

Mr. Fraser.

WELLINGTON CITY AND SUBURBAN WATER-SUPPLY.

[LOCAL BILL.]

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A BILL INTITULED

Title.

AN ACT to vest certain Lands in the Corporation of the Mayor, Councillors, and Citizens of the City of Wellington for Water-works, Afforestation, and Hydro-electric Purposes, for the Benefit of the Inhabitants of the City of Wellington, the Boroughs of Eastbourne, Lower Hutt, Petone, and Upper Hutt, and of a certain Portion of the Hutt County, and to enable the City of Wellington to control such Lands for such Purposes; to enable the City Corporation to supply Water from the said Lands to the City and to the Local Authorities controlling the said Boroughs and the County, and to carry out Afforestation Works for and on behalf of the said Local Authorities, and under the Provisions of a Special Act to use such Lands for Hydro-electric Purposes.

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

Short Title.

1. This Act may be cited as the Wellington City and Suburban Water-supply Act, 1927.

Definitions.

2. In this Act, if not inconsistent with the context,—

“Board” means the Wellington City and Suburban Water-supply Board :

“City” means the City of Wellington :

“City Corporation” means the Mayor, Councillors, and Citizens of the City of Wellington :

“City Council” means the Wellington City Council : 25

“Forest produce” means products of growing or dead trees, shrubs, timber, or other vegetable growth :

“Timber” includes trees when they have fallen or have been felled, and whether sawn, hewn, split, or otherwise fashioned : 30

“Trees” include not only timber-trees, but also trees, shrubs, and bushes, saplings, and reshoots of every description :

“Working plan” means a detailed written scheme of the operations to be undertaken on a specified area of forest :

“Suburban area” means the Boroughs of Eastbourne, Lower Hutt, Petone, Upper Hutt, and that part of the Hutt County described in the *Second* Schedule hereto, and any additional area included therein under the provisions of this Act : 35

“Waterworks” includes all streams and water and all rights appertaining thereto, and all lands, watersheds, catchment water areas, reservoirs, dams, tanks, pipes, and all buildings, machinery, and appliances of every kind constructed by the City Council under the authority of this 40

Act for collecting or conveying water to any area under the jurisdiction of a local authority to be supplied under the provisions of this Act :

5 “Water-collection area” means and includes the land described in the *First* Schedule hereto and any adjacent or adjoining land acquired for the purposes of this Act :

“Prescribed” means prescribed by this Act or any by-law made thereunder :

10 “Financial year” means the year ending on the thirty-first day of March :

“Contributory local authority” includes the Wellington City Council and a local authority having jurisdiction in the suburban area :

15 “Director of Forestry” means the Director of Forestry appointed under the Forests Act, 1921-22.

PART I.

BOARD OF CONTROL.

3. (1) There shall be established a Board of Control to be known as the Wellington City and Suburban Water-supply Board. Board of Control established.

20 (2) The Board shall consist of ten members, namely,—

(a) The Mayor for the time being of the City of Wellington :

(b) Five members, one being a Councillor of and appointed by the Eastbourne Borough Council, one being a Councillor of and appointed by the Petone Borough Council, one being a Councillor of and appointed by the Lower Hutt Borough Council, one being a Councillor of and appointed by the Upper Hutt Borough Council, and one being a Councillor of and appointed by the Hutt County Council :

25 (c) Four Councillors of the Wellington City Council, appointed by the Wellington City Council.

(3) The first members to be appointed under subsection *two* of this section shall be appointed as soon as practicable after the passing of this Act, and shall continue in office until the first day of July, nineteen hundred and twenty-nine, or until their successors come into office, but shall be capable of being reappointed.

(4) In case of any failure to appoint any member under the provisions of paragraphs (b) and (c) of subsection *two* of this section for two months after the passing of this Act the Governor-General may by writing under his hand make the necessary appointment.

40 (5) The Board shall come into existence on the date of the first appointment of a member under this section.

(6) In the month of May, nineteen hundred and twenty-nine, and in the same month in every second year thereafter, the Councils entitled to make the appointments under paragraphs (b) and (c) of subsection *two* of this section shall make such appointments, and the persons so appointed shall come into office on the first day of July following, and shall hold office until their successors come into office, but shall be capable of being reappointed.

