

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

Short Title.

1. This Act may be cited as the Christchurch Estuary and Rivers Conservancy Act, 1931. 5

Interpretation.

2. In this Act—

- (a) "The rivers" mean the rivers Avon and Heathcote and each of them, with their estuaries and foreshores, included in that area now being divested from the Lyttelton Harbour Board, and all lands adjacent thereto which may be vested in the Board by His Majesty the King: 10
- (b) "The Board" means the Christchurch Estuary and Rivers Conservancy Board constituted under this Act:
- (c) "The district" means the Christchurch Estuary and Rivers Conservancy District constituted under this Act, and which comprises the rating-areas of the City of Christchurch, the Boroughs of New Brighton and Sumner, and the County of Heathcote: 15
- (d) "Contributory local authority" means the Christchurch City Council, the New Brighton Borough Council, the Sumner Borough Council, and the Heathcote County Council: 20
- (e) "The Board" shall mean and consist of such members appointed under the provisions of section *six* of this Act:
- (f) "Rivers" shall mean that portion of the Heathcote and Avon Rivers, with their estuaries and foreshore areas, as set out in paragraph (a) of this section of this Act: 25
- (g) "The Clerk" means the Clerk of the Board, and includes any person for the time being appointed by the Board to perform the duties of a Clerk thereto:
- (h) "Public notice" means a notice published in a newspaper circulating in the district. 30

Constitution of the Christchurch Estuary and Rivers Conservancy District.

3. The whole of the lands included in the City of Christchurch, the County of Heathcote, and the boroughs of New Brighton and Sumner shall be, and the same is hereby constituted, an estuary and rivers conservancy district under the style or name of "The Christchurch Estuary and Rivers Conservancy District." 35

Conservancy Board.

4. There shall be for such district a Board, consisting of nine members, appointed under section *six* of this Act.

Such Board to be a body corporate.

5. Such Board shall be a body corporate under the name of "The Christchurch Estuary and Rivers Conservancy Board," with perpetual succession and common seal, and with full power and capacity to purchase, take, acquire, hold, manage, erect, beautify, develop, and deal with land and hereditaments of any tenure, buildings, and all classes of personal property for all or any of the purposes for which it is constituted, and with full power to make all kinds of contracts connected with and incidental to the carrying-out of the objects of this Act. 40 45

Appointment of members of Board.

6. (1) The Board shall consist of nine members constituted as follows: Six members appointed by the Council of the City of Christchurch, and one member each appointed by the Councils of the Boroughs of New Brighton and Sumner, and one member appointed by the Council of the Heathcote County. 50

(2) The first appointment of members under this Act shall be made within one month after the coming into operation of same, and such appointees shall hold office at the discretion of the local bodies concerned until the *thirty-first* day of May, nineteen hundred and *thirty-three*. From the *first* day of June, nineteen hundred and *thirty-three*, the members of the Board who have been duly appointed under the provisions of this section shall hold office for a period of two years from the aforesaid date. The first meeting of the Board shall be convened by the Town Clerk of the Borough of Sumner.

10 (3) Any member of the Board may resign his office by writing under his hand delivered to the Chairman or Clerk, and in case of his death, or incapacity, or his absence without leave of the Board from four consecutive ordinary meetings thereof, his office shall become vacant, and may be filled in manner provided by subsection *four* of
15 this section of this Act.

(4) If any vacancy occurs in the membership of the Board by any means other than effluxion of time the Council which appointed the vacating member shall, if necessary, within one month after its occurrence appoint some person to fill such vacancy, who shall hold office so long
20 as his predecessor would have filled it.

(5) Six members present at any meeting of the Board shall form a quorum. No business shall be transacted at any meeting of the Board unless at least a quorum of members is present thereat during the whole time at which the business is transacted.

25 7. (1) The Chairman of the Board shall be elected by the Board at its first meeting, and shall continue in office until the *thirty-first* day of May, nineteen hundred and *thirty-three*: thereafter the term of office of Chairman shall be for two years from the date of his election. The office of Chairman shall in all cases terminate on the day of the first
30 biennial meeting of the newly-elected Board. If the Chairman is absent from any meeting of the Board, then such member as the members of the Board then present choose shall be Chairman of such meeting.

