

[AS REPORTED FROM THE LANDS AND AGRICULTURE
COMMITTEE]

House of Representatives, 21 June 1967.

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line of struck out matter; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line of new matter.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 27 September 1967.

Words struck out by the Committee are shown in italics within double bold round brackets; words inserted are shown in roman underlined with a triple rule, or with triple rule before first line and after last line.

Hon. Mr Allen

WATER AND SOIL CONSERVATION

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A BILL INTITULED

An Act to promote a national (*water policy*) policy in respect of natural water, and to make better provision for the conservation, allocation, use, and quality of natural water, and for promoting soil conservation and preventing damage by flood and erosion, and for promoting and controlling multiple uses of natural water and the drainage of land, and for ensuring that adequate account is taken of the needs of primary and secondary industry, water supplies of local authorities, fisheries, wildlife habitats, and all recreational uses of natural water

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 Act (*1966*) 1967.

(2) This Act shall come into force on the first day of April, (*nineteen hundred and sixty-seven*) nineteen hundred and sixty-eight.

Struck Out

Provided that sections 6 and 7 of this Act shall come into force on the eighth day of July, nineteen hundred and sixty-seven.

2. **Interpretation**—(1) In this Act, unless the context otherwise requires,—

“Authority” means the National Water and Soil Conservation Authority established under this Act:

“Board” or “Regional Water Board” means any Regional Water Board specially constituted as such under section 19 of this Act; and includes the Waikato Valley Authority and every Catchment Board and Catchment Commission and, in relation to any area for which no Board has been constituted, includes the Water Allocation Council:

“Council” means, as the case may require, the Soil Conservation and Rivers Control Council, the Pollution Advisory Council, or the Water Allocation Council:

New

5 "Drainage Board" means a Board of Trustees for a district constituted under the Land Drainage Act 1908, or any Drainage Board that is responsible for the disposal of sewage:

"Government Department" means every Department or instrument of the Executive Government of New Zealand:

10 "Harbour Board" means a Harbour Board within the meaning of the Harbours Act 1950:

"Local authority" means a local authority within the meaning of Part VI of the Local Authorities Loans Act 1956:

"Minister" means the Minister of Works:

15 "Natural water" (*includes all fresh water*) means all forms of water, including fresh water, ground water, artesian water, sea water, geothermal steam, water vapour, ice, and snow that are within the outer limits of the territorial sea of

20 *Struck Out*

New Zealand; but does not include any of them while in any pipe, tank, or reservoir used for the water supply purposes of a local authority:

New

25 New Zealand; but does not include water in any form while in any reservoir (not being an aquifer) used for the water supply purposes of any public authority, or in any pipe, tank, or cistern:

30 "North Island" means the island commonly known as the North Island; and includes all islands in the harbours, lakes, and rivers of the North Island; but does not include any other islands:

35 "Organisation" means the National Water and Soil Conservation Organisation comprising the Authority, the Soil Conservation and Rivers Control Council, the Pollution Advisory Council, and the Water Allocation Council:

40 "Public authority" includes every local authority and every Department or instrument of the Executive Government of New Zealand or of any local authority:

“Recreational”, in relation to the use of natural water, includes the use thereof for fisheries and wildlife purposes:

“South Island” means the island commonly known as the South Island; and includes all islands in the harbours, lakes, and rivers of the South Island; but does not include any other islands: 5

“Water region” or “region” means a water region constituted under section 19 of this Act; and includes the area for the time being under the jurisdiction of the Waikato Valley Authority and every catchment district and catchment area. 10

(2) When by this Act anything is required to be “published”, or “publicly notified”, or “public notice” of anything is to be given, it is meant, unless the context otherwise requires, that a notice thereof shall be published in some newspaper circulating in the district, or, where there is no such newspaper in general circulation, that printed placards containing the notice shall be affixed to one or more public places in the district. A notice setting forth the object, purport, or general effect of a document shall in any case be sufficient notice of that document. 15 20

3. Act to bind Crown—This Act shall bind the Crown.

4. Bodies to participate in administration—(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 also be the following bodies: 25

- (a) The National Water and Soil Conservation Authority:
- (b) The Water Allocation Council.

(2) Every body, however named, created or commencing to perform its functions after the commencement of this (section) Act and having any functions in relation to natural water, shall perform its functions in relation to natural water under and be guided by the provisions of this Act, except to the extent that the body and the functions which it performs in relation to natural water are expressly excluded from all or any of the provisions of this Act by the enactment by which it is constituted. 30 35

(3) The bodies and persons specified in subsection (4) of this section shall, subject to the restrictions specified in that subsection, (*perform their functions in relation to natural water under and*) in the performance of their functions in relation to natural water be guided by the provisions 40

of this Act, and give effect to the policy and directions communicated to them from time to time by the Authority:

Provided that, in formulating policy and giving directions to any such body or person under the provisions of this Act, the

5 Authority shall have due regard to the intent and spirit of the enactment under which that body is constituted and operates:

Provided also that, where inconsistency or conflict appears between the provisions of the Mining Act 1926, the National Parks Act 1952, or the Reserves and Domains Act 1953, or of

10 the enactment under which any such body is constituted and operates, and this Act, the provisions of this Act shall prevail.

(4) Subsection (3) of this section shall apply to the following bodies and persons:

15 (a) The Soil Conservation and Rivers Control Council constituted under the Soil Conservation and Rivers Control Act 1941:

(b) The Pollution Advisory Council constituted under the Waters Pollution Act 1953:

20 (c) All Catchment Boards and Catchment Commissions constituted under the Soil Conservation and Rivers Control Act 1941:

(d) The Waikato Valley Authority constituted under the Waikato Valley Authority Act 1956:

25 (e) Wardens and Registrars appointed under the Mining Act 1926, and Commissioners of Crown Lands exercising the powers and functions of Wardens and Registrars under that Act, so far as the powers, functions, and duties of the said Wardens, Registrars, and Commissioners relate to natural water, land drainage, and ~~(water supplies)~~ supplies of natural water, and to the granting, forfeiture, abandonment, surrender, transfer, assignment, and registration of rights, licences, and privileges in respect of natural water, and to objections, appeals,

30 and other matters arising from and in connection with any of those matters:

New

40 Provided that subsection (3) of this section shall be read, in relation to the said Wardens, Registrars, and Commissioners, as if the words "give effect" were omitted, and the words, "give due consideration" were substituted therefor.

- (f) The National Parks Authority, all Regional Water Boards, River Boards, Drainage Boards, Water Boards, Harbour Boards, Irrigation Boards, Irrigation Committees, Borough Councils, County Councils, Underground Water Authorities, and other public authorities (however constituted) so far as their powers, functions, and duties relate to or affect the conservation, damming, diversion, taking, disposal, use, and quality of natural water, the protection of land from flooding, the drainage of land, the conservation of soil, and any other matter within the jurisdiction of the Authority. 5 10

New

(5) Nothing in this section shall restrict the functions, powers, authorities, immunities, duties, and liabilities of the Minister under paragraph (b) of subsection (1) of section 9 of the Waikato Valley Authority Act 1956. 15

5. Constitution of National Water and Soil Conservation Authority—(1) The National Water and Soil Conservation Authority shall consist of— 20

- (a) The Minister of Works, who shall be Chairman: 20
- (b) One member to be appointed by the Governor-General on the advice of the Minister:
- (c) Five other members to be appointed by the Governor-General on the advice of the Minister, of which 25 members—
- (i) One shall be so appointed to represent the Soil Conservation and Rivers Control Council:
- (ii) One shall be so appointed to represent the Pollution Advisory Council: 30
- (iii) One shall be so appointed to represent the Water Allocation Council:
- (iv) One shall be so appointed after consultation by the Minister with the Executive Committee of the Municipal Association of New Zealand Incorporated from a panel of three persons nominated by that Committee: 35
- (v) One shall be so appointed after consultation by the Minister with the Executive Committee of the New Zealand Counties Association Incorporated from a panel of three persons nominated by that Committee. 40

(2) The Authority at its first meeting and thereafter from time to time shall appoint one of its members to be the Deputy Chairman of the Authority.

