

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 1964, and shall be read together with and deemed part of the Hutt Valley Drainage Act 1948 (hereinafter called the principal Act).

No. 45—1

Price 1s. 6d.

2. Interpretation—Section 2 of the principal Act is hereby amended by inserting in their appropriate alphabetical order the following definitions:

“Condensing water” means any water used in any trade, industrial or commercial process, or operation, in such a manner that it cannot take matter into solution or suspension: 5

“Domestic sewage” means liquid wastes, including matters in suspension and in solution therein, discharged from premises used solely for residential purposes, or liquid wastes of the same character discharged from other premises; but does not include any solids, liquids, or gases which may not lawfully be discharged into public sewers, or any trade wastes or noxious matters: 10 15

“Main sewerage works” means all main sewers, main drains, manholes, measuring chambers, pumping stations, storage tanks, outfall sewers, treatment works, and all other similar works and other structures appurtenant thereto, used or intended to be used for or in the process of or in connection with the disposal of sewage, together with any stormwater overflow chamber used or intended to be used for relief of the system in wet weather; and “main sewerage work” shall, unless the context otherwise requires, have a corresponding meaning: 20 25

“Measuring chamber” means any manhole or chamber together with any measuring or metering device used or intended to be used for the determination of rates or volumes of flow: 30

“Noxious matters” means, in relation to a sewerage system, any solid, liquid, or gaseous matter, or any combination or mixture of such matters, which by themselves or in combination with any other matters in the system may, either immediately or in the course of time, interfere with the free flow of the contents of the system, or injure any part of the system, or become prejudicial to health, or affect prejudicially the safety of any person; and means, in relation to a watercourse or tidal waters, any solid, liquid, or gaseous matters, or any combination or mixtures of such matters, which may become prejudicial to health, or affect prejudicially the safety of any person, or by odour, colour, or appearance be offensive or objectionable, or be toxic to fish or animals: 35 40 45

5 "Pretreatment works" means any works or structures used or intended to be used for a variation of the quality of trade wastes or for the removal of noxious matters from any liquid prior to the discharge of such trade wastes or liquid into any sewerage system:

"Quality", in relation to sewage, means the nature, composition, constitution, character, or attributes thereof or of any ingredient thereof; and, in relation to trade wastes, has a corresponding meaning:

10 "Public sewer" means a sewer forming part of a sewerage system controlled by the Board or by any local authority:

15 "Sampling chamber" means any manhole or chamber provided to facilitate the taking of samples of liquids or gases:

"Sewer" means any pipeline or culvert, above or below ground level, used or intended to be used to convey sewage:

20 "Trade premises" means any premises from which any trade wastes, condensing water, or noxious matters are being or may be discharged:

25 "Trade wastes" means any liquid, with or without matters in suspension or in solution therein, which is being or may be discharged in the course of any trade, industrial, or commercial process or operation, or in the course of any activity or process or operation of a like nature or from business premises such as abattoirs or saleyards; but does not include condensing water or surface water which is discharged direct to a surface-water drain:

30 "Trade wastes drain" means any pipeline, channel, culvert, or ditch conveying or intended to convey trade wastes, with or without condensing water, to any public sewer or to any stormwater drain or through an outfall sewer to any watercourse, tidal waters, or other place of disposal:

35 "Watercourse" includes all rivers, streams, and passages through which water flows; but does not include drains and sewers.

40 **3. Chairman's honorarium**—Subsection (1) of section 13 of the principal Act is hereby amended by omitting the words "one hundred and fifty pounds", and substituting the words "three hundred pounds".