(2) The Board may, if it thinks fit, appoint one of its members to be Deputy Chairman, who, with the consent of the Chairman, or, in the
35 event of the Chairman becoming incapable of acting, without such consent, shall have all the authority of the Chairman until the Chairman resumes his duties.

(3) All acts of the Board and all questions before the Board may be
40 done and decided by the majority of such members of the Board as are present and vote at any meeting held pursuant to this Act or any by-law or regulation made thereunder.

(4) The Chairman of any meeting of the Board shall have a deliberate vote and in case of equality of votes a casting-vote also.

45 8. (1) No act or proceeding of the Board shall be invalidated in consequence of there being a vacancy in the numbers 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.

(2) Minutes of the proceedings of the Board shall be kept in a book,
50 which shall be kept in the office of the Board, and shall be open to inspection without fine during all office hours by any member of the Board or any contributory local authority or by any creditor of the Board.

Chairman of Board.

Proceedings of Board.

(3) The minutes of the proceedings of the Board or of any committee duly entered and authenticated as prescribed by the Board shall be *prima facie* evidence of such proceedings and of the validity thereof.

Rules of Procedure.

Board may make by-laws or pass resolutions with reference to procedure.

9. The Board may, subject to the provisions of this Act, make by-laws or pass resolutions— 5

- (a) Regulating the proceedings of the Board and of committees and the conduct of meetings thereof respectively :
- (b) Prescribing the time and manner of holding annual and other or special and also ordinary meetings, and regulating the business that may be transacted thereat respectively : 10
- (c) Regulating the adjournment of meetings :
- (d) Directing notices of meetings to be given and prescribing the form, mode, and time of service thereof :
- (e) Regulating debates : 15
- (f) Prescribing the manner and conditions of revoking or altering resolutions :
- (g) Providing for the custody of documents, and regulating the custody and use and prescribing the mode and form of attestation of the common seal : 20

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

- (h) Prescribing the duties of officers and servants : 25
- (i) Prescribing the form and manner of keeping and authenticating minutes :
- (j) Prescribing the form of and in connection with any proceedings :
- (k) Concerning anything incidental to any of the matters herebefore referred to. 30

Officers.

Officers of Board.

10. (1) The Board may from time to time appoint fit persons to be Clerk, Treasurer, Surveyor, Engineer, inspectors, collectors, 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 its funds as it thinks fit. 35

(2) No members of the Board shall be capable of holding any such office unless without remuneration.

Special Meetings and Special Orders.

Special meetings and special orders.

11. (1) A "special meeting" means a meeting called in pursuance either of a resolution of the Board or of a requisition in writing delivered to the Clerk and signed by the Chairman, or by any three members, specifying the time and place at which such meeting is to be held and the business to be brought before the same. 40

(2) Notice in writing of the time and place of such meeting and of such business shall be given under the hand of the Clerk to every member of the Board four clear days before the day appointed for such meeting. 45

(3) The power hereby given to do anything by special order shall be exercised only as follows : The resolution to do such things shall be passed at a special meeting. 50

(4) Such resolution shall be confirmed at a subsequent meeting (either ordinary or special) held not sooner than the twenty-eighth day after the day of such special meeting, and not later than the forty-second day after the day of such special meeting.

5 (5) Public notice of the place and date fixed for such subsequent meeting and of such resolution shall be given once in each full week intervening between the two meetings.

(6) for the purpose of the *last preceding* subsection a week shall be computed from the day of the week on which the resolution was passed.

10 (7) Written notice of the time and place of such subsequent meeting under the hand of the Clerk shall be given to each member of the Board at least four days before such subsequent meeting which notice shall refer to the said resolution.

15 (8) The notice directed to be given by the *last preceding* subsection shall suffice even though such subsequent meeting may be a special meeting.

12. (1) A document purporting to be a copy of any special order sealed with the common seal shall be received as evidence for all purposes that the special order of which such document purports to be a copy has been duly made in accordance with this Act, unless the contrary is proved. Evidence of documents.

(2) No special order shall be quashed by any proceedings in any Court or otherwise, unless such proceedings are commenced within six months from the making of the special order.

25 *Finance.*

13. (1) The financial year of the Board shall end on the thirty-first day of March in each year. Finance.