5 (3) A Deputy Chairman so appointed shall hold that office for one year or until he sooner ceases to be such a member, and may from time to time while he continues to be a member of the Authority be reappointed as Deputy Chairman thereof.

10 (4) On the occurrence from any cause of a vacancy in the office of Chairman of the Authority, or during the absence from New Zealand or incapacity of the Chairman, or at any meeting of the Authority while for any such reason or for any other reason there is no Chairman or the Chairman is not present, the Deputy Chairman shall have and may exercise all the powers and duties of the Chairman.

15 **6. Soil Conservation and Rivers Control Council—**

(1) Section 3 of the Soil Conservation and Rivers Control Act 1941, as amended by section 2 (1) of the Soil Conservation and Rivers Control Amendment Act 1952 and by section 3 of the Soil Conservation and Rivers Control Amendment Act 1959, is hereby further amended by repealing paragraphs (e) and (f) of subsection (2), and substituting the following paragraphs:

“(e) One person to be appointed by the Governor-General on the advice of the Minister:

25 “(f) Six persons to be appointed by the Governor-General on the advice of the Minister, of whom:

30 “(i) One shall be so appointed, after consultation by the Minister with the Executive Committee of the Municipal Association of New Zealand Incorporated, from a panel of three persons nominated by that Committee, as representing Borough Councils and Town Councils:

35 “(ii) One shall be so appointed, after consultation by the Minister with the Executive Committee of the New Zealand Counties Association incorporated, from a panel of three persons nominated by that Committee, as representing County Councils:

40 “(iii) One shall be so appointed, after consultation by the Minister with the New Zealand Land Drainage and River Boards Association Incorporated, from a panel of three persons nominated by that Association, as representing Drainage Boards and River Boards:

“(iv) One shall be so appointed, after consultation by the Minister with the Federated Farmers of New Zealand Incorporated, as representing agricultural and pastoral interests:

“(v) Two shall be so appointed, after consultation by the Minister with the New Zealand Catchment Authorities Association Incorporated, one as representing Regional Water Boards of the North Island, and one as representing Regional Water Boards of the South Island.”

Struck Out

(2) This section shall come into force on the eighth day of July, nineteen hundred and sixty-seven.

(3) Every member of the Soil Conservation and Rivers Control Council who was appointed under paragraph (e) or paragraph (f) of subsection (2) of section 3 of the Soil Conservation and Rivers Control Act 1941 and was in office immediately before the commencement of this (section) Act shall go out of office upon the commencement of this (section) Act, but may be reappointed.

7. Pollution Advisory Council—(1) Section 3 of the Waters Pollution Act 1953 is hereby amended by repealing subsections (2), (3), and (4), and substituting the following subsections:

“(2) The Council shall consist of twelve members appointed by the Governor-General on the advice of the Minister of Marine, of whom:

“(a) One shall be an officer of the Marine Department:
 ((“(b) One shall be an officer of the Department of Agriculture:))

“(c) One shall be an officer of the Department of Health:

“(d) One shall be an officer of the Ministry of Works:

“(e) One shall be an officer of the Department of Scientific and Industrial Research:

“(f) Four shall be appointed to represent local authorities:

“(g) ((Two)) Three shall be appointed to represent industry:

“(h) One, who shall not be an officer or employee in the Government service, shall be appointed to represent all recreational interests in natural water.

“(3) Of the members appointed to represent local authorities,—

5 “(a) One shall be so appointed, after consultation by the Minister with the Executive Committee of the Municipal Association of New Zealand Incorporated, from a panel of three persons nominated by that Committee:

10 “(b) One shall be so appointed, after consultation by the Minister with the Executive Committee of the New Zealand Counties Association Incorporated, from a panel of three persons nominated by that Committee:

15 “(c) One shall be so appointed, after consultation by the Minister with the Harbours Association of New Zealand, from a panel of three persons nominated by that Association:

20 “(d) One shall be so appointed after consultation by the Minister with such Drainage Boards as the Minister may from time to time specify in that behalf by notice in the *Gazette*:

“(4) Of the members appointed to represent industry—

25 “(a) One shall be so appointed after consultation by the Minister with the New Zealand Dairy Board (and the New Zealand Meat Producers Board):

“(b) One shall be so appointed after consultation by the Minister with the New Zealand Manufacturers' Federation Incorporated.

30 “(c) One shall be so appointed after consultation by the Minister with the Meat Industry Research Institute of New Zealand Incorporated.

“(4A) The member appointed to represent all recreational interests in natural water shall be so appointed after consultation by the Minister of Marine with the Minister of Internal Affairs.”

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(2) This section shall come into force on the eighth day of July, nineteen hundred and sixty-seven.

40 (3) Every member of the Pollution Advisory Council as it is constituted immediately before the commencement of this (section) Act shall go out of office upon the commencement of this (section) Act, but may be reappointed.

8. Constitution of Water Allocation Council—(1) The Water Allocation Council shall consist of eleven members appointed by the Governor-General on the advice of the Minister, of whom:

- (a) One, who shall not be an officer or employee in the Government service, shall be so appointed as Chairman: 5
- (b) One shall be an officer of the Department of Agriculture:
- (c) One shall be an officer of the Department of Internal Affairs: 10
- (d) One shall be an officer of the New Zealand Electricity Department:
- (e) One shall be an officer of the Ministry of Works:
- (f) One shall be an officer of the Department of Health: 15
- (g) Three shall be appointed to represent local authorities, one after consultation by the Minister with the Executive Committee of the Municipal Association of New Zealand Incorporated from a panel of three persons nominated by that Committee, one after 20
consultation by the Minister with the Executive Committee of the New Zealand Counties Association Incorporated from a panel of three persons nominated by that Committee, and one after consultation by the Minister with the New Zealand Catchment 25
Authorities Association Incorporated from a panel of three persons nominated by that Association:
- (h) One shall be so appointed, after consultation by the Minister with the Federated Farmers of New Zealand (*to represent agricultural and pastoral interests in water*:) Incorporated, to represent the interests of primary industry in natural water: 30
- (i) One shall be so appointed, after consultation by the Minister with the New Zealand Manufacturers' Federation Incorporated, to represent manufacturing interests in natural water. 35

(2) The Water Allocation Council at its first meeting and thereafter from time to time shall appoint one of its members to be the Deputy Chairman of that Council.

(3) A Deputy Chairman so appointed shall hold office for 40
one year or until he sooner ceases to be such a member, and may from time to time while he continues to be a member of the Water Allocation Council be reappointed as Deputy Chairman thereof.

(4) On the occurrence from any cause of a vacancy in the office of Chairman of the Water Allocation Council, or during the absence from New Zealand or incapacity of the Chairman, or at any meeting of that Council while for any such reason or any other reason there is no Chairman or the Chairman is not present, the Deputy Chairman shall have and may exercise all the powers and duties of the Chairman.