(7) If any member holding office under subsection *two* of this section ceases to hold the necessary office qualification as Mayor or Councillor, as the case may be, he shall also thereupon cease to be a member of the Board. If any appointed member ceases to be a member of the Board the persons entitled to appoint such member shall appoint or elect any qualified person in his stead, who shall hold office for the residue of the term of his predecessor in office. 5

(8) The validity or legality of acts done by the Board without knowledge that a member of the Board appointed under this section was not qualified to be appointed or to continue in office shall not be affected by reason of that fact, nor shall the validity or legality of any acts of the Board be affected by reason of the fact that after the coming into existence of the Board any member had vacated his seat and his successor had not come into office. 10

(9) The Mayor of Wellington shall be the Chairman of the Board, and shall have a deliberative vote, and in any case in which the votes are equal shall have a casting-vote also. 15

(10) The Town Clerk of the Wellington City Council shall be the Clerk of the Board.

(11) The Clerk may convene a meeting of the Board whenever necessary so to do, and shall convene a meeting whenever so required in writing by any member of the Board. 20

(12) At every meeting of the Board six members shall form a quorum.

(13) The proceedings of the Board shall be governed by such rules, not inconsistent with this Act, as the Board may from time to time make in that behalf. 25

(14) All expenses reasonably incurred by the Board in the exercise of its functions under this Act, including expenses of preparation of this Act and expenses incurred in obtaining legal or other expert advice as to matters governed by this Act, and also including all travelling-expenses actually incurred by members of the Board in connection with the business of the Board, shall be paid by the City Council out of the funds available under the provisions of this Act, and shall be deemed to be expenditure incurred by the City Council for the purposes of this Act. 30 35

(15) The Board may, subject to the provisions of this Act, pass resolutions—

- (a) Regulating the proceedings of the Board and of the conducting of the meetings thereof : 40
- (b) Prescribing the time and manner of holding meetings, and regulating the business that may be transacted thereat :
- (c) Regulating the adjournment of meeting :
- (d) Directing notices of meetings to be given, and prescribing the form, mode, and time of service thereof : 45
- (e) Regulating debates :
- (f) Prescribing the manner and conditions of revoking or altering resolutions :
- (g) Prescribing the form and manner of keeping and authenticating minutes : 50
- (h) Prescribing forms in connection with any proceedings :
- (i) Concerning anything incidental to any of the matters herein-before referred to.

PART II.

VESTING OF LANDS.

4. (1) The lands described in the *First* Schedule hereto are hereby vested in the City Corporation, and shall be held by the City Corporation, subject to the provisions of this Act, for the following purposes:—

Vesting of lands in the City Corporation.

- (a) Water-supply purposes for the suburban area and the city ;
 (b) Afforestation and plantation purposes ;
 10 (c) For providing pleasure-grounds, parking-grounds, scenic high-ways, and generally for recreation purposes for the inhabitants of the City of Wellington and the surrounding districts ;
 (d) For hydro-electric purposes ; and
 (e) For any other purpose provided for by this Act.

15 (2) The Council shall, with the consent of the Board, from time to time define for which of the above purposes the lands vested in it pursuant to this Act are held.

5. All land and property, including easements, vested in the City Corporation for the purposes of this Act shall be free and exempt from all rates and taxes imposed by the Crown or any local authority, or any other person whatsoever.

Exemption from rates and taxes of properties subject to this Act.

PART III.

GENERAL POWERS IN RELATION TO WORKS.

6. The City Council shall have power to, and may with the consent of the Board,—

General powers in regard to works.

- (a) Enter, by itself or its officers, agents, or servants, without being deemed to commit trespass, upon any unoccupied lands or buildings, or upon any occupied lands or buildings after giving to the occupier thereof twenty-four hours' previous notice of such intended entry, for the purpose of making any survey or doing anything which the City Council is empowered to do under the provisions of this Act :
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 (b) To make surveys or inspections in connection with any proposed public work under the provisions of this Act, or with a view to carrying out any of the purposes of this Act, and for any such purpose to exercise all or any of the powers given by Part V of the Public Works Act, 1908, for the purposes of that Act, all the provisions of which shall, subject to the *last preceding* paragraph, apply to any survey or inspection made hereunder, and to any survey, work, or other thing made, fixed, or set up in connection therewith :
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 (c) To take, purchase, or otherwise acquire, in the manner provided by the Public Works Act, 1908, and to hold, any land adjacent to or adjoining the land described in the *First* Schedule hereto, or any land situate in the suburban area, which may be necessary or convenient for the purposes or in connection with any public work which the City Council
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is empowered to undertake, construct, or provide under the provisions of this Act, or which may be necessary or convenient for the carrying-out of any of the purposes of this Act :

