 24A of the principal Act:
- (k) Section 9 of the Soil Conservation and Rivers Control Amendment Act 1983:
- (l) Section 15(4) of the Local Government Amendment Act (No 3) 1986:
- (m) So much of Part 1 of Schedule 1 to the Local Government Official Information and Meetings Act 1987 as relates to Catchment Commissions.

**44 Amending Soil Conservation and Rivers Control Amendment Act 1946**

- (1) Section 5 of the Soil Conservation and Rivers Control Amendment Act 1946 is hereby repealed.
- (2) Section 8 of the Soil Conservation and Rivers Control Amendment Act 1946 is hereby amended—
  - (a) By omitting the word “Authority” wherever it occurs as a reference to the National Water and Soil Conservation Authority, and substituting in each case the word “Minister”:
  - (b) By omitting from subsection (2) the word “it”, and substituting the words “the Minister”:
  - (c) By omitting from subsection (3) the words “it thinks fit”, and substituting the words “the Board or the Minister thinks fit”.

**45 Owner or occupier may apply to Board to exercise its powers**

- (1) Section 11 of the Soil Conservation and Rivers Control Amendment Act 1948 is hereby amended by repealing subsection (5), and substituting the following subsections:

- “(5) If any such objection is lodged and agreement cannot be reached between the Board and the objector, the Board, after consultation with the objector, shall appoint an independent assessor and refer the matter to that assessor whose decision, subject to section 33B of the principal Act, shall be final.
- “(5A) After giving the Board and the objector an opportunity to be heard, the assessor shall consider the matter fairly and without bias and make a decision.
- “(5B) The assessor shall supply the Board and the objector with a written copy of the decision and the reasons for it.
- “(5C) Where no such objection is lodged within the said period of 1 month, or where (in respect of every objection lodged) either the assessor or the person objecting consents to the execution of the work, the Board may forthwith proceed with the work.”
- (2) Section 11(6) of the Soil Conservation and Rivers Control Amendment Act 1948 is hereby amended by omitting the word “Authority”, and substituting the word “assessor”.
- (3) Notwithstanding the provisions of section 11 of the Soil Conservation and Rivers Control Amendment Act 1948 (as amended by this section), if, before the commencement of this section, any objection under the said section 11 has been—
- (a) Lodged with a Board; and
  - (b) Referred by the Board to the National Water and Soil Conservation Authority; and
  - (c) Referred by that Authority to a Tribunal appointed pursuant to section 33A of the principal Act; and
  - (d) Not finally dealt with by the Tribunal—
- that Tribunal shall continue in existence and have jurisdiction to hear and decide on the objection as if subsections (1) and (2) of this section had not been enacted and as if section 33A of the principal Act and section 29 of the Water and Soil Conservation Act 1967 had not been amended.
- (4) For the purposes of sections 33B to 33J of the principal Act, every Tribunal to which subsection (3) of this section applies shall be deemed to have been appointed by the Minister for the Environment.

**46 Purchase and hire of plant by Board**

Section 12 of the Soil Conservation and Rivers Control Amendment Act 1948 is hereby amended—

- (a) By omitting from subsection (1) the words “The Authority or any”, and substituting the word “Any”:
- (b) By omitting from subsection (2) the words “The Authority may sell, and the Authority or any”, and substituting the word “Any”.

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Section 47 was repealed, as from 29 June 1988, by section 209(1) Rating Powers Act 1988 (1988 No 97).

**48 Safeguards publicly notified**

- (1) Section 34 of the Soil Conservation and Rivers Control Amendment Act 1959 is hereby amended by omitting from subsection (1) the words “or catchment territory”.
- (2) The said section 34 is hereby amended by repealing subsection (2), and substituting the following subsection:  
“(2) No person shall, without the consent of the Catchment Board, do on or in respect of any such land any act or matter or thing which the Board or a Catchment Commission or the National Water and Soil Conservation Authority has, by notice publicly notified within the immediately preceding 2 years, declared to be likely to facilitate soil erosion or floods or cause deposits in watercourses, lakes, or the sea. Any such notice may at any time be varied or revoked by the Board.”
- (3) The said section 34 is hereby amended by omitting from subsection (2A) (as inserted by section 3(1) of the Soil Conservation and Rivers Control Amendment Act 1980) the words “or the Catchment Commission” and also the words “or Commission”.
- (4) The said section 34 is hereby amended by repealing subsections (2B), (2C), and (2D) (as so inserted), and substituting the following subsections:  
“(2B) If any such objection is received and agreement cannot be reached between the Board and the objector, the Board, after consultation with the objector, shall appoint an independent assessor and refer the matter to that assessor.

