

WATER AND SOIL CONSERVATION AMENDMENT BILL (NO. 2)

EXPLANATORY NOTE

THIS Bill amends the Water and Soil Conservation Act 1967.

Clause 1 relates to the Short Title and date of commencement. *Clauses 3 to 8* of, and the Schedule to, the Bill are to come into force on 1 April 1984. The remainder of the Bill is to come into force on the date on which the Bill receives the Governor-General's assent.

Clause 2 amends the Long Title to make it clear that under the Act the needs of primary and secondary industry in relation to natural water are to be taken into account, not the needs of primary and secondary industry *simpliciter*.

Clauses 3 to 8 provide for the dissolution of the Soil Conservation and Rivers Control Council and the Water Resources Council, the assumption of their functions by the National Water and Soil Conservation Authority, and the reconstitution of that Authority.

Under *clause 4* the National Water and Soil Conservation Authority is to consist of—

- (a) The Minister of Works and Development, who shall be the Chairman:
- (b) One member who shall be appointed as the Deputy Chairman by the Governor-General on the advice of the Minister:
- (c) Twelve other members to be appointed by the Governor-General on the advice of the Minister, of which members—
 - (i) Two shall be so appointed after consultation by the Minister with the New Zealand Catchment Authorities Association Incorporated:
 - (ii) Two shall be so appointed after consultation by the Minister with the New Zealand Counties Association Incorporated:
 - (iii) Two shall be so appointed after consultation by the Minister with the Municipal Association of New Zealand Incorporated:
 - (iv) One shall be so appointed after consultation by the Minister with the New Zealand Manufacturers' Federation Incorporated:
 - (v) One shall be so appointed after consultation by the Minister with the Federated Farmers of New Zealand Incorporated:
 - (vi) One shall be so appointed after consultation by the Minister with the New Zealand Land Drainage and River Boards Association Incorporated:

(vii) One shall be so appointed, after consultation by the Minister with the Minister of Internal Affairs, to represent wildlife interests in relation to natural water:

(viii) One shall be so appointed, after consultation by the Minister with the Queen Elizabeth the Second National Trust, the Nature Conservation Council, the Minister of Internal Affairs, and the Minister for the Environment, to represent scenic and recreational interests in relation to natural water:

(ix) One shall be so appointed, after consultation by the Minister with the Minister of Fisheries, to represent freshwater fishing interests.

Every member of the Authority holding office immediately before the commencement of the clause will cease to hold office on the commencement of the clause.

Any member so ceasing to hold office may be appointed to the Authority under the new provisions.

If a committee of the Authority considering any application under section 20B of the principal Act has not made a recommendation to the Authority in respect of the application before the commencement of the clause, every member of that committee shall for that purpose only be deemed to continue as a member of the Authority and of that committee until the recommendation has been made.

Clause 5 repeals the provision relating to deputies of members.

Clause 9 amends section 20 of the principal Act relating to the functions and powers of Regional Water Boards.

The amendment confers a new function, namely the promotion and carrying out of measures to safeguard natural water from damage or the risk of damage by or in respect of discharges into natural water of waste or natural water containing waste, including—

- (a) Measures reasonably conducive to or intended to further or effect the prevention, detection, or control of such discharges not authorised by or under this Act or of such discharges otherwise than in accordance with the conditions, restrictions, or prohibitions under which they are so authorised; and
- (b) Measures to neutralise the effects of such discharges and to restore the quality of natural water.

Clauses 10 and 12 amend sections 20B and 20F of the principal Act, relating to water conservation orders and notices, to make it clear that the needs of primary and secondary industry in relation to natural water are to be taken into account, not the needs of primary and secondary industry *simpliciter*.

Clauses 11 and 13 amend sections 20C and 20G of the principal Act to provide that the National Water and Soil Conservation Authority has the right to be present and be heard at every inquiry and appeal hearing held by the Planning Tribunal in relation to water conservation orders and notices.

Clause 14 amends section 21 of the principal Act and provides that no person may take or export from New Zealand any natural water obtained under any right granted under the principal Act to divert or take or use natural water without the prior written consent of the Minister of Works and Development.

Any such consent may be given subject to such terms and conditions (including payment to the Crown for the water) as the Minister thinks fit to impose after consultation with the Minister of Finance.

Clause 15 amends section 22 of the principal Act to empower a Regional Water Board to grant a general authorisation for the discharge of stormwater into the sea.