4. Bylaws—Subsection (4) of section 28 of the principal Act is hereby amended by omitting the words “section thirteen of the Finance Act 1927 (No. 2)”, and substituting the words “section 109 of the Public Revenues Act 1953, as substituted by section 3 of the Public Revenues Amendment Act 1958”. 5

5. Allowances to members—In addition to the allowances authorised by section 22 of the principal Act, there may be paid out of the funds of the Board to each member of the Board other than the Chairman a sum not exceeding thirty shillings for each meeting of the Board or of any committee of the Board attended by him: 10

Provided that the maximum amount paid to any member of the Board under this section shall not exceed the sum of seventy-eight pounds in any financial year. 15

6. Control and construction of main sewerage works—(1) The principal Act is hereby amended by repealing section 32, and substituting the following section:

“32. (1) The Board shall have and shall always be deemed to have had the sole control of the management, operation, and maintenance of all main sewerage works within the drainage district. 20

“(2) The Board shall also have and shall always be deemed to have had the sole right to construct main sewerage works within the drainage district. 25

“(3) Notwithstanding anything in subsection (1) of this section, the Board may by resolution permit any constituent authority or any person to exercise control of the management, operation, and maintenance of a main sewerage work, but subject to such terms and conditions as the Board may by resolution impose. 30

“(4) Notwithstanding anything in subsection (2) of this section, the Board may by resolution issue a permit to any constituent authority or person to construct any main sewerage work in accordance with plans and specifications prepared or approved by the Board and at the expense of the constituent authority or person concerned, and the Board may in like manner and at the like expense manage, operate, and maintain any such main sewerage work, or may permit the constituent authority or person concerned to manage, operate, and maintain the same but subject to such terms and conditions as the Board may by resolution impose. 35 40

“(5) The Board may at any time by resolution cancel any permit issued to any constituent authority or person under the provisions of subsection (3) or subsection (4) of this section to control or to construct any main sewerage work.

5 “(6) If the Board shall, pursuant to the provisions of subsection (3) or subsection (4) of this section, permit any constituent authority or person to control or to construct any main sewerage work, the Board shall during the continuance
10 of the permit indemnify and keep indemnified the constituent authority or person concerned in respect of all actions, suits, claims, and demands whatsoever that may be issued against the constituent authority or person concerned in its capacity as owner of the main sewerage work affected.

15 “(7) The Board shall, if so required by resolution of the contributing authority concerned, acquire all or any of the main sewerage works owned by the contributing authority which may for the time being be under the control of the Board pursuant to subsection (1) of this section; and in any
20 such case the contributing authority shall transfer to the Board the property in and the title to the main sewerage works to which the resolution of the contributing authority relates. If no agreement is reached as to the consideration for any transfer pursuant to this subsection, the consideration shall be determined by arbitration under the provisions of
25 section 19 of this Act.

“(8) Notwithstanding anything in this section, the Board may at any time acquire from any contributing authority, and any contributing authority may transfer to the Board, the property in and the title to any main sewerage work
30 owned by the contributing authority. If no agreement is reached as to the consideration for any transfer pursuant to this subsection, such consideration shall be determined by arbitration under the provisions of section 19 of this Act.

“(9) If the Board assumes liability for or indemnifies a
35 contributing authority against payment of the balance of money for the time being owing under the security of any loan raised for the construction of the main sewerage works affected in full or partial satisfaction of the price agreed upon or fixed by arbitration as the case may be, that action
40 shall not constitute or be deemed to constitute borrowing for the purposes of Part I of the Local Authorities Loans Act 1956.

“(10) Any question which may arise between the Board and any contributing authority as to whether any existing sewer is or is not a main sewer or a main drain or as to whether any other drainage works are or are not main sewerage works shall be determined by arbitration under the provisions of section 17 of this Act. 5

“(11) Nothing in this section shall apply to the Borough of Eastbourne or the Eastern Bays Riding of the County of Hutt until the Board has, at the request of the local authority affected, resolved to provide for the disposal of sewage from the said borough or the said riding.” 10

(2) Section 42 of the principal Act and section 2 of the Hutt Valley Drainage Amendment Act 1952 are hereby consequentially repealed.

