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A BILL INTITULED

Title.	AN ACT to Provide for the Drainage of Part of the North Shore Comprising the Boroughs of Birkenhead, Devonport, Northcote, and Takapuna and Also Part of the Waitemata County.	5
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	
Short Title and commencement.	1. This Act may be cited as the North Shore Drainage Act, 1950, and shall come into operation on the day of nineteen hundred and fifty.	10
Interpretation.	2. (1) In this Act, unless the context otherwise requires,—	
	“ Board ” means the North Shore Drainage Board as constituted by this Act:	15
	“ Contributory authority ” means the local authority of any local district the whole or any part of which is for the time being comprised within the North Shore Drainage District:	20
	“ District ” means the North Shore Drainage District constituted by this Act:	
	“ Local authority ” means the Council of a city, borough, or county or the Board of a town district or road district:	25
	“ Local district ” means the district of a city, borough, county, town district, or road district:	

5 “ Secretary ” means the Secretary 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 Secretary, whether designated Acting Secretary or not:

10 “ Trades wastes ” means any liquid, either with or without particles of matter in suspension or in solution therein, which are being or may be discharged in the course of any commercial activity or trade or industrial process or operation or in the course of any activity or process or operation of a like nature, and also includes condensing water, subsoil water, or surface water which is discharged direct to a surface water drain, but does not include domestic sewage:

15 Provided, however, that nothing in this definition or in this Act shall be deemed to limit or restrict the meaning of the terms “ trade or industrial process or operation ” to commercial undertakings carried on for profit or otherwise, but the same shall extend to and include the operations of Hospital Boards and other public authorities and Government Departments:

25 “ Trunk sewer ” means a sewer designed or intended to convey sewage from the whole or portion of a drainage reticulation system to the point of disposal.

30 (2) Where for the purposes of this Act it is necessary to ascertain or calculate the rateable capital value or population of any area, such value or population, as the case may be, shall be ascertained or calculated as at the thirty-first day of March in the preceding calendar year.

35 **3.** (1) There is hereby constituted for the purposes of this Act a district, to be called the North Shore Drainage District, which shall comprise the boroughs of Birkenhead, Devonport, Northcote, and Takapuna and also portions of the Waitemata County, and which is more particularly described in the Schedule hereto. The district.

(2) Where at any time after the date of the coming into operation of this Act any two or more of the existing drainage reticulation systems (or any extension of or additions to such systems hereafter made) within the district which are at present separate and independent of one another shall become connected to and with a common or unified treatment and disposal works and outfall, or where any other areas within the district shall become connected to and with such a common or unified treatment and disposal works and outfall, those portions of the district so connected as aforesaid shall together constitute and be known and hereinafter referred to as the combined area, or, if more than one, combined areas, of the district.

(3) Any portion of the district which as at the date of the coming into operation of this Act is provided with a drainage reticulation system which is entirely independent in itself, having its own separate treatment and/or disposal works and outfall, shall, unless or until it is connected to or with any other such system as part of a combined area, be known and hereinafter referred to as a special area.

(4) The Governor-General may from time to time, on application made to him for that purpose by the Board, declare any other part of the district, in and for which it is proposed that an entirely separate drainage reticulation system complete in itself and having its own independent treatment and/or disposal works and outfall should be installed and provided, to be a special area.

(5) The Board may from time to time by resolution declare that any special area shall, as from a date to be specified in the resolution in that behalf (being not earlier than the date at which the Board is of the opinion that the connection hereinafter referred to can be made), be incorporated in the combined area or in any one particular combined area of the district, and the Board shall as soon as practicable after the passing of such resolution cause such special area to be connected by trunk sewer to and with the treatment and/or disposal works and outfall of such combined area, whereupon such special area shall thenceforth cease to be a special area and shall be included in and become part of such combined area.

(6) The Board may from time to time by resolution extend the boundaries of any special area or combined area by including therein any portions of the district which may at any time hereafter be reticulated with and
5 served by sewers connected with and draining into the outfall of such special or combined area.

(7) Where at any time after the coming into operation of this Act the Board is of the opinion that it is
10 advisable to make due provision for the future drainage of any portion of the district which for the time being is not within any special or combined area of the district, but that it is not for the time being practicable or expedient to provide such portion of the district with a drainage reticulation system, the Board may by resolution
15 declare such portion of the district to be a future development area, and the Board shall then be entitled, either in and by the plan or scheme of sewerage works for the whole of the district to be prepared by the Board in accordance with and pursuant to the provisions of
20 section *thirty* of this Act, or any amendment of such scheme, or otherwise, at such time as the Board shall think fit, to provide, construct, and install trunk sewers, treatment works, and/or outfalls of such capacity and dimensions as it may deem necessary to provide not only
25 for the immediate drainage requirements of such special or combined area, but also for the drainage requirements of such future development area as aforesaid.

4. (1) There shall be for the district a Drainage Board which shall be a body corporate under the name
30 of the North Shore Drainage Board and shall have perpetual succession and a common seal, with power to purchase, take on lease, hold, deal with, and dispose of by sale, lease, or exchange real and personal property, and to do and suffer all that bodies corporate may law-
35 fully do and suffer.

(2) The Board shall be deemed to be a local authority under the Public Works Act, 1928, the Local Elections and Polls Act, 1925, the Health Act, 1920, the Local Bodies' Finance Act, 1921-22, the Local Authorities
40 (Members' Contracts) Act, 1934, the Local Bodies' Loans Act, 1926, and the Local Government Loans Board Act, 1926, and, subject to the express provisions of this Act, the provisions of the said Acts shall extend and apply to the Board.

Constitution of Board.

Members of
Board.

5. The Board shall consist of seven members, of whom one shall be elected by the Birkenhead Borough Council, two by the Devonport Borough Council, one by the Northcote Borough Council, two by the Takapuna Borough Council, and one by the Waitemata County Council. 5

Election of
Board.

6. As soon as practicable after the coming into operation of this Act, and in the month of December in the year nineteen hundred and fifty, and in the month of December in every third year thereafter, in each case on a day fixed by the Board in that behalf, each of the local authorities referred to in the *last preceding* section hereof shall hold a meeting and elect one or two, as the case may be, of its members to be members of the Board as provided in the said *last preceding* section hereof. 10 15

Coming into
office of
members.

7. (1) Every member of the Board elected under the *last preceding* section shall come into office on the day following that on which he is elected and, unless his office sooner becomes vacant, shall continue in office until members elected at the next election under that section come into office. 20

(2) Every member elected to fill any extraordinary vacancy occurring on the Board shall come into office on the day following that on which he is elected and shall hold office only for the residue of the term for which his predecessor was elected. 25

Vacancies.

8. (1) The office of a member shall become vacant if he—

(a) Dies or resigns his office by writing under his hand delivered to the Secretary or Chairman of the Board, or is ousted of his office; or 30

(b) Is absent without leave from four consecutive ordinary meetings of the Board; or

(c) Ceases to be a member of the local authority by which he was elected. 35

(2) If any person does any act as a member after his office has become vacant under this section, he shall be liable to a fine of fifty pounds.

(3) Any vacancy occurring under this section shall be deemed an extraordinary vacancy. 40

9. In the event of an extraordinary vacancy occurring at any time before the month fixed for the next election of members of the Board, the same shall be filled by the local authority represented by the member whose seat
5 has been vacated, and such local authority shall, as soon as practicable after such extraordinary vacancy shall have occurred, hold a meeting and elect another of its members to fill such extraordinary vacancy as aforesaid.

How vacancies filled.

10. (1) Upon proof in the first instance, by affidavit or otherwise, that any member of the Board is or has become incapable under this Act of holding his office, any Magistrate's Court may grant a summons calling upon the person holding such office to show cause why he should not be adjudged to be ousted of the same.

Ouster of office.

15 (2) If on the return of such summons it appears to the Court, on affidavit or oral evidence on oath, that such person is incapable under this Act of holding the said office, the Court may adjudge such person to be ousted of the same, and such person shall be ousted of such
20 office accordingly.

(3) In any such proceeding the Magistrate's Court may exercise all the powers and authorities which it may exercise in its ordinary jurisdiction in civil cases, and the procedure of such Court shall, so far as applicable,
25 apply generally to proceedings had under this section.