Clause 16 repeals section 24k of the principal Act, and substitutes new sections 24k and 24kA.

At present, a Regional Water Board may charge the holder or user of a water right an annual charge not exceeding \$10 towards the costs involved in monitoring and supervising the right.

The new section 24K re-enacts that provision but also provides that the Board may recover a higher amount if it considers it justified owing to the effect the exercise of the right will have on the flows, levels, or quality of natural water.

If the Board proposes to recover an amount of more than \$10 it must notify the holder of the right of the amount proposed to be recovered and the reasons for proposing to do so.

There is a right of appeal to the Planning Tribunal against any decision of the Board to charge more than \$10.

The new section 24KA re-enacts the provision empowering the Crown to pay a grant in lieu of the annual charge.

Clause 17 repeals section 26B of the principal Act relating to the power to make surveys and investigations.

The repealed section is replaced by the new sections 34D, 34E, and 34F set out in *clause 21* of this Bill.

Clause 18 repeals section 34 of the principal Act and substitutes a new section.

The new section increases the maximum fines for certain offences relating to the discharge of waste into natural water from \$2,000 to \$150,000 and from \$100 to \$10,000 a day for a continuing offence.

Subsection (5) of the new section 34 provides that portion of the fine may be ordered to be paid to cover the costs incurred in or towards restoring natural water to its former state, including the replenishment of fisheries. This is in addition to the present provision under which portion of the fine may be ordered to be paid to cover the costs incurred in removing, burying, or otherwise disposing of or neutralising the effects of any discharge which gave rise to the offence.

Subsection (6) of the new section 34 is a new provision which provides that, without limiting the liability of any person to be convicted of an offence, any District Court shall have jurisdiction to restrain any act or threatened act which amounts or could amount to an offence under the principal Act by injunction at the instance of a Regional Water Board, and to make such order in the matter as to costs and otherwise as it thinks fit.

Section 6 of the Synthetic Fuels Plant (Effluent Disposal) Empowering Act 1983 is repealed.

Clause 19 amends section 34B of the principal Act which empowers the District Court to order a contravention of the principal Act or regulations or bylaws to be remedied.

The ambit of the section is extended to include contravention of any term or condition of a water right.

Clause 20 inserts a new section 34C in the principal Act to provide for the recovery of costs incurred in neutralising the effects of unauthorised discharges of waste and in the restoration of natural water following an unauthorised discharge.

Clause 21 inserts new sections 34D, 34E, and 34F in the principal Act relating to the power to carry out surveys and investigations.

The new sections re-enact the provisions of the repealed section 26B and provide that surveys and investigations may also be carried out for the purposes of ascertaining whether the terms and conditions of any right or authorisation or of any direction, notice, order, or requirement are being complied with.

The provisions relating to powers of entry have been amended in accordance with recommendations of the Public and Administrative Law Reform Committee.

Clause 22 increases the maximum penalties for breaches of bylaws made under section 4 of the Water and Soil Conservation Amendment Act 1973, relating to underground water.

The fine of \$2,000 is increased to a fine of \$20,000.

The fine of \$100 is increased to a fine of \$1,000.

The fine of \$10 is increased to a fine of \$100.

Hon. A. P. D. Friedlander

**WATER AND SOIL CONSERVATION AMENDMENT
(NO. 2)**

ANALYSIS

Title	
1. Short Title and commencement	13. Appeal to Planning Tribunal
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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
5 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 (No.

2) 1983, 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 3 to 8** of, and the Schedule to, this Act shall come into force on the 1st day of April 1984. 5

(3) Except as provided in **subsection (2)** of this section, this Act shall come into force on the day on which it receives the Governor-General's assent.

2. Amending Long Title—The Long Title of the principal Act is hereby amended by inserting, after the words “needs of primary and secondary industry”, the words “in relation to natural water”. 10

3. Water Resources Council dissolved—(1) The Water Resources Council is hereby dissolved.

(2) The principal Act is hereby amended in the manner indicated in the Schedule to this Act. 15

(3) Part II of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by omitting the item relating to the Water Resources Council.