7. General powers of Board—Subparagraph (i) of paragraph (c) of subsection (1) of section 35 of the principal Act is hereby amended by omitting the words “at the office of each constituent authority”, and substituting the words “at the office of the constituent authority in whose local district the work is to be carried out”. 15
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8. Preparation of accounts—Section 48 of the principal Act, as amended by subsection (1) of section 10 of the Hutt Valley Drainage Amendment Act 1958, is hereby further amended by repealing subsection (1), and substituting the following subsection: 25

“(1) As soon as possible after the last day of February in each year commencing in the year nineteen hundred and sixty-five the Treasurer shall prepare accounts showing in such manner as the Audit Office requires an abstract of all the transactions in each of the accounts mentioned in section 47 of this Act during the preceding financial year ended the last day of February then last past, together with the statements following: 30

“(a) A statement of all the assets and liabilities of the Board at the end of the financial year then last past: 35

“(b) A statement of the public debt of the Board showing the total debt of the Board under the head of each loan raised, and the sinking fund in the bank or invested to provide for the repayment of each loan.”

9. Unauthorised expenditure—Section 53 of the principal Act is hereby amended by omitting the words “two hundred and fifty pounds”, and substituting the words “five hundred pounds”. 40

10. **Annual estimate of expenditure**—Section 56 of the principal Act, as substituted by section 3 of the Hutt Valley Drainage Amendment Act 1949, is hereby amended by omitting the words “thirtieth day of April” therein, and substituting the words “fifteenth day of April”.

11. **Assessment of Contributions**—The principal Act is hereby amended by repealing section 58, and substituting the following section:

“58. (1) The Board shall, on or before the fifteenth day of May in each year, hold a meeting at which the contributions payable by the constituent authorities for the current year commencing on the first day of March then last past shall be assessed.

“(2) Written notice shall forthwith be given by the Board to each of the contributing authorities showing the amount at which the contributing authority is assessed, together with a copy of the estimate of expenditure for the current year.”

12. **Payment of assessments**—The principal Act is hereby amended by repealing section 63, and substituting the following section:

“63. (1) Each contributing authority shall pay to the Board the amount of the assessment as set out in the notice given to it pursuant to section 58 of this Act in three equal instalments, one of which shall be paid not later than the last day of each of the months of May, August, and November in the financial year to which the assessment relates.

“(2) If any such instalment is not paid in accordance with the provisions of subsection (1) of this section, each contributing authority in default shall be liable for and shall pay interest on any and every amount so remaining unpaid until payment thereof at the rate which is for the time being charged by the bankers of the Board for money owing to them by the Board or which would be chargeable if money were owing, as the case may be.

“(3) If any appeal against any assessment has been lodged under section 60 of this Act, the amount fixed by the Court shall be substituted for the amount of the assessment, but nothing in this subsection or in section 60 of this Act shall absolve the contributing authorities or any of them from liability to pay the instalment or instalments from time to time falling due after the date of the assessment and prior to the decision of the Court.

“(4) If any such instalment is not paid in accordance with the provisions of subsection (1) of this section, interest shall accrue in terms of subsection (2) of this section notwithstanding that an appeal has been lodged.

“(5) If on any such appeal an adjustment is made of the amount of any such assessment and accordingly of any instalment due in respect thereof, the Board shall, forthwith upon receipt of the decision of the Court, adjust the assessment, and shall give credit for any amount overpaid by any contributing authority on any instalment due, or, as the case may be, require the contributing authority to pay to the Board the amount of any increase of any such assessment payable in accordance with the decision of the Court together with interest calculated at the rate fixed by subsection (2) of this section on the amount of any such adjustment unpaid within thirty days from the date of the demand thereof by the Board.”