Authority and Water Allocation Council

9. Term of office of members—(1) Subject to the provisions of this section, every appointed member of the Authority or of the Water Allocation Council shall hold office for a term of three years, but may from time to time be reappointed, and may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

(2) If any appointed member of the Authority or of the Water Allocation Council dies, is removed from office, or resigns, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall be appointed for the residue of the term for which his predecessor was appointed.

(3) Unless he sooner vacates his office as provided in the foregoing provisions of this section, every appointed member of the Authority or of the Water Allocation Council shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

(4) The powers of the Authority and of the Water Allocation Council shall not be affected by any vacancy in the membership thereof.

10. Deputies of members—(1) In respect of each member of the Authority and each member of the Water Allocation Council, the Governor-General may from time to time, on the advice of the Minister given on the nomination of the member, appoint a person qualified as far as possible by experience to be the deputy of the member, which deputy may act in the place of the member while the member is prevented by illness, absence, or other sufficient cause from performing the duties of his office:

Provided that a person appointed to be the deputy of the Chairman or Deputy Chairman of that Authority or Council shall not be the Chairman or Deputy Chairman thereof by reason only of his appointment as deputy under this section.

(2) Any such appointment of a deputy may at any time be revoked by the Governor-General on the recommendation of the Minister.

(3) No acts done by a deputy as such shall in any proceedings be questioned on the ground that the occasion for his so acting had not arisen or had ceased. 5

11. Members not personally liable—No member or deputy member of the Authority or of the Water Allocation Council shall be personally liable for any act done or omitted by that Authority or Council or any member thereof in good faith 10 in pursuance or intended pursuance of the powers and authority of that Authority or Council.

12. Meetings—(1) Meetings of the Authority and of the Water Allocation Council shall be held at such times and places as the body or its Chairman from time to time 15 determines.

(2) At every such meeting the number of members necessary to constitute a quorum shall be—

(a) (~~Four~~) Five in the case of the Authority:

(b) (~~Six~~) Seven in the case of the Water Allocation 20 Council.

(3) At every such meeting the Chairman shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(4) Every question before any meeting of the Authority 25 or of the Water Allocation Council shall be determined by a majority of the votes of the members present and voting thereon.

(5) Subject to the provisions of this Act and of any regulations made thereunder, the Authority and the Water 30 Allocation Council may each regulate its procedure in such manner as it thinks fit.

13. Committees—(1) The Authority and the Water Allocation Council may each from time to time appoint such advisory or technical committees as it thinks fit to advise it 35 on such matters within its functions, rights, powers, and duties as it may refer to them.

(2) Any person may be a member of any such committee, notwithstanding that he is not a member of the Authority or Council by which the Committee is appointed. 40

Functions, Powers, etc. of Authority, Councils, etc.

14. **Functions, powers, etc. of Authority**—(1) The Authority shall have all the functions, rights, powers, and duties conferred or imposed, by or under any enactment or otherwise, upon the Soil Conservation and Rivers Control Council and the Pollution Advisory Council:

10 Provided that nothing in this subsection shall restrict the exercise and performance (subject to section 4 of this Act) by either of those Councils of any functions, rights, powers, and duties conferred or imposed on it by or under any enactment or otherwise.

15 (2) Without restricting the foregoing provisions of this section, the Authority shall also have all functions, rights, powers, and duties conferred and imposed on Regional Water Boards (directly and not by delegation from the Authority) by or under this Act or any other enactment or otherwise:

20 Provided that nothing in this subsection shall restrict the exercise and performance (subject to section 4 of this Act) by any Regional Water Board of any of the functions, rights, powers, and duties conferred and imposed on it by or under this Act or any other enactment or otherwise.

(3) Without restricting the foregoing provisions of this section, the Authority shall also have the following functions and powers:

25 (a) To examine problems concerning, and make plans in respect of,—

(i) The allocation and quality of natural water;
Struck Out

30 (ii) The control of erosion and of flow and flooding in rivers, lakes, and on the sea front;
(iii) Water conservation;

New

35 (ii) The control of erosion on the banks of rivers, the shores of lakes, and the seashore; and the control of flow and flooding in and from rivers and lakes;
(iii) Conservation of natural water;

(iv) All enactments and rules of law relating to natural water:

New

40 (v) The needs of fisheries and wildlife and all other recreational uses of natural water.

- (b) To advise the Minister from time to time as to what enactments are desirable to ensure the most efficient administration of natural water and the conservation of soil and natural water in the national interest:
- (c) To keep under review and make recommendations concerning the constitutions, functions, and performances of the Councils, Regional Water Boards, and other bodies concerned with the administration of natural water and soil under this Act: 5
- (d) To coordinate all matters relating to natural water so as to ensure that this national asset is available to meet as many demands as possible and is used to the best advantage of both the country and the region in which it exists in the course of nature: 10
- (e) To exercise, in relation to erosion, (*accretions*) accretion, and pollution in estuaries and on the sea front and in all other places within the outer limits of the territorial sea of New Zealand, all of the functions and powers conferred on the Soil Conservation and Rivers Control Council by or under the Soil Conservation and Rivers Control Act 1941, and on the Pollution Advisory Council by or under the Waters Pollution Act 1953, as if the functions and powers of those Councils under those Acts extended to the said estuaries, sea front, and places: 15 20 25
- (f) To exercise all the functions and powers conferred on any public authority or officer thereof in respect of natural water by or under the Mining Act 1926 and the Public Works Act 1928; and to advise the Minister of Works and the Minister of Mines as to the exercise of their functions and powers, and of the functions and powers of the Governor-General, under those Acts and under section 33 of the Finance Act 1938 and section 39 of the Finance Act (No. 2) 1939: 30 35
- Provided that nothing in this paragraph shall prevent the exercise by any public authority or officer of any such function or power:
- (g) To control the damming, diversion, taking, and use of natural water, and the discharge of anything into any natural water, so far as any such acts may affect the quality and availability of natural water for other purposes: 40

- (h) To advise the Minister as to the need for the appropriation of money by Parliament for the purposes of this Act and as to the administration of money so appropriated:
- 5 (i) To organise, where it considers necessary or where any enactment so requires, the registration of and the recording of information concerning rights and duties relating to the (*appropriation, pollution, and disposal*) damming, diversion, taking, use, and pollution of natural water:
- 10 (j) To guide national and local administration of natural water and of soil conservation in the best public interests:
- 15 (k) To guide and encourage research in matters relating to natural water and soil conservation and the application of knowledge thereby acquired:
- (l) To demonstrate and encourage the development and use of efficient methods of (*water conservation*) conservation of soil and natural water and other
- 20 water:
- (m) To promote the best uses of natural water, including multiple uses, and to allocate natural water between competing demands:
- 25 (n) To negotiate the acceptance by appropriate authorities of added responsibilities in respect of natural water and of soil conservation:

Struck Out

- 30 (o) Except as otherwise provided in this Act, to determine, with full regard to the public interest, all appeals concerning the damming of rivers and streams, the allocation, diversion, abstraction, conservation, use, or return of natural water, either after itself hearing all persons with an interest in the decision who desire to be heard, or after considering the report and recommendation thereon from a Tribunal appointed by it to hear those persons and make a report and recommendation in respect thereof:
- 35
- 40 (p) To fix, after consultation with representatives of all interested bodies and persons known to the Authority, maximum and minimum levels, and minimum standards of quality to be sought or permitted for the natural water in lakes, both natural and artificial, and the minimum acceptable flow and minimum standard of quality of the natural water

of any river or stream, and, where desirable, to fix the maximum range of flow and arrange for the retention or disposal of surplus natural water:

- (q) To promote the training and education of persons engaged in (*water administration*) the administration of natural water and other water and in soil conservation, and the dissemination of information to the public. 5

(4) Without restricting the foregoing provisions of this section, the Authority shall also have the following functions and powers: 10

- (a) To organise the establishment of records of availability, volume, and location of (*water resources, of existing rights to water and future water requirements*) resources of natural water, of existing rights to natural water and other water, and future requirements in respect of natural water, and of such other matters as may seem useful as a basis for allocation of natural water between competing demands, and to ensure that the information is made available to interested local authorities: 15

- (b) To supervise and guide, as to it seems best in the public interest, the settlement of competing demands in respect of natural water:

- (c) To promote the (*continuous*) adequacy of natural water at all times: 25

- (d) To promote knowledge of and efficiency in public use of natural water, including irrigation, water for animals, fire fighting, and rural (*water supplies*) supplies of natural water: 30

- (e) To make such investigations in respect of the water-supply industry or any part or aspect thereof as may from time to time appear to it to be necessary or desirable or be requested by any local authority engaged in the industry; and to make consequential recommendations to the Minister and local authorities: 35

- (f) To advise local authorities and others on the efficient transfer and use of natural water and other water:

- (g) To foster the proper training of waterworks personnel, including the direction of any such training schemes that are supported by grants out of money appropriated by Parliament: 40

- (h) To examine, in relation to particular processes, the qualities of natural water required for different industrial purposes, and the possibilities of economic use of natural waters of different qualities for complementary purposes:
- 5 (i) To investigate and disseminate information to the public regarding the most economical means of reducing peak demands on water-supply systems:
- 10 (j) To make and encourage investigations of the (*water*) requirements of (*primary*) industry in respect of natural water:
- 15 (k) To carry out hydrological research and to promote research in matters where, because New Zealand conditions may differ from those upon which work has been done overseas, there is a lack of research data which would enable the applicability of overseas work to New Zealand conditions to be assessed:
- 20 (l) To take into account the present and future needs of primary and secondary industry, water supplies of local authorities and all forms of recreation and to have due regard to scenic and natural features and to fisheries and wildlife habitats when planning and advising on the allocation of natural water.

15. Apportionment of functions within the Organisation—

- 25 Subject to the continuing and overriding rights and responsibilities of the Authority, and to the need for continuity and coordination of policy and of channels of authority, the Authority shall apportion between itself and the three Councils which are members of the Organisation all of the functions,
- 30 rights, powers, and duties conferred or imposed on it by or under this Act or otherwise, but so that normally—
- (a) Matters of water and soil conservation and river control are delegated to the Soil Conservation and Rivers Control Council;
- 35 (b) Matters of pollution and (*water quality*) quality of natural water and other water are delegated to the Pollution Advisory Council;
- (c) Matters of allocation of natural water, matters of co-operation with and between local authorities and (*water suppliers*) suppliers of natural water in solving problems of distribution and economy of use of natural water and other water, matters specified
- 40

in subsection (4) of section 14 of this Act, and the responsibility for advising the Authority in respect of matters arising out of Parts XI, XII, and XIII of the Public Works Act 1928, section 33 of the Finance Act 1938, section 39 of the Finance Act (No. 2) 1939, and any similar enactments are delegated to the Water Allocation Council; and

- (d) Matters of national policy, general supervision of *(all water administration)* the administration of natural water, and the giving of advice to any Minister of the Crown are retained by the Authority:

Provided that this section shall not prevent the Authority from delegating, resuming, or re-delegating anything as it thinks fit.

16. Delegation of functions, powers, etc. outside the Organisation—(1) The Authority may delegate, resume, or re-delegate, and any Council may subdelegate, resume, or again subdelegate, as from time to time may to it seem desirable, in each case either generally or in respect of any specified case, any function, right, power, or duty, or any part of any of them that is conferred or imposed upon it, to any Council, or to any Government Department, Regional Water Board, local authority, corporation, or person, subject always to regular review of performance, to the right of revocation at will without reason assigned, and to the Authority or Council that makes the delegation or subdelegation remaining responsible for the result.

New

(1A) Any Regional Water Board may delegate, subdelegate, resume, redelegate, or again subdelegate, as from time to time may to it seem desirable, in each case either generally or in respect of any specified case, any function, right, power, or duty, or any part of any of them, that is conferred or imposed upon it, to any Government Department, local authority, corporation, or person, subject always to regular review of performance, to the right of revocation at will on the assignment of reasons, and to the Board that makes the delegation or subdelegation remaining responsible for the result.

(2) (Any corporation which is authorised to engage in the distribution or use of natural water for any purpose, and) Any Council, Government Department, local authority, or corporation to which any function, right, power, or duty is delegated or subdelegated pursuant to subsection (1) or subsection (1A) of this section may, unless expressly forbidden by the terms of the enactment by or under which it is constituted, accept such delegation or subdelegation; and thereupon its functions, rights, powers, and duties shall be deemed to be extended howsoever may be necessary to enable it to undertake, exercise, and complete every matter that is so delegated or subdelegated.

(3) Subject to any general or special directions given or conditions attached by the Authority or Council or Regional Water Board that makes any delegation or subdelegation under this section, the Council, Government Department, Regional Water Board, local authority, corporation, or person to which or to whom the delegation or subdelegation is made may exercise all functions, rights, powers, and duties delegated or subdelegated to it or him as aforesaid in the same manner and with the same effect as if they had been conferred on it or him directly by this section and not by delegation or subdelegation; and, when it or he purports to act pursuant to any delegation or subdelegation under this section, it or he shall be presumed to be acting in accordance with the terms of the delegation or subdelegation in the absence of proof to the contrary.

(4) No such delegation or subdelegation shall prevent the exercise of any function, right, power, or duty by the maker of the delegation or subdelegation.

17. Application of Acts to other functions—The functions, rights, powers, and duties which are set out in the Soil Conservation and Rivers Control Act 1941 and in the Waters Pollution Act 1953 and are conferred or imposed by this Act upon the Authority shall, so far as they are applicable and with the necessary modifications, extend and apply to empower and govern the Authority in the exercise and performance of all other functions, rights, powers, and duties conferred or imposed upon it by this Act.

40 *Water Regions*

18. Water regions—(1) The following shall be water regions for the purposes of this Act:

- (a) Each catchment district constituted under the Soil Conservation and Rivers Control Act 1941, as that district for the time being exists:
- (b) Each catchment area constituted under that Act, as that area for the time being exists: 5
- (c) The area for the time being within the jurisdiction of the Waikato Valley Authority constituted under the Waikato Valley Authority Act 1956:
- (d) Every water region constituted under section 19 of this Act, as that region for the time being exists. 10
- (2) Every part of the North Island and of the South Island that is not for the time being included in a water region shall, in accordance with section 19 of this Act, as soon as practicable be added to another water region or constituted a new water region or part of a new water region. 15
- (3) The total number of water regions in the North Island and the South Island shall not exceed twenty-five.