(4) No question which may be tried under this section shall be tried in the Supreme Court; and no proceedings in the Magistrate's Court hereunder shall be removable into the Supreme Court, by certiorari or otherwise.

30 11. (1) The Board shall at its first meeting, and thereafter at the first meeting following the election of a new Board appoint one of its members to be Chairman of the Board.

Chairman of Board.

35 (2) At every meeting for the election of Chairman the Secretary shall preside while the Chairman is being elected, or if there shall be no Secretary, then some person appointed by the Board, not being a member of the Board, shall so preside, and in the case of an equality of votes shall determine the election by lot in such
40 manner as the Board determines.

(3) The Chairman shall come into office on his election and shall hold office until the election of his successor.

(4) The Chairman may resign his office by writing under his hand delivered to the Secretary, and in such case, or in the case of his ceasing from any cause to be a member of the Board, his office shall become vacant, and the Secretary shall forthwith convene a meeting of the Board for the election of a fresh Chairman. 5

(5) The Board may from time to time appoint one of its members to be Deputy Chairman either for a specified period or until the next annual meeting of the Board.

Allowance to
Chairman.

12. (1) The Chairman may be paid out of the funds of the Board such annual allowance, not exceeding two hundred pounds, as may from time to time be fixed by the Board, but no alteration in the amount of the allowance shall take effect during the term of office of the Chairman for the time being. 10 15

(2) For the purpose of this section a person re-elected Chairman shall be deemed a new Chairman.

First meeting
of Board.

13. The first meeting of the Board shall be convened by the Secretary and shall be held at such time and place as he may appoint, and if no quorum is present within half an hour of the time fixed for the holding of such meeting the same shall stand adjourned from day to day at the same time and place until a quorum is assembled. 20

Committees.

14. (1) The Board may from time to time appoint standing or special committees consisting of two or more persons, and may relegate to such committee any matters for consideration, or inquiry, or management, or regulation, and may delegate to any such committee any of the powers and duties by this Act conferred or imposed upon the Board except the power to borrow money, to make a rate, to make a by-law, to enter into a contract, to institute an action, or to make assessments upon contributing authorities. 25 30

(2) It shall not be necessary that any person appointed to be a member of a Committee under this section shall be a member of the Board. 35

(3) The Board may appoint a member of any committee to be the permanent Chairman thereof, and such power may be exercised by the committee where the Board, on the appointment of the committee, does not appoint a Chairman. Any committee may from time to time appoint a Deputy Chairman to act in the absence of the Chairman. 40

(4) The Board may at any time, and from time to time, discharge, alter, continue, or reconstitute any committee or discharge any member of a committee, and, if it thinks fit, appoint another member in his stead.

5 (5) Every committee shall, unless sooner discharged by the Board, be deemed to be discharged on the coming into office of the members elected at the general election of the whole Board next after the appointment of the committee.

10 (6) Every committee to which any powers or duties are delegated as aforesaid may, without confirmation by the Board, exercise or perform the same in like manner and with the same effect as the Board could itself have exercised or performed the same.

15 (7) Every such committee shall be subject in all things to the control of the Board, and shall carry out all directions, general or special, of the Board given in relation to such committee or its affairs.

20 15. At every meeting of the Board the Chairman if present or, in his absence, the Deputy Chairman (if any) shall be the Chairman. If the Chairman and the Deputy Chairman (if any) are absent from any meeting of the Board, then such member as the members of the Board then present shall choose shall be the Chairman of such
25 Board meeting.

Chairman of meetings.

30 16. (1) A quorum of the Board shall consist of four members.

Quorum of Board and committees.

(2) The Board may fix the quorum of any committee appointed by it, and in default of its so doing the
35 committee may fix the quorum.

(3) A meeting shall be duly constituted if a quorum is present thereat, whether voting or not.

(4) No business shall be transacted at any meeting of the Board or of any committee unless at least a
40 quorum of members is present thereat during the whole of the time at which the business is transacted.

17. (1) All acts of the Board and of any committee, and all questions before the Board or any committee, may be done and decided at a meeting of the Board or
45 committee by the majority of such members of the Board or committee as are present and vote at such meeting.

Questions to be decided by majority of votes.

(2) The Chairman of any meeting of the Board or of any committee shall have a deliberative vote, and in case of equality of votes shall have a casting vote also.

Member not to vote on matter in which he has pecuniary interest.

18. (1) A member of the Board or of any committee shall not vote or take part in the discussion of any matter before the Board or committee in which he has directly or indirectly, by himself or his partner, any pecuniary interest otherwise than as a member of an incorporated company in which there are more than twenty members and of which he is neither a director nor the general manager. 5

(2) A member who knowingly offends against this section is liable to a fine not exceeding fifty pounds for every such offence, and upon conviction his seat on the Board and in any committee shall become vacant. 10

Proceedings not invalidated by irregularities, &c.

19. No act or proceeding of the Board or of any committee or of any person acting as a member of the Board shall be invalidated in consequence of there being a vacancy in the number 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, or that he was incapable of being such member. 15

Ordinary and annual meetings.

20. (1) The Board shall hold such ordinary meetings at such times and at such places as it from time to time appoints. 20

(2) The Chairman or the Secretary shall give notice in writing to each of the members of the time and place appointed from time to time for holding ordinary meetings, and the members shall attend such meetings without further notice of each meeting. 25

(3) The Board shall hold an annual meeting in the month of July in each year. 30

Allowances to members.

21. There may be paid to the Chairman or to the members of the Board out of the funds of the Board all amounts actually and reasonably expended by them in attending meetings of the Board or of any committee thereof, or travelling on the business of the Board pursuant to a resolution of the Board. 35

Rules as to proceedings of Board or committees, &c.

22. The Board may by resolution, subject to the provisions of this Act, make rules—

(a) Regulating the proceedings of the Board and any committee and the conduct of meetings thereof respectively, and the right of persons to attend such meetings: 40

(b) Regulating the adjournment and postponement of meetings of the Board, and the manner in which resolutions may be invoked or altered:

5 (c) Prescribing the form and the mode and time of service of notices of meetings:

(d) Regulating debates:

(e) Providing for the calling of special meetings, and the notice to be given to members:

10 (f) Providing for the notice to be given to members of extraordinary business to be transacted at any ordinary meeting:

(g) Directing minutes to be kept of all proceedings of the Board, and prescribing the mode of confirmation, inspection, and custody of same:

15 (h) Providing for the custody of documents and the custody and use of the common seal, and prescribing the mode and form of attestation thereof:

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

25 (i) Prescribing the powers and duties of officers and servants:

(j) Prescribing forms of and in connection with any proceedings of the Board:

30 (k) Concerning anything incidental to any of the matters hereinbefore referred to.

23. The Board may from time to time provide and maintain public offices, within or without the district, with fitting furniture for the same, for holding its meetings and transacting its business and for the use of its officers and for any other purposes, and may purchase or take on lease land or buildings for such purposes, or may cause buildings to be erected on any land belonging to or leased to the Board, or any such building to be added to or improved.

Board may provide offices.

40 24. (1) The Board may by resolution from time to time appoint fit persons to be Engineer, Secretary, Treasurer, and all such other officers and servants as it

Board may appoint officers and servants.

thinks necessary to assist in the execution of this Act, and may pay such persons such salaries and allowances out of the funds of the Board as it thinks fit.

(2) One person may hold two or more such offices.

(3) No person shall be appointed as Engineer to the Board, or, if there are more engineers than one, as the chief or principal engineer unless he is registered as an engineer under the Engineers Registration Act, 1924. 5

(4) Every person appointed to receive any moneys payable to the Board shall give to the Board sufficient approved security for the faithful execution of his office and the duly accounting for all moneys received by him on behalf of the Board: 10

Providing that, in lieu of or in addition to taking security from any officer, the Board may provide against any losses that may arise in the event of his dishonesty by taking out a guarantee policy and paying the premiums thereon, or by creating a special fund for the purpose, or partly by one method and partly by the other. 15 20

Acting officer.

25. During the absence from duty of any officer of the Board by reason of illness, leave of absence, or other cause, the duties and powers of such officer may be performed and exercised by an acting officer appointed by the Board, and any such appointment may be either general or for some occasion only. 25

By-laws.

