

Mr. Anderton.

## AUCKLAND METROPOLITAN DRAINAGE.

[LOCAL BILL.]

### ANALYSIS.

- |   |   |
|---|---|
| Title.  | 33. Works on Motukorea and in Waitemata Harbour.                  |
| 1. Short Title.   | 34. General powers of Board.                                      |
| 2. Interpretation.                                      | 35. Powers of contributing authorities to connect sewers.         |
| 3. The district.  | 36. Works to be efficiently done.                                 |
| 4. Alteration of boundaries.                            | 37. Connection of drain in different districts.                   |
| 5. Constitution of Board.                               | 38. Reticulation works.   |
| 6. Members of Board.                                    | 39. Motukorea.  |
| 7. Election of Board.                                   | 40. Watereourses.   |
| 8. Coming into office of members.                       | 41. Board may construct drains, &c., for surface water.           |
| 9. Vacancies.   | 42. Outer Area.   |
| 10. How vacancies filled.                               | 43. Sphere of influence.  |
| 11. Ouster of office.                                   |   |
| 12. Chairman of Board.                                  | <i>Accounts.</i>  |
| 13. Allowance to Chairman.                              | 44. Books of account to be kept.                                  |
| 14. First meeting of Board.                             | 45. Books to be open for inspection to members of Board.          |
| 15. Committees.   | 46. All moneys to be banked. Aggregate Fund.                      |
| 16. Chairman of meetings.                               | 47. Annual audit.   |
| 17. Quorum of Board and Committees.                     | 48. Accounts to be submitted to Controller and Auditor-General.   |
| 18. Questions to be decided by majority of votes.       | 49. Abstract of accounts.   |
| 19. Proceedings not invalidated by irregularities, &c.  | 50. Board may borrow moneys by way of overdraft.                  |
| 20. Ordinary and annual meetings.                       | 51. Board may establish an Imprest Account.                       |
| 21. Allowance to members.                               | 52. Board may establish superannuation and bonus funds.           |
| 22. Rules as to proceedings of Board or committees, &c. | 53. Unauthorized expenditure.                                     |
| 23. Board may provide offices.                          | 54. Borrowing powers. Special order to raise loan to be gazetted. |
| 24. Board may appoint officers and servants.            | 55. Preliminary expenses.   |
| 25. Acting officer.                                     | 56. Annual estimate of Board's proposed expenditure.              |
| 26. By-laws.  |   |
| 27. Form of making by-laws.                             |   |
| 28. Special orders.                                     |   |
| 29. Contracts of Board, how made.                       |   |
| 30. Auckland and Suburban Drainage Act.                 |   |
| 31. Powers of Board.                                    |   |
| 32. Construction of main sewers, &c.                    |   |

57. Contributing authorities annual assessments.	<i>Miscellaneous.</i>
58. How assessment to be calculated	67. Notice of action.
59. Appeal.	68. Commencement of action not to stop works of Board.
60. Regulations regarding appeals.	69. Board may enter premises for purposes of inspection.
61. Jurisdiction of Magistrate's Court.	70. Recovery of fines and penalties.
62. Production of documents <i>prima facie</i> evidence.	71. Enforcement of by-laws.
63. When contributing authorities to pay their shares.	72. Property of Board not liable to be rated.
64. Powers of local authorities in regard to payments.	73. Penalty for damaging sewer or drain.
65. Powers of Board to recover from contributing authorities in case of default.	74. Offences under Act.
66. By-laws.	75. Governor-General may extend time fixed by Act to carry out works.
	76. Saving as to Proclamations, &c.

## A BILL INTITULED

Title.	AN ACT to provide for the Drainage of the City of Auckland and the Suburbs thereof.	
	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 Act, 1938, and shall come into operation on the        day of        , nineteen hundred and thirty-eight.	10
Interpretation.	2. (1) In this Act, unless the context otherwise requires,—	
	“ Board ” means the Board as constituted by this Act:	
	“ Constituency ” means a local authority or group of local authorities entitled to appoint or elect a member or members of the Board:	15
	“ Contributing authority ” means the local authority of any local district the whole or any part of which is for the time being comprised within the Inner Area of the district:	20
	“ District ” means the district constituted by this Act:	
	“ Local authority ” means the Council of a city, borough, or county, and the Board of a town district or road district:	25
	“ Local district ” means the district of a city, borough, county, town district, or road district:	30

“ Secretary ” means the Secretary for the time being of the Board, and includes any person for the time being appointed by the Board to perform the duties of the Secretary whether designated Acting-Secretary or not.

5

(2) Where for the purposes of this Act it is necessary to ascertain or calculate the rateable capital value or population of any area, such value or population, as the case may be, shall be ascertained or calculated as at the thirty-first day of March in the preceding calendar year.

10

3. There is hereby constituted for the purposes of this Act a district, to be called “ the Auckland Metropolitan Drainage District ”, comprising—

The district.

15

(a) The City of Auckland, the boroughs of Mount Eden, Mount Albert, Newmarket, One Tree Hill, Onehunga, Otahuhu, and Ellerslie, the Town District of Papatoetoe, the road districts of Mount Roskill and Mount Wellington, the Auckland Domain and Hospital Reserve, and the island in the Hauraki Gulf known as Motukorea or Brown’s Island, which shall together comprise the Inner Area of the district; and

20

25

(b) The boroughs of New Lynn and Manurewa, the town districts of Glen Eden, Henderson, and Howick, the Panmure Township Road District, those portions of the Titirangi, Waikumete, Waipareira, and Waitakerei Ridings of the Waitemata County lying within a radius of nine miles from the Chief Post-office at Auckland, and that portion of the Manukau County lying within a radius of fourteen miles from the said Chief Post-office, which shall together comprise the Outer Area of the district,—

30

35

as shown on a plan deposited in the office of the Chief Surveyor at Auckland under Number S.O. 29649.

40

4. (1) The Governor-General may from time to time, by Order in Council, on the petition of the Board alter the boundaries of the Inner Area so as to include therein or exclude therefrom any area that in his opinion should be included in or excluded from the Inner Area, as the case may be.

Alteration of boundaries.

(2) Such petition shall be publicly notified by means of an advertisement which shall be published at least once in a daily newspaper in general circulation in the district and which shall state the purpose of the petition, describe the area to which the petition relates, and specify a date (being a date not earlier than one calendar month after the date on which such advertisement is first published) before which all objections shall be lodged with the Minister of Internal Affairs and a copy thereof with the Board. 5  
10

(3) If any objections to the proposed alteration are lodged as aforesaid, the Governor-General may appoint any person or persons to be a Commission of Inquiry under the Commissions of Inquiry Act, 1908, to inquire into and report upon the said proposals. 15

(4) The Governor-General may, in making any such alteration of boundaries, declare any area which is to become part of the Inner Area, and which is not to be drained by an extension of the main sewerage system of the Inner Area, a Special Area, and in such case the following provisions shall apply to such Special Area:— 20

(a) Where the Board proposes to provide for the drainage of the Special Area by means of a separate main sewerage system but utilizing the Motukorea treatment and disposal works, the local authority or authorities of the Special Area shall be liable only for contributions as hereinafter mentioned required to provide for— 25  
30

(i) The capital costs and charges of constructing such main sewerage system;

(ii) The capital costs and charges (if any) of altering or extending the Motukorea treatment and disposal works to deal with the sewage from such Special Area; 35

(iii) An equitable annual charge for the use of the Motukorea treatment and disposal works;

(iv) The costs of maintenance of the main sewerage system of such Special Area; and 40

(v) An equitable annual contribution towards the general administrative expenses of the Metropolitan Drainage Board.