(4) Part II of the First Schedule to the Ombudsmen Act 1975 is hereby amended by omitting the words “The Water Resources Council”. 20

(5) Sections 2 (2) (a), (b), and (d), 3, 5, 6, and 22 of the Water and Soil Conservation Amendment Act (No. 2) 1971 are hereby consequentially repealed. 25

(6) After the commencement of this section, every reference to the Water Resources Council in any enactment or regulations or in any document whatever, unless the context otherwise requires, shall be read as a reference to the National Water and Soil Conservation Authority. 30

4. Constitution of National Water and Soil Conservation Authority—(1) Section 5 of the principal Act is hereby amended by repealing subsection (1) (as substituted by section 2 (1) of the Water and Soil Conservation Amendment Act 1972), and substituting the following subsection: 35

“(1) The National Water and Soil Conservation Authority shall consist of—

“(a) The Minister of Works and Development, who shall be the Chairman:

*Reprinted 1973, Vol. 2, p. 1703

Amendments: 1974, No. 137; 1976, No. 164; 1977, No. 63; 1980, No. 153; 1981, No. 123

“(b) One member who shall be appointed as the Deputy Chairman by the Governor-General on the advice of the Minister:

5 “(c) Twelve other members to be appointed by the Governor-General on the advice of the Minister, of which members—

“(i) Two shall be so appointed after consultation by the Minister with the New Zealand Catchment Authorities Association Incorporated:

10 “(ii) Two shall be so appointed after consultation by the Minister with the New Zealand Counties Association Incorporated:

“(iii) Two shall be so appointed after consultation by the Minister with the Municipal Association of New Zealand Incorporated:

15 “(iv) One shall be so appointed after consultation by the Minister with the New Zealand Manufacturers’ Federation Incorporated:

20 “(v) One shall be so appointed after consultation by the Minister with the Federated Farmers of New Zealand Incorporated:

“(vi) One shall be so appointed after consultation by the Minister with the New Zealand Land Drainage and River Boards Association Incorporated:

25 “(vii) One shall be so appointed, after consultation by the Minister with the Minister of Internal Affairs, to represent wildlife interests in relation to natural water:

30 “(viii) One shall be so appointed, after consultation by the Minister with the Queen Elizabeth the Second National Trust, the Nature Conservation Council, the Minister of Internal Affairs, and the Minister for the Environment, to represent scenic and recreational interests in relation to natural water:

35 “(ix) One shall be so appointed, after consultation by the Minister with the Minister of Fisheries, to represent freshwater fishing interests.”

40 (2) The said section 5 is hereby amended by repealing subsections (2) and (3).

(3) Section 2 of the Water and Soil Conservation Amendment Act 1972 is hereby consequentially repealed.

45 (4) Notwithstanding anything to the contrary in the principal Act but subject to **subsections (5) and (6)** of this section, every member of the Authority holding office immediately before the commencement of this section shall cease to hold office on the commencement of this section.

(5) Any member ceasing to hold office under **subsection (4)** of this section may be appointed to the Authority under section 5 (1) of the principal Act (as substituted by **subsection (1)** of this section).

(6) If a committee of the Authority considering any application under section 20B of the principal Act has not made a recommendation to the Authority in respect of the application before the commencement of this section, every member of that committee shall for that purpose only be deemed to continue as a member of the Authority and of that committee until the recommendation has been made.

5. Repealing provision for deputies—Section 10 of the principal Act is hereby repealed.

6. Repealing provision relating to Soil Conservation and Rivers Control Council—(1) Section 14 (1) of the principal Act is hereby repealed.

(2) Section 7 of the Water and Soil Conservation Amendment Act (No. 2) 1971 is hereby consequentially amended by repealing subsections (1) and (2).

7. Repealing provisions relating to apportionment of functions within Organisation—(1) Section 15 of the principal Act is hereby repealed.

(2) Section 8 of the Water and Soil Conservation Amendment Act (No. 2) 1971 is hereby consequentially repealed.

8. Application of Soil Conservation and Rivers Control Act 1941 to Authority's functions under principal Act—Section 17 of the principal Act is hereby amended by omitting the words “this Act” where they first occur, and substituting the words “that Act”.

9. Functions, powers, etc., of Regional Water Boards—Section 20 (5) of the principal Act is hereby amended by inserting, after paragraph (c), the following paragraph:

“(ca) The promotion and carrying out of measures to safeguard natural water from damage or the risk of damage by or in respect of discharges into natural water of waste or natural water containing waste, including—

“(i) Measures reasonably conducive to or intended to further or effect the prevention, detection, or control of such discharges not authorised by or

under this Act or of such discharges otherwise than in accordance with the conditions, restrictions, or prohibitions under which they are so authorised; and

5 “(ii) Measures to neutralise the effects of such discharges and to restore the quality of natural water.”