- (d) For the purposes of this Act, to enter into agreement with the Minister of Railways for the construction and maintenance by the Minister of any subways under or bridges over any Government railway within the suburban area or the County of Makara, and for the payment by the City Council of the whole or any part of the cost of such construction and maintenance. 5 10

Land taken for public works under this Act to vest in the City Corporation.

7. All land taken, purchased or, required under the *last preceding* section shall vest in the City Corporation.

PART IV.

WATERWORKS AND WATER-MAINS. 15

Power to lay mains under private property.

8. (1) The City Council may within the suburban area or the County of Makara cause to be constructed, of such dimensions and of such materials as it thinks fit, upon or under any private land, or under any buildings, such water-mains as the Council thinks needful for the purposes of this Act, subject to the conditions hereinafter stated. 20

(2) Before the City Council constructs any water-mains upon or under any private lands the following conditions shall be complied with :—

- (a) A plan and description of each water-main, showing how it affects any such lands, shall be deposited for public inspection at some place within the city. 25
- (b) The City Council shall give notice in writing to the occupier of such lands, and also to the owner, of the intention to construct such water-main, and shall refer in such notice to such plan and description and state where the same are on view. 30
- (c) If within one month after such notice is given the said occupier or owner serves on the City Council a written objection to the proposed work the City Council shall appoint a day for hearing such objections and shall give notice of the same to the objector. 35
- (d) The City Council shall hold a meeting on the day so appointed, and may, after hearing any person making such objection, if present, determine to abandon the work proposed, or to proceed therewith with or without such alterations as the City Council thinks fit. 40

(3) In every case where the Corporation exercises its rights pursuant to this section the Corporation shall have in respect thereof a right by way of easement to convey water through the main so laid, and to relay, renew, and repair such main, and for any of these purposes to enter upon the land in which the main is situated. 45

Council may construct waterworks.

9. (1) The City Council may on any of the lands described in the *First* Schedule hereto, or any adjacent or adjoining land taken, purchased, or acquired for the purposes of this Act, construct waterworks for the supply of pure water for the use of the inhabitants of the city 50

and of the suburban area, or of the shipping in any harbour adjoining thereto, and may keep same in good repair, and may from time to time do all things necessary thereto; and may, for the purpose of conveying water from that area to any portion of the suburban area or to the city, construct and lay all such mains, pipes, buildings, machinery, meters, plant, and appliances as may be necessary to carry such water from the said areas through the suburban area and the County of Makara to the points at which water is to be delivered for distribution by the local authorities affected by this Act, and therein especially may do the following things:—

- (a) May, subject to the provisions of this Act and to any right granted under any prior Act, take the water from any river, stream, lake, or pool in the water-collection area:
- (b) May break up or dig into the surface of any road, street, private street, or public place within the water-collection area or within the suburban area or the County of Makara:
- (c) May alter any drain, sewer, or gas-pipe on or under such street or road so far as is necessary for such construction or repair.

(2) The powers granted by this Act in respect of the construction of waterworks shall be deemed to include the power of extending or enlarging any such waterworks.

(3) All such waterworks shall be vested in the City Corporation.

10. (1) Before interfering with any road or street or other public work for the purpose of constructing waterworks the City Council shall give not less than one month's notice in writing to the local authority having the control of such road, street, or work.

Provision as to constructing waterworks in roads or streets or so as to interfere with any public works.

(2) If such local authority objects to such interference the matter shall be referred to the Minister of Public Works, whose decision shall be final.

(3) The City Council may at any time interfere with such road, street, or work so far as to effect all necessary repairs in such waterworks on giving to such local authority three days' previous notice in writing of intention so to do.

(4) In any sudden emergency or danger to the waterworks or property adjoining the City Council may without any previous notice proceed to effect the necessary repairs, but so soon as practicable thereafter inform the local authority.

