

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 15 November 1951

Words struck out by Local Bills Committee are shown in italics within bold brackets or in roman enclosed in panel; words inserted are shown in black or in roman with rule down side.

Mr. Anderton

AUCKLAND METROPOLITAN DRAINAGE AMENDMENT

[LOCAL BILL]

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A BILL INTITULED

Title. AN ACT to amend the Auckland Metropolitan Drainage Act 1944.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 5

Short Title. 1. This Act may be cited as the Auckland Metropolitan Drainage Amendment Act 1951, and shall be read together with and deemed part of the Auckland Metropolitan Drainage Act 1944 (hereinafter referred to as the principal Act). 10

Interpretation. 2. (1) Section two of the principal Act is hereby amended by omitting from subsection one the definitions of the expressions “contributing authority”, “district”, and “main sewer” or “main drain”. 15

(2) The said section two is hereby further amended by inserting in subsection one, in their appropriate alphabetical order, the following definitions:—

“ ‘Condensing water’ means any water used in any trade, industrial, or commercial process or operation in such a manner that it cannot take matter up into solution or suspension: 20

“ ‘Contributing authority’ means the local authority of any local district which is required for the time being to contribute under this Act towards the administrative expenses, loan charges, or operation and maintenance expenses of the Board in respect of the whole or any part of its district: 25

“ ‘District’, or ‘drainage district’, means the Auckland Metropolitan Drainage District as constituted [and defined for the time being] by this Act: 30

“ ‘Domestic sewage’ means

Struck out

	any liquid discharged	
	from premises which has not become inter-	
	mixed with condensing water or trade wastes	
	and which, whether or not it contains other	
	matters in suspension or solution, may law-	40
	fully be discharged, under the provisions of	
	this Act or of any regulation or by-law made	
	under this Act, into any sewer within the	
	drainage district or within the sphere of	
	influence:	45

New

liquid wastes, including matters in suspension and in solution therein, discharged from premises used solely for residential purposes, or wastes of the same character discharged from other premises; but does not include any solids, liquids, or gases which may not lawfully be discharged to public sewers, or any trade wastes or noxious matters:

“ ‘ Engineer ’ means the Chief Engineer 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 Chief Engineer, whether designated Acting Chief Engineer or not:

“ ‘ Effluent ’ means sewage or trade wastes which has received treatment in addition to that, if any, required for the removal of mineral solids and coarse floating or coarse suspended matter:

“ ‘ Main sewer ’, or ‘ main drain ’, means a sewer or drain designed or intended to convey sewage from one or more sewerage reticulation systems or portions thereof to an outfall sewer or to treatment works:

“ ‘ Main sewerage system ’ means any interconnected system of main sewers, main drains, trade wastes sewers, manholes, measuring chambers, pumping stations, storage tanks, and other structures used or intended to be used for the conveyance of sewage to a treatment works or to an outfall sewer, together with any stormwater overflow chambers and stormwater sewers used or intended to be used for relief of the system in wet weather:

“ ‘ Main sewerage works ’ means works forming part of a main sewerage system or treatment works or outfall sewers connected with any such system:

“ ‘ Measuring chamber ’ means any manhole or chamber, together with any measuring or metering device, used or intended to be used for the determination of rates or of volumes of flow:

“ ‘ Noxious matters ’ means, in [*the case of*] **relation to** a sewerage system, any solid, liquid, or gaseous matters, or any combination or mixture of such matters, which by themselves or in combination with any other

matters in the system may, either immediately or in the course of time, interfere with the free flow of the contents of the system, or injure any part of the system, or become prejudicial to health, or affect prejudicially the safety of any person; and means, in *[the case of.]* **relation to** a watercourse or tidal waters, any solid, liquid, or gaseous matters, or any combination or mixture of such matters, which may become prejudicial to health, or affect prejudicially the safety of any person, **or by odour, colour, or appearance be offensive or objectionable**, or be toxic to fish: 5 10

“ ‘Outfall sewer’ means any sewer, other than a stormwater sewer, conveying or intended to convey sewage from a sewerage system or storage tank, or effluent from a treatment works to a point of ultimate disposal: 15

“ ‘Pretreatment works’ means any works or structures used or intended to be used for reduction of the strength of trade wastes or for the removal of noxious matters from any liquid prior to the discharge of such trade wastes or liquid into any sewerage system: 20 25

“ ‘Pumping station’ means any pumps, ejectors, machinery, and equipment used or intended to be used for the purpose of raising gases to a higher pressure or liquids to a higher level or to a higher pressure, together with any buildings or structures provided to house any such pumps, ejectors, machinery and equipment: 30

“ ‘Sampling chamber’ means any manhole or chamber provided to facilitate the taking of samples of liquids or gases: 35

“ ‘Septic tank’ means a continuous flow tank used or intended to be used for the treatment of sewage by the settlement and decomposition of solid matters contained therein: 40

“ ‘Sewage’ means domestic sewage with or without trade wastes, condensing water, surface water, and subsoil water: 45

“ ‘Sewage disposal works’ means any outfall sewer together with any storage tanks, septic tank, or treatment works used or intended to be used in conjunction with any such outfall sewer: 45

5 “ ‘Sewer’ means any pipe line or culvert, above or below ground level, used or intended to be used to convey sewage, but does not include any soil drain or trade wastes drain; and ‘public sewer’ means a sewer forming part of a sewerage system controlled by the Board or by any local authority:

10 “ ‘Sewerage reticulation system’ means any sewer or interconnected system of sewers used or intended to be used for the discharge thereto of sewage from buildings and other premises and for the conveyance of such sewage to a main sewer or direct to a treatment works or outfall sewer; and includes 15 any pumping stations and manholes forming part of the said system and any stormwater overflow chambers and stormwater sewers used or intended to be used for relief of the system in wet weather; and ‘sewage reticulation works’ has a corresponding meaning:

20 “ ‘Sludge’ means a mixture or combination of water, solids in suspension, and solids in solution removed during the treatment of sewage or trade waste:

25 “ ‘Storage tank’ means any tank used or intended to be used for regulating the rate of discharge or time of discharge of sewage or condensing water or trade wastes or effluent to any sewer or to a point of final disposal:

30 “ ‘Stormwater sewer’ means any sewer or culverted part of a watercourse used or intended to be used for relief of a sewer or sewerage system in wet weather by the conveyance of excess volumes of sewage and surface water 35 to another stormwater sewer or direct to an open watercourse or to tidal waters:

40 “ ‘Stormwater overflow chamber’ means any pipe, chamber, or other structure used or intended to be used for discharge of excess volumes of sewage and surface water in wet weather from any sewer or sewerage system:

“ ‘Surface water’ means any natural water, including salt water, which has not become intermixed with sewage or trade wastes:

- “ ‘ Surface water drain ’ means any open ditch, or any pipe line, channel, or culvert, conveying or intended to convey surface water to any pond, lake, underground cavern, watercourse, or tidal waters: 5
- “ ‘ Tidal waters ’ means all those waters which ebb and flow over any part of the sea bed or of a river estuary, creek-bed, or tidal basin:
- “ ‘ Trade premises ’ means any premises from which any trade wastes, condensing water, or noxious matters are being or may be discharged: 10
- “ ‘ Trade wastes ’ means any liquid, with or without matters in suspension or in solution therein, which are being or may be discharged in the course of any trade or industrial process or operation or in the course of any activity or process or operation of a like nature; but does not include [*condensing water or*]:— 15
- (a) **Condensing water; or**
- (b) Surface water which is discharged direct to a surface water drain: 20
- “ ‘ Trade wastes drain ’ means any pipe line, channel, culvert, or ditch conveying or intended to convey trade wastes or condensing water to any sewer or direct to any watercourse, tidal waters, or other place of disposal: 25
- “ ‘ Trade wastes sewer ’ means any public sewer conveying or intended to convey trade wastes from the vicinity of any trade premises to any intercepting sewer or direct to any treatment works or outfall sewer: 30
- “ ‘ 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 Treasurer: 35
- “ ‘ Treatment works ’ means any works used or intended to be used for the purification of sewage or trade wastes.” 40
- (3) The said section two is hereby further amended by inserting, after subsection one, the following subsections:—

“ (1A) The terms “ occupier ”, “ owner ”, “ pro-
perty ”, and “ rateable value ” shall in this Act have
the meanings assigned to them in section two of the
Municipal Corporations Act 1933.