13. Power for Board to levy rate—Section 65 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) If any such local authority, after notice of the said assessment is delivered to it, or in case of an appeal after the decision of the Court, fails or neglects to pay any instalment thereof or any part of such instalment for a period of thirty days after the day on which it should be paid, or the interest on any such instalment, it shall be lawful for the Board, in addition to any other powers or remedies given by this Act, to make, levy, and collect the rates authorised to be made, levied, and collected by section 64 of this Act and to pay or retain the amount of such assessment and interest and all costs and charges to which it has been put by reason of such default or neglect.”

14. Recovery of fines—The principal Act is hereby amended by repealing section 69, and substituting the following section:

“**69. Recovery of fines and penalties**—All fines imposed by this Act or by any bylaw made by the Board under the authority of this Act or any other Act may be recovered in a summary manner under the Summary Proceedings Act 1957:

Provided that any information in respect of an offence against this Act or under any such bylaw may be laid at any time within twelve months from the time when the matter of the information arose.”

15. Fines—The principal Act is hereby amended by repealing subsection (2) of section 28, and substituting the following subsection:

5 “(2) The Board may, by any such bylaw, provide a penalty for every breach thereof to an amount which shall be in the discretion of the Court inflicting the penalty, and shall in no case exceed the sum of fifty pounds for a single offence or the sum of five pounds a day for a continuing offence.”

16. Board may enter premises for purposes of inspection—
10 The principal Act is hereby amended by repealing subsection (2) of section 68, and substituting the following subsection:

15 “(2) Any owner or occupier of lands or 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 subsection (1) of this section or in the performance of anything which it or he is empowered or required to do by this Act, and every person who obstructs the Board or any of its officers or servants in the exercise of any of the powers
20 mentioned in subsection (1) of this section shall be guilty of an offence, and shall be liable to a fine not exceeding fifty pounds for each such offence.”

17. Offences—The principal Act is hereby amended by repealing section 73, and substituting the following section:

25 “73. Any contributing authority or other person doing anything contrary to the provisions of this Act or any bylaw made by the Board under the authority of this Act or any other Act, or omitting or failing to perform any duty imposed on it or him by or arising under this Act or any such bylaw,
30 shall be guilty of an offence, and, in cases where no other penalty is provided, shall be liable to a fine not exceeding fifty pounds; and whenever such act or omission is of a continuous nature a further offence shall be deemed to be committed on each day on which it is continued; and when-
35 ever power is given by this Act or by any such bylaw to order anything to be done or omitted, an offence shall be deemed to be committed on each day on which any contributing authority or other person disobeys or fails to comply with any such order; and in all cases in which property is
40 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 which the Board may have sustained:

Provided that such compensation shall not, except as to the amount thereof, relieve such contributing authority or other person of any civil liability in respect of its or his act or omission.

18. Insurance—Section 14 of the Hutt Valley Drainage Amendment Act 1958 is hereby amended by adding the following subsection: 5

“(3) The Board may pay the net proceeds received by it under any such contract of insurance to the member affected or to his personal representatives, as the case may be.” 10

19. Arbitration—(1) Any dispute or difference between the Board and any constituent authority or person which in terms of the principal Act is to be determined by arbitration shall (subject to any specific provisions relating thereto)—

(a) If the parties agree upon a single arbitrator, be referred to that arbitrator: 15

(b) If the parties agree that the dispute or difference involves questions principally relating to engineering matters, but they cannot agree upon a single arbitrator, be referred to an engineer nominated for the purpose by the President for the time being of the New Zealand Institution of Engineers, or, if the President is Engineer or consulting Engineer to the Board or to the local authority or person concerned, then by the Vice-President for the time being of that Institution: 25

(c) In any case not provided for by paragraph (a) or paragraph (b) of this subsection, be referred to two arbitrators; one to be appointed by the Board and one by the other party concerned, or to an umpire appointed by such arbitrators. 30

(2) The relevant provisions of the Arbitration Act 1908 shall apply to any arbitration under this section, and this section shall be deemed to be a submission within the meaning of that Act. 35

20. Service of notices, etc.—(1) In any case in which it is provided by this Act or by any bylaw made by the Board under the authority of this Act or any other Act, that an order may be made upon or notice given to any person requiring him to do or abstain from doing anything, or where any notice is required by this Act or by any such bylaw to be given or sent to any person, such order or notice shall be 40

delivered to such person either personally or by posting it by registered letter addressed to that person at his last known place of abode or business in New Zealand. A notice so posted shall be deemed to have been served at the time when the
5 registered letter would in the ordinary course of post be delivered.