19. Regional Water Boards and schemes—(1) For the purposes of this Act, Catchment Boards and Catchment Commissions constituted under the Soil Conservation and Rivers Control Act 1941 and the Waikato Valley Authority constituted by the Waikato Valley Authority Act 1956 shall be Regional Water Boards. 20

(2) Subject to section 4 of this Act, each such Regional Water Board shall have all of the functions, rights, powers, and duties conferred and imposed upon it by this Act as well as those conferred and imposed on it by the Act by or under which it is constituted. 25

(3) The Board of each water region that adjoins, and each (*Borough Council or Town Council or County Council or Road Board*) local authority whose district comprises or includes, or is wholly or partly included in a part of New Zealand that is not included in an existing water region may (not later than the first day of July, nineteen hundred and (*sixty-seven,*) sixty-eight, if the part lies within the North Island or the South Island, and at any time in any other case) make representations to the Authority as to all or any of the following matters: 30 35

- (a) Whether the said part of New Zealand should be constituted a new water region, and (if so) whether the proposed new water region should be constituted a catchment district or a catchment area or placed 40

under the jurisdiction of a Regional Water Board that is not a Catchment Board or a Catchment Commission:

5 (b) Whether the said part of New Zealand should be added to an existing water region or catchment district or catchment area, or to the area under the jurisdiction of the Waikato Valley Authority, and (if so) to which:

10 (c) Whether the functions, rights, powers, and duties generally conferred, by this Act and any other enactment and otherwise, on the Board, or Commission, or the Waikato Valley Authority, within whose jurisdiction it is proposed to place the said part of New Zealand should be restricted in relation to that part, and (if so) in what way:

15 (d) If it is proposed that the said part of New Zealand should be added to an existing water region or catchment district or catchment area, or to the area under the jurisdiction of the Waikato Valley Authority, whether the proposals are acceptable to its proposed Board or Commission, or the Waikato Valley Authority, as the case may be.

20 (4) Not later than the first day of October, nineteen hundred and ~~(sixty-seven,)~~ sixty-eight, or such later date as the
25 Minister, on application by the Authority, may from time to time allow in any case or cases, the Authority shall submit to the Local Government Commission for its consideration in accordance with the Local Government Commission Act ~~((1961))~~ 1967 a proposal for a ~~((reorganisation))~~ local
30 scheme or proposals for ~~((reorganisation))~~ local schemes for giving effect to subsection (2) of section 18 of this Act, and providing for the administration by a Catchment Board, Catchment Commission, the Waikato Valley Authority, or a specially constituted Regional Water Board of every part of
35 the North Island and the South Island that is not already within a water region.

(5) The Authority may at any time submit to the Local Government Commission for its consideration in accordance with the Local Government Commission Act ~~((1961))~~ 1967
40 a proposal for a ~~((reorganisation))~~ local scheme providing for a part of New Zealand (not being part of the North Island or the South Island) to be constituted a new water region or a catchment district or catchment area or added to an existing water region or catchment district or catchment area or to the

area under the jurisdiction of the Waikato Valley Authority, and also providing for the administration thereof by a Catchment Board, Catchment Commission, the Waikato Valley Authority, or a specially constituted Regional Water Board.

(6) Subject to the provisions of this section, all the provisions of the Local Government Commission Act ((1961)) 1967 shall apply to every proposal for a local scheme that is submitted to the Local Government Commission under this section, and to the steps necessary to give effect to the scheme as finally approved by that Commission: 10

Provided that every objection to any scheme ((and every appeal against any decision of the Local Government Commission)) shall be subject to subsection (2) of section 18 of this Act: 15

Provided also that, for the purposes of this section, any Order in Council made under paragraph (a) of section 22 of that Act shall be made on the advice of the Minister of Works, and paragraph (b) of that section shall be read as if the Minister therein referred to were the Minister of Works. 20

(7) Any such scheme and any Order in Council giving effect thereto may provide for the restriction, in relation to the part of New Zealand to which the scheme or Order in Council relates, of the functions, rights, powers, and duties generally conferred, by this Act and any other enactment and otherwise, on the Board or Commission or Authority that is to have jurisdiction under this Act in respect of that part. 25

(8) Without restricting any other provision of this section, any such proposal or scheme or Order in Council may— 30

(a) Provide for the part of New Zealand to which it relates to become a new water region or part of an existing water region by constituting it a new catchment district or catchment area or part of an existing catchment district or catchment area, or (if the part adjoins the area under the jurisdiction of the Waikato Valley Authority) add it to that area: 35

(b) In the case of a new water region that is not constituted a catchment district or a catchment area, provide for a Regional Water Board for the region to be constituted (as if it were a Catchment Board) in the same manner and with such of the functions, rights, powers, and duties of a Catchment Board or Catchment Commission as the proposal, scheme, or 40

Order in Council may specify, or in such other manner and with such other functions, rights, powers, and duties as may be so specified:

5 Provided that provision may be so made for any local authority to be constituted the Regional Water Board for the region.

(9) Notwithstanding anything in this Act or any other Act, all such proposals and schemes and Orders in Council shall be designed so as to ensure that every part of the North
10 Island and of the South Island is included in a water region.

(10) Wherever possible, the outer boundaries separating water regions shall be the crests of the outer watersheds of the area generally so that every tributary of each river or stream in a region is included in that region; and that the
15 region shall include the territorial sea and seabed thereof lying within the seaward projections of its side boundaries.

(11) Where the boundaries of any existing region fail to conform to the requirements of this section, the Authority shall direct the attention of the Local Government Commission thereto; and that Commission, after hearing any Regional
20 Water Board or public authority or person who desires to be heard, shall recommend such changes of boundaries and representation as may be necessary to give effect to this section.

25 **20. Functions, powers, etc. of Regional Water Boards—**

(1) Every Regional Water Board that is also a Catchment Board and every member and employee thereof shall have all of the functions, rights, powers, and duties conferred and imposed upon Catchment Boards and members and employees
30 thereof, as the case may be, by any enactment or otherwise.

(2) Every Regional Water Board that is also a Catchment Commission and every member and employee thereof shall have all of the functions, rights, powers, and duties conferred and imposed upon Catchment Commissions and members and
35 employees thereof, as the case may be, by any enactment or otherwise.

(3) The Regional Water Board that is also the Waikato Valley Authority and every member and employee thereof shall have all of the functions, rights, powers, and duties
40 conferred and imposed upon it or him by the Waikato Valley Authority Act 1956, as well as those conferred and imposed upon Regional Water Boards and members and employees thereof, as the case may be, by this Act or otherwise.