5 “ (1B) For the purposes of the principal Act and
this Act, the contents of any drain serving trade premises
shall be deemed to be domestic sewage if the drain
concerned is used or intended to be used for the convey-
ance of domestic sewage with or without surface water
10 only; the whole of the contents of any drain to which
trade wastes are being discharged shall be deemed to be
trade wastes; and any drain to which trade wastes, in
addition to domestic sewage or condensing water or
subsoil water or surface water, are being or may be
15 discharged shall be deemed to be a trade wastes drain.”

(4) The said section two is hereby further amended
by omitting from subsection two the words “ subject to
the provisions of the Population Estimates Emergency
Regulations 1942 ”.

20 **3.** (1) Section three of the principal Act is hereby
amended by omitting all words after the word “ com-
prising ”, and substituting the words: “ the City of
Auckland; the Boroughs of Mount Eden, Mount Albert,
Newmarket, One Tree Hill, Onehunga, Otahuhu, Ellerslie,
25 Mount Roskill, Papatoetoe, New Lynn, Henderson,
Manurewa and Papakura; [*Devonport, Takapuna,
Northcote, and Birkenhead*] the Town Districts of Glen
Eden and Howick; the Mount Wellington Road District;
the Panmure Township Road District; portions of [*the*
30 *Titirangi, Waikumete, Waipareira, Waitakerei, Birken-
head, and Takapuna Ridings of*] Waitemata County
as described in the First Schedule to this Act; the
Pakuranga and Papatoetoe Ridings and part of the
Mangere, Papakura and Wairoa Ridings of [*the*]
35 Manukau County; the Auckland Domain and Hospital
Reserve; and the islands in Waitemata Harbour known
as Motukorea or Brown’s Island, Pollen Island and
Traherne Island; all of which areas are shown on a
plan deposited in the office of the Chief Surveyor at
40 Auckland under Number S.O. 36183, and thereon edged
orange and green, and are more particularly described
in the First Schedule hereto.”

Metropolitan
Drainage
District.

(2) The principal Act is hereby further amended by
repealing the First Schedule, and substituting the new
45 First Schedule set out in the **First** Schedule to this Act.

Inner and
Outer Areas
and Sewerage
Districts.

4. (1) The combined districts comprising the City of Auckland, the Boroughs of Mount Eden, Mount Albert, Newmarket, One Tree Hill, Onehunga, Ellerslie, **Otahuhu**, Mount Roskill, and Papatoetoe, the Mount Wellington Road District, the Panmure Township Road District, and the Auckland Domain and Hospital Reserve, shall together constitute the Inner Area of the drainage district. 5

Struck out

(2) The combined districts comprising the Boroughs of Devonport, Takapuna, Northcote, and Birkenhead, together with those portions of the Takapuna and Birkenhead Ridings of Waitemata County which are contained within the drainage district, shall for the purposes of this Act be described as the Northern Sewerage District. 10 15

(3) The combined districts comprising the **[Boroughs of New Lynn and Henderson,] Borough of New Lynn**, the Town District of Glen Eden, and those portions of the Titirangi and Waikumete Ridings of Waitemata County which are contained within the drainage district, shall for the purposes of this Act be described as the Western Sewerage District. 20

(4) The local authorities of the several districts comprising the Inner Area **[the Northern sewerage district]** and the Western sewerage district are hereby designated as the constituent authorities of the drainage district. 25

(5) Those portions of the drainage district which for the time being are not included within the Inner Area, **[and Northern sewerage district,]** the Western sewerage district, or any other sewerage district which may be constituted under the provisions of this Act shall together comprise the Outer Area of the drainage district. 30 35

Alteration of
boundaries.

5. (1) Section four of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:—

“ (1) The Governor-General may from time to time, by Order in Council, on the petition of the Board,— 40

“(a) Alter the boundaries of the Inner Area, **[or of the Northern sewerage district,]** or of the Western sewerage district, so as to include therein or exclude therefrom any area that in his opinion should be so included or excluded, as the case may be: 45

“ (b) Constitute within the drainage district such further sewerage districts as in his opinion should be constituted for the more convenient administration of this Act:

5 “ (c) Declare any area within the drainage district to be a special area under a name to be specified in the Order in Council.”

(2) The said section four is hereby further amended by repealing subsection four, and substituting the following subsection:—

10 “ (4) The Governor-General may in any Order in Council made under this section make such provision with regard to the adjustment or method of determination of the financial obligations or the assessment of the several
15 contributing authorities within the drainage district affected by the Order in Council as he deems necessary and equitable.”

(3) The said section four is hereby further amended by omitting from subsection five the words “ of any area
20 then included within the Inner Area,” and substituting the words “ of all contributing authorities within the drainage district ”.

6. (1) As from the passing of this Act, the following areas, in so far as they are not included within the drainage district described in section three of the principal Act, as amended by section *four* of this Act, shall be regarded as being within the sphere of influence of the Board—namely, those portions of Waitemata County
25 **(other than that portion of such county which lies generally to the east of the line described in the *Second Schedule to this Act*)** of which the natural drainage is into the waters of [*Hauraki Gulf*] the Waitemata Harbour, or Manukau Harbour; Waiheke; the islands in the Waitemata Harbour known as Motuihi and Herald
30 Island; Manukau County; those portions of Franklin County and any other lands of which the natural drainage is into the waters of Manukau Harbour; and the islands in the Manukau Harbour known as Puketutu or Week’s Island and Wiroa Island:

Sphere of influence.

35 Provided that no part of the water supply reserves controlled by the Council of the City of Auckland shall be regarded as being within the said sphere of influence.

(2) The Governor-General may from time to time, by Order in Council, alter the extent of the sphere of influence so as to include therein or exclude therefrom any area that in his opinion should be included in or excluded from the sphere of influence, as the case may be. 5

Repeal.

(3) Section forty-five of the principal Act is hereby repealed.

Changes in boundaries or status of local authorities.

7. The extent of the drainage district as defined in section three of the principal Act, as amended by section four of this Act, shall in no way be affected by any subsequent extension or reduction in the area of any local authority whose district or part of whose district is included in the drainage district, or by any change in the status of any such authority, or by the amalgamation or merger of two or more local districts, or by any change in the functions of any authority: 10 15

Provided that if any area adjacent to the boundary of the drainage district is transferred from any county or harbour to form part of a city, borough, town district, or road district within the drainage district, that area shall be deemed as from the date of transfer to have been incorporated in the drainage district. 20

Representation.

8. Section six of the principal Act is hereby amended by adding the following subsections as subsections two to four thereof:— 25

“(2) On the petition of the Board or of any of its contributing authorities, the Governor-General may, by Order in Council, from time to time readjust the grouping of the local authorities into constituencies, or alter the number of seats or allocation of seats on the Board, so as to ensure a more equitable representation of the respective interests of the local authorities whose districts or parts of whose districts are for the time being included within the drainage district. 30

“(3) On the petition of the Board or of any of its contributing authorities, the Governor-General may at any time appoint any person or persons to be a Commission of Inquiry under the Commissions of Inquiry Act 1908 [or require the Local Government Commission] to inquire into and report on the allocation of seats on the Board, or direct the Local Government Commission so to inquire and report.” 35 40

Struck out

5 “ (4) As soon as practicable after the passing of
this Act, with a view to avoiding any delay, the Governor-
General may, without the necessity for any petition, by
Order in Council exercise any of the powers conferred
upon him by subsections two and three of this section
in so far as it may be necessary to give such representa-
10 tion on the Board as he may deem equitable to the local
authorities whose districts or part of whose districts
are within the Northern Sewerage District. As soon as
practicable after the passing of this Act, a scheme of
main sewerage works for the Northern Sewerage District
shall be prepared by the Board; but that scheme shall
not be considered or adopted by the Board until such
15 representation as aforesaid is given.”

9. (1) Section twenty-seven of the principal Act is hereby amended as follows:— By-laws.

(a) By repealing paragraph (b) of subsection one:

20 (b) By adding to subsection one the following paragraphs:—

Struck out

25 “ (e) For the more effective carrying out
of any of the objects of this Act:
“ (f) For regulating any of the subject
matters of this Act.”

New

30 “(e) For the control of the design,
location, construction, and management of
septic tanks and other means of disposal of
sewage in areas where no public sewer is for
the time being available:

35 “(f) For prescribing charges to be paid
in respect of connections to the Board’s
sewers by persons and authorities other than
local authorities.”

(2) The said section twenty-seven is hereby further amended by inserting, after subsection one, the following subsection:—

40 “(1A) The power to make by-laws under this
[section] Act is additional to [the power] and not in
substitution for the powers conferred upon the Board
under any other provisions of this Act [to make by-laws
for any specific purpose] or any other Act.”

(3) The said section twenty-seven is hereby further amended by omitting from subsection two the words “ twenty pounds ”, and substituting the words “ fifty pounds ”.