30 (2) Each contributory local authority shall contribute to the funds of the Board such annual sum as may be fixed and determined by the Board in accordance with the provisions in that behalf set out in this section of this Act.

(3) The Board shall not later than June in every financial year make an estimate and fix and determine the amount which it will require for the purpose of carrying out its general powers during such year.

35 (4) Provided that such amount shall not exceed the sum obtainable under a rate struck over the districts described in the schedule in this Act of *one* shilling in each one thousand pounds of capital value over the whole of the rateable area under the control of the local authorities as set out in this Act.

40 (5) The amount so fixed and determined shall be levied by the Board upon the respective contributory local authorities in such proportions as it may by special order determine, and the amount so levied upon any contributory local authority shall constitute a debt payable by such contributory local authority to the Board, and it shall become due on a date to be appointed by the Board for the payment thereof, and may be recovered by the Board by action in any Court of competent jurisdiction.

45 (6) The Board shall cause a copy of every such special order under the seal of the Board making a rate to be forwarded to each contributory local authority within the limits of whose jurisdiction the said district or any part thereof is situated.

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(7) If the Board determines that any rate shall be collected by the local authorities of the constituent districts on behalf of the Board, it may cause a copy of the resolution making and levying such rate to be forwarded by registered letter to the local authority of every constituent district within which such rate has been made and levied. Every such local authority shall forthwith proceed to collect such rate in such manner as nearly as may be, and with such powers; and the rate shall be payable by and recoverable from such persons and in such manner in every respect as if such rate had been validly made and levied by such local authority. All such rates shall be held by every such local authority as trustee for the Board, and shall be handed over to such Board as collected :

Provided that the local authority may deduct from the proceeds of any such rate an amount, not exceeding *two* per centum thereof, in respect of the cost of collecting the rate and as remuneration for the services of its officers, and the amount so deducted shall be paid into the General Fund of the local authority.

(8) If the local authority of any constituent district, or any officer or servant of such local authority, fails to take the steps required by law to be taken for the collection or recovery of any rate pursuant to the *last preceding* subsection, the amount of such rate, or of any part thereof, uncollected or unrecovered owing to such failure shall be deemed to be a debt owing by the local authority to the Board, and may be recovered by action by the Board from that local authority accordingly.

(9) The Valuer-General shall, at the request of the Board, and on payment of such fees as the Governor-General in Council may from time to time prescribe, supply to the Board a statement showing the total value of all the rateable property within each constituent district and such other particulars as the Board may require for the purpose of making and levying any rate under this Act.

(10) Every such contributory local authority may pay the amount levied upon it by such a special order out of its District, County, or General Account (as the case may be) in lieu of striking a separate rate to provide the amount levied by the Board.

(11) The Board shall be deemed to be a local authority under the Local Bodies' Loans Act, 1926, and its amendments, and also under the Public Works Act, 1928, and its amendments, and may exercise all powers by these Acts conferred upon local authorities.

(12) For the purpose of providing money by way of overdraft the Board shall be and is hereby constituted a local authority under the provisions of the Local Bodies' Finance Act, 1921-22, and shall and may exercise all the powers, authorities, and privileges, and be subject to the restrictions and obligations, imposed upon local bodies by the provisions of that Act.

(13) The Board may, out of its General Fund, pay to members travelling on business of the Board such actual reasonable travelling or other expenses as by resolution it decides.

Powers of the Board.

Jurisdiction and control of the rivers and area to be vested in the Board.

14. The jurisdiction and control of the rivers and area specified in section *two* of this Act shall be vested in the Board, subject to the right of the Christchurch District Drainage Board contained in the Christchurch District Drainage Act, 1907.

15. Subject to the provisions, restrictions, and conditions contained in this Act, the Board may for the purpose of this Act, from time to time, by itself, its surveyors, engineers, agents, officers, and workmen, exercise the following powers, or any of them, and may do 5 or cause to be done or executed any of the following works or acts, viz. :—

Powers of the Board.