11. (1) The City Council shall, if and when water is available under the operation of this Act, supply water to each of the local authorities in the suburban area in bulk upon the following terms:—

Supply of water to local authorities in suburban area.

(a) Every supply given under this section shall be delivered in bulk through a meter at a point to be fixed by the Board within the district of the local authority supplied.

(b) The price to be charged for water so supplied shall be a uniform price at per thousand gallons or part thereof.

(2) The City Council may, if and when water is available under the operation of this Act, take and use water for its own water-supply subject to the following conditions:—

(a) The supply shall be delivered in bulk through a meter at a point to be fixed by the Board at or near the boundary of the city.

(b) The Council shall in respect of all water supplied pay into the special account hereinafter provided for in respect of such water-supply the same sum as would be paid if the City Council were a local authority supplied pursuant to subsection *one* of this section. 5

(3) Every local authority in the suburban area shall have the right to claim to be supplied with water in priority to the City Council; but if at any time there shall be a general shortage of water in the catchment areas subject to this Act and the catchment areas exclusively used by the city, or if there shall be a shortage of water in the last-mentioned catchment areas alone, then in such case the priority given by this subsection shall for any such period of shortage be suspended, and during such period the local authorities supplied under the provisions of this Act shall be entitled to share in the water-supply provided under this Act in the same respective proportions as they respectively received water during the period of one year immediately preceding any such shortage as aforesaid. 10 15

Supply of water to local authorities outside suburban area.

12. (1) The City Council may, with the consent of the Board, supply any local authority outside the suburban area with water, and for such purposes the provisions of this Act relating to waterworks, and all the powers given to the City Council thereby, shall apply equally to all places, persons, and things outside as to the same within the suburban area. 20

(2) The Council may supply such water to such local authorities at such rate or charges and for such time and on such terms and conditions as the City Council, with the consent of the Board, from time to time determines. 25

(3) The City Council may at any time, on giving three months' notice in writing of intention so to do, discontinue such supply of water outside the suburban area without being liable to pay any compensation for such discontinuance or in anywise relating thereto. 30

Drawing off water from streams supplying waterworks.

13. (1) If any person does any act whereby the waters of any river or stream being a part of any waterworks under this Act are drawn off or diminished in quantity, and does not immediately on receiving notice in writing in that behalf from the Council restore such river or stream to the state in which it was in all respects before such act, he shall be liable to a fine not exceeding *one hundred* pounds for every day during which such act continues; and the City Council may, if it thinks fit, restore such river or stream to the said former state, and may recover from such person all the expenses incurred by so doing. 35 40

Protection of waterworks. Pollution of waterworks.

(2) (a) If any foul liquid or matter is thrown or poured, or suffered or allowed to fall or flow, into any water or watershed being a part of or taken or used for supplying water to any waterworks constructed under this Act, the person so offending is liable to a fine not exceeding *one hundred* pounds, and to a further fine not exceeding *ten* pounds for every day during which such offence is continued after such person has received notice in writing from the City Council to discontinue the same. 45

Diversion of water from waterworks in case of flood.

(b) The City Council may in time of flood or other emergency lead any surplus water from any waterworks vested in the City Corporation into any natural stream with a view to the protection of the waterworks. 50

14. (1) Every person commits an offence who does any of the following things, namely:—

- (a) Wilfully injures or destroys any part of the waterworks; or
- 5 (b) Unlawfully draws off or diverts any water belonging to the waterworks; or
- (c) Not having agreed to be supplied with water from the waterworks, takes any such water from the supply furnished to another person; or
- 10 (d) Bathes or washes foul linen or other things in any water of the waterworks; or
- (e) Throws any animal or dirt or rubbish of any sort into such water; or
- (f) Allows any gas or foul liquid or matter of any kind to flow or escape from any part of his premises, or any pipe or
- 15 (g) Obstructs any person acting under the authority of the City Council in doing anything which the City Council is by this part of this Act empowered to do; or
- 20 (h) Connects any pipe with any pipe of the waterworks without the consent of the City Council.

(2) Every person who commits an offence against this section shall be liable to a fine not exceeding *twenty* pounds for each such offence, and to a further sum equal to the cost incurred by the City Council in repairing the injury done to any part of the waterworks by

25 any such act.