Control of main
sewers.

10. (1) Section thirty-two of the principal Act is hereby amended as follows:— 5

(a) By omitting from subsection one the words “ Inner Area of the ”:

(b) By repealing the proviso to subsection one:

(c) By inserting in subsection two, after the words “ Inner Area of the district ”, the words “ or *[within the Northern sewerage district or]* the Western sewerage district ”: 10

(d) By inserting in subsection three, after the words “ Inner Area ”, the words “ or *[in the Northern sewerage district or]* the Western sewerage district ”: 15

(2) The said section thirty-two is hereby further amended by adding the following subsection:—

“ (4) Any question which may arise between the Board and any local authority as to whether any existing sewer is or is not a main sewer or main drain shall be settled by arbitration under the Arbitration Act 1908.” 20

Treatment
works and
outfall sewers.

11. (1) Section thirty-four of the principal Act is hereby amended by repealing subsections one to four, and substituting the following subsections:— 25

“ (1) The Board may construct outfall sewers and, subject to the provisions of this Act, discharge effluent from treatment works to tidal waters within or beyond harbour limits. 30

“ (2) **Subject to compliance with the provisions of the Harbours Act 1950**, the construction of any outfall sewer to tidal waters and of any submarine sewer shall be subject to the approval of *[the Minister of Marine and of]* the Auckland Harbour Board as to location, depth, and other details of construction, and such approval shall be obtained before the construction of the said works is commenced.” 35

(2) The said section thirty-four is hereby further amended as follows:— 40

(a) By omitting from subsection five the words “ all lands in the said Auckland Harbour ”, and substituting the words “ all lands in any harbour adjacent to the drainage district ”:

(b) By omitting from subsection six the words " Waitemata Harbour ", and substituting the words " any harbour adjacent to the drainage district ".

5 12. (1) As soon as may be practicable after the Standards of
passing of this Act, the Auckland Harbour Board, after purification.
obtaining the concurrence of the Minister of Health and
the Minister of Marine, shall notify the Board and all
local authorities who may then be discharging or per-
10 mitting the discharge of sewage or sewage effluents to
any waters within harbour limits of the standards of
purity and conditions to be maintained and complied with
in respect of [*each such discharge.*] **the discharge of**
sewage or sewage effluents to any such waters as
15 **aforsaid.**

(2) In like manner the Minister of Marine shall
notify the standards **of purity** and conditions to be
maintained and complied with in respect of any such
discharge to waters outside harbour limits but within
20 or contiguous to the drainage district or sphere of
influence of the Board.

(3) Upon receipt of such notification as aforesaid
from the Auckland Harbour Board or from the Minister
of Marine, as the case may be, the Board or the local
25 authority concerned shall as soon as practicable there-
after commence and with all reasonable expedition
complete such works as may be necessary, to ensure that
the standards and conditions so notified to it are and
shall continue to be maintained and complied with.

(4) The Auckland Harbour Board, after obtaining
the concurrence of the Minister of Health and the
Minister of Marine, in the case of tidal waters within
harbour limits, and the Minister of Marine in the case
of tidal waters beyond harbour limits, may at any time
35 and from time to time notify the Board and any such
local authority of any further or different standards
and conditions in respect of the discharge of sewage and
sewage effluents to such waters as aforesaid, and there-
upon the Board or the local authority concerned shall
40 as soon as practicable commence and with all reasonable
expedition complete such works as may be necessary to
ensure that such further or different standards and
conditions as aforesaid are and shall thereafter continue
to be maintained and complied with.

(5) The Minister of Health, the Minister of Marine, or the Auckland Harbour Board may at any time make application to the Supreme Court or a Judge thereof by summons for an order requiring compliance with the standards and conditions fixed as aforesaid and the infliction of such penalties as the Court or a Judge thereof may deem appropriate for failure to so comply. Without prejudice to or limitation of any other remedy, any such failure shall be an offence within the meaning of this Act.

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New

Any financial penalty imposed pursuant to the provisions of this section may, notwithstanding the provisions of section seventy-four of the principal Act, be an amount not exceeding three times the amount which may be imposed pursuant to that section.

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(6) Nothing in section two hundred and forty-one of the Municipal Corporations Act 1933 shall apply to any discharge of sewage or sewage effluents in accordance with this Act.

20

Disposal of
sewage.

13. No sewage shall be discharged from any portion of the drainage district into tidal waters or to any stream or watercourse discharging into such waters except through the sewers of the Board:

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Provided that, until the Board has completed provision for conveying sewage from any part of the district to treatment works to be built by it under the authority of this Act, or has taken over control of existing sewage disposal works, sewage from the part affected may be discharged, subject to the provisions of this Act and of all other Acts and to the consent of the Minister of Marine or of the Auckland Harbour Board, as the case may require, to sewers draining to existing outfall sewers which for the time being are under the control of any local authority within the district:

30

35

Provided also that this section shall not apply to discharge from any stormwater sewer for the time being forming part of the sewerage system under the control of any local authority; and shall not apply within any area, so long as public sewers are not available for the service of the said area, to the discharge of sewage effluent from any septic tank if the said septic tank was or is constructed to the approval of the controlling

40

5 **local** authority and is operated in accordance with the provisions of the by-laws of that authority or, if there are relevant by-laws of the Board which are of general application throughout the drainage district, in accordance with those by-laws.

10 **14.** Section thirty-five of the principal Act is hereby amended by omitting from the proviso to paragraph (g) of subsection one the words " the aforesaid treatment works on Motukorea ", and substituting the words " any treatment works under the control of the Board ".

Discharge of effluent.

15 **15.** Section thirty-seven of the principal Act is hereby amended by omitting the words " within the Inner Area of the district every contributing authority may from time to time connect sewers and drains with the said main sewers or main drains ", and substituting the words " every contributing authority may from time to time connect sewers or drains with such main sewers or main drains as the Board may have constructed or taken over for the service of the district concerned ".

Powers of contributing authorities to connect sewers.

20 **16.** Subsection two of section forty of the principal Act is hereby amended as follows:—

Board may carry out works for other authorities and persons.

(a) By inserting, after the words " drainage works ", the words " or treatment works or render other services of any nature ":

(b) By inserting, after the word " sewage ", the words " trade wastes or noxious matters ":

25 (c) By inserting, after the word " district ", the words " or on behalf of any person ":

(d) by adding the words " or of any such services ".

30 **17.** Section forty-four of the principal Act is hereby amended by adding the following subsections as subsections two and three thereof:—

Main sewerage works in Outer Area and sphere of influence.

" (2) Within the sphere of influence of the Board no main sewerage works shall be constructed, maintained or operated save with the approval and under the general supervision of the Board.

35 *New*

If any question arises as to whether the Board has unreasonably withheld its approval, the matter shall be referred to the Minister of Health, whose decision shall be final.

40 " (3) Within the Outer Area and the sphere of influence the discharge of trade wastes either directly or through the sewers of a local authority to streams,

watercourses, or tidal waters shall be subject to control by the Board, or, where discharge is to tidal waters, by the Auckland Harbour Board, in all respects, with the necessary modifications, as if the trade premises concerned were located within the drainage district." 5

Financial Provisions

Separate
accounts.

18. Section forty-nine of the principal Act is hereby amended by inserting, after subsection one, the following subsection:—

“(1A) Without limiting in any way the provisions of subsection one of this section, separate accounts shall be kept by the Board in respect of the design, construction and operation of main sewerage works for— 10

“(a) The Inner Area of the district:

[“(b) *The Northern sewerage district:*] 15

“(c) The Western sewerage district:

“(d) Any other sewerage district or special area which may hereafter be constituted under the provisions of this Act:

“(e) Any separate part or parts of the drainage district for the benefit of which a loan is raised and which is defined pursuant to the provisions of subsection four of section fifty-six of this Act.” 20

Assessments.