New

(3A) Every Regional Water Board that is constituted by Order in Council under section 19 of this Act shall have such functions, rights, powers, and duties as are conferred upon it by the Order in Council by which it is constituted or any subsequent Order in Council. 5

(4) Every Regional Water Board shall have the following additional functions, rights, powers, and duties:

(a) The Board shall exercise all functions, rights, powers, and duties expressly delegated to it by or with the approval of the Authority or any Council: 10

(b) Within the region the Board shall be the general, but not necessarily the sole, agent for the Authority and the Councils:

(c) So far as may from time to time be necessary to meet in full all demands for or in respect of natural water within the region or, if the Authority so directs, of any adjacent region, the Board shall promote the protection of water supplies of local authorities and the conservation and most beneficial uses of natural water within the region, including the planning for and promotion of (water conservation works and projects) works and projects for the conservation of natural water, and projects for the multiple use of natural water: 15 20 25

(d) Where the action seems warranted in the circumstances and subject to the directions of the Authority, the Board shall have the function of recommending, after consultation with representatives of all interested bodies and persons known to the Board, maximum and minimum levels, and minimum standards of quality to be sought or permitted for the natural water in lakes, both natural and artificial, and the minimum acceptable flow and minimum standard of quality of the natural water of any river or stream within the region, and, where desirable, recommending the maximum range of flow and proposals for the retention or disposal of surplus natural water: 30 35

(e) Subject to directions of the Authority, the Board shall investigate and record all significant resources of natural water within the region, and its quality and 40

availability, and shall check so far as possible upon the effects of damming, abstractions, diversions, pollutions, and other factors affecting the volume, quality, and availability of natural water above and below ground within the region, and shall direct the attention of the Authority to all important (*water problems and needs*) problems and needs in respect of natural water:

(f) As directed from time to time by the Authority, the Board shall collect, sort, and record data on (*water*) resources and availability of natural water, and shall supply to public authorities and the public information so collected:

(g) The Board shall from time to time obtain and apply the directions of the Pollution Advisory Council (*in respect of all natural water within the region which may have economic value*) and the Water Allocation Council in respect of natural water within the region, and in respect of the classification and quality control of all natural water within the region:

(h) The Board shall cooperate with the Organisation and all public authorities, bodies, and persons acting under the direction of the Authority, in respect of all matters for which any of them has responsibility under this Act:

(i) The Board shall undertake, exercise, and perform in respect of the territorial sea and internal waters of New Zealand and the lands from time to time covered or otherwise affected thereby, the same functions, rights, powers, and duties as it may undertake, exercise, and perform in respect of rivers and streams and lands affected thereby, except to the extent that those functions, rights, powers, and duties are or may be undertaken, exercised, and performed by a Harbour Board:

(j) Where no Underground Water Authority exists under the Underground Water Act 1953, the Board shall exercise the functions, rights, powers, and duties of an Underground Water Authority under that Act so far as the Authority may from time to time direct.

(5) Every Regional Water Board shall have due regard to recreational needs and the safeguarding of scenic and natural features, fisheries, and wildlife habitats and shall consult the

appropriate authority controlling fisheries and wildlife where they are likely to be affected.

Rights in Respect of Natural Water

21. Rights in respect of natural water—(1) Except as expressly authorised by or under this Act or any other Act, the sole right to dam any river or stream, or to (*divert, take, or discharge water from or*) divert or take natural water, or discharge natural water or waste into any natural water, or to use natural water, is hereby vested in the Crown subject to the provisions of this Act:

Provided that nothing in this section shall restrict the right to divert, take, or use sea water:

New

Provided also that it shall be lawful for any person to take or use any natural water that is reasonably required for his domestic needs and the needs of animals for which he has any responsibility and for or in connection with fire-fighting purposes.

(2) Every damming of a river or stream which lawfully exists at the ninth day of September, nineteen hundred and sixty-six, or is authorised by any Order in Council made before that date or by any Act, and every diversion (*taking, and discharge of water from or*) or taking of natural water and discharge of natural water or waste, into any natural water, or use of natural water, which has lawfully been happening at any time during the (year) period of three years that ended with the ninth day of September, nineteen hundred and sixty-six, or is authorised by any Order in Council made before that date or by any Act, and of which in each case notice in writing is

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given in accordance with requirements of this Act and any regulations made thereunder, is hereby authorised as if it had been applied for and licensed under and subject to the provisions, conditions, and penalties that for the time being apply generally to similar rights granted under this Act.

New

given to the Regional Water Board before the first day of April, nineteen hundred and

New

sixty-nine, in accordance with any regulations made under this Act is hereby authorised to the extent that it had lawfully been so happening:

- 5 Provided that the Authority may from time to time, before the first day of October, nineteen hundred and sixty-eight, by public notice, authorise, in respect of any specified area or in respect of any specified river, stream, or drain, any discharge of natural water or waste into any natural water, if the discharge
- 10 was lawfully happening at any time during the aforesaid period of three years, and dispense with any notice thereof being given under the foregoing provisions of this subsection to the Regional Water Board.

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- 15 (3) Any person may apply in accordance with this Act to the Regional Water Board of any region for the right to dam any river or stream within that region or for the right to divert, take, or discharge natural water from or into any natural water within that region, or to use natural water
- 20 within that region. Every such application shall be made in writing in the prescribed form. On receipt of any such application the Regional Water Board shall record and investigate it, and, subject to the provisions of this Act, may grant (with or without conditions), or may reject, the
- 25 application.

- (4) The Board may from time to time, after consulting any interested public authority as far as practicable, by public notice in respect of any river or stream or any tributary thereof, or any drain, or any lake or under-
- 30 ground water, or in respect of the rivers, streams, drains, lakes, and underground water within any specified area, authorise (with or without conditions) any diversion, taking, or use of natural water therefrom or the discharge of natural water thereinto, either casually or permanently or during
- 35 any specified period or season, and subject to cancellation at any time of the whole or any part of the rights so granted, if and whenever the public interest so requires.

- (5) The records kept by each Board shall be so organised that the rights in respect of any natural water either granted
- 40 upon application or otherwise lawfully authorised shall be conveniently available for public information.

New

(3) Any Regional Water Board may, on application to it in accordance with the provisions of this Act and any regulations made thereunder, and on payment of the prescribed fee, grant to the applicant on such terms as it may specify the right within the region of the Board to dam any river or stream or to divert or take natural water or to discharge natural water or waste into any natural water or to use natural water: 5

Provided that, where the damming, diversion, taking, or discharge is to be on any State forest land or within the boundaries of a National Park or public reserve, or will affect the quantity or quality of the water in any river or stream where it is within or adjoining any State forest land or National Park or public reserve, or the quantity or quality of any other natural water where it is within or adjoining any State forest land or National Park or public reserve, the Board shall, before making any such grant, consult the Minister of Forests in the case of State forest land, the National Parks Authority in the case of a National Park, and the ((controlling Authority)) administering body of the reserve in the case of a public reserve: 10 15 20

Provided also that, where any right as to natural water is required for mining purposes, the Board shall, before granting or refusing the right, consult the Inspector of Mines for the ((mining district)) area in which is situated the natural water in respect of which the right is sought. 25

(4) Each Board shall keep conveniently available for public inspection and information detailed and properly indexed records of all rights granted on application or otherwise lawfully authorised under this Act. 30

(6) Every Board shall report annually to the Authority as to the demand for and availability of natural water within its region, setting out the information available, at intervals specified by the Authority, in such form as the Authority may from time to time request by notice published in the *Gazette*. 35

New

21A. General authority for use, etc., of natural water—The Board may from time to time, after consulting as far as practicable any interested public authority (including the Minister of Lands and the National Parks Authority where either may be interested in the authorisation), in respect of any river or stream or any tributary thereof, or of any drain 40

New

or lake or underground water, or of the rivers, streams, drains, lakes, and underground water within any specified area, by public notice, authorise (with or without conditions) any
 5 diversion, taking, or use of natural water therefrom or the discharge of natural water or waste thereinto, either casually or permanently or during any specified period or season, and subject to cancellation at any time of the whole or any part of the rights so granted, if and whenever the public interest
 10 so requires.

22. Applications by Crown in respect of natural water—

(1) Any Minister of the Crown may, in respect of any development by the Crown, apply to the Minister for the right to dam any river or stream, or for the right to divert (*take,*
 15 *or discharge natural water from or*) or take natural water, or to discharge natural water or waste into any natural water, or to use any natural water, or to vary any existing use of natural water. Every such application shall be made in writing, and shall be referred by the Minister to the Authority
 20 for consideration and decision. (*as if it were an appeal under section 24 of this Act.*)

(2) At the time when any application is made under this section, a copy of the application shall be sent to the Board for the region or regions concerned, which shall as soon as
 25 practicable consider the matter and forward to the Authority its report and recommendations.