26. (1) The Board may from time to time make by-laws for all or any of the following purposes:—

(a) To regulate the management and use of inlet appliances giving access to the sewers and drains of the Board, including grids, and to prevent the putting of anything into such sewers or drains, or allowing anything to enter such sewers or drains by means of such appliances, save such matters as may be carried in with water entering in the course of the legitimate use of such appliances: 30 35

(b) To provide for the treatment of trades wastes and other substances before the same are allowed to enter any drain or sewer which is under the control of the Board or which is connected to any such drain or sewer; and 40

5 the Board by or under such by-laws may
require the owners of premises from which
such trades wastes and substances are
discharged to treat the same on their own
premises, or may require the erection of
treatment works by one or more of such
owners and provide for contribution towards
the cost of providing, maintaining, and
10 running such works, and in case of default
by any of such owners the Board may
itself provide such treatment works or
undertake the treatment of such trade wastes
and substances and provide for reimburse-
ment from the owners of the properties
concerned:

15 Provided that any person affected by
any direction or order of the Board given
or made pursuant to any by-law made under
this paragraph may within a period of
twenty-one days after being given notice
20 thereof appeal against the direction or order
to a Judge of the Supreme Court at Auckland,
and the provisions of section *fifty-six* of this
Act shall, *mutatis mutandis*, apply in respect
of any such appeal:

- 25 (c) Regulating sanitary plumbing and drainage
throughout the whole of the district:
(d) Protecting from damage, injury, or misappro-
priation any property belonging to the Board
30 or controlled by it and situate within or
beyond the district.

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

(3) Any by-law made by the Board shall within
the district override any by-laws on the same subject-
40 matter made by any local authority.

(4) Any local authority may, with the consent of
the Board, undertake within its own district the
enforcement and administration of any by-laws made
by the Board, and in such case all fines imposed for

breaches of the Board's by-laws within the district of such local authority shall, subject to the provisions of section thirteen of the Finance Act, 1927 (No. 2), be paid to the local authority and be dealt with by it as if they were fines imposed in respect of breaches of the by-laws of such local authority. 5

Form of making
by-laws.

27. By-laws of the Board shall be made only in the manner and subject to the conditions following:—

- (a) They shall be made only by special order:
- (b) A copy of any proposed by-law shall be sent 10
by the Board to each of the contributing
authorities at least twenty-one days before
the date of the meeting of the Board at
which the resolution making the proposed
by-law is to be submitted for confirmation: 15
- (c) They may be amended before confirmation of
the special order making the same:
- (d) They shall have the common seal of the Board
affixed thereto:
- (e) They shall be sent to the Minister of Health 20
within seven days after the making of the
special order:
- (f) Subject to the *next succeeding* paragraph, they
shall come into force on a day to be named
therein or in the special order making the 25
same, being a day not earlier than three
months after the making of the special order
in the case of by-laws made under paragraph
(a) or paragraph (b) of subsection *one* of
the *last preceding* section, and not earlier 30
than one month after the making of the
special order in the case of by-laws made
under paragraph (c) or paragraph (d) of
the said subsection *one*:
- (g) They may within three months after the 35
making of the special order, by notice in the
Gazette, be in whole or in part disallowed
or amended by the Minister of Health.

Special orders.

28. Every special order made hereunder may be made and proved in the same way, *mutatis mutandis*, 45
as a special order of a Borough Council is required
to be made, and may be proved under the Municipal
Corporations Act, 1933.

29. (1) The Board may from time to time enter into such contracts with any such persons as it thinks fit for the execution of any works directed or authorized by this Act to be done by the Board or for furnishing materials or for any other thing necessary for the purposes of this Act.

Contracts of Board, how made.

(2) Any contract which, if made between private persons, must be by deed shall, if made by the Board, be in writing under the seal of the Board.

(3) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith may, if made by the Board, be in writing signed on behalf of the Board by some person duly authorized in that behalf.

(4) Any contract which, if made between private persons, may be made verbally without writing may be similarly made by or on behalf of the Board.

(5) Notwithstanding anything in the foregoing provisions of this section, no contract made by or on behalf of the Board shall be invalid by reason only that it was not made in the manner provided by this section if it was made pursuant to a resolution of the Board or to give effect to a resolution of the Board.

30. (1) At its first meeting to be held pursuant to the provisions of section *thirteen* hereof the Board shall pass a resolution authorizing the preparation of a plan or scheme of sewerage works for the whole of the district and directing that such detailed investigations, whether technical or otherwise, as in the opinion of the Board may be necessary for enabling such plan or scheme of sewerage works to be prepared as aforesaid be forthwith made and carried out. Such resolution shall also direct—

Powers of Board.

(a) That the plan or scheme of sewage works for the whole of the district to be prepared in pursuance thereof as aforesaid shall make provision for, *inter alia*, and shall indicate in particular:

(i) The main trunk sewer systems proposed for the district;

(ii) The boundaries of the watershed areas which it is intended should be drained into and served by each trunk sewer;

(iii) The levels and positions of all intakes into such trunk sewers;

(iv) The proposed grades and capacities of all such trunk sewers;

(v) The position of the outfall, or, if more than one, the positions of the outfalls, intended to be used for the disposal of all effluents; and 5

(vi) The location and general design of all proposed treatment works, utilization plants, and other sewerage works. 10

(b) That such further investigations, research, and experiments as the Board thinks fit be respectively made, entered upon, and conducted for the purpose of determining, after taking into consideration the technical and economic possibilities thereof, the extent (if any) to which it may be practicable to utilize in the manufacture and production of organic fertilizers, sewage sludge produced from the treatment of sewage in the manner which it is recommended should be adopted for the district as hereinafter provided combined with such other organic wastes as may from time to time become available to the Board for that purpose. 15 20 25

(2) The Board may engage or retain at such remuneration as it shall think fit the services of such consulting engineers, industrial chemists, technicians, and other experts as, in the opinion of the Board, may be necessary in order to enable the investigations and the plan or scheme of sewerage works referred to in the *preceding* subsection hereof to be respectively made, carried out, and prepared as aforesaid. 30

(3) Within twelve months from the date of its first meeting the Board shall cause to be prepared a report, with recommendations, as to the plan or scheme of sewerage works which shall have been prepared for the whole of the district pursuant to the resolution in that behalf referred to in subsection *one* hereof, and such report shall indicate, *inter alia*, in particular— 35 40

(a) The various stages at and to which it is proposed that the said works should be constructed and developed:

- (b) The method of treatment of sewage which it is recommended should be adopted for the district:
- 5 (c) The action which is then being taken or which it is recommended should be taken for the purpose of improving the standard of treatment with respect to existing outfalls within the district until such time as the Board's plan or scheme of sewerage works for the whole of the district can be put into operation:
- 10 (d) The result of the investigations, research, and experiments respectively made, entered upon, and conducted pursuant to the resolution in that behalf directing the same referred to in paragraph (b) of subsection *one* hereof, and the recommendations (if any) made in connection therewith and relative thereto.
- 15 (4) The report and recommendations to be prepared in accordance with the provisions of the preceding subsection *three* hereof shall be submitted to and considered by the Board at the first meeting thereof after such report and recommendations are available, but before such report and/or any of the recommendations therein are adopted by the Board copies thereof shall be submitted to all the contributing authorities, the Minister of Health, the Minister of Marine, and the Auckland Harbour Board:
- 20 Provided however, that nothing in this subsection shall be deemed to prevent or preclude the Board from taking such immediate action as the Board thinks fit for the purpose of improving the standard of the effluent or effluents discharged from existing outfalls within the district.
- 25 (5) Upon receipt of a request from any of the authorities referred to in the *preceding* subsection hereof, the Board shall submit explanations regarding any of the proposals outlined in the said report which may require to be further elucidated.
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(6) If within three months of the submission of copies of the said report and recommendations no formal objection in writing is received by the Board from any person or authority to whom the same has been submitted as aforesaid, the plan or scheme of sewerage works recommended in such report shall formally be adopted by the Board at its first available meeting after the expiration of the period aforesaid as the main sewerage scheme for the district. 5