19. (1) Section sixty of the principal Act is hereby amended by repealing paragraphs (a) and (b), and substituting the following paragraphs:— 25

“(a) The amounts payable in respect of permanent appropriations for payment of interest and the creation of a sinking fund or for periodical repayments on account of any loans raised for the benefit of— 30

“(i) The Inner Area of the district; or

[“(ii) *The Northern sewerage district;*
or] 35

“(iii) The Western sewerage district; or

“(iv) Any other sewerage district or special area which may hereafter be constituted under the provisions of this Act; or

“ (v) Any other part of the drainage district,

shall be separately ascertained and charged and assessed to the local authority or authorities of the local districts or portions thereof for the benefit of which those loans were respectively raised:

“ (b) The amounts payable in respect of the design, construction, maintenance, and operation of any works which have been or may hereafter be constructed or taken over by the Board for the service of any part of the drainage district aforesaid shall likewise be separately ascertained and charged and assessed to the local authority or authorities of the local districts or portions thereof for the service of which those works are respectively intended:

“ (bb) The amounts payable pursuant to the provisions of paragraphs (a) and (b) of this section by local authorities within the Inner Area shall be assessed and charged to all local authorities whose districts or portions of whose districts are within the Inner Area in proportion to the mean percentage of the rateable capital value and population of the respective districts or portions thereof as the case may be. In like manner where any sewerage district or special area or other defined part of the drainage district includes the whole or portions of two or more local districts, the local authorities concerned shall be charged with the amounts concerned in proportion to the mean percentage of the rateable capital value and population of the respective districts or portions thereof, as the case may be.”

(2) The said section sixty is hereby further amended as follows:—

(a) By inserting in paragraph (c), after the words “ the Inner Area ”, the words “ or is within any sewerage district constituted by this Act or which may hereafter be constituted under the provisions of this Act ”:

(b) By adding to paragraph (c) the following proviso:—

“ Provided that no local authority whose district or portion thereof is within any such sewerage district shall be liable to be charged or assessed in respect thereof for any portion of such residue as aforesaid until a loan has been raised for the construction or acquisition of any works for the service of its district or the portion thereof within the sewerage district ”:

(c) By omitting from paragraph (d) the words “ treatment works and outfall at Motukorea and of the new main sewer from Mount Roskill to West Tamaki Head ”, and substituting the words “ such main treatment works and outfalls as the Board may decide are immediately required for the service of the Inner Area of the drainage district ”:

(d) By omitting from subparagraph (i) of paragraph (d) the words “ the Board’s new scheme and the general administrative expenses ”, and substituting the words “ the new scheme of works for the Inner Area ”:

(e) By omitting from subparagraph (ii) of paragraph (d) the words “ the whole annual cost of the Board ”, and substituting the words “ the annual cost of all works provided or taken over for the service of the Inner Area ”.

Security for loans.

20. Every loan already or hereafter raised by the Board shall be and to the extent of the moneys still unpaid shall be deemed always to have been a general charge against all assessments which the Board is authorized to levy upon the various contributing authorities within the drainage district. The charge shall not, however, affect the liability of the respective contributing authorities which are in accordance with the provisions of the principal Act or this Act responsible for payment of the moneys so raised.

By-laws as to assessments and accounts.

21. (1) The Board may make by-laws, not inconsistent with the provisions of the principal Act or this Act, in connection with—

(a) The manner in which the total sum estimated to be required by the Board for each financial year for the purposes of the principal Act or of this Act is to be levied by way of assessment or is otherwise to be provided:

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(b) The form in which the accounts of the Board are to be kept.

(2) Such by-laws shall be made and assessments levied in accordance with the general principles and intent of the provisions contained in the principal Act, as amended by this Act, with such variations as circumstances may from time to time render necessary in order that there may be an equitable distribution of the financial obligations of the Board.

15 *Special Provisions Relating to Trade Wastes and Noxious Matters*

22. After the thirtieth day of June, nineteen hundred and fifty-two, no trade wastes shall be discharged from any premises located within the drainage district to tidal waters or to any stream or watercourse within the district except through a sewer under the control of the Board unless exemption from the provisions of this section has been granted in accordance with the provisions of section *twenty-four* of this Act.

Discharge to sewers.

23. [(1) *Within two months after the receipt of a written request from the Board, but not later than*]

Within three months after publication in at least one daily newspaper circulating in the district of a notice by the Board, but not earlier than six months after the passing of this Act, every person in occupation of trade premises within the drainage district shall submit to the Board such details regarding the quantity, nature, and quality of trade wastes, noxious matters, and condensing water (or liquid which the person concerned may consider to be condensing water) which are being or may be discharged from the said premises as the Board may specify in such notice to enable it to carry out its obligations under this Act; and he shall also submit to the Board such information as it may so specify as to the means and location of

Information to be supplied to Board.

disposal of such liquids. Any person who may hereafter propose to operate any trade premises within the drainage district shall in like manner submit such information as the Board may specify before he commences any process or operation which will result in the discharge of trade wastes, noxious matters, or condensing water: 5

Provided that no information need, unless requested by the Board, be supplied under this subsection where the total volume of such liquids which are being or may be discharged does not exceed five thousand gallons a day and where such liquids are not of a toxic or offensive nature. 10

Struck out

(2) Within six months after the passing of this Act every local authority whose district or part thereof is within the drainage district shall supply the Board with a list containing the location of all premises within its district or that part thereof which is within the drainage district from which the local authority has reason to believe that trade wastes or condensing water or noxious matters are being or may be discharged, together with the names and addresses of the respective occupiers of such trade premises. 15 20

Exemptions from requirement to discharge trade wastes to public sewers.

24. (1) Any occupier of trade premises may submit concurrently with the information required to be supplied pursuant to subsection one of section twenty-three of this Act an application for exemption from the provisions of section twenty-two of this Act in respect of the whole or any part of the trade wastes and condensing water discharged or to be discharged from the said premises, and the Board may, subject to the provisions of this section, grant exemption. 25 30

(2) Every applicant for exemption shall submit with his application such information as may appear to be relevant to the same; and shall further supply, on request of the Board or of an authorized officer of the Board, such additional information as may be necessary to enable full consideration to be given by the Board to the application. 35 40

(3) An application for exemption for the time being shall be granted—

(a) If the Board is satisfied that there is no public sewer of sufficient capacity so located that it would be reasonable for the Board to require discharge to that sewer of trade wastes to be discharged from the premises concerned:

(b) In the case of condensing water, if the Board is satisfied that suitable arrangements for the discharge thereof other than directly or indirectly to sewers under the control of the Board have been made.

(4) Any exemption from the provisions of section *twenty-two* of this Act, which may be granted by the Board under the authority of this section, may be withdrawn by the Board by the service of notice (which in the case of an exemption granted under subsection *three* of this section shall be three months' notice) on the occupier of the trade premises concerned if it appears to the Board at any time that the grounds upon or the conditions under which such application was granted no longer exist, or may have ceased to exist on expiry of the period specified in such notice.

(5) Any exemption granted by the Board may at any time, by notice, be withdrawn by the Board if the Minister of Health considers that course desirable for any reason and directs the withdrawal thereof.

(6) As from the date of expiry of any such notice as aforesaid the occupier of the trade premises concerned shall in respect of the said premises comply with the provisions of section *twenty-two* and with all other provisions of this Act relating to the pretreatment and disposal of trade wastes.

(7) Subject to the provisions of section *twenty-eight* of this Act, no application for exemption from the provisions of section *twenty-two* of this Act shall be granted unless—

(a) In the opinion of the Board the liquids in respect of which application for exemption is made are of such quality, or are being or will, prior to discharge from the trade premises, be purified by the applicant to such a degree, that their discharge to a watercourse or to tidal waters will not prejudicially affect the watercourse or tidal waters; and

(b) In the opinion of the Board the discharge of the liquids to a watercourse will not by itself or in conjunction with other liquids in the watercourse result in flooding of lands adjoining the watercourse; and

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(c) The Auckland Harbour Board signifies to the Board that it has no objection to the Board authorizing the discharge of the aforesaid liquids to tidal waters within the harbour.

(8) The Board, subject to its having obtained the approval of the Auckland Harbour Board in the case of discharges to tidal waters within harbour limits, and subject to its having obtained the approval of the Minister of Marine in the case of discharges to tidal waters beyond harbour limits, may impose such **reasonable** conditions in respect of exemption from the provisions of section *twenty-two* of this Act as it may think fit, and if it should find that any of such conditions are not being complied with may cancel any exemption granted.

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(9) In all cases in which it may have granted exemption from compliance with the provisions of section *twenty-two* of this Act, and in all cases in which it may have withdrawn or cancelled a prior exemption, the Board shall inform—

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(a) The local authority concerned; and

(b) The Auckland Harbour Board or the Minister of Marine, as the case may require, of the action which it has taken in the matter.

Common law
rights reserved.

(10) The rights of any person at common law arising from any nuisance or pollution, and the provisions of any general Act relating to nuisance or pollution, shall not be affected by reason only of any exemption granted from compliance with the provisions of section *twenty-two* of this Act, or by reason of any approval or consent given pursuant to this section.

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Trade wastes
drains.

