

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 29 March 1985.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. W. E. Cooper

**LAKES DISTRICT WATERWAYS AUTHORITY
(SHOTOVER RIVER) EMPOWERING**

[LOCAL]

ANALYSIS

Title	3. Subject-matter of bylaws
1. Short Title	4. Expiry of bylaws
2. Interpretation	5. Public Bodies Meetings Act 1962 to apply to Authority

A BILL INTITULED

An Act to empower the Lakes District Waterways Authority to make bylaws relating to the use of part of the Shotover River and to provide for certain other
5 **related matters.**

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

1. Short Title—This Act may be cited as the Lakes District
10 **Waterways Authority (Shotover River) Empowering Act (1984)**
1985.

No. 52—2

Price 80c

2. Interpretation—In this Act, unless the context otherwise requires,—

“The Act” means the Harbours Act 1950:

“Authority” means the Lakes District Waterways Authority constituted by the Lakes District Foreshore, Lakeshore, Lakebed, Riverbed, and Waters Control Order 1983 published in *Gazette* 1983, Vol. II, at page 2010: 5

“Class of vessel” includes a class of vessel defined by reference to ownership, or the person or persons who operate the vessel, or by reference to its design or the materials used in its construction: 10

“River” means that part of the Shotover River between Tucker Beach and the Edith Cavell Bridge:

“Vessel” has the same meaning as in the Act; and includes any raft or canoe. 15

Struck Out

3. Subject-matter of bylaws—(1) The Authority may from time to time make bylaws for all or any of the following purposes:

(a) Prohibiting any person, vessel, or class of vessel from using the river or from using the river for any specified class or classes of activity: 20

(b) Reserving for a specified period the use of the river to any person, persons, vessel, or class of vessel for any specified activity, and prohibiting the use of the river for all other activities by other persons or vessels therein or thereon: 25

(c) Prescribing the charge or charges to be paid to the Authority in respect of the use of the river by any person, the manner of payment of such charges, and the method of their assessment. 30

(2) Any reservation made under the authority of **subsection (1) (b)** of this section may be unconditional or subject to conditions or limitations to be met by or observed by any person, persons, vessel, or class of vessel for whom or for which the reservation is made. 35

(3) Any charge or charges prescribed pursuant to **subsection (1) (c)** of this section may be levied in respect of—

(a) The use of the river by vessels; or

(b) The number of passengers carried on such vessels; or 40

(c) The period or periods during which the river is used; or

(d) The period of any reservation; or

(e) The fare charged for passengers; or

(f) Any combination of the provisions set out in **paragraphs (a) to (e)** of this subsection. 45

New

3. Power to make bylaws—(1) The Authority may from time to time make bylaws—

(a) Empowering the Authority to—

5 (i) Reserve, for such period or periods as may be specified by the Authority, the use of the river to any person, vessel, or class of vessel so specified for any activity so specified:

10 (ii) Prohibit the use of the river during the specified period or periods for all other activities by other persons or vessels;

(b) Prescribing the charge or charges to be paid to the Authority in respect of the use of the river by any person, vessel, or class of vessel for whom or for which any such reservation is made.

15 (2) Any bylaw made under **subsection (1)** of this section may empower the Authority to—

20 (a) Reserve the use of the river not only to any specified person, vessel, or class of vessel but also to any person, vessel, or class of vessel authorised by any person, or operator of a vessel or class of vessel, for whom or for which the reservation is made for such activities as may be specified by the Authority:

25 (b) Make any reservation unconditional or make it subject to conditions or limitations to be met by or observed by any person, vessel, or class of vessel for whom or for which the reservation is made.

(3) Any charge or charges prescribed pursuant to **subsection (1) (b)** of this section shall be prescribed on the basis of—

30 (a) The use of the river by vessels; or
(b) The number of passengers carried on such vessels; or
(c) The period or periods during which the river is used; or
(d) The period of any reservation; or
(e) The fare charged for passengers; or

35 (f) A percentage of gross revenue earned from operations on the river; or

(g) Any combination of the bases set out in **paragraphs (a) to (f)** of this subsection.

40 (4) The powers conferred by this section shall be in addition to and shall not derogate from the bylaw-making powers of the Authority under the Act or any other enactment.

(5) Bylaws made under this section shall be made in the manner specified in section 232A (1) (ca) of the Act, and sections 235, 236, 237, and 239 of the Act shall apply to any such bylaws as if the Authority was a Harbour Board; and, for the purpose of the application of those provisions to such bylaws, the Authority shall be deemed to be a Harbour Board and may do or suffer all those things that a Harbour Board may do or suffer in respect of its bylaws. 5

(6) Section 8A (8) and (9) of the Act shall apply in respect of any bylaws made pursuant to this section as if they were made pursuant to the said section 8A. 10

New

3A. Authority's powers to be exercised fairly and without bias—The powers conferred on the Authority by any bylaws in force under **section 3 (1) (a)** of this Act shall be exercised fairly and without bias. 15

3B. Appeals against Authority's decisions—(1) Any person aggrieved by any decision of the Authority made under any bylaws in force under **section 3 (1) (a)** of this Act may, within 21 days after the date of the decision or within such further time as the Court on application may allow, appeal against that decision to the District Court having civil jurisdiction nearest to the river. 20

(2) For the purposes of hearing the appeal the Court shall have all the powers vested in it in its civil jurisdiction. 25

(3) On hearing the appeal the Court may make such order as it thinks fit, and every such order shall be binding on the parties.

(4) Every decision of a District Court under this section shall be final. 30

4. Expiry of bylaws—Any bylaws made pursuant to **section 3** of this Act shall be deemed to be revoked on the expiry or sooner revocation of the Lakes District Foreshore, Lakeshore, Lakebed, Riverbed, and Waters Control Order 1983 published in *Gazette* 1983, Vol. II, at page 2010 unless the grant of control to the Authority in that order is renewed or is replaced by a similar grant of control to the Authority in respect of the same or substantially the same area. 35

5. Public Bodies Meetings Act 1962 to apply to Authority—Part II of the Schedule to the Public Bodies Meetings Act 1962 is hereby amended by inserting, after the item relating to the Hutt Valley Drainage Board, the following

5 item:

10	“The Lakes District Waterways Authority (<i>in respect of its powers under the Lakes District Waterways Authority (Shotover River) Empowering Act 1984</i>)	Lakes District Foreshore, Lakeshore, Lakebed, Riverbed, and Waters Control Order 1983.”
----	---------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------

New

6. Other Acts not affected—Nothing in this Act or in any bylaw made under this Act shall limit or affect the provisions of the Soil Conservation and Rivers Control Act 1941 or the Water and Soil Conservation Act 1967.