

WATER AND SOIL CONSERVATION AMENDMENT BILL

EXPLANATORY NOTE

Clause 1 relates to the Short Title.

Clause 2 clarifies an existing provision which provides that on the constitution of a water region the region should, if possible, include the adjoining territorial sea.

Clause 3, subclauses (1) and (2) provide that every existing water region shall be deemed to include, and be deemed always to have included as from its constitution,—

- (a) The area within the seaward projection of the side boundaries of the region to the low-water mark; and
- (b) The adjoining territorial sea.

Subclauses (3) to (5) make special provision in respect of the boundaries of the Auckland Water Region and adjoining water regions.

Subclause (6) validates water rights granted by the Water Resources Council which could be invalidated by virtue of the retrospective effect of *subclause (2)*.

The subclause also empowers that Council to grant a water right if the application for the right was properly made to the Council before the passing of the clause.

Right Hon. Mr Watt

WATER AND SOIL CONSERVATION AMENDMENT

ANALYSIS

Title	2. Regional Water Boards and schemes
1. Short Title	3. Seabed included in regions

A BILL INTITULED

An Act to amend the Water and Soil Conservation Act 1967

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

1. Short Title—This Act may be cited as the Water and Soil Conservation Amendment Act 1974, and shall be read together with and deemed part of the Water and Soil Conservation Act 1967* (hereinafter referred to as the principal
10 Act).

2. Regional Water Boards and schemes—(1) Section 19 (10) of the principal Act is hereby amended by omitting the words “; and that the region shall include the territorial sea and seabed thereof lying within the seaward projection of
15 its side boundaries”.

(2) The said section 19 is hereby further amended by inserting, after subsection (10), the following subsection:

*Reprinted 1973, Vol. 2, p. 1703

“(10A) Wherever possible every water region shall include the adjoining territorial sea within the meaning of the Territorial Sea and Fishing Zone Act 1965 and the seabed thereof.”

3. Seabed included in regions—(1) In this section, “low-water mark” and “territorial sea” have the same meanings as in the Territorial Sea and Fishing Zone Act 1965. 5

(2) Except as otherwise provided in any Order in Council made under section 32 of the Local Government Commission Act 1967 and section 19 of the principal Act on or after the 1st day of January 1975 and subject to subsections (3) to (5) 10 of this section, every water region (including the Wellington Water Region) shall be deemed to include, and be deemed always to have included as from its constitution,—

(a) The area within the seaward projection of the side boundaries of the water region to the low-water mark; and 15

(b) So much of the area and the seabed thereof between the low-water mark and the outer limits of the territorial sea as is included within the seaward extension of the side boundaries of the region from the points of intersection of such side boundaries with the low-water mark by the shortest line to the outer limits of the territorial sea. 20

(3) Nothing in subsection (2) of this section shall apply to the area which, on the passing of this section, is included in the Auckland Water Region. 25

(4) The Order in Council dated the 2nd day of April 1973 and published in *Gazette*, 1973, Volume I, at page 728, constituting the Auckland Water Region, is hereby amended as from its commencement by omitting from the Schedule the words “All those areas of land above the line of mean highwater in”, and substituting the words “All that area in or adjoining”. 30

(5) Every water region adjacent to the Auckland Water Region shall be deemed to extend, and be deemed always to have extended as from the constitution of the Auckland Water Region or of that adjoining region (whichever later occurred), to the boundaries of the Auckland Water Region as redefined by subsection (4) of this section. 35

(6) Notwithstanding the provisions of subsections (2) to (5) of this section—

5 (a) Every right to discharge natural water or waste into natural water granted by the Water Resources Council before the passing of this section shall have the same force and effect as if those subsections had not been enacted:

10 (b) Every application for a right to discharge natural water or waste into natural water properly made to the Water Resources Council before the passing of this section may be granted by that Council and shall have the same force and effect as if those subsections had not been enacted.