25. (1) After the passing of this Act no trade wastes drain shall be connected to a public sewer within the drainage district, nor shall any trade wastes drain connected to a public sewer within the drainage district be altered or extended, without the prior consent of the

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Board; and in granting any such consent the Board may impose such **reasonable** conditions as it may deem necessary to enable effect to be given to the relevant provisions of the principal Act and of this Act.

5 (2) The cost of construction or alteration or extension of any trade wastes drain as aforesaid, and the cost of connecting the drain to a public sewer, shall be borne by the occupier of the trade premises affected.

10 **26.** (1) Every trade wastes sewer, and every pumping station which may be required in connection with the conveyance of trade wastes from trade premises to treatment works provided by the Board, shall be constructed, operated, and maintained by and at the expense of the Board as part of its main sewerage

Trade wastes
sewers and
pumping
stations.

15 system.
(2) Every sewer required after the passing of this Act for the conveyance both of sewage and trade wastes to any sewer or treatment works under the control of the Board shall be constructed and maintained by the
20 local authority concerned as part of its reticulation system, unless the Board shall have designated the said sewer as a main sewer to be constructed by and at the cost of the Board. If the aforesaid sewer is constructed and maintained by the local authority, the Board shall
25 pay to the local authority such proportion of the actual cost of the sewer, as certified by the engineer to the local authority, as the capacity provided with the approval of the Engineer to the Board in the said sewer for the conveyance of trade wastes bears to the total
30 capacity of the sewer:

Provided that if the greater part of the aforesaid capacity is required for the conveyance of trade wastes to any part of the Board's system, or if the said sewer is required for conveyance of trade wastes before its
35 construction as a local sewer would otherwise be justified, the Board may serve notice on the local authority concerned stating that it intends to construct the said sewer for the said purposes; and in either case it may construct the required sewer and may recover from the
40 local authority concerned, either immediately or at such later date as it may determine, a reasonable proportion of the cost of the said sewer.

(3) Every alteration to or reconstruction of any sewer forming part of a reticulation system shall for the purposes of subsection *two* of this section be deemed to be the construction of a new sewer forming part of such system, if the alteration or reconstruction is required to provide for conveyance of trade wastes to the Board's main sewerage system. 5

(4) Any dispute or difference between the Board and any local authority arising under or in connection with any of the provisions of this section shall be referred for decision to arbitration in manner provided by the Arbitration Act 1908. 10

Treatment of
trade wastes.

27. (1) Every occupier of trade premises from which trade wastes are discharged either directly or indirectly to any public sewer shall, prior to such discharge, pretreat the trade wastes at his own expense to such degree as the Board from time to time may require: 15

Provided that the Board shall not require pretreatment of trade wastes to any extent greater than is necessary to ensure that on discharge to any such sewer the trade wastes are of such quality that the capital and operational costs of further treatment to whatever degree may be necessary to ensure compliance with the provisions of section [*thirteen*] **twelve** of this Act will be no greater than the cost of treatment to a like degree of the same volume of domestic sewage. 20 25

(2) If it appears to the Board that any trade wastes are of such a nature that they are not likely to injure or obstruct the sewers or to render unduly difficult the treatment of domestic sewage with which they may become intermingled the Board shall on application for the purpose by the occupier of the trade premises affected grant permission to him to discharge those trade wastes to such sewers under the control of the Board as shall be specified by the Board, subject to compliance by that occupier with the provisions of the principal Act and this Act, and to payment by him of such charges and compliance by him with such requirements as may be set forth in the by-laws for the time being of the Board, and to compliance by him with such additional requirements, if any, as the Board may reasonably decide to impose, having regard to any special circumstances or unusual factors involved. 30 35 40

New

(3) The Board may enter into agreements with occupiers of trade premises whereby the Board may undertake at the cost of the occupier concerned to design, construct, and operate works for the pretreatment of any such trade wastes as aforesaid.

(4) Should any net profits result from the operations of the Board in connection with the pretreatment of trade wastes, such profits shall not be treated as part of the general funds of the Board so that the benefit thereof may accrue to the contributing local authorities, but shall be so dealt with that after repayment of all capital, operational, and other charges whatever, including an equitable contribution to general administrative charges of the Board, any balance of net profits available shall be allocated by the Board to the occupiers of trade premises concerned in the creation of such profits in such manner as the Board may from time to time decide.

28. (1) Pending completion by the Board of those parts of its main sewerage system required to provide for collection and treatment of trade wastes, every occupier of existing trade premises shall comply with such requirements of the Auckland Harbour Board and of the Board as may be necessary for the mitigation of pollution of tidal waters or of watercourses or lands to which trade wastes from the aforesaid premises may be discharged:

Temporary provisions.

Provided that, so far as may be practicable, the said requirements shall be such that any machinery or works installed in accordance with them may remain effective after connection of the said premises to any public sewer.

(2) No trade wastes shall be discharged from any premises first used as trade premises after the passing of this Act until the question of pretreatment and disposal of trade wastes to be produced at the said premises has been referred to the Board; and the person responsible for the construction or user of those trade premises shall make such provision for pretreatment before disposal of the said trade wastes as the Auckland Harbour Board and the Board may specify for the said purpose, and shall carry out all the requirements of the said Harbour Board and of the Board until such time as trade wastes drains from the premises concerned may be connected to a public sewer.

(3) All costs in connection with the construction of works and the installation and operation of equipment provided under the terms of this section shall be borne by the occupier of the aforesaid trade premises.

Treatment and disposal of noxious matter.

29. (1) No noxious matters may be discharged to any sewer or to any watercourse, or to tidal waters within harbour limits or within three miles of any foreshore within or contiguous to the drainage district or sphere of influence, or to any underground cavern or other point of disposal on land. 5 10

(2) The treatment, prior to disposal, of all noxious matters discharged within **or from** the drainage district shall be the responsibility of and shall be carried out at the cost of the person responsible for the discharge of such matters as aforesaid: 15

Provided that the Board may enter into agreements with persons responsible for the discharge of noxious matters whereby the Board may undertake, at the cost of the persons concerned, to design, construct, and operate pretreatment works for the conversion of the said matters into non-noxious matters, and for the subsequent acceptance of the products of that treatment process into the Board's sewers. 20

Treatment of petroleum, &c.

30. Every person in control of any premises within the drainage district from which petroleum products or any explosive or inflammable matters may be discharged to any public sewer or to a watercourse or to tidal waters shall install and operate effectively an intercepting chamber of such form as the Board may specify or approve. Compliance with the requirements of a licence for the time being in force under the **Explosive and Dangerous Goods Act 1908** shall be deemed compliance with the provisions of this section. 25 30

Trade wastes by-laws.

31. (1) The Board may, and, if required by the Minister of Health, shall, make by-laws (hereafter in this Act referred to as trade wastes by-laws) with respect to the discharge of any trade wastes, or trade wastes of any particular nature or composition, from trade premises into any public sewer, and any such by-laws may provide for all or any of the following matters, that is to say:— 35 40

(a) For determining the period or periods of the day during which the trade wastes may be discharged from any trade premises into the sewer; 45

(b) For requiring the exclusion from the trade wastes of all condensing water:

(c) For requiring that, before the trade wastes enter the sewer, there shall be eliminated from the wastes any such constituent thereof as may be specified in the by-laws, being a constituent as to which the Board is satisfied that it would, either alone or in conjunction with any matter with which it is likely to come into contact while passing through any sewers—

(i) Injure or obstruct those sewers, or make specially difficult or expensive the treatment or disposal of the sewage from those sewers; or

(ii) Where the trade wastes are to be, or are, discharged into a sewer having an outfall into any harbour or tidal water or into a sewer which connects directly or indirectly with a sewer or sewage disposal works having such an outfall, cause or tend to cause pollution to or interference with the full and free user of the said harbour or tidal water:

(d) For determining the maximum quantity of the trade wastes which may, without the consent of the Board, be discharged from any trade premises into the sewer on any one day, and the highest rate at which the trade wastes may, without such consent, be discharged from any trade premises into the sewer:

(e) For regulating the temperature of the trade wastes at the time at which they are discharged *[into the sewer, and for securing, so far as reasonably practicable, that the trade wastes, when so discharged, shall be neutral, that is to say, neither acid nor alkaline.]*

New

, and for defining the degree of acidity and alkalinity to which the trade wastes must conform when discharged:

(f) For requiring that the several occupiers of trade premises from which the trade wastes are discharged into the sewer shall pay to the Board such charge for the reception of the

trade wastes into the sewer, and for the disposal thereof, as may be specified in the by-laws, regard being had to the composition [*and volume*] of the trade wastes so discharged, and to any additional expense incurred or likely to be incurred by the Board in connection with the reception or disposal of the trade wastes: 5