10. Consideration of application for national water conservation order—Section 20B (6) (c) of the principal Act (as inserted by section 7 of the Water and Soil Conservation Amendment Act 1981) is hereby amended by adding the words “, in respect of natural water”.

11. Inquiry by Planning Tribunal—Section 20C (4) of the principal Act (as so inserted) is hereby amended by inserting, after the word “Minister,”, the words “the Authority,”.

12. Consideration of application for local water conservation notice—Section 20F (7) (c) of the principal Act (as so inserted) is hereby amended by adding the words “, in respect of natural water”.

20 **13. Appeal to Planning Tribunal**—Section 20G (3) of the principal Act (as so inserted) is hereby amended by inserting, after the word “Minister,”, the words “the Authority,”.

14. Rights in respect of natural water—Section 21 of the principal Act is hereby amended by inserting, after subsection 25 (1), the following subsections:

“(1A) Notwithstanding anything in this or any other Act or in any rule of law, no person shall take or export from New Zealand any natural water obtained, under any right granted under this Act, to divert or take or use natural water without 30 the prior written consent of the Minister.

“(1B) Any consent under **subsection (1A)** of this section may be given subject to such terms and conditions (including payment to the Crown for the water) as the Minister thinks fit to impose after consultation with the Minister of Finance.”

35 **15. General authority for use, etc., of natural water**—Section 22 (1) of the principal Act is hereby amended by inserting, after the words “waste thereinto,”, the words “or by public notice authorise (with or without conditions) the discharge of stormwater into the sea,”.

16. New sections as to costs substituted—(1) The principal Act is hereby amended by repealing section 24k, and substituting the following sections:

“24k. **Costs of administering water rights, etc.**—(1) Subject to the provisions of this section, the Board may in each year recover from the holder or user of any right such amount as it considers reasonable towards the costs incurred by the Board in the administration, monitoring, and supervision of the right, whether it was granted on application or otherwise authorised under this Act.

“(2) The amount so recoverable by the Board in respect of any 1 right shall not exceed \$10 unless the Board considers that recovery of a higher amount is justified owing to the effect the exercise of the right will have on the flows, levels, or quality of natural water.

“(3) If the Board proposes to recover from the holder or user of a right an amount of more than \$10, it shall notify the holder or user of the amount proposed to be recovered and the reasons for proposing to do so.

“(4) The provisions of sections 25 and 26 of this Act shall apply in respect of every decision of the Board under subsection (2) of this section to charge an amount of more than \$10 as if it were a decision under section 21 of this Act.

“(5) Nothing in this section shall apply to the taking or use of any natural water that is reasonably required for domestic needs, the needs of animals, or for or in connection with fire-fighting purposes.

“24kA. **Grants to Board by Crown**—The Minister may, from the Consolidated Account out of money appropriated by Parliament for the purpose, make a grant to the Board towards the costs incurred by the Board in the administration, monitoring, and supervision of any right exercised by the Crown.”

(2) The Water and Soil Conservation Amendment Act 1977 is hereby consequentially repealed.

17. Repealing provisions as to powers of surveys and investigations—Section 26B of the principal Act (as inserted by section 17 of the Water and Soil Conservation Amendment Act (No. 2) 1971) is hereby repealed.

18. Increasing penalty for offences, etc.—(1) The principal Act is hereby amended by repealing section 34, and substituting the following section:

“34. (1) Every person commits an offence against this Act who, otherwise than as authorised by or under this Act or otherwise than in accordance with an exception from the provisions of this Act,—

5 “(a) Dams any river or stream; or

“(b) Diverts any natural water or discharges any natural water into natural water; or

“(c) Takes or uses any natural water; or

10 “(d) Discharges any waste or natural water containing waste into any natural water; or

“(e) Discharges natural water containing waste on to land or into the ground 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

15 “(f) 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 or into the ground, to enter natural water; or

20 “(g) 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; or

25 “(h) Knowingly causes or permits any chemical, metallic, or organic wastes or any unsightly or odorous litter or refuse to enter any water that has been classified under section 26E of this Act.

30 “(2) Every person commits an offence against this Act who acts in contravention of or fails to comply with any provision of this Act or of any direction, notice, order, or requirement given or made pursuant to this Act.