(2) If such person is absent from New Zealand, the order or notice may be delivered as aforesaid to his agent in New Zealand. If he is deceased, the notice may be delivered as
10 aforesaid to his personal representative.

(3) If such person is not known, or is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no personal representative, and the order or notice relates to any land, work, material, building, or other
15 structure, the order or notice, addressed to the owner or occupier of such land, work, material, building, or other structure, as the case may require, may be served on the occupier thereof, or left with some inmate of his abode; or, if there is no occupier, may be put up on some conspicuous
20 part of such land, work, material, building, or other structure. It shall not be necessary in any such notice to name the occupier or owner of such land, work, material, building, or other structure.

(4) In all cases other than those provided for in the last
25 preceding subsection, if the person is not known, or is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no personal representative, the order or notice shall be delivered in such manner as may be directed by an order of the Court.

(5) Notwithstanding anything in the foregoing provisions
30 of this section, the Court may in any case make an order directing the manner in which any order or notice is to be delivered, or dispensing with the delivery thereof.

(6) This section does not apply to orders or notices served
35 in proceedings in the Court.

(7) Every order or notice required to be sent or served by the Board shall be signed as provided in section 33 of this Act.

(8) In all cases in which any matter or thing is required to
40 be published, advertised, or inserted by the Board in a newspaper generally circulating in the district, the said newspaper shall be such newspaper as the Board from time to time appoints in that behalf, or, if there is no Board at the time when that matter or thing ought to be advertised, the said
45 newspaper shall be such as the Secretary appoints in that behalf,

(9) Any order or notice made or given by the Board before the passing of this Act shall be deemed to have been validly and lawfully given, notwithstanding that such order or notice may not have been made or given in compliance with the requirements of this section.

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(10) In this section the expression "the Court" means—

- (a) In any case where any order or notice relates to any sum of money not exceeding two thousand pounds, or to any property the value of which does not exceed the sum of two thousand pounds, a Magistrate's Court: 10
- (b) In any other case, the Supreme Court.

21. Trade waste bylaws—(1) In addition to the powers conferred on it by section 28 of the principal Act, it is hereby declared that the Board may make bylaws (hereinafter in this Act referred to as trade wastes bylaws) with respect to the discharge of any trade wastes, or trade wastes of any particular quality, from trade premises into any public sewer, or into any stormwater drain or through an outfall sewer to any watercourse, tidal waters, or other place of disposal, and any such bylaws may provide for all or any of the following matters, that is to say: 15 20

- (a) Requiring notice to be given of the volume, quality, and manner and rate of discharge of any trade wastes being discharged from the trade premises at the time of the coming into force of the bylaws: 25
- (b) Requiring notice to be given of the volume, quality, and manner and rate of discharge of any trade wastes intended to be discharged from the trade premises before any new drain or any extension of an existing drain is connected for the discharge of trade wastes therefrom, or before any increased, new, or different use is made of any drain which is at the time of the notice used for the disposal of any liquid therefrom, and providing for the notice to be deemed an application for the consent of the Board: 30 35
- (c) Determining the period or periods of the day during which trade wastes may be discharged from trade premises into the sewer:
- (d) Requiring the exclusion from liquid discharged with trade wastes of condensing water or a proportion of condensing water: 40