(7) If any formal objection in writing is received by the Board from any such authority as aforesaid, the Board shall forthwith convene a conference of representatives of the authority or authorities concerned for the purpose of deciding the extent (if any) to which it may be desirable to amend or alter the plan or scheme of sewerage works recommended by the Board. The proceedings of such conference shall be regulated by an independent Chairman who shall be nominated for the purpose by the Minister of Health. On receipt of a report from the Chairman on the proceedings of the conference the Board shall, if necessary, amend the plan or scheme of sewerage works recommended in the report so that the revised scheme shall comply, in so far as may be practicable, with the wishes of the representatives of the authority or authorities represented at such conference, and the Board shall thereafter formally adopt the recommended scheme, with such amendments thereto as may be necessary, as the basis for the main sewerage scheme for the district. 10 15 20 25 30

(8) Within three years after the adoption by the Board in the manner hereinbefore provided of the recommended scheme as the basis for the main sewerage scheme for the district as aforesaid, the Board shall adopt and cause to be put into operation all such proper, efficient, and approved methods of treatment of sewage within the district as are in the opinion of the Board sufficient and effective to ensure, as far as is then possible, against pollution of the waters of either the Waitemata Harbour or the Hauraki Gulf by effluents discharged from any of the outfalls owned and operated by the Board. 35 40

(9) In addition to but without in any way derogating from all or any of the powers aforesaid, the Board shall have the sole right within the district—

- 5 (a) To plan for the installation of and to construct all trunk sewers which in the opinion of the Board are necessary from time to time in order to provide for the complete or partial main trunk sewer systems of the district, as the case may be;
- 10 (b) To prescribe and define those portions of the district which are from time to time to be included within the main drainage reticulation system for the district; and
- 15 (c) To determine the appropriate levels for and the points at which the sewers serving those portions of the district referred to in the *preceding* paragraph hereof shall be connected to the Board's trunk sewers.

(10) The Board shall have the sole right within
20 the district to construct, maintain, control, and manage all trunk sewers, pumping stations, storage tanks, outfalls, and sewage treatment and sewage utilization plants, and also to maintain and manage and effect such alterations as may be considered advisable to all
25 existing sewage treatment plants and outfalls whilst the same continue to be in use and operation:

Provided that nothing in this Act shall operate to prevent the establishment or maintenance of works for the treatment or disposal of trades wastes, refuse, or
30 other substances which the Board's drainage system is not designed to receive or deal with or which the Board will not permit to be discharged into such system except upon such conditions as shall from time to time be determined by the Board.

35 (11) Where any trunk sewer, pumping station, storage tank, storage culvert, storage tunnel, outfall, sewage treatment plant, or sewage utilization plant has already been constructed within the district by some local authority, the same shall be taken over by
40 and vested in the Board at such price and upon such

terms and conditions as may be agreed upon between the Board and such local authority, or, in the event of their being unable to agree, as may be settled by arbitration under the provisions of the Arbitration Act 1908.

Construction of trunk sewers, &c.

31. The Board shall from time to time construct, maintain, and operate within or outside the district all such trunk sewers, pumping stations, storage tanks, outfalls, treatment works, utilization works, and other works and things as may in the opinion of the Board be advisable for the proper and efficient drainage of the district. 10

Construction of treatment works, &c.

32. (1) The Board shall as soon as practicable and convenient after the commencement of this Act construct— 15

- (a) Common or unified treatment works for the purpose of treating sewage from the district (being either domestic sewage or domestic sewage and trades wastes as hereinbefore defined as the Board may at the time of construction of the said works determine), and such works shall be of such a standard and the treatment of sewage therein shall be to such an extent as may be required and approved by the Department of Health in that behalf; 20
- (b) Trunk sewers and pumping stations for the purpose of conveying sewage from any part of the district provided with a drainage reticulation system to such common treatment works; and 30
- (c) An outfall sewer or outfall sewers for the purpose of discharging into the sea the effluent from such treatment works at such place or places as may be required and approved by the Department of Health, and by the Marine Department or the Auckland Harbour Board, as the case may be. 35

(2) No sewage (including within that term either domestic sewage alone or domestic sewage and trades wastes as hereinbefore defined) shall be discharged from any portion of the district into the waters of the
5 Waitemata Harbour or of the Rangitoto Channel or of the Hauraki Gulf except through outfalls owned and operated by the Board:

Provided that any existing outfall may be allowed to discharge sewage as defined by this subsection from
10 the district until such time as the Board has completed the works necessary to convey such sewage to any common or unified treatment works:

Provided also that this subsection shall not apply to existing storm water overflows forming part of the
15 sewerage system of any local authority.

(3) The Board shall be entitled to occupy, free of rent or charge to any person or corporation, all lands in the said Waitemata Harbour on, over, or under which
20 any of the said sewers or works are constructed or laid.

(4) The Board may, subject to compliance with the provisions of section one hundred and seventy-one of the Harbours Act, 1923, and with the precedent consent of the Auckland Harbour Board, but without obtaining any
25 special Act of Parliament, reclaim any land in the Waitemata Harbour that may be required by the Board in connection with its drainage operations, and any land so reclaimed shall be vested in the Board.

(5) In any matter where the consent or approval of the Auckland Harbour Board is required, such consent
30 or approval shall not be unreasonably or arbitrarily withheld, and in the event of any dispute or difference arising between the Board and the said Harbour Board as to any such consent or approval or otherwise in connection with the Board's operations, such dispute
35 or difference shall be referred to the arbitrament of two arbitrators, one to be appointed by each party in difference or their umpire under and in accordance with the provisions of the Arbitration Act, 1908.

General powers
of Board.

33. (1) The Board may from time to time, in addition to its powers under the Public Works Act, 1928, by itself, its surveyors, engineers, agents, officers, and workmen, exercise the following powers or any of them, and may execute, do, or cause to be executed or done any of the following acts, matters, or things:— 5

(a) Break up the soil of any roads, streets, ways, or footpaths, and excavate and sink trenches and make and construct tunnels and subways for the purpose of laying down, making, constructing, altering, cleansing, maintaining, or repairing trunk sewers: 10

Provided that before interfering with any such road, street, way, or footpath the Board, except in cases of emergency, of which the Board shall be the sole judge, shall give one week's notice in writing to the local authority having control thereof, and shall in any case with all convenient speed reinstate and make good any road, street, way, or footpath that may be broken up or, at the option of the local authority, pay to it the cost of such reinstatement and making good: 15 20

(b) Without any previous payment, tender, or deposit— 25

(i) Enter upon and use any land other than land occupied as a garden or ornamental shrubbery for the purpose of taking any earth, stone, clay, or scoria therefrom: 30

Provided that in the case of lands held for any public purpose within the meaning of section two of the Public Reserves, Domains, and National Parks Act, 1928, this power shall not be exercised without the consent of the controlling authority, but such consent shall not be unreasonably or arbitrarily withheld, and in the case of other land this power shall not be exercised until twenty-four hours' notice of intention so to do has been given to the occupiers; 35 40

5 (ii) Enter upon and use any land adjacent to the site of any trunk sewer hereby authorized to be constructed, or while it is in course of construction, or when it is actually constructed, for the purpose of making temporary roads or approaches to any works or temporarily storing any material therefor; and

10 (iii) Enter upon any lands or premises within or upon which it is proposed that any works shall be executed under this Act, or any lands and premises adjacent thereto, and make an inspection, survey, and examination thereof, and for that purpose to bore therein:

15 (c) Make or construct the said trunk sewers, or any part thereof, upon or under any lands or buildings, subject to the following conditions:—

20 (i) A plan and description of such trunk sewers, showing how they affect any such land or buildings, shall be deposited for public inspection at some place;

25 (ii) The Board shall give notice in writing to the occupier, and also to the owner (when known), of such land or buildings of the intention to construct such trunk sewers, and shall refer in such notice to such plan and description, and state where the same are on view. In the case of unoccupied land or buildings of which the owner is not known, such notice may be served by being affixed in a
30 conspicuous place thereon or thereto;

35 (iii) If within one month after such notice is given the said owner or occupier serves on the Board a written objection to the proposed work, the Board shall appoint a day for hearing such objection, and shall give notice of the same to the objector; and

