

Right Hon. Mr Nash

HUTT VALLEY DRAINAGE AMENDMENT

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to amend the Hutt Valley Drainage Act 1948

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

1. Short Title—This Act may be cited as the Hutt Valley Drainage Amendment Act 1958, and shall be read together with and deemed part of the Hutt Valley Drainage Act 1948 (hereinafter referred to as the principal Act).

10 **2. Interpretation**—(1) Section two of the principal Act is hereby amended by omitting from subsection one the definitions of the expressions “Engineer”, and “main sewer” or “main drain”.

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

“‘Engineer’ or ‘Engineer to the Board’ means the Chief Engineer for the time being of the Board, and includes any person for the time being appointed by the Board to perform the duties of the Chief Engineer, howsoever designated: 5

“‘Main sewer’ or ‘main drain’ means a sewer or drain conveying or designed or intended to convey sewage from the whole or any portion of a sewerage reticulation system to any other main sewer or main drain or to any outfall sewer or to treatment works or to any other point of disposal; and includes all sewers and drains carrying discharge from a pumping station and also all manholes, valves, fittings, measuring chambers, pumping stations, storage tanks, and other erections and structures appurtenant to or forming part of any main sewer or main drain: 10 15 20

“‘Sewage’ means all domestic sewage, and all waterborne wastes from commercial or industrial undertakings; but does not include surface or subsoil water led into a sewerage reticulation system:

“‘Treasurer’ means the Treasurer for the time being of the Board, and includes any person for the time being appointed by the Board to perform the duties of Treasurer, howsoever designated.” 25

(3) The said section two is hereby further amended by repealing subsection two, and substituting the following subsection: 30

“(2) For the purposes of this Act, the term ‘occupier’ shall have the meaning assigned to it by section two of the Municipal Corporations Act 1954, and the term ‘rateable property’ shall have the meaning assigned to it by section two of the Rating Act 1925.” 35

(4) The said section two is hereby further amended by omitting from subsection three the words “in the preceding year”, and substituting the words “in the preceding calendar year”. 40

3. Section 5 of principal Act amended—(1) Subsection three of section five of the principal Act is hereby amended by adding to the Acts therein enumerated section six of the Finance Act (No. 2) 1941.

5 (2) The said subsection three is hereby further amended by adding the following additional proviso:

“Provided that for all other purposes the financial year of the Board shall end on the last day of February in each year, and for the purposes of adjustment the financial period ending on the twenty-ninth day of February, nineteen hundred and sixty, shall commence on the first day of April, nineteen hundred and fifty-nine.”

(3) The said section five is hereby further amended by adding the following subsection:

15 “(4) The Board shall be deemed to be a public body under the Transport Act 1949.”

4. Meetings—Section twenty-one of the principal Act is hereby amended by adding the following subsections:

20 “(3) A special meeting for the purposes of this Act shall be a meeting called pursuant to a resolution of the Board, or to a requisition in writing delivered to the Secretary and signed by the Chairman or by not less than three members of the Board, specifying the time and place at which the meeting is to be held and the business to be brought before the same.

25 “(4) Notice in writing of the time and place of the meeting and of that business shall be given under the hand of the Secretary to every member of the Board not less than two clear days before the day appointed for the meeting.”

5. Form of making bylaws—Section twenty-nine of the principal Act is hereby amended by adding to paragraph (a) 30 the words “passed in the manner provided for the passing of special orders by a Borough Council under the Municipal Corporations Act 1954”.

6. Section 30 of principal Act repealed—Section thirty of 35 the principal Act is hereby repealed.

7. Section 35 of principal Act amended—Subparagraph (ii) of paragraph (b) of subsection one of section thirty-five of the principal Act is hereby amended by inserting after the words “any materials therefor”, the words “or for the purpose 40 of altering, renewing, repairing, maintaining, or cleansing any sewer, drain, or other works under the control of the Board”.