- (e) Requiring that, before any trade waste enters a sewer, the amount of any noxious matter in the trade waste shall be reduced to the extent prescribed in the bylaws:
- 5 (f) Determining the maximum quantity or quantities of the trade wastes which may, without the consent of the Board, be discharged from any trade premises into the sewer on any one day, and the highest rate at which the trade wastes may, without any such consent, be discharged from any trade premises into the sewer:
- 10 (g) Regulating the temperature of the trade wastes at the time at which they are discharged into the sewer and defining the degree of acidity or alkalinity to which the trade wastes must conform when discharged:
- 15 (h) Requiring the occupiers of trade premises from which trade wastes are discharged into a sewer to pay to the Board such charges at such scales or rates and at such times as may be specified in that behalf in the bylaws for the reception of trade wastes into the sewer, and for the disposal thereof, regard being had to the quality and volume of the trade wastes so discharged and to any additional expense incurred or likely to be incurred by the Board in connection with the reception or disposal of the trade wastes:
20 Provided that any constituent authority may in pursuance of any bylaws of the constituent authority relating to trade wastes and by resolution in that behalf duly notified to the Board, accept liability for such period as the resolution may determine for the due and punctual payment to the Board of the charges payable by the occupiers of all trade premises within the local district of the constituent authority in substitution for the liability of the several occupiers for payment of such charges to the Board:
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35 (i) Making provision for the treatment of trade wastes, either before or after discharge into a sewer, by the Board; and prescribing the scale of charges in respect of any such treatment payable to the Board by the occupiers of trade premises from which the trade wastes are discharged:
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- (j) Requiring the provision and maintenance by and at the expense of the occupiers of the trade premises concerned, of such measuring chambers, sampling chambers, manholes, or other apparatus or devices as will enable samples of what is passing into the sewer from the premises to be taken at any time: 5
- (k) Requiring the provision and maintenance by and at the expense of the occupier of the trade premises concerned, of such meters as may be required to measure the volume and rate of discharge of any trade wastes being discharged from the premises into a sewer, and for the testing of meters: 10
- (l) Requiring the provision and maintenance by and at the expense of the occupier of the trade premises concerned of screens, grease traps, silt traps, or other means of preventing or controlling the discharge of solids or grease from the trade premises: 15
- (m) Requiring the erection of treatment works by one or more occupiers of trade premises, and providing for contribution towards the cost of constructing, operating, or maintaining such works and, in the case of default by any such occupiers, authorising the Board to provide such treatment works or undertake the treatment of the trade wastes and provide for reimbursement of such costs to the Board by the occupiers of the trade premises concerned, and such costs may in default of payment be recovered by the Board in any Court of competent jurisdiction. 20
- (2) Any trade wastes bylaws may apply generally throughout the drainage district or within any specified part or parts thereof and may be so made as to apply to any specified trade premises or to any specified class or classes of trade premises. 25
- (3) The provisions of section 20 of the Waters Pollution Act 1953 shall not apply to any trade waste bylaws which may be made by the Board in conformity with the requirements of section 29 of the principal Act; but, where the owner or occupier of any trade premises within the drainage district serves on the Board a written request to be registered and states his name and postal address, it shall be the duty of the Board to enter his name and address in a register to be kept by it, and so long as his name appears in the register, the Board shall cause to be sent to him a copy of the proposed bylaws at the same time as it is required by the said section 29 to forward a copy to the constituent authorities. If the Board makes trade waste bylaws in conformity with the requirements 35 40 45

of subsections (2) to (6) of section 20 of the Waters Pollution Act 1953, then, notwithstanding the provisions of subsection (1) of that section or of section 29 of the principal Act, any such bylaws may be made by ordinary resolution of the Board.

(4) Paragraph (b) of subsection (1) of section 28 of the principal Act is hereby repealed.

22. Discharge to be to sewers—No trade wastes shall be discharged from any premises located within the drainage district to any watercourse or tidal waters except through a sewer under the control of the Board.