5 (b) Where the Special Area is to be drained by means of drainage-works whether then existing or to be constructed which comprise a separate system not in any way connected with the Motukorea treatment and disposal works, then the local authorities of the Special Area shall be liable only for contributions required to provide—

10 (i) The capital and maintenance costs and charges in respect of such separate system; and

(ii) An equitable annual contribution towards the general administrative expenses of the Metropolitan Drainage Board.

15 (5) The Governor-General in making any such alteration of boundaries may make provision for equitable representation on the Board of any area then included within the Inner Area, including, if he thinks fit, an alteration in the number of the members  
20 of the Board.

5. (1) There shall be for the district a Drainage Board which shall be a body corporate under the name of “ the Auckland Metropolitan Drainage Board ” and shall have perpetual succession and a common seal,  
25 with power to purchase, take on lease, hold, deal with, and dispose of by sale, lease, or exchange real and personal property, and to do and suffer all that bodies corporate may lawfully do and suffer.

(2) The Board shall be deemed to be a local  
30 authority under the Public Works Act, 1928, the Local Elections and Polls Act, 1925, the Local Bodies’ Loans Act, 1926, and the Local Government Loans Board Act, 1926, and, subject to the express provisions of this Act, the provisions of the said Acts and of all  
35 amendments thereto and of any Acts passed in substitution therefor respectively shall extend and apply to the Board.

6. The Board shall consist of fifteen members, of whom eight shall be elected by the Auckland City  
40 Council, two shall be elected by the local authorities of Mount Eden and Newmarket, two by the local authorities of Mount Albert and Mount Roskill, two by the local authorities of One Tree Hill, Onehunga, and Ellerslie, and one by the local authorities of Mount  
45 Wellington, Otahuhu, and Papatoetoe.

Constitution  
of Board.

Members of  
Board.

Election  
of Board.

7. (1) In the month of \_\_\_\_\_, nineteen hundred and thirty-eight, and in the month of May in the year nineteen hundred and forty-one, and in the month of May in every third year thereafter, in each case on a day fixed by the Board in that behalf,—

(a) The Auckland City Council shall hold a meeting and elect eight of its members to be members of the Board: 5

(b) The other local authorities of the Inner Area shall elect seven members of the Board as provided in the *last preceding* section hereof: 10  
Provided that in each constituency only members of the electing local authorities shall be eligible for election in such constituency.

(2) With respect to every election of members by local authorities pursuant to paragraph (b) of subsection *one* hereof, the Board shall make all necessary arrangements for and conduct such election, and each local authority shall be entitled to nominate one candidate for its own constituency, and the voting-powers of the local authorities in each constituency shall be determined according to the mean proportion of the rateable value and population of the local districts in the constituency. Any question arising as to the relative voting-powers of any local authority shall be settled by the Board. 15 20 25

Coming into  
office of  
members.

8. (1) Every member of the Board elected under subsection *one* of the *last preceding* section shall come into office on the day following that on which he is elected and, unless his office sooner becomes vacant, shall continue in office until members elected at the next election under that subsection come into office. 30

(2) Every member elected to fill any extraordinary vacancy occurring on the Board shall come into office on the day following that on which he is elected and shall hold office only for the residue of the term for which his predecessor was elected. 35

Vacancies.

9. (1) The office of a member shall become vacant if he—

(a) Dies; or 40

(b) Resigns his office by writing under his hand delivered to the Secretary or Chairman of the Board, or is ousted of his office; or

(c) Becomes of unsound mind; or

- 5 (d) Is convicted of an indictment or is sentenced by the Supreme Court on a plea of guilty to any charge of an indictable offence, or is sentenced by the Court for any offence to imprisonment without the option of a fine, or to reformatory detention under any Act; or
- (e) Is absent without leave from four consecutive ordinary meetings of the Board; or
- 10 (f) Accepts any paid office or place of profit under the Board; or
- (g) Ceases to be a member of the local authority by which he was elected.
- (2) Any vacancy occurring under this section shall
- 15 be deemed an extraordinary vacancy.
- 20 10. In the event of an extraordinary vacancy occurring within three months of the time when the member whose seat has been vacated would have retired the same may be filled by the Board, and in other cases an election shall be held by the local authority or authorities represented by the member whose seat has been vacated.
- 25 11. (1) Upon proof in the first instance by affidavit or otherwise that any member of the Board is or has become incapable under this Act of holding his office, any Magistrate's Court in the district may grant a summons calling upon the person holding such office to show cause why he should not be adjudged to be ousted of the same.
- 30 (2) If on the return of such summons it appears to the Court, on affidavit or oral evidence on oath, that such person is incapable under this Act of holding the said office, the Court may adjudge such person to be ousted of the same, and such person shall be ousted
- 35 of such office accordingly.
- (3) In any such proceeding the Magistrate's Court may exercise all the powers and authorities which it may exercise in its ordinary jurisdiction in civil cases, and the procedure of such Court shall, so far as applicable, apply generally to proceedings had under this section.
- 40 (4) No matter in relation to a disputed election shall be heard by the Magistrate's Court under this section.

How vacancies filled.

Ouster of office.

(5) No question which may be tried under this section shall be tried in the Supreme Court; and no proceedings in the Magistrate's Court hereunder shall be removable into the Supreme Court by certiorari or otherwise.

Chairman  
of Board.

**12.** (1) The Board shall at its first meeting, and thereafter at the first meeting following the election of a new Board, appoint one of its members to be Chairman of the Board.

(2) At every meeting for the election of Chairman the Secretary shall preside while the Chairman is being elected, or if there shall be no Secretary, then some person appointed by the Board not being a member of the Board shall so preside, and in case of an equality of votes shall determine the election by lot in such manner as the Board determines.

(3) The Chairman shall come into office on his election and shall hold office until the election of his successor.

(4) The Chairman may resign his office by writing under his hand delivered to the Secretary, and in such case, or in the case of his ceasing from any cause to be a member of the Board, his office shall become vacant and the Secretary shall forthwith convene a meeting of the Board for the election of a fresh Chairman.

(5) The Board may from time to time appoint one of its members to be Deputy Chairman either for a specified period or until the next annual meeting of the Board.

Allowance to  
Chairman.

**13.** The Chairman shall be paid out of the funds of the Board an annual allowance of *two hundred* pounds.

First meeting  
of Board.