- (a) Cleanse, repair, or otherwise maintain in due state of efficiency and purity the rivers, estuary, and foreshore areas specified in section *two* of this Act :
- 10 (b) Deepen, widen, and straighten, divert, or otherwise improve the rivers or any of them :
- 15 (c) Generally improve the rivers and repair, straighten, improve, or beautify the banks of the same, and make, erect, construct, maintain, alter, extend, discontinue, remake, or re-erect tow-paths, banks, roads, buildings, bridges, locks, ferries, ways, landing-stages, weirs, dams, overflows, flood-gates, and toll-houses, and regulate the flow of water in locks in such a manner in all respects as the Board shall think fit :
- 20 (d) Remove weeds, timber, roots, silt, mud, rubbish, refuse, impediment, or other obstructions from the banks or beds of the rivers, and also cut down, lop, and remove any trees, bush, or shrub growing on the banks thereof (whether on private property or not), and forming or causing an obstruction to the navigation of the rivers, whether for the purposes of straightening, improving, or beautifying the rivers or the banks thereof and also to improve the beds and channels of the rivers, and remove any shoal, shelves, banks, mud, or other accumulations, or shorten any bends, or remove any angle, and abate any nuisance whatsoever in the rivers :
- 25 (e) Take, purchase, acquire, and hold any land within the district which in the Board's opinion may be required for the purpose of this Act :
- 30 (f) Erect boat-sheds, pavilions, refreshment-rooms, and landing-stages ; fence off any land required for the same, and erect gates, buildings, and other improvements on the banks of the rivers :
- 35 (g) Lease for a term not exceeding twenty-one years either by public tender or by public auction at such rental and upon such terms and conditions as the Board shall determine any land, buildings, or other property of the Board :
- 40 (h) By special order to proclaim certain of the river frontage closed to the public either temporarily or permanently and to charge admission fees for access thereto :
- 45 (i) To regulate and control all traffic upon rivers, whether by means of rowing, sailing, or power boats of any kind, also to conduct, organize, regulate, and control river carnivals, rowing-races, regattas, swimming-races, aquatic sports, excursions, and entertainments :
- 50 (j) To regulate the height and width of the span of any bridge at any time hereafter to be erected over the said rivers :

- (k) License boats, launches, ferries, and other vessels of any description, and fix the fees for same, or own or operate any such vessel or other plant that the Board may deem necessary :
- (l) Reclaim any land abutting upon the rivers or any of them, and raise and build up the same by the depositing of spoil thereon :
- (m) Purchase, erect, install, and use all buildings, plant, machinery, dredges, boats, electrical equipment, purifiers, stone requisite or desirable for the same :
- (n) To make monetary or other grants for measures of public safety on the beaches in the Board's area of control.

No local authority, Corporation, or person, without consent in writing of Board, to deposit any silt or unwholesome liquid into the rivers.

16. (1) No local authority, Corporation, or person shall without the consent in writing of the Board cause or allow any silt or filthy or unwholesome liquid or matter to be deposited into the rivers. 15

(2) No local authority, Corporation, or person shall connect, lead, or discharge any gutter, side channel, or drain with or into the rivers without making adequate provision, to the satisfaction in all respects of the Board, for the prevention of silt and debris materials or rubbish finding its way by means of such gutter, side channel, or drain into the rivers. 20

(3) Every local authority, Corporation, or person who offends against either of the *last two* mentioned subsections shall in respect of each offence be liable to a fine not exceeding *one hundred* pounds, and to a further fine not exceeding *five* pounds for every day during which such offence is continued. 25

Penalty for draining into or obstructing the rivers without the consent of the Board.

17. Any local authority, Corporation, or person not being authorized in writing in that behalf under the hand of the Chairman of the Board who makes any drain into the rivers or any of them, or who, without such consent as aforesaid, obstructs or causes to be obstructed, either wholly or partially, the rivers or any of them shall be liable to a fine not exceeding *one hundred* pounds; and the said Board may cause any such drain or obstruction to be discontinued, disconnected, remade, or removed, as the case may be, in such manner as it thinks fit at the expense in all respects of the said local authority, Corporation, or person making such drain or obstructing or causing to be obstructed the rivers or any of them as aforesaid. 30 35

Expenses incurred by Board in disconnecting or remaking drain or removing obstruction may be recovered by Board.

18. All expenses incurred by the Board in disconnecting or remaking such drain or removing such obstruction, or otherwise in connection therewith, shall be paid to the Board by the local authority, Corporation, or person making such drain or causing such obstruction, and the same may be recovered as a debt in any Court of competent jurisdiction. 40

Board not liable for damage caused to land or property by accidental overflow of river or by sudden breaking of any banks, &c., unless certain notice given to Board by owners or occupiers of said land or property.