23. Information to be supplied to Board—Every person in occupation of trade premises within the drainage district shall submit to the Board such details as the Board may require regarding the volume and quality of trade wastes, noxious matters, and condensing water (or liquid which the person concerned may consider to be condensing water) which are being or may be discharged from the said premises so as to enable the Board to carry out its obligations under this Act; and he shall also submit to the Board such information as it may so specify as to the means and location of disposal of such liquids. All such details and information as the Board may require shall be supplied within one month after receipt of notice from the Board. Any person who may hereafter propose to operate any trade premises within the drainage district shall in like manner submit such information as the Board may specify before he commences any process or operation which will or may result in the discharge of trade wastes, noxious matters, or condensing water.

24. Trade waste drains—(1) After the passing of this Act, no trade wastes drain shall be connected to a public sewer or main sewerage work within the drainage district, nor shall any trade wastes drain connected to a public sewer or main sewerage work within the drainage district be altered or extended, without the prior consent of the Board; and in granting any such consent the Board may impose such reasonable conditions as it may deem necessary to enable effect to be given to the relevant provisions of this Act.

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

25. Treatment of trade wastes—(1) Every occupier of trade premises from which trade wastes are discharged either directly or indirectly to any public sewer shall, prior to discharge, pretreat the trade wastes at his own expense to such degree as the Board from time to time may require: 5

Provided that the Board shall not require pretreatment of trade wastes to any extent greater than is necessary to ensure that on discharge to any such sewer the trade wastes are of such quality that the capital, operational, and maintenance costs of further treatment to whatever degree may be necessary to meet the reasonable requirements of the Board will be no greater than the costs of treatment to a like degree of the same volume of domestic sewage. 10

(2) If it appears to the Board that any trade wastes are of such a quality that they are not likely to injure or obstruct any of the main sewerage works of the Board or to render unduly difficult the treatment of domestic sewage with which they may become intermingled the Board shall, on application for the purpose by the occupier of the trade premises affected, grant permission to him to discharge those trade wastes to such sewers under the control of the Board as shall be specified by the Board, subject to compliance by that occupier with the provisions of this Act, and to payment by him of such charges and compliance by him with such requirements as may be set forth in the bylaws for the time being of the Board, and to compliance by him with such additional requirements, if any, as the Board may reasonably decide to impose, having regard to any special circumstances or unusual factors involved. 15 20 25

(3) The Board may enter into agreements with occupiers of trade premises whereby the Board may undertake at the cost of the occupier concerned to design, construct, operate, or maintain works for the pretreatment of any such trade wastes as aforesaid. 30

(4) If the Board in exercise of its power under subsection (1) of this section requires any occupier of trade premises to pretreat trade wastes, or if the Board pursuant to the provisions of subsection (3) of this section enters into an agreement with any such occupiers of trade premises to design, construct, operate, or maintain works for the pretreatment of trade wastes, then any net profits which may result from the operations of the Board in connection with such pretreatment (after taking into account the cost of design, construction, operation, and maintenance of the works and all incidental expenses) shall not be treated as part of 35 40 45

the general funds of the Board so that the benefit thereof may accrue to the contributing authorities, but shall be so dealt with that after repayment of all capital, operation, maintenance, and other charges whatever, including an equitable
5 contribution to general administrative charges of the Board, any balance of net profits available shall be allocated by the Board to the occupiers of trade premises concerned in the creation of the profits in such manner as the Board may from time to time by resolution decide.

10 **26. Temporary provisions—**(1) Pending completion by the Board of such works as may be necessary to provide for collection and treatment of trade wastes, every occupier of existing trade premises shall comply with such requirements
15 of the Wellington Harbour Board and of the Board as may be necessary for the mitigation of pollution of tidal waters or of watercourses or lands to which trade wastes from such trade premises may be discharged:

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

(2) No trade wastes shall be discharged from any premises first used as trade premises after the passing of this Act unless
25 the person responsible for the construction or use of any such trade premises has made such provision for pretreatment before disposal of the said trade wastes as the Wellington Harbour Board and the Board may specify for the purpose and has carried out all the requirements of the Wellington
30 Harbour Board and of the Board until such time as trade wastes drains from the premises concerned may be connected to a public sewer.

