

# WATER AND SOIL CONSERVATION AMENDMENT BILL

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## EXPLANATORY NOTE

THIS Bill amends the Water and Soil Conservation Act 1967.

*Clause 1* relates to the Short Title and date of commencement.

*Clauses 2 to 4* are deemed to have come into force on 1 April 1972.

*Clause 5* will come into force on the passing of the Bill.

*Clause 2: Subsection (1)* vests in the Crown the sole right to discharge natural water containing waste on to land in circumstances which result in that waste, or any other waste emanating as a result of natural processes from that waste, entering natural water.

*Subclause (2)* empowers Regional Water Boards to grant rights to discharge natural water containing waste on to land.

*Clause 3* empowers Regional Water Boards to generally authorise the discharge of natural water containing waste on to land.

*Clause 4* empowers the National Water and Soil Conservation Authority to grant, in respect of any development by the Crown, the right to discharge natural water containing waste on to land.

*Clause 5: Subclause (1)* amends section 34 of the principal Act and provides that it is an offence, without authority under the Act, to discharge natural water containing waste on to land in circumstances which result in that waste, or any other waste emanating as a result of natural processes from that waste, entering natural water.

In addition the subclause provides that it is an offence, without authority under the Act, for the occupier of any land to cause or permit any waste, emanating as a result of natural processes from matter previously placed on or discharged on to the land, to enter natural water.

*Subclause (2):* At present, for the purposes of section 34, a person is deemed to discharge natural water or waste into natural water if he places or causes to be placed any natural water or waste in a position where it is liable to fall or descend into, or be washed or to percolate into, or to be carried by wind, tide, or current into, any natural water.

This subclause omits from that provision the reference to the placing of natural water only and extends the provision so that it applies to the entry into natural water of other waste emanating as a result of natural processes from waste or natural water containing waste which is so placed or discharged.

*Hon. Mr W. L. Young*

## WATER AND SOIL CONSERVATION AMENDMENT

### ANALYSIS

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Title	3. General authority for use, etc., of natural water
1. Short Title and commencement	4. Applications by Crown
2. Rights in respect of natural water	5. Offences

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### 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, as follows:

1. **Short Title and commencement**—(1) This Act may be cited as the Water and Soil Conservation Amendment Act 1976, and shall be read together with and deemed part of the Water and Soil Conservation Act 1967\* (hereinafter referred to as the principal Act).

(2) Sections 2 to 4 of this Act shall be deemed to have come into force on the 1st day of April 1972.

(3) Section 5 of this Act shall come into force on the date of the passing of this Act.

15 2. **Rights in respect of natural water**—(1) Section 21 (1) of the principal Act is hereby amended by inserting, after the words “waste into any natural water,” the words “or to discharge natural water containing waste on to land in circumstances which result in that waste, or any other waste emanating as a result of natural processes from that waste, entering natural water,”.

\*Reprinted 1973, Vol. 2, p. 1703  
Amendment: 1974, No. 137

(2) Section 21 (3) of the principal Act is hereby amended by inserting, after the words "waste into any natural water", the words "or to discharge natural water containing waste on to land".

**3. General authority for use, etc., of natural water**— Section 22 (1) of the principal Act (as amended by section 37 (1) of the Water and Soil Conservation Amendment Act 1971) is hereby amended by inserting, after the words "which may be interested in the authorisation," the words "by public notice authorise (with or without conditions) the discharge of natural water containing waste on to land, or,"

**4. Applications by Crown**—Section 23 (1) of the principal Act is hereby amended by inserting, after the words "waste into any natural water," the words "or to discharge natural water containing waste on to land,"

**5. Offences**—(1) Section 34 (1) of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraphs:

"(ba) Discharges natural water containing waste on to land in circumstances which result in that waste, or any other waste emanating as a result of natural processes from that waste, entering natural water; or

"(bb) Being the occupier of any land, causes or permits any waste, emanating as a result of natural processes from matter previously placed on or discharged on to the land, to enter natural water; or"

(2) The said section 34 is hereby further amended by repealing subsection (3) (as added by section 18 (3) of the Water and Soil Conservation Amendment Act (No. 2) 1971), and substituting the following subsection:

"(3) For the purposes of this section, a person shall be deemed to discharge waste into natural water if he places or discharges, or causes or permits to be placed or discharged, any waste or natural water containing waste in a position where that waste, or any other waste emanating as a result of natural processes from that waste, is liable to fall or descend into, or to be washed or percolate into, or to be carried by wind, tide, or current into, any natural water."