

## New Zealand.



### ANALYSIS.

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### 1901, No. 8.—*Local.*

AN ACT to make Further Provision for the Supply of Water to the City and Suburbs of Dunedin. Title.  
[2nd November, 1901.]

WHEREAS by an Act of the General Assembly of New Zealand intituled "The Dunedin Waterworks Extension Act, 1875," the Corporation of the City of Dunedin was empowered to take, divert, and impound the stream and tributaries therein mentioned: And whereas by the ninth section of the said Act the said Corporation was empowered to take possession of and acquire the land in the said section mentioned: And whereas the powers in the said last-mentioned section were never exercised: And whereas the said Act was amended by "The Dunedin Waterworks Extension Act 1875 Amendment Act, 1878": And whereas the boroughs now entitled to the rights and privileges conferred by the last-mentioned Act are the Boroughs of West Harbour, North-east Valley, Maori Hill, Roslyn, Mornington, Caversham, South Dunedin, and St. Kilda: And whereas, owing to the altitude of parts of the said boroughs other than South Dunedin and St. Kilda, they cannot be supplied with water from the waterworks now owned by the City of Dunedin: And whereas the Corporation of the said city contemplates constructing further waterworks, with the object of impounding certain of the tributaries of the Water of Leith, and also certain tributaries of the Waitati Stream, at such altitudes as will enable it to supply water to the parts of the said boroughs which cannot be so supplied from the said last-mentioned works, provided it can make suitable terms with the said boroughs: And whereas for the purpose of executing the said works, and the further purposes mentioned in the resolution in that behalf, a poll of the burgesses of the said City of Dunedin was duly taken on the eleventh day of September, one thousand nine hundred, under and in compliance with the provisions of "The Municipal Preamble.

Corporations Act, 1886," to determine whether the said city should borrow the sum of sixty-five thousand pounds, and the resolution in favour of the proposal to borrow the said sum was duly carried: And whereas it is desirable that the said city should proceed to construct the said works under equitable arrangements with the said boroughs, or such of them as may be interested in making such arrangements:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is "The Dunedin Waterworks Extension Act, 1901."

Rights of boroughs.

2. The rights of the said boroughs under "The Dunedin Waterworks Extension Act 1875 Amendment Act, 1878," shall not be prejudicially affected by this Act.

Rights not to extend to waterworks constructed under this Act.

3. Such rights shall not be deemed to extend to waterworks constructed under the provisions of this Act, or to any waterworks to be hereafter constructed by the Corporation of the City of Dunedin, whereby water may be conducted to a higher level than it is capable of being conducted by means of the waterworks now owned by the said city.

Corporation may contract with any borough for water-supply.

4. With respect to such last-mentioned works, the Corporation of the said city shall have power to contract with any such borough for the supply to it or to its inhabitants of water therefrom upon such terms as may be agreed upon between the said city and such borough: Provided that in the event of the said city and any such borough failing to agree upon the terms of any such contract, or the terms on which the same is to be renewed, either party may, by summons, have the terms thereof settled by a Judge of the Supreme Court, and in such case the rate payable for such water shall be fixed at a maximum price of one shilling per thousand gallons.

Corporation empowered to construct works.

5. The said Corporation may, upon obtaining an Order in Council, or Orders in Council, in that behalf, pursuant to the powers and provisions in that behalf contained in "The Municipal Corporations Act, 1900," and "The Public Works Act, 1894," and the Acts hereby amended, construct all such reservoirs and works as shall be by it found necessary or convenient for taking, impounding, conducting, and distributing the waters of the said tributaries and streams, anything in the Acts hereby amended to the contrary notwithstanding.

Acts amended deemed to refer to the tributaries of the Waitati Stream.

6. The Acts hereby amended shall be deemed to include and refer to the tributaries of the Waitati Stream, as if the same had been therein mentioned, together with the tributaries of the Water of Leith.

Compensation.

7. The power to take land and water conferred by "The Municipal Corporations Act, 1900," and any other Act shall for all purposes and in all respects be deemed to apply to the land and water required for the purposes of the said works, and the same shall be taken under the provisions of "The Public Works Act, 1894," and compensation for and in respect of land taken or injuriously affected, and in respect of riparian rights affected, shall

be paid in such cases and to such extent as is provided for by the last-mentioned Act.

8. The said sum of sixty-five thousand pounds may be borrowed by means of debentures, issued pursuant to "The Municipal Corporations Act, 1900"; and the said Act and this Act shall be for all purposes sufficient authority for the issue and sale of the said debentures, and no person shall be entitled to call for any further evidence of the power of the said Corporation to borrow the said sum and issue the said debentures than the production of a copy of the said Act and this Act: Provided that no debenture issued under this Act shall be sold at a price that will produce to the purchaser a greater interest than five per centum per annum.

Power to borrow  
on debentures.