35 “(3) Every person who commits an offence against **paragraph (d), paragraph (e), paragraph (f), paragraph (g), or paragraph (h) of subsection (1)** of this section is liable on summary conviction to a fine not exceeding \$150,000 and, if the offence is a continuing one, to a further fine not exceeding \$10,000 for every day or

40 part of a day during which the offence has continued.
“(4) Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this subsection is liable on summary conviction to a fine not

45 exceeding \$2,000 and, if the offence is a continuing one, to a further fine not exceeding \$200 for every day or part of a day during which the offence has continued.

“(5) Where any person is convicted of an offence against this Act or against any regulations in force under this Act involving the discharge or entry of waste into natural water, the Court shall take into account, in determining the amount of any fine imposed, any costs reasonably incurred by any body or person— 5

“(a) In removing, burying, or otherwise disposing of or neutralising the effects of any discharge which gave rise to the offence; and

“(b) In or towards restoring the natural water to the state it was in before the discharge or entry which gave rise to the offence occurred, including the replenishment of fisheries— 10

and (if section 103 of the Public Finance Act 1977 is not applicable in respect of the body or person) the Court may direct that such portion of the fine as the Court considers proper shall be paid to that body or person to cover the costs so incurred. 15

“(6) Without limiting the liability of any person to be convicted of an offence under this Act, any District Court shall have jurisdiction to restrain any act or threatened act which amounts or could amount to an offence under this Act by injunction at the instance of the Board, and to make such order in the matter as to costs and otherwise as it thinks fit.” 20

(2) Section 6 of the Synthetic Fuels Plant (Effluent Disposal) Empowering Act 1983 is hereby repealed. 25

(3) The following enactments are hereby consequentially repealed:

(a) Section 3 of the Water and Soil Conservation Amendment Act 1968: 30

(b) Section 40 of the Water and Soil Conservation Amendment Act 1971:

(c) Section 18 of the Water and Soil Conservation Amendment Act (No. 2) 1971:

(d) Section 5 of the Water and Soil Conservation Amendment Act 1976. 35

19. Power to order contravention to be remedied—

(1) Section 34B (1) of the principal Act (as inserted by section 19 of the Water and Soil Conservation Amendment Act (No. 2) 1971) is hereby amended by inserting, after the words “bylaws made under this Act”, the words “or with any term or condition of a right granted under this Act”. 40

(2) Section 34B (2) of the principal Act (as so inserted) is hereby amended—

- (a) By inserting, after the word “provision,” where it first occurs, the words “or with any such term or condition”;
- 5 (b) By omitting from paragraph (a) the words “or provision”, and substituting the words “provision, term, or condition”.

20. Recovery of costs for restoration—The principal Act is hereby amended by inserting, after section 34B, the following section:

- 10 “34C. If any person, otherwise than as authorised by or under this Act or otherwise than in accordance with an exception from the provisions of this Act,—
- “(a) Discharges any waste or natural water containing waste into natural water; or
 - 15 “(b) Discharges natural water containing waste on to land or into the ground 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
 - 20 “(c) 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 or into the ground, to enter natural water; or
 - 25 “(d) 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
 - 30 wind, tide, or current into, any natural water; or
 - “(e) Knowingly causes or permits any chemical, metallic, or organic wastes or any unsightly or odorous litter or refuse to enter any water that has been classified
 - 35 under section 26E of this Act—
- then, whether or not that person has been convicted of an offence under section 34 of this Act, the amount of all expenditure reasonably incurred by the Board—
- 40 “(d) In removing, burying, or otherwise disposing of or neutralising the effects of the discharge or entry; and
 - “(e) In or towards restoring the natural water to the state it was in before the discharge or entry occurred, including the replenishment of fisheries—
 - 45 shall constitute a debt payable by that person to the Board and shall be recoverable accordingly.”

21. New sections inserted—The principal Act is hereby amended by inserting, after section 34C (as inserted by **section 19** of this Act), the following sections:

“34D. Power to carry out surveys and investigations—

(1) Subject to the provisions of this section and of any other Act, any person authorised either specifically or generally by the Authority or the Board, as the case may require, may— 5

“(a) For the purposes of any investigation under section 26A of this Act, require any person to furnish such information and returns as may be reasonably necessary in respect of the discharge of waste into natural water and the quality of natural water: 10

“(b) For the purposes of any such investigation and for the purposes of ascertaining whether the terms and conditions of any right or authorisation under this Act or of any direction, notice, order, or requirement given or made under this Act are being complied with— 15