(g) For the provision and maintenance by and at the expense of the occupier of the trade premises concerned of such an inspection chamber or manhole **or other apparatus or device** as will enable a person readily to take at any time samples of what is passing into the sewer from the premises: 10

(h) For the provision and maintenance by and at the expense of the occupier of the trade premises concerned of such meters as may be required to measure the volume of any trade wastes being discharged from the premises into the sewer, and for the testing of the meters: 15

(i) For the provision by and at the expense of the occupier of the trade premises concerned of screens, greasetraps, silt traps, or other means of preventing **or controlling** the discharge of solids or grease from the trade premises: 20 25

New

(j) For the control of the design, location, construction, and management of septic tanks and other means of disposal of trade wastes in areas where no public sewer is for the time being available. 30

(2) Trade wastes by-laws providing for any of the matters mentioned in paragraphs (a) and (d) of subsection *one* of this section may make different provision in relation to different descriptions of trade premises and in relation to different parts of the district of the Board. 35

(3) Nothing in the principal Act or in this Act shall render ineffective the by-laws of any local authority in so far as those by-laws are designed to prevent the discharge into any sewers controlled by the local authority of any matter not debarred by those enactments or the by-laws of the Board, but which might injure or 40

obstruct such sewers as aforesaid or any sewage disposal works which may from time to time be under the control of the local authority, or which might interfere with the normal operation and maintenance of the sewers and sewage disposal works.

Struck out

32. The following provisions shall be applicable to any by-laws which may be made under the authority of section *thirty-two* of this Act:—

Provisions applicable to trade wastes by-laws.

- 10 (a) The charges for pretreatment of trade wastes to reduce them to such a standard that they are no more noxious than domestic sewage shall be borne by the respective occupiers of the trade premises affected:
- 15 (b) Charges based on the volume of the trade wastes discharged shall have regard to—
- 20 (i) Any community value in so far as it shall be capable of assessment in respect of the business conducted in the trade premises concerned:
- (ii) The amount which the occupier of the trade premises concerned may contribute in respect of the premises and any other business premises in the district of the Board as his proportion of the assessment made by the Board upon the local authority or authorities affected.
- 25 (c) Within twenty-one days after receipt of any assessment for any such charges the recipient shall have the right to notify the Board in writing that he objects to the assessment and requires the amount to be determined by arbitration. If more objections than one are received, the Board may notify the objectors concerned, or any number of them, that their objections will be taken together and require the objectors to appoint one arbitrator to represent them all. The Board shall appoint one arbitrator, and he in conjunction with the arbitrator appointed by the objector or objectors shall appoint an umpire. The proceedings shall be conducted in accordance with the provisions of the Arbitration Act 1908, and the award shall be binding upon all parties
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- 35
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Struck out

concerned. For the purposes of the last-mentioned Act all objectors notified by the Board to appoint one arbitrator as aforesaid shall be deemed one party. If the arbitrators are satisfied, or, in case of disagreement, if the umpire is satisfied, that the carrying on of any trade or industry at any premises within the drainage district is or is likely to be unreasonably impeded or affected to any unreasonable extent in consequence of the levy of charges based on the volume of trade wastes discharged, the arbitrators or the umpire, as the case may be, shall be entitled to take that factor into consideration in arriving at a decision as to the amount of the charges.

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New

Provisions applicable to trade wastes by-laws.

32A. Where by-laws are made under section *thirty-one* of this Act, the charges for pretreatment of trade wastes to reduce them to such a standard that they are no more noxious than domestic sewage shall be borne by the respective occupiers of the trade premises affected.

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Appeals.

33. (1) Any person affected by any decision of the Board pursuant to section *twenty-four* or section *twenty-seven* or section *twenty-eight* of this Act, or any direction or order of the Board given or made pursuant to any by-law made under section *thirty-one* of this Act, may within a period of twenty-one days after being given notice thereof appeal against the direction or order to a Judge of the Supreme Court at Auckland, and the procedure prescribed by section sixty-one of the principal Act shall, with the necessary modifications, apply in respect of any such appeal.

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New

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(2) On any such appeal the Court may determine all questions of fact in issue, and in arriving at its decision shall not be bound or limited by any opinion, belief, resolution, or decision which the Board may have come to or taken on the matter.

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(3) On any such appeal the Court shall have the like jurisdiction, rights, and powers as are vested in the Court in the case of an appeal from the decision of a Magistrate under the Magistrates' Courts Act 1947.

34. (1) Any authorized officer or agent of the Board may from time to time enter upon any premises believed to be trade premises, at any time when such premises are in operation, for the purpose of determining whether trade wastes or noxious matters or condensing water are being discharged therefrom, and may inspect the processes and operations being carried out thereon, and may take measurements and samples of liquids being discharged therefrom, and may require the supply of information relating to those processes, the quantities and kinds of chemicals used in any period, the amount of liquid being discharged from the premises, and the amount and nature of matter in suspension or in solution in such liquids.

Inspection and
sampling.

15 (2) Any information so supplied, and the results of
analysis of any samples so taken, shall be treated as
confidential by the Board unless it is necessary for the
Board, for the purposes of this Act, to submit the
information to any Government Department, or to the
20 Auckland Harbour Board, or to a local authority, or as
evidence in any proceedings.

Struck out

25 (3) In all cases where the measurement of discharge
is to be carried out or samples are to be taken for the
purpose of computing charges to be levied for the
conveyance of excess volumes or the pretreatment of
trade wastes, the occupier of the trade premises affected,
or his agent, shall be notified at the time so that he
may be present at the measuring or sampling if he so
30 elects.

New

35 (3A) No legal proceedings shall be instituted, and
no charges for pretreatment of trade wastes assessed,
if based upon any sample taken by any authorized
officer or agent of the Board, unless at the time of taking
such sample he shall have delivered a portion thereof
to the occupier of the trade premises affected or his
agent and after analysis of the portion retained shall
40 have supplied the occupier with details of the result of
such analysis.

Penalties for offences.

35. If any of the provisions of sections *twenty-two* to *thirty-four* of this Act, or of any trade wastes by-laws made pursuant to the provisions of section *thirty-one* of this Act, are contravened or not complied with in the case of any premises, the occupier of the premises shall be guilty of an offence. 5

Miscellaneous

Rates.

36. Section seventy-two of the principal Act is hereby amended by adding the following proviso:—

“ Provided that if any lands are, at the time at which they are acquired by the Board, liable for a special rate made as security for any loan, the Board shall continue to be liable for the payment of that rate[,]” 10

New

, and shall be liable for any special rate thereafter made as security for any subsequent loan raised for the purpose of repaying the whole or any part of that loan, and so in the case of each subsequent redemption loan, but only to the same extent as the Board would have been liable for the special rate if the loan had not been repaid.” 15 20

Penalty for damaging sewers or drains.

37. Section seventy-three of the principal Act is hereby amended by omitting the words “ twenty pounds ”, and substituting the words “ fifty pounds ”.

Offences under Act.

38. Section seventy-four of the principal Act is hereby amended as follows:— 25

(a) By omitting the words “ twenty pounds ”, and substituting the words “ fifty pounds ”:

[(b) *By inserting, after the word “ regulation ” wherever it occurs, the words “ or by-law ”.*] 30

New

(bb) By omitting the word “ regulation ”, wherever it occurs, and substituting the word “ by-law ”.

Arbitration.

39. (1) Any dispute or difference between the Board and any local authority or person which in terms of the principal Act or this Act is to be decided by arbitration shall (subject to any specific provisions relating thereto)— 35

(a) If the parties agree upon a single arbitrator, be referred to that arbitrator. 40

(b) If the parties agree that the dispute or difference involves principally questions relating to engineering matters, but they cannot agree upon a single arbitrator, be referred to an Engineer nominated for the purpose by the President for the time being of the New Zealand Institution of Engineers, or, if the President is Engineer to the Board or Engineer or Consulting Engineer to the local authority or person concerned, then by the Senior Vice-President for the time being of that Institution:

(c) In any case not provided for by paragraph (a) or paragraph (b) of this section, be referred to two arbitrators, one to be appointed by the Board and one by the other party concerned, or by an umpire appointed by such arbitrators.

(2) The relevant provisions of the Arbitration Act 1908 shall apply to any arbitration under this section.

New

20 | **40.** Section thirty-three of the principal Act is hereby amended by adding the following proviso:—

Section 33 of principal Act amended.

25 | “ Provided that no such works shall be constructed within the district of any other Drainage Board except with the consent of that other Board, which consent shall not be unreasonably or arbitrarily withheld.”