**14.** The first meeting of the Board shall be convened by the Secretary and shall be held at such time and place as he may appoint, and if no quorum is present within half an hour of the time fixed for the holding of such meeting the same shall stand adjourned from day to day at the same time and place until a quorum is assembled.

Committees.

**15.** (1) The Board may from time to time appoint standing or special committees, and may delegate to such committees any matters for consideration or inquiry or management or regulation, and may delegate to any such committee any of the powers and duties

5

10

15

20

25

30

35

40

45



by this Act conferred or imposed upon the Board; but no committee shall be entitled to exercise any of the powers of the Board in relation to the making of by-laws, the borrowing of money, the assessment of contributions by contributing authorities, the striking of a rate, or the affixing of the Board's seal.

(2) Every committee to which any powers or duties are delegated as aforesaid may, without confirmation by the Board, exercise or perform the same in like manner and with the same effect as the Board could itself have exercised or performed the same.

(3) Every such committee shall be subject in all things to the control of the Board, and shall carry out all directions, general or special, of the Board given in relation to such committee or its affairs.

(4) The Board may from time to time discharge, alter, continue, or reconstitute any committee appointed by it.

(5) Every committee shall, unless sooner discharged by the Board, be deemed to be discharged on the coming into office of the members appointed or elected under subsection one of section seven hereof next after the appointment of the committee.

16. At every meeting of the Board the Chairman if present or, in his absence, the Deputy Chairman (if any) shall be the Chairman. If the Chairman and the Deputy Chairman (if any) are absent from any meeting of the Board, then such member as the members of the Board then present choose shall be the Chairman of such Board meeting.

Chairman of meetings.

17. (1) A quorum of the Board shall consist of eight members.

Quorum of Board and committees.

(2) The Board may fix the quorum of any committee appointed by it, and in default of its so doing the committee may fix the quorum.

(3) A meeting shall be duly constituted if a quorum is present thereat, whether voting or not.

18. (1) All acts of the Board and of any committee, and all questions before the Board or any committee, may be done and decided at a meeting of the Board or committee by the majority of such members of the Board or committee as are present and vote at such meeting.

Questions to be decided by majority of votes.

(2) The Chairman of any meeting of the Board or of any committee shall have a deliberative vote, and in case of equality of votes shall have a casting vote also.

Proceedings not  
invalidated by  
irregularities,  
&c.

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

Ordinary and  
annual  
meetings.

**20.** (1) The Board shall hold such ordinary meetings at such times and at such places as it from time to time appoints.

(2) The Chairman or the Secretary shall give the prescribed notice in writing to each of the members of the time and place appointed from time to time for holding ordinary meetings, and the members shall attend such meetings without further notice of each meeting.

(3) The Board shall hold an annual meeting in the month of May in each year.

Allowances  
to members.

**21.** (1) The Board may, out of its funds, pay to each of its members (other than the Chairman) an allowance of *one pound one shilling* for each meeting of the Board or any committee thereof attended by him, but not exceeding the sum of *fifty-four pounds twelve shillings* in any financial year:

Provided that the maximum amount which may be paid to any member in respect of any one day shall not exceed *one pound one shilling*, notwithstanding that such member may have attended one or more meetings of the Board or of any committee thereof on such day.

(2) There may be paid to the Chairman and to the members of the Board out of the funds of the Board all amounts actually and reasonably expended by them in attending meetings of the Board or of any committee thereof, or in transacting any business of the Board pursuant to a resolution of the Board.

(3) The receipt of an allowance or of expenses under this section shall not constitute a disqualification under section thirty-seven of the Municipal Corporations Act, 1933, or under any similar provision relating to local bodies other than Borough Councils.

5

10

15

20

25

30

35

40

45

**22.** The Board may, by resolution, subject to the provisions of this Act, make rules—

Rules as to proceedings of Board or committees, &c.

5 (a) Regulating the proceedings of the Board and any committee and the conduct of meetings thereof respectively, and the right of persons to attend such meetings:

10 (b) Regulating the adjournment and postponement of meetings of the Board, and the manner in which resolutions may be revoked or altered:

(c) Directing notices of meetings to be given, and prescribing the form and mode and time of service thereof:

(d) Regulating debates:

15 (e) Providing for the calling of special meetings, and the notice to be given to members:

(f) Providing for the notice to be given to members of extraordinary business to be transacted at any ordinary meeting:

20 (g) Directing minutes to be kept of all proceedings of the Board, and prescribing the mode of confirmation, inspection, and custody of same:

25 (h) Providing for the custody of documents and the custody and use of the common seal, and prescribing the mode and form of attestation thereof:

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

35 (i) Prescribing the powers and duties of officers and servants:

(j) Prescribing forms of and in connection with any proceedings of the Board:

(k) Concerning anything incidental to any of the matters hereinbefore referred to.

40 **23.** The Board may from time to time provide public offices within or without the district, with fitting furniture for the same, for holding its meetings and transacting its business and for the use of its officers and for any other purposes, and may purchase or

Board may provide offices.

take on lease land or buildings for such purposes, or may cause buildings to be erected on any land belonging to or leased to the Board, or any such building to be added to or improved.

Board may  
appoint officers  
and servants.

**24.** (1) The Board may, by resolution, from time to time appoint fit persons to be Engineer, Secretary, Treasurer, and all such other officers and servants as it thinks necessary to assist in the execution of this Act, and may pay such persons such salaries and allowances out of the funds of the Board as it thinks fit. 5  
10

(2) No member of the Board shall be capable of holding any such office.

(3) One person may hold two or more of such offices. 15

Acting officer.

**25.** During the absence from duty of any officer of the Board by reason of illness, leave of absence, or other cause, the duties and powers of such officer may be performed and exercised by an acting officer appointed by the Board, and any such appointment may be either general or for some occasion only. 20

By-laws.

**26.** The Board may make by-laws for all such purposes as are expressly provided for by this Act and all such other by-laws as are in the opinion of the Board requisite for the protection of the property and interests of the Board and the good government and management of its affairs; and the Board may by any such by-law provide a penalty for every breach thereof to an amount which shall be in the discretion of the Court inflicting the same, and shall in no case exceed the sum of *twenty* pounds for a single offence. 25  
30

Form of  
making  
by-laws.

**27.** Such by-laws shall be made only in the manner and subject to the conditions following:—

- (a) They shall be made by special order only:
- (b) They shall have the seal of the Board affixed thereto: 35
- (c) They shall come into force on a day to be named therein or in the special order making the same, which shall not be earlier than seven clear days after the making of such order: 40
- (d) They shall be published in the *Gazette* within fourteen days after confirmation of the special order making the same:

(e) They may, within three months after such publication, be disallowed by the Governor-General.

28. Every special order made hereunder may be made and proved in the same way, *mutatis mutandis*, as a special order of a Borough Council is required to be made and proved by the Municipal Corporations Act, 1933. Special orders.

29. (1) Any contract which, if made between private persons, must be by deed shall, if made by the Board, be in writing under the seal of the Board. Contracts of Board, how made.