New

(2A) Every decision of the Authority under subsection (1) of this section shall be publicly notified, and the public
 30 notification shall state that appeals against the decision in accordance with this section may be lodged with the Town and Country Planning Appeal Board within twenty-eight days after the date of the public notification.

(2B) Every decision of the Authority under subsection (1) of this section shall be subject to appeal, in accordance with this section, to the Town and Country Planning Appeal Board constituted under the Town and Country Planning Act 1953.

(2C) An appeal under the foregoing provisions of this section may be made by any Board, public authority, or
 40 person which or who claims to be detrimentally affected by the decision of the Authority.

New

(2D) Notice of any such appeal against any decision shall be lodged with the Town and Country Planning Appeal Board within twenty-eight days after the date of the public notification of the decision to which the appeal relates, and a copy of the notice of appeal shall be served on the Authority.

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(3) The Governor-General may from time to time, by Order in Council, declare any natural water to be of national importance, and in this event the provisions of subsections (1) and (2) of this section shall apply, except that the application shall be referred by the Minister to the Authority for consideration and recommendation before he refers it to the Governor-General in Council for decision.

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23. Applications in respect of natural water, and objections thereto—(1) Any Council, the Regional Water Board of the same or any other region, any public authority, or any officer or employee at the direction (whether general or special) of any of them, or any person whatsoever, may apply in writing in the prescribed form to the Regional Water Board for the region in which the natural water or soil affected by the application exists for any right under subsection (3) of section 21 of this Act.

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(2) The reasonable expenses and costs of the Board and of the applicant and other parties to the application, shall be borne as the Board may direct or left where they fall:

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Provided that the Board may, if it thinks fit, require payment of a deposit against expenses and costs before dealing with any application, and may reserve its decision in respect of final allocation of expenses and costs for separate consideration and decision when ascertained.

30

(3) Subject to the provisions of this Act and of any regulations made thereunder, the Board shall publicly notify the receipt and nature of every application made to it under this section or under section 21 of this Act, including the natural water resource affected or proposed to be affected, and state in the notice the time and last day when and the place where written objections or submissions concerning the matter, supported in appropriate cases by statutory declaration, will be received.

35

(4) Any Council, Board, public authority, or person may, at any time within twenty-eight days after the date of the public notification of any such application, lodge with the Board an objection to the application on the ground that the grant of the application would prejudice its or his interests or the interests of the public generally.

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(5) Every application and every objection thereto made under this section or under section 21 of this Act, and every other matter brought before the Board or any Tribunal under this section or under section 21 of this Act, shall be in writing setting out the grounds upon which the applicant or objector relies, and, unless dispensed with by the Board, shall be supported by a statutory declaration verifying the contents thereof.

(6) Every applicant and every objector to an application shall have the right to be heard in person or by counsel in respect of the application if his application or objection claims that right and his application or objection complies in every other respect with the requirements of this Act and of any regulations made thereunder; and, whether the application or objection so claims or not, the Board or Tribunal to which any hearing is delegated under this Act shall have the right to require the attendance of the applicant and of any objector or other person whose evidence might assist the Board or Tribunal; but, unless the applicant or objector asks in the application or objection to be heard, or the Board or Tribunal requires the attendance of any person, the Board or Tribunal may determine the matter after taking into account any (*sworn*) statements (*that are*) in or filed in connection with the application or objection and the local and technical knowledge of its members.

(7) Upon or after the expiration of the period for receiving objections in respect of any matter, the Board shall decide whether it will itself adjudicate upon the matter, with or without formal hearing, or will refer the matter to a Tribunal for report and recommendation with or without formal hearing, and (if it decides to refer the matter to a Tribunal) shall appoint the Tribunal.

(8) A Tribunal under this section may consist of not more than five members, whether or not members of the Board, chosen for their knowledge and experience in matters of the nature under examination, and one of them shall be appointed by the Board as Chairman of the Tribunal. A Tribunal may be a standing Tribunal to which matters of **predetermined** natures or of minor importance may be referred by the Chairman of the Board without awaiting preliminary consideration by the Board, or it may be a special Tribunal constituted for one or more specific references. Appointment of any person to a standing or special Tribunal shall be no bar to his appointment to any other such Tribunal, and appointment to a Tribunal by one Board shall be no bar to appointment to any Tribunal by any other Board or Boards.

(9) Except as provided in this Act or by regulations made under this Act, the Board may regulate its own procedure and the procedure of its Tribunals in such a manner as it thinks fit, and, subject thereto, every Tribunal may regulate its own procedure as it thinks fit.

(10) The Board, after considering the matter, and the recommendations of the Tribunal where the matter has been referred to a Tribunal, shall issue its decision, and shall cause its decision to be publicly notified and notified to the applicant by notice in writing addressed to him at the address shown in his application. In any case where an application is rejected, the substance of the reason for rejection shall be stated in the written notice to the applicant. The Board shall forthwith notify every objector of its decision by notice in writing addressed to him at the address shown in his objection, and, where the objection is disallowed, the substance of the reason for the disallowance shall be stated in the written notice to the objector.

24. Appeals—(1) Except as to the constitution of a Tribunal and as to the delegation of matters to it, every decision of a Board under section 21 or section 23 of this Act shall be subject to appeal to the (Authority) Town and Country Planning Appeal Board constituted under the Town and Country Planning Act 1953 by the applicant or any objector within twenty-eight days after the date on which notification of the decision is posted to him.

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(2) Subject to the provisions of this Act as to reservations of decisions to the Governor-General in Council, every appeal shall be lodged, copies thereof shall be distributed, and the appeal shall be considered (or heard and considered) and disposed of, in accordance with the provisions of this Act and of any regulations made thereunder in that behalf, but always ensuring that the Board and each Council within the Organisation has an opportunity of presenting its views before the Authority determines the appeal.

(3) The Authority itself shall decide every appeal, and for that purpose may sit to consider submissions, or may refer the matter or any part thereof to any of the Councils within the Organisation, or may appoint a Board of Appeal to hear the appeal and recommend what decision the Authority should make.

New

(2) Every appeal under subsection (2B) of section 22 of this Act and under subsection (1) of this section shall be made and determined by the Town and Country Planning Appeal Board in the manner prescribed by the Town and Country Planning Act 1953 and the regulations made under that Act, and the decision of the Appeal Board on any such appeal shall be final and conclusive.

(3) At the hearing of any such appeal the Minister or the Authority or any party or any Board, public authority, or person that is affected may be represented by counsel or otherwise, and may call evidence on any matter that should be taken into account in determining the appeal.

25. Recording of decisions—(1) For the purposes of this section a decision, in relation to any Board, means—

(a) Any decision duly given by the Board determining an application under section 21 or section 23 of this Act, being a decision in respect of which either no appeal has been lodged within the prescribed period or every appeal so lodged has been withdrawn:

(b) Any decision of the Authority or of the Governor-General in Council under section 22 of this Act

New

being (in the case of the Authority) a decision in respect of an application under subsection (1) of section 22 of this Act, and one in respect of which either no appeal has been lodged within the prescribed period or every appeal so lodged has been withdrawn:

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(c) Any decision of the Authority under section 24 of this Act in respect of an appeal against a decision of the Board.