“(i) Make surveys, investigations, tests, and measurements of natural water, and in respect of discharges of waste into natural water, and of the quality of natural water: 20

“(ii) Enter and re-enter any land at reasonable times with such assistants, boats, vehicles, appliances, machinery, and equipment as are reasonably necessary for the purposes of such surveys, investigations, tests, and measurements: 25

“(iii) Take samples of natural water:

“(iv) Generally do all other things as are reasonably necessary to enable any such survey, investigation, test, or measurement to be carried out. 30

“(2) Every authority granted under **subsection (1)** of this section shall be written and shall contain—

“(a) A reference to this section;

“(b) The full name of the authorised person; and 35

“(c) A statement of the powers conferred on the authorised person by **subsection (1)** of this section.

“(3) Every person commits an offence against this Act who, without lawful excuse,—

“(a) Obstructs any person in the exercise of any powers conferred on that person under **subsection (1)** of this section; or 40

“(b) Fails to comply with any requirement under **subsection (1) (a)** of this section to furnish any information or return in respect of the discharge of waste into natural water or the quality of natural water.

5 “(4) Every person shall have the same privileges in relation to—

“(a) The furnishing to any authorised person of any information and returns; and

10 “(b) The answering of questions put by an authorised person—
under this section as witnesses have in Courts of law.

“34E. **Provisions applying in respect of entry, etc.—**

(1) Nothing in **section 34D** of this Act shall authorise the Authority, the Board, or any authorised person to enter any
15 building or any land appurtenant to a dwelling and used wholly or principally for the purposes of the household of the occupier of the dwelling.

“(2) Subject to **subsection (3)** of this section, if practicable, before the power of entry conferred by **section 34D (1) (b) (ii)** of
20 this Act is exercised, an officer of the Authority or Board, as the case may be, or the authorised person, shall give to the occupier of the land affected reasonable oral or written notice specifying—

25 “(a) That entry on to the land is authorised by **section 34D** of this Act;

“(b) The purpose for which entry is required; and

“(c) How and when entry is to be made.

“(3) It shall not be necessary to give notice under **subsection (2)** of this section if the Authority or Board or authorised
30 person, as the case may be, has reasonable cause to believe that an unauthorised discharge of waste, or natural water containing waste, into natural water is occurring or about to occur.

“(4) If entry is made on to any land under **section 34D** of this
35 Act without notice and the occupier is not present during the period of entry, written advice of the making of entry and of the purpose of entry shall be given to the occupier as soon as practicable after entry.

“(5) Every person exercising any power of entry under **section 34D** of this Act shall have with him the appropriate written
40 authorisation, and evidence of his identity, and shall produce them to the occupier of the land—

“(a) If practicable, on first entering the land; and

45 “(b) Whenever subsequently reasonably required to do so by the occupier.

“34F. **Compensation for damage**—(1) Every person having any estate or interest in land injuriously affected by the exercise of any power under **section 34D** of this Act, and every other person suffering any damage as a result of the exercise of any such power, shall be entitled to compensation from the Minister in any case where the power is exercised by or under the authority of the Authority, and from the Board in any case where it is exercised by or under the authority of the Board. 5

“(2) Any such compensation shall be claimed and shall be determined in accordance with Part V of the Public Works Act 1981; and the provisions of that Act, so far as they are applicable and with the necessary modifications, shall apply accordingly.” 10

22. Increasing penalty for breach of bylaws relating to underground water—Section 8 (1) of the Water and Soil Conservation Amendment Act 1973 is hereby amended— 15

- (a) By omitting from paragraph (a) the expression “\$2,000”, and substituting the expression “\$20,000”;
- (b) By omitting from paragraph (a) the expression “\$100”, and substituting the expression “\$1,000”;
- (c) By omitting from paragraph (b) the expression “\$100”, and substituting the expression “\$1,000”. 20
- (d) By omitting from paragraph (b) the expression “\$10”, and substituting the expression “\$100”.