8. Bylaw powers—Subsection one of section twenty-eight of the principal Act is hereby amended by adding the following paragraph:

“(e) Regulating and controlling methods of connecting sewerage reticulation works with a main sewer or main drain.” 5

9. Powers of contributing authorities to connect sewers—(1) Section thirty-seven of the principal Act is hereby repealed, and the following section substituted:

“37. For the purpose of carrying off any sewage from any part of its district, every contributing authority may from time to time connect sewers or drains at such points and in such manner as the Engineer to the Board may specify so as to discharge, either directly or indirectly, into such main sewers or main drains as the Board may have constructed or taken over for the service of the district concerned: 10 15

“Provided that before connecting any such sewer the contributing authority shall submit to the Board complete plans and specifications thereof, 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 general drainage system of the Board and that the sewage to be discharged through the same into the main sewer or main drain will be of such volume as to be within the capacity of such main sewer or drain having regard to the volume of other sewage which may reasonably be discharged thereto: 20 25

“Provided also that nothing in this subsection shall authorise the Engineer to control the engineering design or construction of sewerage reticulation works in the district of any contributing authority otherwise than in accordance with bylaws of the Board.” 30

10. Unauthorised expenditure—Section fifty-three of the principal Act is hereby amended by omitting the words “two hundred and fifty pounds”, and substituting the words “five hundred pounds”. 35

11. Liability for rates—Section seventy-one of the principal Act is hereby amended by adding the following provisos:

“Provided that if any house or land owned by the Board is let or leased by the Board, whether to employees of the Board or to others, the Board shall pay to the local authority in 40

whose district such house or land is situated all rates in respect thereof which the Board would be liable to pay but for the exemption granted by this section:

5 “Provided also that if any lands are, at the time of their acquisition by the Board, liable for a special rate made as security for any loan, the Board shall continue to be liable for payment of that rate, and shall be liable for any special rate thereafter made as security for any subsequent loan raised for the purpose of repaying the whole or any part of
10 that loan, and so in the case of each subsequent redemption but only to the same extent as the Board would have been liable if the loan had not been repaid.”

12. Penalty for damaging sewer or drain—Section seventy-two of the principal Act is hereby amended by omitting the
15 words “twenty pounds”, and substituting the words “fifty pounds”.

13. Reserve accounts for replacement, etc.—(1) The Board may from time to time set aside out of its general revenue any money to form a fund or funds for the repair, renewal,
20 replacement, or improvement of any property, plant, fixtures, machinery, or appliances of the Board, or for the purpose of purchasing additional property, plant, fixtures, or appliances of the class for which the fund or funds is or are so established.

(2) The Board shall pay all money so set aside into a
25 separate bank account or accounts, and may invest any part thereof in the manner following:

- (a) In New Zealand Government or local authority securities; or
- 30 (b) On deposit in any bank lawfully carrying on the business of banking in New Zealand, or in the National Provident Fund; or
- (c) In the Common Fund of the Public Trust Office; or
- (d) In any investment for the time being authorised by the Trustee Act 1956; or
- 35 (e) In any other securities that may from time to time be authorised by the Governor-General in Council.

(3) Separate accounts shall be kept by the Board of all money paid to or received by it in respect of each fund or funds.

14. Employee benefit funds—The Board may from time to time pay by way of subsidy such sums as it thinks fit to the funds of any sick, death, or funeral benefit society or other like institution established by its employees, or any section of them, the benefits of which are conferred on those employees and their dependants. 5

15. Insurance of Board members—(1) The Board may from time to time enter into contracts of insurance insuring members of the Board against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members of the Board, and may pay the premiums payable in respect of those contracts. 10

(2) Any such contracts of insurance entered into by the Board before the passing of this Act shall be deemed to have been lawfully made. 15

16. Cooperative contracts—(1) The Board may from time to time make any contract for work or labour to be done on a cooperative system to any value or amount without calling for public tenders, or carry out any work or employ labour without the intervention of a contractor. 20

(2) The Board shall keep at its offices a list of the rates of wages and the hours of labour to be paid and ascertained on works which are to be done on the cooperative system which the Board resolves to conduct without the intervention of a contractor. 25

(3) Such list shall be based on the rates of wages and hours of labour generally accepted as usual and fair in the trade or class of labour to which they relate, and shall at all reasonable times be open to public inspection.