SCHEDULES

FIRST SCHEDULE

Section 3 (2)

“ FIRST SCHEDULE

“ AUCKLAND METROPOLITAN DRAINAGE DISTRICT

“ ALL those areas in the North Auckland Land District, being the City of Auckland; the Boroughs of [*Takapuna, Devonport, Northcote, Birkenhead,*] Henderson, New Lynn, Mount Albert, Mount Eden, Newmarket, Mount Roskill, One Tree Hill, Onehunga, Ellerslie, Otahuhu, Papatoetoe, Manurewa, and Papakura; the Town Districts of Glen Eden and Howick; the Road Districts of Mount Wellington and Panmure Township; those portions of the Eden County being the Auckland Domain and Hospital Reserve; and those islands within the Waitemata Harbour known as Motukorea or Brown’s Island, Pollen Island, and Traherne Island:

FIRST SCHEDULE—continued

Struck out

“ Also all that area in the North Auckland Land District, being that portion of the Waitemata County, bounded by a line commencing at a point in Block XVI, Waiwera Survey District, being the middle of the mouth of the Awaruku Creek, and running southerly generally along the shores of the Hauraki Gulf to and along the north-western and south-western boundaries of the Borough of Takapuna, as described in the *New Zealand Gazette* No. 61, of the 27th day of August 1925, page 2492, to and along the line of mean high water of Shoal Bay, to and along the northern and western boundaries of the Borough of Northcote, as described in the *New Zealand Gazette* No. 104, of the 12th day of December 1907, page 3485, to the original line of mean high water of Little Shoal Bay; thence north-westerly generally along the aforesaid original line of mean high water of Little Shoal Bay, to and along the north-eastern boundary of the Borough of Birkenhead, as described in the *New Zealand Gazette* No. 18, of the 21st day of March 1935, page 747, to and along the line of mean high water of Kaipatiki and Hellyer’s Creeks and the Waitemata Harbour to the south-eastern boundary of Lot 18, as shown on the plan numbered 20106, deposited in the Auckland Land Registry Office, being part of Allotment 79, Parish of Paremoremo; thence north-easterly generally along the aforesaid south-eastern boundary, along the south-eastern end of Austin Road, and along the south-eastern boundary of the Plantation Reserve, as shown on the plan numbered 20106 aforesaid, and along a right line being the last-mentioned boundary produced across View Road to its north-eastern side; thence along that side to a point 250 links north-west and at a right angle to the north-western side of Ridge Road; thence along right lines parallel to and distant 250 links from the north-western sides of Ridge and Greenhithe Roads, the north-eastern side of the Birkenhead-Maungaturoto State Highway, the north-western side of Sunset Road, the western side of the Takapuna-Silverdale Main Highway, and the north-western side of Glenvar Road, to and along the western, northern, and eastern boundaries of part of Allotment 36 of the Parish of Okura, along the northern boundary of Allotment 37 of the aforesaid Parish of Okura, to and down the middle of the Awaruku Creek to the point of commencement:”

“ Also all that area in the North Auckland Land District, being that portion of the Waitemata County, bounded by a line commencing at a point in Block III, Titirangi Survey District, where the western boundary of the Borough of New Lynn, as described in the *New Zealand Gazette* No. 42, of the 8th day of June 1939, page 1728, meets the line of mean high water of the Whau River of the Waitemata Harbour and running southerly generally along the western boundary of the aforesaid Borough of New Lynn, along the northern, western, and southern boundaries of the Town District of Glen Eden, as

FIRST SCHEDULE—continued

described in the *New Zealand Gazette* No. 42, of the 8th day of June 1939, page 1729, along the southern boundary of the aforesaid Borough of New Lynn, along the western boundary of the City of Auckland, as described in the *New Zealand Gazette* No. 45, of the 15th day of June 1939, page 1828, to and along the line of mean high water spring tide of the Manukau Harbour and the line of mean high water spring tide of the eastern bank of the Nihotupu Stream (Big Muddy Creek) to the south-eastern corner of Lot 1, as shown on the plan numbered 31671, deposited in the Auckland Land Registry Office, being parts of Allotments 33, 35, and 42 of the Parish of Waikomiti; thence northerly generally along the eastern and northern boundaries of Lot 1 aforesaid, to and along the south-eastern side of the New Lynn—Huia Main Highway, to and along the south-eastern boundary of the land comprised and described in certificate of title, Volume 422, folio 275, Auckland Land Registry, being parts of Allotments 33, 33B, and 42 of the aforesaid parish, and along a right line being the last-mentioned boundary produced across the aforesaid New Lynn—Huia Main Highway to its northern side; thence north-easterly and westerly generally along the boundary of the Auckland City Water Supply Reserve, being along the eastern boundary of the land comprised and described in certificate of title, Volume 769, folio 23, Auckland Land Registry aforesaid, being parts of Allotments 31, 33, 34, and 56 of the aforesaid parish, the south-eastern boundary of the land comprised and described in certificate of title, Volume 778, folio 147, Auckland Land Registry aforesaid, being parts of Allotments 57, 59, 30, and 17 of the aforesaid parish, the southern boundary of the land comprised and described in Conveyance No. 243255, Auckland Land Registry aforesaid (R. 247/414), being another portion of the aforesaid Allotment 17, the southern boundary of the land comprised and described in certificate of title, Volume 766, folio 233, Auckland Land Registry aforesaid, being part of Allotment 26 of the aforesaid parish, the southern, eastern, and northern boundaries of the land comprised and described in certificate of title, Volume 766, folio 286, Auckland Land Registry aforesaid, being part of Allotment 27 of the aforesaid parish, the eastern, northern, north-western, and western boundaries of the land comprised and described in the aforesaid certificate of title, Volume 766, folio 233, crossing and recrossing the intersecting Waitakerei Scenic Drive, the north-western boundaries of the land comprised and described in the aforesaid Conveyance No. 243255, the north-western boundaries of the land comprised and described in the aforesaid certificate of title, Volume 778, folio 147, the northern boundary of Lot 9, as shown on the plan numbered 10136, deposited as aforesaid, being parts of Allotments 59 and 60 of the aforesaid parish along a right line across a public road to and along the northern boundary of the land comprised and described in certificate

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of title, Volume 714, folio 382, Auckland Land Registry aforesaid, being part of Allotment 60 aforesaid, along the eastern and northern boundaries of the land comprised and described in certificate of title, Volume 245, folio 92, Auckland Land Registry aforesaid, being part of Allotment 60 aforesaid, the northern boundary of the land comprised and described in certificate of title, Volume 778, folio 16, Auckland Land Registry aforesaid, being part of Allotment 60 aforesaid, and along a right line being the last-mentioned boundary produced, across a public road, to and along its southern side, to and along the western boundary of Allotment 58 of the aforesaid parish, along the generally northern and eastern boundaries of the land comprised and described in certificate of title, Volume 779, folio 105, Auckland Land Registry aforesaid, being part of Allotment 38 of the aforesaid parish, to and along the southern boundary of Allotment 66 of the aforesaid parish, along the western boundaries of Lots 5, 3, and 1, as shown on the plan numbered 29498, deposited as aforesaid, being parts of Allotment 65 of the aforesaid parish, along the western boundary of part of Allotment 75 of the aforesaid parish, along the southern boundary of Allotment 388 of the aforesaid parish, the eastern and southern boundary of Allotment 451 of the aforesaid parish, along a right line across the Waitakerei Scenic Drive to and along the southern, south-western, and north-western boundaries of Allotment 450, again along a right line across the aforesaid Waitakerei Scenic Drive, to and along the generally western and southern boundaries of Allotment 451 aforesaid, along a right line across a public road, to and along the southern side and the western end of another public road, to and along the southern and western boundary of part of Allotment 69, along a right line across a public road, to and along the western boundary of Allotment 68, all the aforesaid allotments being of the aforesaid Parish of Waikomiti, to and along the south-eastern boundaries of Lots 22 and 28, as shown on the plan numbered 19170, deposited as aforesaid, being parts of Allotment 76 of the aforesaid parish, along the eastern boundary of part of Allotment 366 of the aforesaid parish, as shown on the plan numbered 22584, deposited as aforesaid, the eastern boundary of part of Allotment 367 of the aforesaid parish (scenic reserve), along a right line across the aforesaid Waitakerei Scenic Drive, to and along the eastern boundary of Lot 31, as shown on the plan numbered 32318, deposited as aforesaid, being part of Allotment 367 aforesaid, the abutment of a public road, the eastern and southern boundaries of another part of the aforesaid Allotment 367, along a right line across a public road, to and along the southern boundary of Lot 31 aforesaid, the southern boundaries of Lots 28, 27, and 24, as shown on the plan numbered 32318 aforesaid, the southern boundary of Lot 22, as shown on the plan numbered 31077, deposited as aforesaid, being parts of the aforesaid Allotment 367 and Allotment 445

