

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

20th September, 1944

Mr. Morton

NORTH SHORE BOROUGHES (AUCKLAND)
WATER CONSERVATION

[LOCAL BILL]

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A BILL INTITULED

AN Act to abolish the North Shore Boroughs (Auckland) Water Board and to vest certain Powers in the Auckland City Council. Title.

5 WHEREAS by the North Shore Boroughs (Auckland) Preamble.
Water-supply Act, 1924, there was constituted a Water Board called the North Shore Boroughs (Auckland) Water Board for the purpose of augmenting, maintaining, and improving the supply of water to the
10 Boroughs of Devonport, Takapuna, Northcote, and Birkenhead: And whereas under and by virtue of the provisions of the North Shore Boroughs (Auckland) Water-supply Act, 1941, provision has been made for

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the supply of water to the said boroughs by the Auckland City Council: And whereas it is desirable to abolish the said Water Board and to vest in the Auckland City Council certain powers relating to Lake Takapuna. 5

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 North Shore Boroughs (Auckland) Water Conservation Act, 1944. 10

Interpretation.

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

“ Board ” means the North Shore Boroughs (Auckland) Water Board constituted under the North Shore Boroughs (Auckland) Water- 15 supply Act, 1924:

“ City Council ” means the Auckland City Council, except that where the context or subject-matter so requires the expression means the Corporation of the City of Auckland: 20

“ North Shore Borough Councils ” means the Councils of the Boroughs of Devonport, Takapuna, Northcote, and Birkenhead, except that where the context or subject-matter so requires the expression means the Corporations 25 of the said boroughs respectively:

“ Lake ” means Lake Takapuna, situated in the Borough of Takapuna.

City Council to control lake.

3. The City Council shall have control of the lake and of the gathering ground surrounding the lake as 30 if the lake were waterworks vested in the City Council for the supply of water to the inhabitants of the North Shore boroughs, and for such purpose it shall have in relation to the lake and the said gathering ground all such powers and authorities as are vested in or con- 35 ferred upon Borough Councils in relation to waterworks by the Municipal Corporations Act, 1933, and any other Act, regulation, or authority from time to time subsisting.

4. (1) The City Council may make by-laws for any of the following purposes:—

City Council
may make
by-laws.

- (a) Conserving the supply of water in the lake:
- 5 (b) Regulating the output or withdrawal of water from the lake:
- (c) Securing or maintaining the purity of the water in the lake:
- 10 (d) Licensing, regulating, restricting, or prohibiting on any part of the catchment area surrounding the lake—
 - (i) The erection or use of any tent, marquee, caravan, or other portable or temporary structure:
 - 15 (ii) The working of any pit, quarry, or rock-face or any excavation of any kind in connection with the working of a pit, quarry, or rock-face:
- 20 (e) Licensing, regulating, restricting, or prohibiting the keeping or using of any punt, raft, boat, or other craft upon the lake or upon the shore thereof:
- (f) Such further or other purposes as may be authorized by the Governor-General by Order in Council.

25 (2) Such by-laws shall be made in the manner prescribed for the time being for the making of by-laws by the City Council:

30 Provided that a copy of any proposed by-law shall be sent by the City Council to each of the North Shore Borough Councils at least twenty-one (21) days before the date of the meeting of the City Council at which such proposed by-law is to be submitted for confirmation.

35 (3) A copy of any by-laws made by the City Council shall, within seven (7) days from the making thereof, be forwarded to the Minister of Health.

(4) The Minister of Health may at any time by notice published in the *Gazette* within three (3) months from the making thereof disallow or modify any by-laws made by the City Council under this Act.

40 (5) The City Council may repeal any by-laws made by the Board, but unless and until so repealed all

by-laws made by the Board shall continue in operation as if this Act had not been passed and may be enforced by the City Council as if they had been made by it hereunder, and all references in the said by-laws to the Board and its officers shall be read and construed as references to the City Council and its officers respectively. 5

(6) The powers conferred by this section shall be in addition to and shall not abridge or affect any remedy or proceeding under any other Act or under regulations made under any other Act or under by-laws made by any local authority under any other Act, but so that no person shall be punished for the same offence both under the provisions of by-laws made under this Act and under the provisions of any other Act, regulation, or by-law. 10 15

Assets and liabilities of Board to vest in City Council.

5. (1) All assets and money belonging to the Board shall on the passing of this Act vest in the City Council, and the City Council shall pay and discharge all debts owing by the Board. The assets and moneys aforesaid shall be handed over to the City Council before the thirty-first day of December, nineteen hundred and forty-four. 20

(2) All moneys received by the City Council from the Board shall, after payment of all debts owing by the Board, be used and applied by it in or towards the cost of obtaining this Act and in carrying out the powers and duties of the City Council under this Act. 25

Borough Councils to pay costs of administration.

6. All debts owing by the Board and all costs and expenses incurred by the City Council in exercising any power or performing any duty conferred or imposed on it by this Act or in administering any by-laws relating to the lake (including the cost of obtaining this Act) shall, so far as the same cannot be met out of the moneys paid to the City Council by the Board or out of moneys received by the City Council by virtue of this Act, be paid and reimbursed to the City Council by the North Shore Borough Councils, and as between such Councils shall be borne in the same proportions as the quantity of water supplied to each of them by the 30 35

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City Council during the year concerned bears to the quantity supplied to them collectively during the same period.

- 5 7. (1) True and correct accounts of such expenditure shall be kept by the City Council, and it shall, as soon as may be after the thirtieth day of June in each year, furnish to each of the North Shore Borough Councils a statement showing the total expenditure for the financial year or other period, as the case may be, 10 that ended on the thirty-first day of March then last past, and the share thereof chargeable to the Council concerned based upon such Council's proportion of the total consumption of water for the preceding year or period.
- 15 (2) The accounts of the City Council mentioned in this section shall be open to the inspection of the North Shore Borough Councils or the representatives of them or any of them at all times during office hours, with liberty to take copies thereof or extracts therefrom.
- 20 8. Nothing in this Act shall affect the terms of any contract now or at any time subsisting between the City Council and any of the North Shore Borough Councils relating to water-supply.
- 25 9. The powers conferred upon the City Council by this Act shall cease to be exercisable by it if and when it ceases to be under obligation to supply water to at least three of the North Shore Borough Councils.
- 30 10. The Governor-General may from time to time by Order in Council make all such regulations as may in his opinion be necessary for the purpose of giving effect to the provisions of this Act.
- 35 11. (1) This section shall come into force on the thirty-first day of December, nineteen hundred and forty-four.
- (2) The Board is hereby dissolved, and the North Shore Boroughs (Auckland) Water-supply District is hereby abolished.

Accounts to be kept by City Council.

Contracts not affected.

Cesser of powers.

Governor-General may make regulations.

Dissolution of Board.

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Conservation*

Consequential
repeal and
amendment.

(3) The North Shore Boroughs (Auckland) Water-supply Act, 1924, is hereby repealed.

(4) Section four of the Health Amendment Act, 1940, is hereby amended as follows:—

- (a) By repealing paragraph (d) of subsection one: 5
- (b) By omitting from subsection two all words after the words “disposal of sewage”.