

Version
as at 28 October 2021



North Shore Boroughs (Auckland) Water Conservation Act 1944

Local Act 1944 No 3
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Contents

	Page
Title	1
Preamble	
1 Short Title	2
2 Interpretation	2
3 City Council to control lake	2
4 City Council may make bylaws	2
5 Assets and liabilities of Board to vest in City Council	3
6 Borough Councils to pay costs of administration	4
7 Accounts to be kept by City Council	4
8 Contracts not affected	4
9 Cesser of powers	4
10 Governor-General may make regulations	5
11 Dissolution of Board	5

An Act to abolish the North Shore Boroughs (Auckland) Water Board and to vest certain powers in the Auckland City Council

Note

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

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

Preamble

Whereas by the North Shore Boroughs (Auckland) Water-supply Act 1924 there was constituted a Water Board called the North Shore Boroughs (Auckland) Water Board for the purpose of augmenting, maintaining, and improving the supply of water to the Boroughs of Devonport, Takapuna, Northcote, and Birkenhead:

And whereas under and by virtue of the provisions of the North Shore Boroughs (Auckland) Water-supply Act 1941 provision has been made for the supply of water to the said boroughs by the Auckland City Council:

And whereas it is desirable to abolish the said Water Board and to vest in the Auckland City Council certain powers relating to Lake Takapuna.

1 Short Title

This Act may be cited as the North Shore Boroughs (Auckland) Water Conservation Act 1944.

2 Interpretation

In this Act, unless the context otherwise requires,—

Board means the North Shore Boroughs (Auckland) Water Board constituted under the North Shore Boroughs (Auckland) Water-supply Act 1924

City Council means the Auckland City Council, except that where the context or subject matter so requires the expression means the Corporation of the City of Auckland

North Shore Borough Councils means the Councils of the Boroughs of Devonport, Takapuna, Northcote, and Birkenhead, except that where the context or subject matter so requires the expression means the Corporations of the said boroughs respectively

lake means Lake Takapuna, situated in the Borough of Takapuna.

3 City Council to control lake

The City Council shall have control of the lake and of the gathering ground surrounding the lake as if the lake were waterworks vested in the City Council for the supply of water to the inhabitants of the North Shore boroughs, and for such purpose it shall have in relation to the lake and the said gathering ground all such powers and authorities as are vested in or conferred upon Borough Councils in relation to waterworks by the Municipal Corporations Act 1933, and any other Act, regulation, or authority from time to time subsisting.

4 City Council may make bylaws

- (1) The City Council may make bylaws for any of the following purposes:
 - (a) conserving the supply of water in the lake:
 - (b) regulating the output or withdrawal of water from the lake:

- (c) securing or maintaining the purity of the water in the lake:
 - (d) licensing, regulating, restricting, or prohibiting on any part of the catchment area surrounding the lake—
 - (i) the erection or use of any tent, marquee, caravan, or other portable or temporary structure:
 - (ii) the working of any pit, quarry, or rock-face or any excavation of any kind in connection with the working of a pit, quarry, or rock face:
 - (e) licensing, regulating, restricting, or prohibiting the keeping or using of any punt, raft, boat, or other craft upon the lake or upon the shore thereof:
 - (f) such further or other purposes as may be authorised by the Governor-General by Order in Council.
- (2) Such bylaws shall be made in the manner prescribed for the time being for the making of bylaws by the City Council:
- provided that a copy of any proposed bylaw shall be sent by the City Council to each of the North Shore Borough Councils at least 21 days before the date of the meeting of the City Council at which such proposed bylaw is to be submitted for confirmation.
- (3) A copy of any bylaws made by the City Council shall, within 7 days from the making thereof, be forwarded to the Minister of Health.
- (4) The Minister of Health may at any time by notice published in the *Gazette* within 3 months from the making thereof disallow or modify any bylaws made by the City Council under this Act.
- (5) The City Council may repeal any bylaws made by the Board, but unless and until so repealed all bylaws made by the Board shall continue in operation as if this Act had not been passed and may be enforced by the City Council as if they had been made by it hereunder, and all references in the said bylaws to the Board and its officers shall be read and construed as references to the City Council and its officers respectively.
- (6) The powers conferred by this section shall be in addition to and shall not abridge or affect any remedy or proceeding under any other Act or under regulations made under any other Act or under bylaws made by any local authority under any other Act, but so that no person shall be punished for the same offence both under the provisions of bylaws made under this Act and under the provisions of any other Act, regulation, or bylaw.

5 Assets and liabilities of Board to vest in City Council

- (1) All assets and money belonging to the Board shall on the passing of this Act vest in the City Council, and the City Council shall pay and discharge all debts

owing by the Board. The assets and moneys aforesaid shall be handed over to the City Council before 31 December 1944.

- (2) All moneys received by the City Council from the Board shall, after payment of all debts owing by the Board, be used and applied by it in or towards the cost of obtaining this Act and in carrying out the powers and duties of the City Council under this Act.

6 Borough Councils to pay costs of administration

All debts owing by the Board and all costs and expenses incurred by the City Council in exercising any power or performing any duty conferred or imposed on it by this Act or in administering any bylaws relating to the lake (including the cost of obtaining this Act) shall, so far as the same cannot be met out of the moneys paid to the City Council by the Board or out of moneys received by the City Council by virtue of this Act, be paid and reimbursed to the City Council by the North Shore Borough Councils, and as between such Councils shall be borne in the same proportions as the quantity of water supplied to each of them by the City Council during the year concerned bears to the quantity supplied to them collectively during the same period.

7 Accounts to be kept by City Council

- (1) True and correct accounts of such expenditure shall be kept by the City Council, and it shall, as soon as may be after 30 June in each year, furnish to each of the North Shore Borough Councils a statement showing the total expenditure for the financial year or other period, as the case may be, that ended on 31 March then last past, and the share thereof chargeable to the Council concerned based upon such Council's proportion of the total consumption of water for the preceding year or period.
- (2) The accounts of the City Council mentioned in this section shall be open to the inspection of the North Shore Borough Councils or the representatives of them or any of them at all times during office hours, with liberty to take copies thereof or extracts therefrom.

8 Contracts not affected

Nothing in this Act shall affect the terms of any contract now or at any time subsisting between the City Council and any of the North Shore Borough Councils relating to water supply.

9 Cesser of powers

The powers conferred upon the City Council by this Act shall cease to be exercisable by it if and when it ceases to be under obligation to supply water to at least 3 of the North Shore Borough Councils.

10 Governor-General may make regulations

- (1) The Governor-General may from time to time by Order in Council make all such regulations as may in his opinion be necessary for the purpose of giving effect to the provisions of this Act.
- (2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 10(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

11 Dissolution of Board

- (1) This section shall come into force on 31 December 1944.
- (2) The Board is hereby dissolved, and the North Shore Boroughs (Auckland) Water-supply District is hereby abolished.
- (3) The North Shore Boroughs (Auckland) Water-supply Act 1924 is hereby repealed.
- (4) *Amendment(s) incorporated in the Act(s).*

Notes**1 *General***

This is a consolidation of the North Shore Boroughs (Auckland) Water Conservation Act 1944 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

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

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

3 *Editorial and format changes*

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

4 *Amendments incorporated in this consolidation*

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