19. (1) Nothing herein contained shall be construed to render the Board liable for any consequential damage which may happen to any land or other property through or by the accidental overflow of any river or by the sudden breaking of any banks, dam, weir, or lock which under the provisions of this Act the Board may take upon itself the duty to regulate, maintain, or make : 45

Provided that if the owners or occupiers of such land shall have given notice in writing to the Board warning it of the probability of such damage to the said land or property or of the weakness or 50

deficiency of such dam, weir, or lock, and requiring the Board to strengthen or repair the same, and the Board has not within a reasonable time after delivery of the said notice taken proper precautions to prevent such damage, then, and in such cases, the amount of the consequential damage which shall happen through the neglect of the Board thereof shall be made good out of the General or Special Funds of the Board.

(2) The provisions of Part XVII of the Municipal Corporations Act, 1920, relating to contracts and works of Municipal Corporations, shall, *mutatis mutandis*, be deemed to be incorporated in this Act.

Accounts.

20. The Board shall keep accurate accounts of all moneys received from the contributory local authorities and from all other sources whatsoever and of all costs, charges, expenses, and disbursements in connection with the administration of the Board and the carrying-out of the duties and powers vested in the Board by this Act as on the thirty-first day of March in that year, and such statement of accounts and balance-sheet shall be forwarded to the Controller and Auditor-General. A copy of such statement of accounts and balance-sheet shall be open for inspection at the Board's office by any ratepayer of the various contributing districts during business hours.

By-laws.

21. The Board may from time to time make such by-laws as it thinks fit for all or any of the following matters:—

- (a) The more effectually carrying out the purposes of this Act :
- (b) Regulating any of the subject-matters of this Act :
- (c) Protecting any property belonging to or under the jurisdiction and control of the Board from damage or injury :
- (d) Regulating the use of any reserve, recreation-ground, or other land or any public building and public places vested in the Board or under the control of the Board :
- (e) Regulating and controlling all private traffic of all boats upon the rivers plying for hire, and prescribing license fees payable in respect thereof :
- (f) Regulating and controlling all private traffic on the rivers, whether rowing, sailing, punting, steam, motor, or electric :
- (g) Regulating and controlling the use of the house-boats and the licensing of mooring-places for the same :
- (h) Regulating bathing :
- (i) Prohibiting or regulating the deposit of accumulation in any river or on any land under the control of the Board of refuse, litter, or rubbish of any description :
- (j) Every person guilty of a breach of any by-law made under this Act is liable to a fine not exceeding *twenty* pounds or, where the breach is a continuing one, then to a fine not exceeding *five* pounds for every day or part of a day during which such breach continues :
- (k) The Board may after conviction for the continuing breach of any by-law apply to the Supreme Court for an injunction to restrain from the continuance of such breach by the local body, Corporation, or person so convicted :

- (l) The continued existence of any work or thing contrary to any by-law shall be deemed a continuing offence within the meaning of this section :
- (m) A by-law may authorize the Board or any officer thereof, after due notice in writing, to demolish, remove, or alter any work, material, or thing erected or being erected in contravention to any by-law, and to recover from the person committing the breach all expenses incurred by the Board in connection with such demolition, removal, or alteration :
- (n) The exercise of this authority shall not relieve such person from liability for any penalty incurred by reason of such breach :
- (o) The production of any document purporting to be a printed copy of any by-law made under the authority of this Act and sealed with the common seal of the Board, shall, unless the contrary is shown, be sufficient evidence of such by-law having been duly made, and that the same came into force on the day mentioned in that behalf in such copy of the by-law :
- (p) The Board shall cause printed copies of all by-laws to be kept at the office of the Board and to be sold at a reasonable charge to any person applying for the same.

Saving.

22. Nothing in this part of this Act or in any by-law made thereunder shall be deemed to relieve any local body, Corporation, or person from any penalty or action to which it or he would otherwise be liable in respect of anything done by it or him in breach of any such by-law.

Manner of making by-laws.

23. The manner of making by-laws under this Act shall be in accordance with the provisions of section three hundred and fifty-nine of the Municipal Corporations Act, 1920.