(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith may, if made by the Board, be in writing signed on behalf of the Board by some person duly authorized in that behalf.

(3) Any contract which, if made between private persons, may be made verbally without writing may be similarly made by or on behalf of the Board.

30. (1) The Auckland and Suburban Drainage Act, 1908, and its amendments, are hereby repealed. Auckland and Suburban Drainage Act.

(2) The main sewers and drains, pumping-stations, tanks, outfall, and all other works and property constructed or controlled by or vested in the Auckland and Suburban Drainage Board shall, on the coming into operation of this Act, vest in and be under the control of the Board without any conveyance or assignment other than this Act, and all rights and obligations of the Auckland and Suburban Drainage Board shall devolve upon and become the rights and obligations of the Board.

(3) All debentures and other securities heretofore issued or executed by the Auckland and Suburban Drainage Board shall be deemed to have been issued or executed by the Board, and the provisions of this Act shall apply thereto as if they had been issued or executed by the Board under this Act.

(4) The Sinking Fund Commissioners appointed by the Auckland and Suburban Drainage Board shall be and become the Sinking Fund Commissioners of the Board under the title of "the Auckland Metropolitan Drainage Board Sinking Fund Commissioners", and

the Board and the Commissioners shall respectively have the same rights, powers, and obligations as if the Commissioners had been appointed by the Board.

(5) The officers and employees of the Auckland and Suburban Drainage Board shall become the officers and employees of the Board, and until the first meeting of the Board the powers hereby vested in the Board may be exercised on its behalf by the Secretary.

Powers of Board.

**31.** (1) The Board shall have, within the Inner Area of the district, the sole right to construct, maintain, and manage all main sewers and drains, pumping-stations, storage tanks, outfalls, and treatment-works for sewage.

(2) Where any main sewer or drain, pumping-station, storage tank, or outfall has already been constructed within the Inner Area of the district by some local authority, the same shall be taken over by and vested in the Board upon such terms and conditions as may be agreed on between the Board and such local authority or, in the event of their being unable to agree, as may be settled by arbitration under the Arbitration Act, 1908.

Construction of main sewers, &c.

**32.** The Board may construct within or outside the district all such main sewers, main drains, pumping-stations, tanks, outfalls, treatment-works, and other works and things as may in the opinion of the Board be advisable for the efficient drainage of the district.

Works on Motukorea and in Waitemata Harbour.

**33.** (1) The treatment-works and outfall for the district shall be constructed on the island in the Hauraki Gulf known at Motukorea or Brown's Island, and the effluent from the said treatment-works may be discharged by the Board into the waters surrounding the said island.

(2) The construction of the submarine sewer to Motukorea and of the outfall pipes shall be subject to the approval of the Marine Department and of the Auckland Harbour Board as to location, depth, and other details of construction, and such approval must be obtained before the construction of the said works is commenced.

(3) The Board shall from time to time obtain the approval of the Auckland Harbour Board as to the degree and character of purification of the effluent to

5

10

15

20

25

30

35

40

be discharged from the said works, and shall not discharge or permit to be discharged therefrom any effluent not conforming to the degree and character of purification for the time being approved by that  
5 Harbour Board. Such approval may be granted for such period as the Harbour Board thinks fit, and at the expiration thereof a fresh approval shall be obtained.

(4) No sewage shall be discharged from any portion  
10 of the Inner Area of the district into the waters of the Waitemata or Manukau Harbours or of the Tamaki River or the Hauraki Gulf except through the main sewers of the Board, and the Board shall as soon as conveniently practicable provide for the sewage from  
15 the Inner Area of the district to be conveyed to Motukorea, to be there treated and discharged:

Provided that any existing drain may be allowed to continue to discharge sewage until the Board has completed provision for conveying such sewage to its  
20 treatment-works.

(5) The Board shall be entitled to occupy, free of rent to any person or corporation, all lands in the said Auckland Harbour on, over, or under which any  
25 of the said sewers or works are constructed or laid, and the Auckland Harbour Board shall at the request and cost of the Board transfer to the Board all its interest in the strip of land forming part of the bed of the Auckland Harbour at Orakei and lying between the storage tanks of the Auckland and Suburban Drainage  
30 Board and the cliff.

(6) The Board may, with the precedent consent of the Marine Department and of the Auckland Harbour Board but without obtaining any special Act of Parliament, reclaim any land in the Waitemata Harbour  
35 that may be required by the Board in connection with its drainage operations, and any land so reclaimed shall be vested in the Board.

(7) The Board shall and will, if and when requested so to do by the Auckland Harbour Board, complete  
40 the construction of the main sewer across Hobson Bay up to the western side of the Orakei Basin Channel so as to form such a reclamation wall as will enable the Auckland Harbour Board to reclaim land inside such wall.

(8) The Board shall be entitled to recover from the Auckland Harbour Board, and the said Harbour Board shall and will, upon demand, pay to the Board one-half of any amount that may be paid by the Board to any person on account of any injury to or interference with riparian rights or rights of access to water on the foreshore of the said harbour by any of the operations of the Board under the provisions of the *last preceding* subsection hereof and of any costs that may be incurred by it in connection with any such claim; but the Board shall not, without the previous written consent or approval of the Auckland Harbour Board, make any such payment unless the amount has been fixed and determined by some competent tribunal.

(9) In any matter where the consent or approval of the Auckland Harbour Board is required such consent or approval shall not be unreasonably or arbitrarily withheld, and in the event of any dispute or difference arising between the Board and the said Harbour Board as to any such consent or approval, or otherwise in connection with the Board's operations, such dispute or difference shall be referred to the arbitrament of two arbitrators, one to be appointed by each party in difference or their umpire under and in accordance with the provisions of the Arbitration Act, 1908, or any then subsisting statutory modification thereof.

General  
powers of  
Board.

**34.** The Board may from time to time, in addition to its powers under the Public Works Act, 1928, by itself, its surveyors, engineers, agents, officers, and workmen, exercise the following powers or any of them, and may execute, do, or cause to be executed or done any of the following acts, matters, or things:—

(a) Break up the soil of any roads, streets, ways, or footpaths, and excavate and sink trenches and make and construct tunnels and subways for the purpose of laying down, making, constructing, altering, cleansing, maintaining, or repairing the said main sewers or main drains:

Provided that before interfering with any such road, street, way, or footpath the Board, except in cases of emergency, of which the



Board shall be sole judge, shall give one week's notice in writing to the local authority having control thereof:

5 (b) Without any previous payment, tender, or deposit,—

(i) Enter upon and use any land for the purpose of taking any earth, stone, clay, or scoria therefrom;

10 (ii) Enter upon and use any land adjacent to the site of any sewer or drain hereby authorized to be constructed, or while it is in course of construction, or when it is actually constructed, for the purpose of making temporary roads or approaches to  
15 any works or storing any material therefor; and

(iii) Enter upon any lands or premises within or upon which it is proposed that any works shall be executed under this Act, or  
20 any lands and premises adjacent thereto, and make an inspection, survey, and examination thereof, and for that purpose to bore therein:

(c) Make or construct the said main sewers or  
25 main drains, or any part thereof, upon or under any private lands or buildings, subject to the following conditions:—

(i) A plan and description of such main sewers or main drains, showing how they  
30 affect any such land or buildings, shall be deposited for public inspection at some place;

(ii) The Board shall give notice in writing to the occupier, and also to the owner (when  
35 known), of such land or buildings of the intention to construct such main sewers or main drains, and shall refer in such notice to such plan and description, and state where the the same are on view. In the case of unoccupied land or buildings of which the  
40 owner is not known, such notice may be served by being affixed in a conspicuous place thereon or thereto;

(iii) If within one month after such notice is given the said owner or occupier serves on the Board a written objection to the

proposed work, the Board shall appoint a day for hearing such objection, and shall give notice of the same to the objector; and

(iv) The Board shall hold a meeting on the day so appointed, and may, after hearing any person making such objection, if present, determine to abandon the work proposed, or to proceed therewith with or without such alterations as the Board thinks fit: 5

(d) Erect and use any buildings, structures, machinery, man-holes and other entrances, light and lamp holes, ventilating grids, and other works and things of every description in connection with drainage and sanitation in, upon, or under any public or private street or public place within or without the district: 10 15

(e) Carry any ventilating shaft, pipe, or tube up or upon any external wall of any building, whether private or public, and affix the same thereto, provided that the mouth of every such shaft, pipe, or tube shall be at least six feet higher than any window situated within a distance of thirty feet therefrom, and where attached to a house shall be higher than the eaves or parapet thereof; and in like manner may, during the construction of its works, use any private drain or watercourse within or without the district to carry water from such works: 20 25

(f) Treat and deal with in such manner as to it shall seem best all sewage, refuse, and other matter, whether for the purpose of deodorizing, or disinfecting, or destroying such sewage, refuse, or other matter, or of disposing of the same, and shall not be liable for any nuisance or injury necessarily created or caused in so doing; and in particular, and without restricting the general powers herein given, it shall have power to treat sewage, refuse, and other matter by the precipitation process, septic tanks, and by electricity, and by shipping sludge and discharging it into the sea: 30 35 40

5  
10  
Provided, however, that the Board shall not, without the precedent consent in writing of the Auckland Harbour Board, discharge any sewage, refuse, sludge, or other matter (other than the effluent from the aforesaid treatment-works on Motukorea) in any place within the limits of the harbours of Waitemata or Manukau or in any place where the same might be carried by wind or tide within the limits of those harbours.

15  
35. For the purpose of carrying off any sewage from any part of its district within the Inner Area of the district every contributing body may from time to time connect sewers and drains with the said main sewers or main drains:

Powers of contributing authorities to connect sewers.

20  
25  
Provided that twenty-eight days' notice in writing be given to the Board of the intention of the contributing body to exercise the powers conferred by this section, and provided also that attached to such notice shall be complete plans and specifications of the sewer or sewers referred to in such notice and that the Engineer to the Board shall be satisfied that the sewer or sewers referred to therein are fit and proper to be so connected and to form part of the drainage system.

30  
36. In making any such connection the contributing body shall cause the same to be done in a skilful, efficient, and workmanlike manner, and so that the efficiency and construction of such main sewers or main drains may be in nowise impaired, and to the approval of the Engineer to the Board.

Works to be efficiently done.

35  
37. The Board may permit any local authority outside the Inner Area of the drainage district to connect any drain or sewer within the district of such local authority with any drain or sewer constructed by the Board upon such terms as may be agreed upon between the Board and such local authority.

Connection of drain in different districts.

40  
45  
38. The Board may, with the consent and at the cost of any local authority, undertake and carry out the drainage reticulation of the whole or any portion of the district of such local authority within the district, or with the like consent and cost undertake and carry out repairs, alterations, or improvements to any existing drainage reticulation works in such local district.

Reticulation works.

Motukorea.

**39.** (1) The Board may acquire or take the whole of Motukorea for the purposes of the works hereby authorized, and may obtain and pay for options over the said island.

(2) The action of the Auckland and Suburban Drainage Board in obtaining and paying for options over the said island is hereby validated.

Watercourses.

**40.** The Board may utilize any natural watercourse for the discharge of storm-water overflows from its main sewers but so that the discharge from any such watercourse into any harbour under the control of the Auckland Harbour Board shall not be or grow to become a nuisance. Subject as aforesaid, any watercourse so utilized shall be under the control and management of the Board.

Board may  
construct  
drains, &c.,  
for surface  
water.

**41.** (1) The Board may construct drains for the removal of surface water, or control, alter, and improve any existing drains for that purpose, or any natural watercourse or channel, but all such works shall be done only with the approval of the local authority or authorities within whose district or districts the drain, watercourse, or channel is situated and at the cost of the local authorities affected, and the Board and any such local authority may enter into and carry out agreements for that purpose.

(2) In any case where the Auckland and Suburban Drainage Board has heretofore exercised control over or expended moneys of the said Board on any watercourse, the Board may continue to control such watercourse and to expend the moneys of the Board in the maintenance or improvement of any such watercourse.

(3) Except with the approval of the Auckland Harbour Board, no new drain for the discharge of surface water into any harbour under the control of the said Harbour Board shall be constructed or used, and no existing drain, natural watercourse, or channel discharging or intended to discharge surface water into any such harbour shall be so used, controlled, altered, or improved, as to cause pollution of the harbour into which it discharges or is intended to discharge.

5

10

15

20

25

30

35

40

42. Within the Outer Area of the district no new drainage system shall be installed except by the Board, and no change shall be made in any existing drainage system except with the approval of the Board.

Outer Area.

5 43. (1) The area outside the district the natural drainage of which is into the waters of either the Waitemata Harbour or the Manukau Harbour shall be regarded as within the sphere of influence of the Board, and no drainage system for any portion of  
10 this area shall be drawn up, carried out, or maintained save with the approval and under the general supervision and control of the Board.

Sphere of influence.

(2) This section shall not apply to or include the boroughs of Devonport, Takapuna, Northcote, and  
15 Birkenhead.

#### Accounts.

44. The Board shall cause books to be provided and kept and true and accurate accounts to be entered therein of all sums of money received and paid under  
20 the authority of this Act and of the several purposes for which such sums of money have been received and paid.

Books of accounts to be kept.

45. Such books shall at all reasonable times be open to the inspection of any member of the Board or of  
25 any contributing authority or any person appointed by it, who may take copies of or extracts from the same; and any person having the custody of the said books who does not, on the reasonable demand of  
30 any member of the Board, or of any contributing authority or any person appointed by it, permit him to inspect or take copies of or extracts from the same shall for every such offence be liable to a fine not exceeding *five* pounds.

Books to be open for inspection to members of Board.

46. (1) All moneys received by the Treasurer of  
35 the Board shall be paid by him into such one of the public banks of the Dominion as shall be appointed by the Board, and no part of such moneys shall be drawn out of such bank except by cheque signed by the Chairman or one member and by the Treasurer  
40 of the Board.