40 (iv) The Board shall hold a meeting on the day so appointed, and may, after hearing any person making such objection, if present, determine to abandon the work proposed, or to proceed therewith with or without such alterations, as the Board thinks fit:

(d) Erect and use any buildings, structures, machinery, manholes and other entrances, light and lamp holes, ventilating grids, and other works and things of every description in connection with drainage and sanitation in, upon, or under any public or private street or public place within or without the district: 5

(e) Carry any ventilating shaft, pipe, or tube up or upon any external wall of any building, whether private or public, and affix the same thereto: 10

Provided that the mouth of every such shaft, pipe, or tube shall be at least six feet higher than any windows situated within a distance of thirty feet therefrom, and, where attached to a house, shall be higher than the eaves or parapet thereof: 15

(f) During the construction of its works, use any private drain or watercourse within or without the district to carry water from such works: 20

(g) Treat and deal with, in such manner as to it shall seem best, all sewage, refuse, and other matter, whether for the purpose of deodorizing, disinfecting, or destroying such sewage, refuse, or other matter, or of converting the same into an organic fertilizer or other marketable product and selling or otherwise disposing of the same, and shall not be liable, except in compensation under section *thirty-four* of this Act, for any nuisance or injury necessarily created or caused in so doing; and in particular, and without restricting the general powers herein given, it shall have power to treat sewage, refuse, and other matter by any treatment process, septic tanks, or electricity, and, unless prohibited by the Governor-General by Order in Council from so doing, may ship sewage sludge and discharge it into the sea: 25 30 35

5 Provided, however, that the Board shall not, without the precedent consent in writing of the Auckland Harbour Board, discharge any sewage, refuse, sludge, or other matter (other than the effluent from any treatment works constructed, owned, and operated by the Board) in any place within the limits of the Waitemata Harbour or in any place where the same might be carried by wind or tide within the limits of the said harbour, or in any case within three miles from any land or in such a manner that it will be likely to be carried on to any foreshore:

10
15 (h) Acquire and operate ships, boats, barges, and other equipment for the purpose of removing, handling, or disposing of sewage, sludge, refuse, or similar matter.

(2) The Board shall have power to acquire by licence permission to use any land for the purposes for which land may be acquired, and any land acquired by it may be let or leased by the Board by public auction, or public tender, or private contract, as it deems proper, for such term or terms, and at such rent or rents, upon and subject to such terms and conditions in every respect, as the Board thinks fit.

20
25 **34.** Every person having any estate or interest in any lands taken under the authority of this Act for any works, or injuriously affected thereby, or suffering any damage from the exercise of any of the powers hereby given, shall be entitled to full compensation for the same from the Board. Such compensation may be claimed and shall be determined in the manner provided by the Public Works Act, 1928.

Compensation for lands taken or damaged.

30
35 **35.** For the purpose of carrying off any sewage from any part of its district within the combined area or combined areas of the district, every contributing authority may from time to time connect sewers and drains with the said trunk sewers:

Powers of contributing authorities to connect sewers.

40 Provided that twenty-eight day's notice in writing be given to the Board of the intention of the contributing authority to exercise the powers conferred by this section, and provided also that attached to such notice shall be complete plans and specifications of the sewer

or sewers referred to in such notice, 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 drainage system.

Works to be
efficiently done.

36. In making any such connection the contributing authority shall cause the same to be done in a skilful, efficient, and workmanlike manner, and so that the efficiency and construction of such trunk sewers may be in nowise impaired, and to the approval of the Engineer to the Board. 5
10

Reticulation
Works.

37. (1) Any plan or scheme proposed or devised by any local authority after the commencement of this Act for the drainage reticulation of the whole or any portion of the district of such local authority within the district shall, before the same and/or any works in connection therewith are or is proceeded with or put into operation, be first submitted to and approved by the Board, and the Board may, and shall if required by such local authority so to do, but at the cost of the local authority requiring the same, furnish all such engineering, technical, and other services and assistance as may be requisite and necessary in order to provide for and carry out the proper and efficient installation of such drainage reticulation works or system. 15
20

(2) The Board may, subject to the provisions of section *thirty-eight* hereof, at the request and cost of any local authority and if the Board thinks fit and proper so to do, undertake and carry out repairs, maintenance, alterations, or improvements to any existing drainage reticulation works in the whole or any portion of the district of such local authority within the district. 25
30

(3) The Board may undertake and carry out, maintain, and operate drainage works, whether in relation to storm water or sewage, for the benefit of any districts or areas within or adjacent to the district, and may enter into and enforce agreements with local authorities and other persons for the payment of the whole or any portion of the cost of construction, maintenance, or operation of any such works. 35

38. No new trunk sewers, pumping stations, storage tanks, outfalls, treatment works, or utilization works shall be constructed or installed within the district except by the Board, and no alteration, change, or extension shall be made in any existing drainage system within the district except with the precedent consent and approval of the Board in writing first had and obtained. If any question arises as to whether the Board has unreasonably withheld its approval, the matter shall be referred to the Minister of Health, whose decision shall be final.

Consent of Board required to construction of new sewers, &c.

39. The Board may utilize any natural watercourse for the discharge of storm water overflows from its trunk sewers, but so that the discharge from any such watercourse into any harbour under the control of the Auckland Harbour Board shall not be or grow to become a nuisance. Subject as aforesaid, any watercourse so utilized shall be under the control and management of the Board.

Watercourses.

40. (1) The Board may construct drains for the removal of surface water, or control, alter, and improve any existing drains for that purpose, or any natural watercourse or channel, but all such works shall be done only with the approval of the local authority or authorities within whose district or districts the drain, watercourse, or channel is situated and at the cost of the local authorities affected, and the Board and any such local authority may enter into and carry out agreements for that purpose.

Board may construct drains, &c., for surface water.

(2) Except with the approval of the Auckland Harbour Board, no new drain for the discharge of surface water into any harbour under the control of the said Harbour Board shall be constructed or used, and no existing drain, natural watercourse, or channel discharging or intended to discharge surface water into any such harbour shall be so used, controlled, altered, or improved, as to cause pollution of the harbour into which its discharges or is intended to discharge:

Provided that this subsection shall not apply to existing storm water overflows discharging into storm water drains, natural watercourses, or channels, and shall

not affect the powers of local authorities under section two hundred and twenty-six of the Municipal Corporations Act, 1933, in respect of leading surface water into streams and watercourses so long as the discharges from any such drain, natural watercourse, or channel shall not be or grow to become a nuisance. 5

Accounts

Books of
Accounts to be
kept.

41. The Board shall cause books to be provided and kept and true and accurate accounts to be entered therein of all sums of money received and paid under the authority of this Act and of the several purposes for which sums of money have been received and paid. 10

Books to be
open for
inspection to
members of
Board.

42. Such books shall at all reasonable times be open to the inspection of any member of the Board or of any contributing authority or any person appointed by it, who may take copies of or extracts from the same; and any person having the custody of the said books who does not, on the reasonable demand of any member of the Board, or of any contributing authority or any person appointed by it, permit him to inspect or take copies of or extracts from the same shall for every such offence be liable to a fine not exceeding *five* pounds. 15 20

Moneys to be
paid into Bank.

43. (1) All moneys belonging to the Board shall, within three days after they have come into the hands of the Treasurer, be paid into an account of the Board at such bank as the Board from time to time appoints. 25

(2) No moneys may be withdrawn from the bank except by the authority of the Board and by cheque signed by the Chairman or one member and by the Treasurer of the Board. 30

Accounts to be
kept in
accordance with
requirements
of Audit
Office.

44. (1) The Board shall keep such accounts and keep them in such manner as may be prescribed by the Audit Office, but so always that—

(a) A General Account shall be kept and credited with all moneys not required by or under this Act to be carried to any other account, and debited with expenditure which is not required by or under this or any other Act to be charged, or which is not otherwise properly chargeable, against any other account; and 35 40

(b) Separate accounts shall be kept and credited with all moneys raised or levied for, or appropriated or allocated to, or held in trust or received for, any special purpose, and debited with expenditure properly chargeable against such accounts.

5

(2) The decision of the Audit Office as to whether or not any expenditure is properly chargeable against any such account shall be final.