FIRST SCHEDULE—continued

of the aforesaid parish, to and along the eastern boundary of Allotment 471 of the aforesaid parish, along a right line across a public road, to and along the eastern and southern boundaries of Allotment 472 of the aforesaid Parish of Waikomiti, to the south-western corner of the last-mentioned allotment; thence northerly generally along the eastern boundary of Allotment 97A of the aforesaid parish, being as shown on the plan numbered 16846, deposited as aforesaid, the north-eastern boundaries of Allotments 260 and 259 of the aforesaid parish, the eastern boundary of Allotment 96 of the aforesaid parish, as shown on the plan numbered 3524, deposited as aforesaid, the eastern boundary of Allotment 418, the eastern and north-eastern boundaries of Allotment 93 of the aforesaid Parish of Waikomiti, crossing intervening public roads, along a right line crossing another public road, to and along the north-eastern and northern boundaries of Allotment 92 of the Parish of Waitakerei, crossing intervening public roads, to and along the generally north-eastern and eastern boundaries of Allotments 91, 90, 89, 79, M. 81, N.W. 81, S. 82, N. 82, and 83 of the aforesaid Parish of Waitakerei, to the north-eastern corner of the last-mentioned allotment, being the boundary of the Auckland City Water Supply Reserve; thence again northerly generally along the western and northern sides of the aforesaid Waitakerei Scenic Drive to the south-western corner of Allotment 460 of the Parish of Waipareira, in Block I, Titirangi Survey District; thence along a right line bearing $334^{\circ} 14' 40''$ for a distance of 250 links; thence along right lines parallel to and distant 250 links from the north-western side of the aforesaid Waitakerei Scenic Drive to the southern side of the Henderson-Swanson-Kumeu Main Highway; thence along the southern side of that main highway to and down the middle of the Swanson Stream, to and up the middle of the stream forming the southern boundary of Section 27 of Block XIV, Waitemata Survey District, to a point in line with the western boundary of Section 27 aforesaid; thence along a right line to and along the aforesaid western boundary and along another right line across a public road, to and along the western boundary of Section 23 of the aforesaid Block XIV (plantation reserve) to the point of intersection of a right line parallel to and distant 250 links from the south-western side of Waimumu Road with the aforesaid boundary; thence along right lines parallel to and distant 250 links from the south-western and western sides of the aforesaid Waimumu Road, the western side of the Auckland-Helensville State Highway, and the north-western side of Hobsonville Road, to and along the south-western boundary of Lot 13, as shown on the plan numbered 24410, deposited as aforesaid, being part of Allotments 51 and 54 of the aforesaid Waipareira Parish, and along a right line being the last-mentioned boundary produced to the middle of the Totara Stream; thence down the middle of that

FIRST SCHEDULE—continued

stream to a point in line with the northern boundary of Lot 1, as shown on the plan numbered 30812, deposited as aforesaid, being parts of Allotments 54, 55, and 56 of the aforesaid parish; thence along a right line to and along the northern boundary of Lot 1 aforesaid, to and along the western boundary of Lot 7, as shown on the plan numbered 24410 aforesaid, being parts of Allotments 55 and 56 aforesaid, and along a right line diagonally across a public road to a point on its north-eastern side, distant 281.3 links north-west of the southernmost corner of Lot 3, as shown on the plan numbered 24410 aforesaid, being part of Allotment 60 of the aforesaid parish; thence along right lines parallel to and distant 250 links from the western side of the public road forming the eastern boundaries of Allotments 60, 61, and 108 of the aforesaid parish and the western side of Western Boundary Road, to and along the eastern boundary of part of Allotment 106 of the aforesaid parish, and the eastern boundary of Lot 20, as shown on the plan numbered 14128, deposited as aforesaid, being part of Allotment 69 of the aforesaid parish, to the line of mean high water of the Waitemata Harbour; thence easterly and southerly generally along the line of mean high water of the aforesaid Waitemata Harbour to the western boundary of the Borough of New Lynn, the point of commencement; excepting thereout the Borough of Henderson as hereinbefore included.

“ Also all that area in the North Auckland Land District, being portion of the County of Manukau, bounded by a line commencing at Musick Point, in Block X, Rangitoto Survey District, and running southerly generally along the line of mean high water of the Tamaki Strait, to and along the north-western, south-western, and southern boundaries of the Town District of Howick, as described in the *New Zealand Gazette* No. 15, of the 26th day of February 1931, page 411, again along the line of mean high water of the Tamaki Strait to and up the middle of the Maungamaungaroa Creek, to and along the north-eastern side of a public road forming the north-eastern boundaries of Allotments 271, 273, and 275 of the Parish of Pakuranga, along the north-western, north-eastern, and south-eastern boundaries of the northern portion of Allotment 118 of the aforesaid parish to a point in line with the south-western boundary of Lot 7, as shown on the plan numbered 4431, deposited in the Auckland Land Registry Office, being part of Allotment 131 of the aforesaid parish; thence along a right line across a public road to and along the south-western boundary of Lot 7 aforesaid, and the south-western boundary of Lot 8, as shown on the plan numbered 4431 aforesaid, along the north-western boundaries of Allotments 178 and 177, the north-eastern, north-western, and south-western boundaries of Allotment 138, all the aforesaid allotments being of the aforesaid Parish of Pakuranga, along the north-western boundary of Allotment 153 of the Parish of Manurewa, the

FIRST SCHEDULE—continued

north-western, western, and southern boundaries of part of Allotment 96 of the aforesaid parish, the southern boundary of Lot 1, as shown on the plan numbered 13670, deposited as aforesaid, being another part of Allotment 96 aforesaid, to a point in line with the north-eastern boundary of part of Allotment 19 of the Parish of Papakura; thence along a right line across the Howick-Manurewa Main Highway, to and along the aforesaid north-eastern boundary to a point 250 links distant from and at right angles to the south-eastern side of the aforesaid highway; thence along right lines parallel to and distant 250 links from the south-eastern side of the aforesaid main highway, the north-eastern side of the Alfriston-Ardmore Road, the northern side of the Papakura-Clevedon Main Highway, and the eastern side of Peterson Road to the north-western boundary of Allotment 235 of the Parish of Hunua; thence westerly generally along the north-western boundary of Allotment 235 aforesaid, along the north-western boundaries of Allotment 146 of the Parish of Opaheke and closed road, along the north-western side of the public road forming the north-western boundaries of Allotments 145 and 144 of the aforesaid Parish of Opaheke, along the north-western boundary of the land, as shown on the plan numbered 26233, deposited as aforesaid, being parts of Allotments 242, 241, and 230 of the aforesaid Parish of Opaheke, the abutment of a public road, the north-western boundary of Allotment 116 of Kirikiri Suburban Section 1, Parish of Opaheke, along a right line across a public road to and along the northern boundary of the Borough of Papakura, as described in the *New Zealand Gazette* No. 19, of the 17th day of March 1938, page 470, to and along the line of mean high water spring tide on the northern shores of the Pahurehure Inlet, to and northerly generally along the line of mean high water spring tide of the Manukau Harbour to a point in line with the northern side of Portage Road in Block VI, Otahuhu Survey District; thence along a right line in the direction of the northern side of the aforesaid Portage Road, to and along the middle of the North Island Main Trunk Railway, to and down the right bank of the stream forming the northern boundary of Lot 12, as shown on deeds plan numbered Whau 87, lodged in the Auckland Land Registry Office, being part of Fairburn's Grant No. 269A, to and down the right bank of the Tamaki River to Musick Point, being the point of commencement; excepting thereout the Boroughs of Papatoetoe and Manurewa as hereinbefore included:

“As all the aforesaid areas are more particularly delineated on the plan numbered 36183 lodged in the office of the Chief Surveyor at Auckland, and thereon edged orange and green,”

Section 6 (1)

New
SECOND SCHEDULE

A LINE commencing at the Paremoremo Wharf on the Auckland Harbour, and running northerly generally along the generally eastern side of the Paremoremo Road to the north-western corner of Allotment 200 of Paremoremo Parish; thence along a right line across the Albany-Paremoremo Road to and along the eastern side of Hobson's Road to the north-western corner of Allotment 128 of the aforesaid Parish and along a right line being the production northerly of the northern end of the western boundary of the aforesaid Allotment 128 to and north-westerly along the north-eastern side of the Birkenhead-Maungaturoto State Highway.