All moneys to be banked.

(2) A fund shall be established, called "the Aggregate Fund of the Board", an account for which shall be kept at a bank from time to time selected by the Board, into which shall be paid all income

Aggregate Fund.

- and revenues received by the Board, and the proceeds of all debentures issued by it, and all sums paid to it on whatsoever account; and proper accounts shall be kept in form to be approved by the Controller and Auditor-General which shall, amongst other things, show clearly what sums are available for the Board's general expenditure and indebtedness and what sums are not so available, which two classes of sums shall be respectively designated "the Board's General Fund" and "the Board's Trust Fund"; but the Board shall be entitled to keep both funds in one account at the said bank. 5
- Annual audit. 47. The accounts of the Board for the past year shall be audited in the month of May in each year by the Controller and Auditor-General. 15
- Accounts to be submitted to Controller and Auditor-General. 48. The Board shall, before the end of April in each year, cause the accounts of the Board for the past year, up to and including the last day of March, to be balanced, and also a full and true statement and account of all contributions paid to and of all moneys received and expended by the Board during the past year, and also of all debts owing by and to the Board; and such statement and account, signed by the Chairman and Treasurer of the Board, shall be submitted by such Chairman to the Controller and Auditor-General. 20
- Abstract of accounts. 49. The Treasurer shall forthwith after such audit make out a full abstract of the accounts for the year as audited, and cause a copy thereof to be submitted to each contributing authority. 30
- Board may borrow moneys by way of overdraft. 50. The Board may, in anticipation of its income, from time to time borrow moneys from its bankers by way of overdraft or from any corporation or person by way of temporary loan, but, except with the consent of the Local Government Loans Board, not exceeding at any time the amount of the estimated income for the current financial year less the amount of moneys in the hands of the Board at the commencement of the year (if any). 35
- Board may establish an Imprest Account. 51. (1) The Board may, pursuant to a resolution in that behalf, establish an Imprest Account, which shall, as the Board may determine, be kept in the Post Office Savings-bank or in any other bank within the meaning of the Banking Act, 1908. 40

(2) The Imprest Account may be held jointly in the names of and be operated on by the Treasurer and one other person to be appointed in that behalf by the Board, or may, with the express approval in writing of the Audit Office but not otherwise, be in the sole name of and be operated on by the Treasurer or other approved officer of the Board. Where the Imprest Account is held jointly in the names of the Treasurer and of one other person as aforesaid, such last-mentioned person shall be either a responsible officer of the Board or a member of the Board.

(3) The Board shall from time to time, by resolution, fix the maximum amount that may be held at any time in the Imprest Account, not exceeding seventy-five pounds in any case where the Imprest Account may be operated on by one person acting alone, and not exceeding such amount as the Audit Office may approve in any other case.

(4) Moneys in the Imprest Account shall be available only for the payment of casual wages and of emergency expenditure. A statement of all payments made from the Imprest Account shall be submitted to the Board for approval at its first ordinary meeting thereafter. The payment of moneys out of the Imprest Account for any purpose not hereby authorized shall be deemed to be the misappropriation of the funds of the Board.

**52.** The Board may out of its funds establish or contribute to—

(a) Superannuation funds to provide for the payment of officers and servants of the Board or their dependants of gratuities, retiring-allowances, and other such grants:

(b) Bonus funds to provide for the payment to officers and servants of the Board or any association of such officers or servants of bonuses, gratuities, and other like payments.

**53.** The Board may in every financial year out of the General Fund Account expend for purposes not authorized by any Act or law for the time being in force any sum or sums not amounting in the whole to more than one per centum of the gross receipts of the Board for that year, exclusive of loan-moneys.

Board may establish superannuation and bonus funds.

Unauthorized expenditure.

Borrowing-  
powers.

54. (1) The Board may from time to time borrow such sums as are necessary for carrying out the purposes of this Act.

(2) Special loans may be raised by the Board by special order without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926. 5

Special order  
to raise  
loan to be  
gazetted.

(3) A copy of the special order of the Board authorizing the raising of a special loan, purporting to be sealed with the seal of the Board and signed by the Chairman and two members, shall, without further authentication, be sufficient authority for the raising of the loan hereby authorized or any part thereof, and shall bind the Board accordingly. A copy thereof shall be published in the *Gazette*, and shall be conclusive evidence that the raising of the loan to which it refers is duly authorized and that all proceedings and things under this Act in relation thereto and in the making of such special order have been lawfully taken and done. 10 15 20

(4) Under the provisions of this section the Board shall be at liberty to raise a loan for an authorized purpose for the benefit of a defined part or defined parts of the district (whether called by a distinctive name or not), and in any such case every constituent district within the defined part or parts shall, without limiting the meaning of the expression "legal subdivision" as used in section three of the Local Bodies' Loans Act, 1926, be deemed to be a legal subdivision. 25 30

(5) Notwithstanding anything to the contrary in the Local Bodies' Loans Act, 1926, a loan may be raised by the Board for the benefit of defined parts of the district although such parts may not together form one continuous area. 35

Preliminary  
expenses.

55. The costs of promoting this Act and of investigating matters preparatory or incidental thereto, including surveys, reports of Commissions, experts, and others, legal expenses, and preliminary expenses in connection with the Board's main scheme of sewerage-work, and whether paid or incurred by the Board or the Auckland and Suburban Drainage Board, may, to the extent that they have not been provided by loan-moneys already received, be paid out of the proceeds of any loan raised by the Board. 40 45



56. The Board shall, on or before the thirtieth day of April in each year, cause an estimate to be prepared of the proposed expenditure of the Board for the ensuing year showing—
- Annual estimate of Board's proposed expenditure.
- 5 (a) The permanent appropriations for payment of interest and the creation of a sinking fund or for periodical repayments on account of loans:
- 10 (b) The sum or sums that may be required for carrying out and maintaining in good order the works hereby authorized to be constructed, and all other expenses in connection therewith:
- (c) Any sums already available for such purposes:
- (d) The additional sum required.
- 15 Any deficiency or surplus at the end of any year shall be carried forward as an asset or liability, as the case may be, into and calculated or allowed for in making and assessing the next year's requirements.
57. During the month of May in each year the Board shall hold a meeting at which the contributions payable for the current year, commencing on the first day of April, by the contributing authorities shall be assessed, and written notice shall forthwith be given to each contributing authority showing the amount to
- Contributing authorities annual assessments.
- 25 which every contributing authority is assessed, together with a copy of the estimate of expenditure for the year.
58. Such assessment shall be calculated and arrived at as follows:—
- How assessment to be calculated.
- 30 (a) The amount payable in respect of any Special Area shall be first ascertained and shall be charged and assessed to the local authority or authorities of the local districts or portions thereof comprising the same in accordance
- 35 with the provisions of section *four* hereof, and where a Special Area includes the whole or or portions of two or more local districts the local authorities shall be charged with the amount required in respect of such Special
- 40 Area in proportion to the mean percentage of the rateable capital value and population of the respective districts or portions, as the case may be:

- (b) The residue of the amount shown in the Board's estimate shall be charged and assessed to the local authorities the whole or portion of whose district is within the Inner Area in proportion to the mean percentage of the rateable capital value and population of the respective local districts or portions, as the case may be: 5
- (c) During the construction of the treatment-works and outfall at Motukorea and of the new main sewer from Mount Roskill to West Tamaki Head the following special provisions shall apply:— 10
- (i) The annual cost of the Board's new scheme and the general administrative expenses of the Board shall be borne by all the local authorities in the Inner Area, but the annual cost of the Board's present scheme shall be borne by the local authorities heretofore comprising the district of the Auckland and Suburban Drainage Board; and 15 20
- (ii) So soon as the Board's new main sewers are available for receiving the sewage from any local district the local authority of such local district shall be liable to contribute to the whole annual cost of the Board. 25

Appeal.