17. Protection of sewer and works—(1) If any person proposes to erect any building or to carry out any works over, under, or within such distance of any sewer or other structure owned by or under the control of the Board that such sewer or structure may be injuriously affected, that person shall notify the Board in writing of his intentions and shall carry out or shall permit the Board to carry out (at the expense in either case of that person) such works for the protection of the Board's sewer or other structure as the Board may deem necessary for the purpose; and in the event of any damage being caused to any sewer or structure of the Board 30
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as a result of or consequent upon any failure by any such person to inform the Board of his proposals or to carry out all necessary protective works, the cost of repair or reinstatement of the works of the Board so damaged, and all other costs and expenses whatsoever incurred by the Board in connection therewith, shall be a debt due by that person to the Board recoverable upon demand.

(2) The remedies conferred by subsection one of this section shall be without prejudice to and shall not by implication derogate from nor limit the powers, rights, or other remedies of the Board.

(3) Every local authority within the drainage district, before granting a building permit to any person who proposes to erect any building or carry out any works over, under, or within fifty feet (or thirty-three feet if no blasting is to be done and no special circumstances or unusual conditions exist) of the line of any sewer forming part of the main sewerage works of the Board, or within a similar distance of any other structure under the control of the Board, shall require that person to produce for its inspection the consent in writing of the Board to such erection or work; and any permit so granted shall be subject to compliance with any conditions for safeguarding such sewer or other structure which the Board may prescribe, and to payment of all costs and expenses which the Board may incur in anywise incidental thereto.

(4) Failure to comply with any such condition or requirement shall be an offence under section seventy-three of the principal Act, and, though the condition may be embodied in a permit issued by the local authority, action thereon may be taken by the Board, and the local authority shall be under an obligation to see that any such condition is complied with.

(5) The Board shall supply each local authority affected with a plan or plans showing the location of the sewers or structures referred to in subsection two of this section.

(6) The term "sewer", where used in this section, shall be deemed to include any sewer which the Board proposes to construct as portion of its main sewerage system and the location of which is shown on any map or plan relating to any operative or proposed district scheme under the Town and Country Planning Act 1953.

18. Diversion, etc., of sewers—(1) If any person proposes to erect any building or to carry out any works in such a location and at such levels that the diversion, alteration, or replacement of any of the sewers or other structures of the Board appears to be essential to the construction of any such building or works, that person shall notify the Board of his proposals, and if the Board is satisfied that it is practicable for its sewer or structure to be diverted, altered, or replaced without material interference with the services for which it is responsible and that it is reasonable that this be done, it may enter into an agreement with that person as to the manner and condition under which the sewer or structure shall be diverted, altered, or replaced. 5 10

(2) The cost of diverting, altering, or replacing the sewer or other structure of the Board, and all other costs which the Board may incur in anywise incidental thereto, shall in such case be paid to the Board by that person. 15

19. Borrowing powers—(1) The Board may, in anticipation of the receipt of its revenue from any sources, including the payment of any assessment due by any contributing authority under the provisions of section fifty-nine of the principal Act (as enacted by section four of the Hutt Valley Drainage Amendment Act 1949) from time to time borrow money from its bankers by way of overdraft, or from any person or persons. 20

(2) The Board may not, under the power contained in subsection one of this section, borrow money to such an extent that there shall be owing by it at any time a sum exceeding three-quarters of its revenue for the preceding financial year properly payable to the Board or that there shall be owing at the end of any financial year any sum greater than one-quarter of such revenue of the financial year then ended. 25 30

(3) So long as the money borrowed by the Board under this section does not exceed the limit prescribed by subsection two of this section, the lenders shall not be liable in any manner in respect of the failure of the Board to comply with the provisions of this section; and nothing in this section shall be interpreted to affect the rights of the lenders to be repaid, out of the assets and revenues of the Board, the money advanced by the lenders not exceeding the special limits hereby fixed. 35 40