- “(2C) After giving the Board and the objector an opportunity to be heard, the assessor shall consider the matter fairly and without bias, make a decision on it, and supply the Board and the objector with a written copy of the decision and the reasons for it.
- “(2D) Subject to section 33B of the principal Act, every decision under subsection (2C) of this section shall be final.”
- (5) The said section 34 is hereby amended by repealing subsection (4), and substituting the following subsection:
- “(4) A notice affecting any mining or coal-mining operation or opencast coal-quarrying operation shall not be publicly notified without the written approval of the Minister of Energy.”

#### **49 Individual notices of safeguards**

- (1) Section 35 of the Soil Conservation and Rivers Control Amendment Act 1959 is hereby amended by repealing subsection (1), and substituting the following subsection:
- “(1) In order to check erosion, whether by landslip or water or wind or otherwise, or to promote soil conservation, or to check deposits in watercourses, lakes, or the sea, or to promote the control of floods, the Catchment Board may from time to time by resolution, in respect of any land within its catchment district, whether or not any notice has been publicly notified under section 34(2) of this Act, require any change, or the prohibition or restriction or regulation of any change, in the use of land affecting the conservation of soil, the stability of detritus, the depositing of materials in watercourses, lakes, or the sea, or flooding:
- “Provided that no resolution affecting any mining or coalmining operation or opencast coal-quarrying operation shall have effect without the concurrence of the Minister of Energy.”
- (2) Section 35(2) of the Soil Conservation and Rivers Control Amendment Act 1959 is hereby amended by omitting the word “Authority” wherever it occurs, and substituting in each case the words “Catchment Board”.
- (3) Section 35(3) of the Soil Conservation and Rivers Control Amendment Act 1959 is hereby amended—

- (a) By omitting the words “, or the Catchment Commission (if any) of the catchment area,”:
- (b) By repealing the proviso.
- (4) Section 35(4) of the Soil Conservation and Rivers Control Amendment Act 1959 is hereby amended by omitting the words “the Authority or” and also the words “or Catchment Commission”.
- (5) Section 3(3)(a) of the Soil Conservation and Rivers Control Amendment Act 1980 is hereby consequentially repealed.

## **50 Review of notices**

- (1) Section 36 of the Soil Conservation and Rivers Control Amendment Act 1959 is hereby amended by omitting from subsection (1) the word “Authority”, and substituting the words “Board which gave the notice”.
- (2) The said section 36 is hereby amended by repealing subsections (3), (4), and (5), and substituting the following subsections:
  - “(3) If any such objection is received and agreement cannot be reached between the Board and the objector, the Board, after consultation with the objector, shall appoint an independent assessor and refer the matter to that assessor.
  - “(4) After giving the Board and the objector an opportunity to be heard, the assessor shall consider the matter fairly and without bias, and may suspend or cancel the notice or confirm it either absolutely or subject to such conditions and modifications as the assessor thinks just.
  - “(5) The assessor shall supply the Board and the objector with a written copy of the decision and the reasons for it.
  - “(6) Subject to section 33B of the principal Act, every decision under subsection (4) of this section shall be final.”

## **51 Compensation**

- (1) Section 37 of the Soil Conservation and Rivers Control Amendment Act 1959 is hereby amended by omitting from subsection (2) the words “District Commissioner of Works” in both places where they occur, and substituting in each case the words “chief executive of the Ministry for the Environment”.

- (2) The said section 37 is hereby amended by omitting the words “or Catchment Commission” wherever they occur.

**52 References to Soil Conservation and Rivers Control Council and National Water and Soil Conservation Authority to be read as references to Minister**

- (1) Subject to the provisions of this Act and any other Act, after the commencement of this section, every reference to the Soil Conservation and Rivers Control Council or to the National Water and Soil Conservation Authority in any enactment or regulations or in any document whatever, unless the context otherwise requires, shall be read as a reference to the Minister for the Environment.
- (2) Sections 2, 4, and 7 of the Soil Conservation and Rivers Control Amendment Act 1983 are hereby consequentially repealed.

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**Schedule**

Sections 6(3), 10(2)

**1**

**Moutere soil conservation reserve**

All that piece of land containing 479 acres, more or less, being Sections 10 and 11, and part Section 9, Square 2, and part Section 162, District of Waimea West, and being also all of the land comprised and described in certificate of title, Volume 63, folio 244 (limited as to parcels) (Nelson Land Registry).

**2**

All that piece of land containing 100 acres, more or less, situated in Blocks V and IX, Waimea Survey District, being part Section 9, Square 2, and part Section 162, District of Waimea West, and being also all of the land comprised and described in certificate of title, Volume 63, folio 245 (limited as to parcels) (Nelson Land Registry).

**3**

All that piece of land containing 9 acres 2 roods 3.2 perches, more or less, being part Section 62, Square 2, and part Section 12, Square 2, Block V, Waimea Survey District, and being also the land comprised and described in the Proclamation taking

land for a soil conservation reserve published in *Gazette*, 1957,  
Volume 3, at page 1609.