**59.** If any contributing authority is dissatisfied with such estimate or assessment such contributing authority may, within twenty-eight days after notice of such assessment has been given to it, appeal to the Judge of the Supreme Court at Auckland against such assessment. Such appeal shall be commenced by notice of appeal being given to the Registrar of the said Court, who shall fix a day for the hearing thereof; and the contributing authority appealing shall give notice in writing to the Board and to each of the other contributing authorities stating the date when the same it to be heard and the grounds of such appeal, and thereupon the whole of such estimate and assessment shall be deemed to be set aside, and the estimate of the contribution to be paid by every contributing authority shall be settled by the said Judge, whose decision shall be final and binding upon the Board and all the contributing authorities. 30 35 40

60. The said Judge shall have power from time to time to make regulations for the conduct of such appeals, and the costs thereof. Regulations regarding appeals.
- 5 61. The Board may, notwithstanding that the amount sought to be recovered is in excess of the jurisdiction of any Magistrate's Court, sue for and recover the amount of any such contribution in any such Court as a debt. Jurisdiction of Magistrate's Court.
- 10 62. The production in any Court of documents purporting to be— Production of documents prima facie evidence.
- (a) A copy of the said estimate of expenditure; and
- (b) A copy of the said notice to each contributing authority purporting to be under the seal of the Board,—
- 15 shall be *prima facie* evidence of the liability of each local authority therein mentioned to pay to the Board the respective amount therein and thereby shown to be assessed as its contribution to the Board for the purposes of this Act.
- 20 63. The local authority of each local district the whole or part of which is comprised within the district shall, within thirty days of receiving the written notice mentioned in section *fifty-seven* hereof, pay to the Secretary of the Board one-half of the amount of such assessment, and shall pay the other half thereof within six calendar months of the date of the receipt of such notice as aforesaid. In case either half is not so paid such local authority shall be liable to and shall pay
- 30 interest on any and every amount so remaining unpaid until payment thereof at the rate for the time being charged by the bankers of the Board for moneys owing to them by the said Board or that would be chargeable if such moneys were owing, as the case may be: When contributing authorities to pay their shares.
- 35 Provided that if an appeal against any assessment has been lodged under section *fifty-nine* hereof, then the amount fixed by the Court shall be substituted for the amount of such assessment, and payment of one-half thereof shall be made within thirty days from the date
- 40 of the Court's decision; but interest on such half shall be payable at the rate aforesaid as from the expiration of thirty days from the receipt of the original assessment.

Powers of local authorities in regard to payments.

64. Every such local authority shall, for the purpose of enabling it to make, and making, such payment, have the following powers:—

- (a) It shall be entitled to pay the amount out of its ordinary revenue or funds: 5
- (b) It shall be entitled to (if it does not pay the same out of its ordinary funds) strike and collect a rate for such an amount in the pound on the rateable value of all rateable property within its district where the whole of such district is within the Inner Area of the district, or where only part thereof is within such area, on that part, as shall be sufficient to pay the amount of such assessment and interest thereon (if any) and the cost of and incidental to the making and collection thereof, and shall be entitled to make and levy such rate in addition to all rates which it is entitled to make and levy under any other Act, and notwithstanding any provision in any Act limiting or in any way affecting the rating-power of such local authority: 10 15 20
- (c) It may classify the rateable properties within its district or the portion thereof which is within the Inner Area of the district and levy a rate on a sliding scale according to such classification. The provisions of the Land Drainage Act, 1908, and its amendments, shall, *mutatis mutandis*, apply to the classification and rate mentioned in this subsection as if set out herein. 25 30

Powers of Board to recover from contributing authorities in case of default.

65. (1) If any such local authority, after notice of the said assessment is delivered to it, or in case of appeal after the decision of the said Court, fails to pay the first or last half thereof, or any part thereof, for the period of thirty days after the day on which it should be paid, or the interest thereon, it shall be lawful for the Board, in addition to any other powers or remedies hereby given, to make, levy, and collect such rate, and to pay or retain the amount of such assessment or contribution and interest and all costs and charges it has been put to in consequence of such default or neglect. 35 40

(2) The local authority so in default shall, on request, hand over and supply to the Secretary of the Board correct lists of rateable properties, rate-books, assessment rolls, and all other documents and books  
5 of any and every kind necessary, or considered so by the Board or its officers, for the purpose of enabling the Board to, and it is hereby authorized and entitled to make, levy, and collect such rate as aforesaid.

(3) Such local authority and its officers and servants  
10 shall give every assistance to the Board and its officers to make, levy, and collect such rate as aforesaid.

(4) For the purpose of enabling the Board to collect and recover the amount of such contribution or assessment, interest, and costs, the Supreme Court or  
15 any Judge thereof shall, on application by or on behalf of the Board, have the same power, *mutatis mutandis*, with reference to such contributing authority as is given to it by the Local Bodies' Loans Act, 1926, on any default being made by the Board in payment of  
20 any principal or interest due on any debenture issued by the Board, and also full power to order, authorize, and empower the Board and its officers to strike, levy, and collect such rate in the same way and to the same extent as such local authority so in default would be  
25 entitled to do.

66. (1) The Board may from time to time make By-laws. by-laws for all or any of the following purposes:—

(a) To regulate the management and use of inlet  
30 appliances giving access to the sewers and drains of the Board, including grids, and to prevent the putting of anything into such sewers or drains, or allowing anything to enter such sewers or drains by means of such appliances, save such matter as may be  
35 carried in with water entering in the course of the legitimate use of such appliances:

(b) To provide for the treatment of trades' wastes and other substances before the same are  
40 allowed to enter any drain or sewer which is under the control of the Board or which is connected to any such drain or sewer; and the Board may require the owners of premises from which such substances are discharged to treat the same on their own premises, or

may require the erection of treatment-works by one or more of such owners and provide for contribution towards the cost of providing, maintaining, and running such works, or the Board may itself provide such treatment-works or undertake the treatment of such substances and provide for reimbursement from the owners of the properties concerned: 5

(c) Regulating sanitary plumbing and drainage throughout the whole of the district: 10

(d) Protecting from damage, injury, or misappropriation any property belonging to the Board or controlled by it and situate within or beyond the district.