10

45. Before the end of April in each year the Treasurer shall prepare a yearly balance sheet, being an abstract of all the transactions in each of the accounts above mentioned during the preceding financial year ended the thirty-first day of March then last past, together with the statements following:—

Yearly balance sheet and statements.

15

(a) A statement of the whole assets and liabilities of the Board at the end of the year:

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

20

46. The Audit Office shall be the auditor of the Board, and shall have the same duties and powers in respect of the moneys and accounts of the Board, and of every person dealing therewith, as if the Board were a local authority within the meaning of section one hundred and twenty-four of the Public Revenues Act, 1926.

Audit of accounts.

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47. The Treasurer shall forthwith after such audit make out a full abstract of the accounts for the year as audited, and cause a copy thereof to be submitted to each contributing authority.

Abstract of accounts.

30

48. (1) The Board may, pursuant to a resolution in that behalf, establish an Imprest Account, which shall be kept at such bank as the Board from time to time appoints.

Board may establish an Imprest Account.

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(2) The Imprest Account may be held jointly in the names of and be operated on by the Treasurer and one other person to be appointed in that behalf by the Board, or may, with the express approval in writing of the

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Audit Office but not otherwise, be in the sole name of and be operated on by the Treasurer or other approved officer of the Board. Where the Imprest Account is held jointly in the names of the Treasurer and of one other person as aforesaid, such last-mentioned person shall be either a responsible officer of the Board or a member of the Board. 5

(3) The Board shall from time to time by resolution fix the maximum amount that may be held at any time in the Imprest Account, not exceeding seventy-five pounds in any case where the Imprest Account may be operated on by one person acting alone, and not exceeding such amount as the Audit Office may approve in any other case. 10

(4) Moneys in the Imprest Account shall be available only for the payment of wages and of emergency expenditure. A statement of all payments made from the Imprest Account shall be submitted to the Board for approval at its first ordinary meeting thereafter. The payment of moneys out of the Imprest Account for any purpose not hereby authorized shall be deemed to be the misappropriation of the funds of the Board. 15 20

(5) The provisions of section *forty-three* hereof shall be read subject to the provisions of this section.

Superannuation
and other
benefits for
employees.

49. (1) The Board shall be deemed to be a local authority for the purposes of the Local Authorities' Superannuation Act, 1908, the National Provident Fund Act, 1926, and section six of the Finance Act (No. 2), 1941. 25

(2) 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 confined to such employees and their dependents. 30 35

Unauthorized
expenditure.

50. The Board may in every financial year out of the General Fund Account expend for purposes not authorized by any Act or law for the time being in force any sum or sums not amounting in the whole to more than one per cent of the gross receipts of the Board for that year, exclusive of loan moneys, nor, in any case, to more than two hundred and fifty pounds. 40

51. (1) The Board may from time to time borrow by way of special loan such sums as are necessary for carrying out the purposes of this Act. Borrowing powers.

(2) Special loans may be raised by the Board by special order without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926.

(3) A copy of the special order of the Board authorizing the raising of a special loan, purporting to be sealed with the seal of the Board and signed by the Chairman and two members, shall, without further authentication, be sufficient authority for the raising of the loan thereby authorized or any part thereof, and shall bind the Board accordingly. A copy thereof shall be published in the *Gazette*, and shall be conclusive evidence that the raising of the loan to which it refers is duly authorized and that all proceedings and things under this Act in relation thereto and in the making of such special order have been lawfully taken and done.

(4) Under the provisions of this section the Board shall be at liberty to raise a loan for an authorized purpose for the benefit of a defined part or defined parts of the district (whether called by a distinctive name or not), and in any such case every local district within the defined part or parts shall, without limiting the meaning of the expression "legal subdivision" as used in section three of the Local Bodies' Loans Act, 1926, be deemed to be a legal subdivision.

(5) Notwithstanding anything to the contrary in the Local Bodies' Loans Act, 1926, a loan may be raised by the Board for the benefit of defined parts of the district, although such parts may not together form one continuous area.

(6) The provisions of section ninety-five of the Trustee Act, 1908, or any subsisting statutory modification or re-enactment thereof, shall both in respect of trusts heretofore and hereafter created apply to all bonds, debentures, and other securities issued by the Board and forming the whole or any portion of any loan which may be raised by the Board under the authority of this or any other Act.

Preliminary
expenses

52. The costs of promoting this Act and of investigating matters preparatory or incidental thereto, including surveys, reports of Commissions, experts, and others, legal expenses, and preliminary expenses in connection with the Board's main scheme of sewerage work, and whether paid or incurred by the Board or by the local authorities mentioned and referred to in section *five* hereof, or by any of them, shall be paid out of the funds of the Board. 5

Annual estimate
of Board's
proposed
expenditure.

53. The Board shall, on or before the thirtieth day of April in each year, cause an estimate to be prepared of the proposed expenditure of the Board for the ensuing year showing— 10

(a) The permanent appropriations for payment of interest and the creation of a sinking fund or for periodical repayments on account of loans: 15

(b) The sum or sums that may be required for carrying out or maintaining in good order any works hereby authorized to be constructed and any other works vested in or controlled by the Board and all other expenses in connection therewith: 20

(c) Any sums already available for such purposes:

(d) The additional sum required.

Any deficiency or surplus at the end of any year shall be carried forward as an asset or liability, as the case may be, into, and calculated or allowed for in making and assessing, the next year's requirements. 25

Contributing
authorities,
annual
assessments.

54. During the month of May in each year the Board shall hold a meeting at which the contributions payable for the current year, commencing on the first day of April, by the contributing authorities shall be assessed, and written notice shall forthwith be given to each contributing authority showing the amount at which every contributing authority is assessed, together with a copy of the estimate of expenditure for the year. 30 35

How assessment
to be
calculated.

55. (1) Such assessment shall be calculated and arrived at as follows:—

(a) The amount payable in respect of any special area, including the amounts required to cover capital, operating and maintenance costs, interest, and sinking funds, shall be charged 40

and assessed to the local authority or authorities of the local districts or portions thereof comprising such special area in proportion to the mean percentage of the rateable capital value and population of the respective local districts or portions thereof, as the case may be:

(b) The amount payable in respect of any combined area, including the amounts required to cover capital, operating and maintenance costs, interest and sinking funds, shall be charged and assessed to the local authority or authorities of the local districts or portions thereof comprising such combined area in proportion to the mean percentage of the rateable capital value and population of the respective local districts or portions thereof, as the case may be:

(c) The cost of preparing a plan or scheme of sewerage works for the whole of the district in pursuance of the powers and authorities in that behalf conferred upon the Board by the provisions of section *thirty* of this Act, including the cost of all engineering, technical, and other expert services and also the cost of all plans, surveys, investigations, and reports rendered and made in connection therewith, shall be charged to a separate account to be called the Main Sewerage Works Account to be kept by the Board for that purpose, and such costs shall be charged and assessed to all the local authorities in the district in proportion to the mean percentage of the rateable capital value and population of their respective local districts, or such portions thereof as are within the district, as the case may be:

Provided, however, that for the purpose of ensuring that such cost is apportioned in the most equitable manner amongst all portions of the district, having regard to the successive stages at and to which it is proposed that the

said plan or scheme of sewerage works should be developed therein, the Board may, if it thinks fit so to do, classify the district according to the stages at or to which it is intended that the said plan or scheme of sewerage works should be developed in different parts thereof as aforesaid, and the Board may levy the amount payable under this subparagraph on a sliding scale according to such classification. The provisions of the Land Drainage Act, 1908 shall, *mutatis mutandis*, apply to the classification and levy mentioned in this proviso as if set out herein:

- (d) The cost of the administrative and general expenses of the Board shall be assessed on and borne by those portions of the district which are from time to time provided with a drainage reticulation system within a special area or combined areas in proportion to the mean percentage of the rateable capital value and population of the respective portions and shall be charged to the local authority or authorities within whose respective local districts such portions are or may hereafter be comprised:
- (e) Where at any time hereafter trunk sewers, treatment works, and/or outfalls are provided, constructed, and installed of such capacity and dimensions as the Board may in its opinion deem necessary in order to provide not only for the immediate drainage requirements of any special or combined area of the district, but also for the future drainage requirements of any portion of the district which, for the time being, is not within any such special or combined area and which has been declared by the Board to be a future development area under the provisions of subsection *seven* of section *three* of this Act, the amount which represents the difference between the annual charges on the capital cost of providing, constructing, and installing such trunk sewers, treatment works, and/or outfalls as aforesaid,

and the annual charges on the capital cost which was or would have been incurred if trunk sewers, treatment works, and/or outfalls were or had been provided, constructed, and installed of such capacity and dimensions only as were or would be sufficient for the time being to provide only for the drainage requirements of such special or combined area, shall be assessed and charged to the local authority or authorities of the local districts or portions thereof comprising such future development area in proportion to the mean percentage of the rateable capital value and population of the respective local districts or portions thereof, as the case may be. Such amount shall be assessed as an annual charge until such time as the particular future development area is provided with a drainage reticulation system, whereupon such future development area shall become part of and be incorporated in the special area or the combined area, as the case may be.