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

27. Treatment and disposal of noxious matters—(1) No noxious matters may be discharged to any sewer or to any watercourse, or to tidal waters within harbour limits or
40 within three miles of any foreshore within or contiguous to the drainage district or to any point of disposal on land.

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

Provided that the Board may enter into agreements with persons responsible for the discharge of noxious matters whereby the Board may undertake, at the cost of the persons concerned, to design, construct, operate, and maintain pre-treatment works for the conversion of the said matters into non-noxious matters, and for the subsequent acceptance of the products of that treatment process into a public sewer or main sewerage work.

28. Treatment of petroleum, etc.—Every person in control of any premises within the drainage district from which petroleum products or any explosive or inflammable matters may be discharged to any public sewer or to a watercourse or to tidal waters shall install and operate effectively an intercepting chamber of such form as the Board may specify or approve. Compliance with the requirements of a licence for the time being in force under the Explosives Act 1957 or the Dangerous Goods Act 1957 shall be deemed compliance with the provisions of this section.

29. Appeals—(1) Any person affected by any decision of the Board pursuant to section 25 or section 26 of this Act or by any direction or order of the Board given or made pursuant to any bylaw made under section 21 of this Act, may, within a period of twenty-one days after being given notice thereof, appeal against the decision, direction, or order to a Judge of the Supreme Court at Wellington, and the procedure prescribed by section 60 of the principal Act shall, with the necessary modifications, apply in respect of any such appeal.

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

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

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

Provided that where an officer proposes to take any sample
15 as aforesaid he shall, immediately before so doing, advise the occupier or some responsible servant or agent of the occupier of his intention to do so.

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

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

31. Abatement of nuisances created by Board—(1) Where
any nuisance within the meaning of section 29 of the Health
35 Act 1956 is created by the Board in the exercise of any powers conferred on it by this Act, the local authority of the local district in which the nuisance exists or of any local district any part of which is affected by the nuisance may, with the concurrence of the Director-General of Health, by notice in
40 writing to the Board, require the Board to abate the nuisance and specify the works to be done in order to abate the nuisance and the time within which they shall be done.

(2) If the Board considers the requirements specified in any such notice to be unreasonable or impracticable or unnecessary, it may, within three days after service of the notice on the Board, apply to the Magistrate's Court at Lower Hutt for an order setting aside or modifying the notice. Pending the hearing of the application, the notice shall be deemed to be suspended. 5

(3) On the hearing of the application, the Court, whose decision shall be final, shall determine whether the notice should or should not be set aside or modified, and, if the notice is not set aside, the time within which the Board must comply with the notice or, as the case may be, with the notice as so modified. 10

(4) If the Board within the time specified in any such notice, or, in the case of an application to the Court, within the time specified in the order of the Court, fails to comply with the notice or order, the local authority may, without further notice to the Board, cause the nuisance to be abated, and for that purpose may enter on any land or premises of the Board by its servants or agents and execute or cause to be executed thereon such works as may be necessary. 15 20

(5) All expenses reasonably incurred by the local authority in the abatement of a nuisance under subsection (4) of this section shall be recoverable by the local authority from the Board. 25

(6) Nothing in this section shall operate to relieve the Board from liability under any rule of law for any nuisance within the meaning of section 29 of the Health Act 1956, nor derogate from the provisions of section 36 of the principal Act. 30

32. Service of legal proceedings on Board—Any summons, writ, notice, or other legal proceeding requiring to be served on the Board may be served by being left at the public office for the time being of the Board or by delivering the same personally to the Chairman or Secretary for the time being of the Board. 35

33. Authentication of documents by Board—Every order, notice, or other document requiring authentication by the Board may, unless otherwise provided, be signed by any two members or by the Secretary, and need not be under the common seal of the Board. 40