(2) Any by-laws made by the Board shall within 15 the district override any by-laws on the same subject-matter made by any local authority.

(3) Any local authority may, with the consent of the Board, undertake within its own district the enforcement and administration of any by-laws made 20 by the Board, and in such case all fines imposed for breaches of the Board's by-laws within the district of such local authority shall be paid to the local authority and be dealt with by it as if they were fines imposed in respect of breaches of the by-laws of such local 25 authority.

*Miscellaneous.*

Notice of  
action.

**67.** (1) A writ or process shall not be issued against or served on the Board or any member thereof, or any officer or servant or workman thereof, or any person 30 acting under its or his directions or in its or his aid, for anything done or intended to be done or omitted to be done after the passing of this Act, under the provisions of this or any other Act or of any by-law or regulation made or in force hereunder, until one 35 month after notice in writing has been served on the Board or such member, officer, or person, clearly stating the cause of action or grounds of proceeding and the name and address of the intended plaintiff or prosecutor and his solicitor or agent in the action or proceeding; 40 and on the trial or hearing of any such action or proceeding the plaintiff shall not be permitted to go

into any cause of action or ground of proceeding which is not stated in the notice so served, and unless such notice is proved there shall be judgment for the defendant.

5 (2) Every such action or proceeding shall be commenced within six months next after the accruing of the cause of action or proceeding, and not afterwards, and shall be tried in the drainage district and not elsewhere. In any such action or proceeding the  
10 defendant may plead generally that the act or thing complained of was done or omitted under the authority or in the execution or intended execution or in pursuance of this Act or of any by-law or regulation made or in force hereunder, and may give all special  
15 matter in evidence.

(3) Any person to whom such notice of action is given as aforesaid may tender amends to the plaintiff, his solicitor, or agent at any time within  
20 one month after service of such notice, and in case the same be not accepted may plead such tender in bar; and in case amends have not been tendered, or in case the amends tendered are insufficient, the defendant may within the time allowed for filing a statement of defence, or thereafter at any time before  
25 trial, by leave of the Court, pay into Court, in accordance with the practice of the Court in which the action is pending, and in the case of an action in a Court in which no defence need be filed at any such time as may be allowed by the practice of such Court,  
30 such sums of money as it or he may think proper, whereupon such consequences shall ensue as, under the practice of the Court in which the action is brought, ensue in an ordinary action.

(4) In any case arising out of injury to property,  
35 the property injured and the accounts and vouchers in respect of the injury may be examined by any person appointed by the Board, and all proceedings shall be stayed until any application for such examination has been complied with.

40 **68.** If any action is commenced or prosecuted touching or concerning the right, title, or interest of any owner or proprietor of or in any lands taken or injuriously affected by anything done in pursuance of

Commencement  
of action  
not to stop  
works of  
Board.

this Act or in execution of the powers or authorities herein, such action shall not impede, delay, or hinder the Board from proceeding in the execution of the powers vested in it by this Act.

Board may enter premises for purposes of inspection.

**69.** (1) The Board and the officers and servants of the Board may enter upon any premises for the purpose of examining as to the existence of any nuisance thereon, or as to the breach of any of the provisions of this Act or the by-laws (with power to examine any drain or other sanitary apparatus or appliances), or for the purpose of enforcing the provisions of this Act and the by-laws, or for the purpose of executing, providing, or doing any works, materials, or things which the Board is authorized or empowered to execute, provide, or do under or by virtue of this Act or the by-laws. 5 10 15

(2) Any owner or occupier of premises who refuses to permit or allow the Board or any of its officers or servants to enter thereon for any of the purposes mentioned in the *last preceding* subsection, and every person who obstructs the Board or any of its officers or servants in the exercise of any of the powers mentioned in the *last preceding* subsection, shall be guilty of an offence, and shall be liable to a fine not exceeding *twenty* pounds for each such offence. 20 25

Recovery of fines and penalties.

**70.** All fines imposed by this Act or by any by-law made under the authority hereof may be recovered in a summary manner under the Justices of the Peace Act, 1927.

Enforcement of by-laws.

**71.** The provisions of this Act and of all by-laws made by the Board shall be enforced by the Board or its officers subject to the provisions of section *sixty-six* hereof. 30

Property of Board not liable to be rated.

**72.** No property of the Board owned or used by it for the purposes for which it is incorporated shall be liable to be rated by any local body. 35

Penalty for damaging sewer or drain.

**73.** Any sewer or drain constructed or maintained by the Board shall be deemed to be the property of the Board, and any person doing any act whereby such sewer may be injured or its efficiency impaired is liable to a fine not exceeding *twenty* pounds, without prejudice to the right of the Board to recover by action damages for any trespass or injury to the said sewer. 40



74. Any person doing anything contrary to the provisions of this Act or any by-law or regulation made hereunder, or omitting or failing to perform any duty imposed on him by or arising under this Act
- 5 or any such by-law or regulation, shall be guilty of an offence, and in cases where no other penalty is provided shall be liable to a fine not exceeding *twenty* pounds, and whenever such act or omission is of a continuous nature a further offence shall be deemed to be
- 10 committed on each day on which it is continued; and whenever power is given by any Act, by-law, or regulation to order anything to be done or omitted, an offence shall be deemed to be committed on each day on which any person disobeys or fails to comply with
- 15 any such order; and in all cases in which property is damaged, destroyed, or lost, or pecuniary loss is suffered by reason of an offence, the Court may add to the fine compensation for any loss the Board may have sustained:
- 20 Provided that such compensation, unless awarded at the express request of the Board, shall not, excepting as to the amount thereof, relieve such person of any civil liability in respect of his act or omission.
75. Within the period of twenty-one days before
- 25 or after the day appointed for the holding of any meeting of the Board or for the doing of any act, matter, or thing by this Act required to be done on or before a day certain, it shall be lawful for the Governor-General to extend the time allowed or fix a
- 30 later day for the holding of such meeting or for the doing of any such act, matter, or thing as aforesaid, notwithstanding the day may have passed on which the same ought to have been held or done, and to adopt or cause to be adopted such measures as may be
- 35 necessary to remove any obstacle of a technical or formal nature by which the carrying-out of the provisions of this Act may be impeded, and to supply any deficiency which may be required to be supplied in order to enable the said provisions to be carried out.
- 40 76. (1) All Proclamations, Orders in Council, orders, regulations, by-laws, offices, appointments, resolutions, agreements, licenses, lists, rolls, registers, registrations, maps, records, documents, and generally

Offences  
under Act.

Governor-  
General may  
extend time  
fixed by Act  
to carry  
out works.

Saving as to  
Proclamations,  
&c.

all acts of authority which originated under the Auckland and Suburban Drainage Act, 1908, and its amendments, and are subsisting and in force on the coming into operation of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. 5

(2) All matters and proceedings commenced under the said Acts and pending or in progress on the coming into operation of this Act may be continued, completed, and enforced under this Act. 10