SCHEDULE

Section 3 (2)

AMENDMENTS TO PRINCIPAL ACT

Provision Amended	Amendment
Section 2 (1)	<p>By omitting from the definition of the term "Board" the words "Water Resources Council", and substituting the words "Authority".</p> <p>By repealing the definition of the term "Council".</p> <p>By repealing the definition of the term "Organisation".</p>
Section 4	<p>By repealing subsection (1), and substituting the following subsection:</p> <p>"(1) In addition to every other body which is required to perform any functions under this Act, for the purposes of this Act there shall continue to be a body known as the National Water and Soil Conservation Authority."</p>
Section 7	By repealing subsection (4) (a).
Section 9 (1)	By repealing this section.
Section 9 (2)	By omitting the words "or of the Water Resources Council".
Section 9 (3)	By omitting the words "or of the Water Resources Council".
Section 9 (4)	By omitting the words "and of the Water Resources Council".
Section 11	<p>By omitting the words "or of the Water Resources Council".</p> <p>By omitting the words "or Council" in both places where they occur.</p>
Section 12	<p>By repealing subsections (1) and (2), and substituting the following subsections:</p> <p>"(1) Meetings of the Authority shall be held at such times and places as the Authority or its Chairman from time to time determines.</p> <p>"(2) At every meeting of the Authority 7 members shall form a quorum."</p>
Section 13 (1)	By omitting from subsection (4) the words "or of the Water Resources Council".
Section 13 (2)	By omitting from subsection (5) the words "and the Water Resources Council may each", and substituting the word "may".
Section 13 (1)	By omitting the words "and the Water Resources Council may each", and substituting the word "may".
Section 13 (2)	By omitting the words "or Council".

SCHEDULE—*continued*

Provision Amended	Amendment
Section 16 (1)	By omitting the words “, and any Council may subdelegate, resume, or again subdelegate”. By omitting the words “in each case”. By omitting the words “to any Council, or”. By omitting the words “or Council”.
Section 16 (3)	By omitting the word “Council”.
Section 16 (4)	By omitting the words “or Council”.
Section 24 (1)	By omitting the words “the Council”.
Section 24 (4)	By omitting the words “Any Council”, and substituting the words “The Authority”.
Section 24 (4)	By omitting the words “Any Council”, and substituting the words “The Authority”.
Section 26A (1) (as inserted by section 17 of the Water and Soil Conservation Amendment Act (No. 2) 1971)	By omitting the words “the Water Resources Council,”. By omitting from paragraph (h) the word “, Council,”.
Section 26A (2) (as so inserted)	By omitting the word “, Council,”.
Section 26c (1) (as so inserted)	By omitting the words “Water Resources Council”, and substituting the word “Authority”.
Section 26C (5) (as substituted by section 22 of the Water and Soil Conservation Amendment Act 1973)	By omitting the word “Council”, and substituting the word “Authority”.
Section 26D (1) (as so inserted)	By omitting the words “Water Resources Council”, and substituting the word “Authority”.
Section 26E (1) (as so inserted)	By omitting the words “the Council” in both places where they occur, and substituting in each case the words “the Authority”.
Section 26E (1) (as so inserted)	By omitting the words “Water Resources Council”, and substituting the word “Authority”.
Section 26E (2) (as so inserted)	By omitting the word “Council”, and substituting the word “Authority”.
Section 26F (as so inserted)	By omitting the word “Council” in both places where it occurs, and substituting in each case the word “Authority”.
Section 26G (3) (as so inserted)	By omitting the words “, the Water Resources Council,”.
Section 26i (as so inserted)	By omitting the words “Water Resources Council”, and substituting the word “Authority”.

SCHEDULE—*continued*

Provision Amended	Amendment
Section 261A (as inserted by section 24 of the Water and Soil Conservation Amendment Act 1973)	By omitting the words “Water Resources Council”, and substituting the word “Authority”.
Section 27 (1)	By omitting the words “Every Council, Board,” and substituting the words “Every Board”. By omitting the words “or any other Council”. By omitting the words “Council, Board,” and substituting the word “Board”. By omitting the words “or Council requiring the information”.
Section 28 (1)	By omitting the words “or any Council”.
Section 28 (2)	By omitting the words “or any Council”.
Section 29 (1)	By omitting the words “, the Water Resources Council,”.
Section 29 (2)	By omitting the words “and of the Water Resources Council”. By omitting the words “or of that Council”. By omitting the words “and that Council”.
Section 30	By omitting the words “and the Water Resources Council” in both places where they occur. By omitting the word “their”, and substituting the word “its”.
Section 31	By omitting the words “Council or”.
Section 32 (1)	By omitting the words “Council or”.
Section 34B (1) (as inserted by section 19 of the Water and Soil Conservation Amendment Act (No. 2) 1971)	By omitting the words “or a Council”.
Section 37 (1) (c) ..	By omitting the words “, the Water Resources Council,”.