New

(c) Any decision of the Town and Country Planning Appeal Board on an appeal under subsection (2B) of section 22 of this Act in respect of an appeal against a decision of the Authority, and under section 24 of this Act in respect of an appeal against a decision of the Board.

(2) The Board shall be advised forthwith by the (*Authority*) Town and Country Planning Appeal Board of every decision of that Board, and by the Authority of every decision of the Authority, and by the Minister of every decision of the Governor-General in Council. The Board shall cause the substance of every decision to be entered in the records of the resources of natural water in its region. 5

(3) A copy of each decision shall be given forthwith to the applicant or appellant and to every objector or respondent. 10

(4) When an application for ((a licence)) any right under section 21 of this Act and all objections and appeals relating to that application have been determined in accordance with the provisions of this Act and any regulations made thereunder, the Board shall ((issue the appropriate licence)) grant the appropriate right or defer or refuse the application, 15 in accordance with the final decision in relation to that application.

Miscellaneous Provisions

26. Information—(1) Every Council, Board, and other public authority concerned with natural water, shall, whenever so required by the Authority or any other Council, supply it with information concerning any matter within the jurisdiction of that Council, Board, or public authority, being information which the Authority or Council requiring the information considers necessary for the discharge of its duties. 25

(2) Every public authority concerned with natural water within any region, and every person who draws directly from or discharges waste or water into, or pollutes any natural water within any region, or conserves, dams, diverts, takes, uses, discharges, or otherwise directly affects any natural water within any region, shall, whenever so required by the Board of the region, supply it with information concerning the nature and extent of its activities in respect of that natural water, and the effects of those activities upon the natural water resources within the region. 30 35

27. Expenditure and receipts—(1) All money expended or advanced by the Authority or any Council under this Act shall, unless otherwise provided by any enactment, be paid out of money appropriated by Parliament for the purpose. 40

(2) All money received by the Authority or any Council under this Act shall, unless otherwise provided in any enact-

ment, be paid into the Works and Trading Account or such other account as may be approved by the Minister of Finance.

28. Fees and travelling allowances—(1) The Authority, the Water Allocation Council, and *(every Regional Water Board)* all Regional Water Boards constituted under section 19 of this Act are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There may be paid to the members of the Authority and of the Water Allocation Council and of any Regional Water Board, (Board of Appeal, Tribunal, or committee appointed by a Board of Appeal) advisory or technical committee or Tribunal (whether or not the member of a Tribunal or committee is also a member of the Authority or of that Council) remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the members of any Regional Water Board, advisory or technical committee (Board of Appeal, Tribunal, or committee) or Tribunal (as well as members of the Authority and that Council) were members of a statutory Board within the meaning of that Act.

29. Staff—There shall from time to time be appointed under the State Services Act 1962 such officers and employees of the Ministry of Works as may be necessary to enable the Ministry of Works to provide technical and administrative services to the Authority and the Water Allocation Council and to enable the Authority and the Water Allocation Council to carry out and exercise their functions, rights, powers, and duties.

30. Authentication of documents—Every notice, application, or other document requiring authentication by the Authority or any Council or Board shall be sufficiently authenticated if signed by two members of that body or by its Chairman or secretary.

31. Notices—(1) Any notice required or authorised under this Act to be given by the Authority or any Council or Board to any person shall be delivered to that person, and may be delivered to him either personally or by posting it by registered letter addressed to that person at his last known place of abode or business in New Zealand.

(2) If the person is absent from New Zealand, the notice may be delivered as aforesaid to his agent in New Zealand. If he is deceased the notice may be delivered as aforesaid to his personal representative.

(3) If the person is not known, or is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no personal representative, the notice may be delivered in such manner as may be directed by a Magistrate, or, if the notice relates to any land or building, it may be delivered by being delivered to the occupier thereof, or left with some inmate of his abode, or, if there is no occupier, either by being affixed in a conspicuous place on or to the land or building or on some road or street adjoining thereto, or by being publicly notified. 5 10

(4) Notwithstanding the foregoing provisions of this section, the Magistrate may in any case make an order directing the manner in which any notice is to be delivered, or dispensing with the delivery thereof. 15

(5) A notice posted by a registered letter addressed as required by this section shall be deemed to have been given at the time when the registered letter would in the ordinary course of post be delivered. 20

32. Contracts—(1) Part I of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by inserting in its appropriate alphabetical order the following item: 25

“Regional Water Boards	(1966) 1967, No. 00—The Water and Soil Conservation Act (1966) 1967.”
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(2) Part II of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by inserting in their appropriate alphabetical order the following items: 30

“The National Water and Soil Conservation Authority	(1966) 1967, No. 00—The Water and Soil Conservation Act (1966) 1967. 35
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“The Pollution Advisory Council	1953, No. 104—The Waters Pollution Act 1953.
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“The Water Allocation Council	(1966) 1967, No. 00—The Water and Soil Conservation Act (1966) 1967.” 40
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33. Offences—(1) Every person commits an offence against this Act who, otherwise than as authorised by or under this Act,—

(a) Dams any river or stream; or

5 *Struck Out*

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

(c) Takes or uses any natural water in excess of what is reasonably required for his domestic needs and the needs of animals for which he has any responsibility and for fire fighting purposes.

New

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

15 (c) Takes or uses any natural water.

(2) Every person who commits an offence against this Act is liable on summary conviction to a fine not exceeding *(one hundred pounds)* two hundred dollars, and if the offence is a continuing one to a further fine not exceeding *(five pounds)* ten dollars for every day during which the offence continues.

34. Power to rectify omissions and validate irregularities—

Where anything is omitted to be done or cannot be done at the time required by or under this Act, or is done after that time, or is otherwise irregularly done in matter of form, the Governor-General may, by Order in Council, at any time before or after the time within which that thing is required to be done, extend the time, or may validate anything so done after the time required or so irregularly done in matter of form, or make such other provision for the case as he thinks fit.

35. Annual report of Authority—(1) The Authority shall, in the month of April of each year or as soon thereafter as practicable, prepare and submit to the Minister a report as to its operations and the operation of this Act for the year that ended with the thirty-first day of March then last past.

(2) Every such report shall be laid before Parliament within twenty-eight days after the date of its receipt by the Minister if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session.

36. Regulations—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) Prescribing requirements in respect of any notice under subsection (2) of section 21 of this Act: 5

(b) Prescribing particulars to be specified in any public notification under subsection (3) of section 23 of this Act:

(c) Regulating the procedure of the Authority, the Water Allocation Council, and Boards, and of Tribunals (and Boards of Appeal) appointed by any of them: 10
Struck Out

(d) Prescribing procedure in respect of appeals under section 24 of this Act:

New

(d) Prescribing fees in respect of applications for the right to dam any river or stream or to divert or take natural water or to discharge natural water or waste into any natural water or to use natural water: 15

(dd) Prescribing terms and conditions subject to which rights in respect of natural water may be granted: 20

(e) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

37. Health Act 1956 not affected—Nothing in this Act shall relieve any person from complying with any of the provisions of the Health Act 1956 or any regulations made thereunder. 25

New

38. Amendments—Part II of the Schedule to the Parliamentary Commissioner (Ombudsman) Act 1962 is hereby amended: 30

(a) By inserting, after the words “The National Roads Board”, the words “The National Water and Soil Conservation Authority”:

(b) By adding the words “The Water Allocation Council”. 35