(2) Where at any time, pursuant to the provisions of subsection *six* of section *three* of this Act, the boundaries of any special area or combined area are extended so as to include therein any portions of the district which may at any time hereafter be reticulated with and served by sewers connected with and draining into the outfall of such special or combined area, then and in any such case the amount assessed and charged in accordance with the provisions of paragraph (*a*) of the *preceding* subsection hereof shall, having regard to the alteration thereby effected in and to any such special area or combined area by the extension of the boundaries thereof as aforesaid, be due and payable as from the first day of April next following the date when the work of installing reticulation mains is commenced.

(3) Where at any time, pursuant to the provisions of subsection *five* of section *three* of this Act, any special area becomes part of or is incorporated in a combined

area, then and in any such case the amount assessed and charged in accordance with the provisions of paragraph (b) of subsection *one* hereof shall, having regard to the alteration thereby effected in the status of any such special area as aforesaid, be due and payable as from the first day of April next following the date when the work of installing trunk sewers is commenced. 5

Appeal

56. If any contributing authority is dissatisfied with such estimate or assessment, such contributing authority may, within twenty-eight days after notice of such assessment has been given to it, appeal to a Judge of the Supreme Court at Auckland against such assessment. Such appeal shall be commenced by notice of appeal being given to the Registrar of the said Court, who shall fix a day for the hearing thereof; and the contributing authority appealing shall give notice in writing to the Board and to each of the other contributing authorities stating the date when the same is to be heard and the grounds of such appeal, and thereupon the whole of such estimate and assessment shall be deemed to be set aside, and the estimate of the contribution to be paid by every contributing authority shall be settled by the Judge, whose decision shall be final and binding upon the Board and all the contributing authorities. 10 15 20

Jurisdiction of Magistrate's Court.

57. The Board may, notwithstanding that the amount sought to be recovered is in excess of the jurisdiction of any Magistrate's Court, sue for and recover the amount of any such contribution in any such Court as a debt. 25

Production of documents *prima facie* evidence.

58. The production in any Court of documents purporting to be— 30

(a) A copy of the said estimate of expenditure; and

(b) A copy of the said notice to each contributing authority purporting to be under the seal of the Board,—

shall be *prima facie* evidence of the liability of each local authority therein mentioned to pay to the Board the respective amount therein and thereby shown to be assessed as its contribution to the Board for the purposes of this Act. 35

59. The local authority of each local district the whole or part of which is comprised within the district shall, within thirty days of receiving the written notice mentioned in section *fifty-four* hereof, pay to the Board one half of the amount of such assessment, and shall pay the other half thereof within six calendar months of the date of the receipt of such notice as aforesaid. In case either half is not so paid, such local authority shall be liable to and shall pay interest on any and every amount so remaining unpaid until payment thereof at the rate for the time being charged by the bankers of the Board for moneys owing to them by the said Board or that would be chargeable if such moneys were owing, as the case may be:

When contributing authorities to pay their shares.

Provided that if an appeal against any assessment has been lodged under section *fifty-six* hereof, then the amount fixed by the Court shall be substituted for the amount of such assessment, and payment of one half thereof shall be made within thirty days from the date of the Court's decision; but interest on such half shall be payable at the rate aforesaid as from the expiration of thirty days from the receipt of the original assessment.

60. Every such local authority shall, for the purpose of enabling it to make, and making, such payment, have the following powers;—

Powers of contributing authorities in regard to payment.

(a) It shall be entitled to pay the amount out of its ordinary revenue or funds:

(b) It shall be entitled (if it does not pay the amount out of its ordinary funds) to strike and collect a rate or rates for such an amount in the pound as shall be sufficient to pay the amount of such assessment and interest thereon (if any) and the cost of and incidental to the making and collection thereof, and shall be entitled to make and levy such rate or rates in addition to all rates which it is entitled to make and levy under any other Act, and notwithstanding any provision in any Act limiting or in any way affecting the rating power of such local authority. Such rate or rates shall be either a rate made and levied on the rateable value

of all rateable property within the local district of such local authority or a rate made and levied on the rateable value of a specified portion or portions only of the rateable property within such local district according to whether in the opinion of the local authority special provision is required to be made for the drainage or sewerage of any particular portion or portions of such local district by reason of such portion or portions being included in or becoming part of a combined area or a special area of the district of the Board, as the case may be:

Provided, however, that nothing in this subparagraph or in this or any other Act shall be deemed to prevent or preclude any such local authority from making and levying for all or any of the purposes aforesaid both a rate on the rateable value of all such rateable property within its local district as is included in the district of the Board and also a rate on the rateable value of a specified portion or portions only of the rateable property within such local district.

- (c) It may classify the rateable properties within its local district or those portions thereof which are included in or which have become part of a combined area or a special area of the district of the Board and levy a rate on a sliding scale according to such classification. The provisions of the Land Drainage Act 1908, shall, *mutatis mutandis*, apply to the classification and rate mentioned in this paragraph as if set out herein.

Power of Board to recover from contributing authorities in case of default.

61. (1) If any such local authority, after notice of the said assessment is delivered to it, or, in the case of appeal, after the decision of the said Court, fails to pay the first or last half thereof, or any part thereof, for the period of thirty days after the day on which it should be paid, or the interest thereon, it shall be lawful for the Board, in addition to any other powers or

remedies hereby given, to make, levy, and collect such rate, and to pay or retain the amount of such assessment or contribution and interest and all costs and charges it has been put to in consequence of such default or neglect.

5 (2) The local authority so in default shall, on request, hand over and supply to the Secretary of the Board correct lists of rateable properties, rate books, assessment rolls, and all other documents and books
10 of any and every kind necessary, or considered so by the Board or its officers, for the purpose of enabling the Board to make, levy, and collect such rate as aforesaid.

(3) Such local authority and its officers and servants shall give every assistance to the Board and its officers
15 to make, levy, and collect such rate as aforesaid.

(4) For the purpose of enabling the Board to collect and recover the amount of such contribution or assessment, interest, and costs, any Judge of the Supreme Court shall, on application by or on behalf of the Board,
20 have the same power, *mutatis mutandis*, with reference to such contributing authority as he would have under the Local Bodies' Loans Act, 1926, if default had been made by that authority in payment of any principal or interest due on any debenture issued by it, and also full
25 power to order, authorize, and empower the Board and its officers to strike, levy, and collect such rate in the same way and to the same extent as such local authority so in default would be entitled to do.

Miscellaneous

30 62. (1) A writ or process shall not be issued against or served on the Board or any member thereof, or any officer or servant or workman thereof, or any person acting under its or his directions or in its or his aid, for anything done or intended to be done or omitted to be
35 done after the commencement of this Act, under the provisions of this Act or of any by-law or regulation made or in force hereunder, until one month after notice in writing has been served on the Board or such member, officer, or person clearly stating the cause of action or
40 grounds of proceeding and the name and address of the intended plaintiff or prosecutor and his solicitor or

Notice of
action.

agent in the action or proceeding; and on the trial or hearing of any such action or proceeding the plaintiff shall not be permitted to go into any cause of action or ground of proceeding which is not stated in the notice so served, and unless such notice is proved there shall be judgment for the defendant. 5

(2) Every such action or proceeding shall be commenced within six months next after the act or thing complained of is done or omitted or, in the case of a continuation of damage, within three months next after the doing of such damage has ceased, and not afterwards, and shall be tried in the district or in the City of Auckland and not elsewhere. In any such action or proceeding the defendant may plead generally that the act or thing complained of was done or omitted under the authority or in the execution or intended execution or in pursuance of this Act or of any by-law or regulation made or in force hereunder, and may give all special matter in evidence. 10 15

(3) Any person to whom such notice of action is given as aforesaid may tender amends to the plaintiff, his solicitor, or agent at any time within one month after service of such notice, and in case the same be not accepted may plead such tender in bar; and in case amends have not been tendered, or in case the amends tendered are insufficient, the defendant may, within the time allowed for filing a statement of defence, or thereafter at any time before trial, by leave of the Court, pay into Court, in accordance with the practice of the Court in which the action is pending, and in case of an action in a Court in which no defence need be filed at any such time as may be allowed by the practice of such Court, such sums of money as it or he may think proper, whereupon such consequences shall ensue as, under the practice of the Court in which the action is brought, ensue in an ordinary action. 20 25 30 35

(4) In cases of injury to the person, the person injured shall permit himself to be examined by any medical practitioner appointed by the Board, and in every case the property injured, and all accounts and vouchers in respect of the injury (whether to person or property), may be examined by any person appointed by the Board or the Chairman of the Board. 40

(5) In cases of injury to the person (whether resulting in death or not), the Court may, before or at the trial, waive the non-compliance or insufficient compliance with subsections *one* and *two* hereof if satisfied
5 that there was reasonable excuse, and on such terms as the Court thinks fit.

(6) This section shall not apply with respect to any action or proceeding commenced by the Audit Office under the Public Revenues Act, 1926, the Local Authorities (Members' Contracts) Act, 1934, or any other Act.
10

63. If any action is commenced or prosecuted touching or concerning the right, title, or interest of any owner or proprietor of or in any lands taken or injuriously affected by anything done in pursuance of this Act or in
15 execution of the powers or authorities herein, such action shall not impede, delay, or hinder the Board from proceeding in the execution of the powers vested in it by this Act.

Commencement of action not to stop works of Board.

64. (1) The Board and the officers and servants of
20 the Board may enter upon any premises for the purpose of examining as to the existence of any nuisance thereon, or as to the breach of any of the provisions of this Act or the by-laws (with power to examine any drain or other sanitary apparatus or appliances), or for the purpose of
25 enforcing the provisions of this Act and the by-laws, or for the purpose of executing, providing, or doing any works, materials, or things which the Board is authorized or empowered to execute, provide, or do under or by virtue of this Act or the by-laws.

Board may enter premises for purpose of inspection.

64. (2) Any owner or occupier of premises who refuses
30 to permit or allow the Board or any of its officers or servants to enter thereon for any of the purposes mentioned in the *last preceding* subsection, and every person who obstructs the Board or any of its officers or servants
35 in the exercise of any of the powers mentioned in the *last preceding* subsection, shall be guilty of an offence, and shall be liable to a fine not exceeding *twenty* pounds for each such offence.

65. All fines imposed by this Act or by any by-law
40 made under the authority hereof may be recovered in a summary manner under the Justices of the Peace Act, 1927.

Recovery of fines and penalties.

- Enforcement of by-laws. **66.** The provisions of this Act and of all by-laws made by the Board shall be enforced by the Board or its officers subject to the provisions of section *twenty-six* hereof.
- Property of Board not liable to be rated. **67.** No property of the Board owned or used by it for the purposes for which it is incorporated shall be liable to be rated by any local authority. 5
- Penalty for damaging sewer or drain. **68.** Any sewer or drain constructed or maintained by the Board shall be deemed to be the property of the Board, and any person doing any act whereby such sewer may be injured or its efficiency impaired is liable to a fine not exceeding *twenty* pounds, without prejudice to the right of the Board to recover by action damages for any trespass or injury to the said sewer. 10
- Offences under Act. **69.** Any person doing anything contrary to the provisions of this Act or any regulation made hereunder, or omitting or failing to perform any duty imposed on him by or arising under this Act or any such regulation, shall be guilty of an offence, and in cases where no other penalty is provided shall be liable to a fine not exceeding *twenty* 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 whenever power is given by any Act or regulation to order anything to be done or omitted, an offence shall be deemed to be committed on each day on which any person disobeys or fails to comply with any such order; and in all cases in which property is 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 the Board may have sustained: 20 25 30
- Governor-General may extend time fixed by Act for exercising powers, &c. **70.** Within the period of twenty-one days before or after the day appointed for the holding of any meeting of the Board or for the doing of any act, matter, or thing by this Act required to be done on or before a day certain, it shall be lawful for the Governor-General to extend the time allowed or fix a later day for the holding of such meeting or for the doing of any such act, 35 40

matter, or thing as aforesaid, notwithstanding the day may have passed on which the same ought to have been held or done, and to adopt or cause to be adopted such measures as may be necessary to remove any obstacle
 5 of a technical or formal nature by which the carrying out of the provisions of this Act may be impeded, and to supply any deficiency which may be required to be supplied in order to enable the said provisions to be carried out.

10 **71.** (1) Nothing in this Act shall—

(a) Authorize the Board to interfere with any public work executed or carried on by or under the control of the Government without the previous consent and approval of the Minister of Works or, if the work is being executed or carried on by or under the control of some other Minister, of that other Minister; or

15 (b) Prejudice or affect any power or authority vested in His Majesty, or in the Governor-General, or in any Minister or other person on behalf of His Majesty or the Governor-General, under
 20 any Act authorizing the erection, construction, carrying on, or maintenance of any work.

(2) In giving any consent and approval under the
 25 *last preceding* subsection the Minister of Works, or such other Minister as aforesaid, may impose such conditions as he thinks fit for the protection and safety of the public work.

72. (1) Notwithstanding anything to the contrary in
 30 the provisions of the Auckland Metropolitan Drainage Act, 1944, or any other Act, no part of the district as defined by this Act shall—

(a) Be or be deemed to be included within or comprised in the Auckland Metropolitan Drainage District:

35 (b) Be or be deemed to be regarded as within the sphere of influence of the Auckland Metropolitan Drainage Board.

(2) The Auckland Metropolitan Drainage Act, 1944,
 40 is, to the extent required to give effect to the provisions of the *preceding* subsection hereof, hereby repealed.

Government works not to be interfered with.

Repeals and Savings.

Schedule.

SCHEDULE

ALL that area in the North Auckland Land District bounded by the Waitemata Harbour and the Hauraki Gulf and comprising the boroughs of Birkenhead, Northcote, Takapuna, and Devonport, and those portions of the Waitemata County being generally south and east of a line commencing at the Paremoremo Wharf, on the Waitemata Harbour; thence in a north-easterly direction generally along the generally eastern side of the Paremoremo Wharf Road to the north-western corner of Allotment 200, Paremoremo Parish, across the Albany-Paremoremo Road; thence in a generally northerly direction along the generally eastern side of Hobson's Road to the north-western corner of Allotment 128, Paremoremo Parish, across the main North Road; thence along that road generally in a north-westerly direction along the generally north-eastern side to the intersection of a road; thence in a generally north-easterly direction along the generally south-eastern side of that road through the south-eastern extremity of Allotment N. 11, Paremoremo Parish, across a public road; thence generally in an easterly and northerly direction along the generally southern side of the aforementioned road, across another public road to the most north-eastern corner of Allotment 299, Paremoremo Parish, across the Lonely Track Road; thence in a generally north-easterly direction along the generally south-eastern side of Lonely Track Road to the northernmost corner of Allotment 307, Paremoremo Parish; thence across a public road to the southernmost corner of Allotment 72, Okura Parish; thence in a generally north-westerly and north-easterly direction along the generally eastern side of public roads to the point where these roads meet the western boundary of Allotment 13, Okura Parish; thence in a north-westerly and easterly direction along the western and northern boundaries of Allotment 13, Okura Parish, to the foreshore of the Hauraki Gulf; thence in a generally southerly and westerly direction along the generally eastern and northern foreshores of the Hauraki Gulf and the Waitemata Harbour to the point of commencement.