PART V.

AFFORESTATION AND PLANTATIONS.

15. The Wellington City Council shall, subject to the provisions of this Act and the approval in all things of the Board, have the exclusive control and management of the land subject to the provisions of this Act in respect of the following matters:—

- (a) All matters of forest policy;
- (b) All forests (whether provisional or permanent);
- 35 (c) The planting and thinning of forests, and the making, laying out, and maintaining of plantations and nurseries, and the distribution of trees therefrom;
- (d) The granting of leases, permits, licenses, and other rights and authorities under this Act;
- (e) Enforcement of the conditions of leases, permits, licenses, and
- 40 other rights and authorities granted under this Act;
- (f) The collection and recovery of all rents, fees, royalties, charges, and revenues under this Act; and
- (g) Generally the administration of this Part of this Act.

16. For the purposes of afforestation under this Act the City Council may from time to time, in such manner and in such terms as it thinks fit, appoint managers, forest officers, engineers, agents, workmen, servants, and inspectors.

17. The City Council may from time to time appoint such honorary rangers as it thinks fit for the purposes of this Act, and all persons so appointed shall be deemed to be forest officers within the meaning of this Act.

Forest officer may sell by auction without license as auctioneer.

18. Any forest officer may in the performance of his duties, and with the authority in writing of the Clerk of the Board, hold an auction of forest produce, and may submit permits, leases, or other rights to public auction, without being the holder of a license under the Auctioneers Act, 1908.

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Council may carry on industries in relation to forest produce.

19. The City Council may for the purposes of this Act establish and carry on any operations or industry relative to the getting, extraction, removal, conversion, or distribution of timber and other forest produce, and may purchase or hire any buildings, machinery, or plant required in connection therewith.

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Making plans.

20. (1) The City Council shall from time to time prepare working plans in respect of the whole or any part of the area which it has appropriated to afforestation purposes.

(2) Every such working plan shall, subject to the rights existing at the date of the adoption thereof by the City Council, and subject to the provisions of this Act, regulate the management of the forest area affected by such plan for such period not exceeding ten years as may be stated on the plan in that behalf.

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(3) Every working plan shall specify—

(a) The maximum area of the land affected from which forest produce may be taken annually;

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(b) The maximum quantity of forest produce that may be disposed of annually;

(c) Silvicultural operations proposed to be carried out during the currency of the plan; and

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(d) Such other matters as the City Council thinks fit.

(4) Every working plan shall be subject to the approval of the Commissioner of State Forests and the Director of Forestry, and when so approved shall have effect according to its tenor, and shall not be altered by the City Council without the consent of the said Commissioner and the said Director.

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(5) The Director of Forestry may, whenever requested by the City Council or the Board so to do, advise the Council or the Board of any matters relating to forestry or water-conservation.

Licenses and permits.

21. (1) The City Council may, subject to this Act, grant licenses and permits thereunder in respect of any land appropriated to afforestation purposes.

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Licenses to take forest produce.

(2) (a) A license under this Act to take forest produce may confer on the licensee, subject to this Act and the by-laws made thereunder (the conditions to be specified in the license), rights over the land therein defined for all purposes connected with the obtaining, conversion, and removal of such timber and other forest produce as may be specified therein.

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(b) A license under this section may, according to its tenor, confer on the licensee exclusive rights with respect to the various products therein referred to, or may confer on the licensee rights with respect to such produce to be exercisable in common with any other licensee or licensees.

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(c) Every license granted under this section shall be granted subject to the payment by the licensee of such royalties, rents, charges, or other fees as may be prescribed.

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(d) All forest produce obtained under the authority of a license under this Act and not removed from the area subject to the license during the currency of the license or within thirty days after the expiry of such license or any renewal thereof shall be forfeited to the City Corporation, and may be disposed of by the City Council pursuant to the by-laws made in that behalf.

22. A permit under this Act may, according to the tenor thereof, confer on the holder the right to enter on any land appropriated for afforestation purposes and to do all such things therein as may be specified in the permit, not being prejudicial to forestry or to water-supply, or the rights conferred on any other person by any lease or license under this Act.

Permits for temporary occupation of forest lands.

23. Every forest officer appointed under this Act shall in respect of forests situate on the water-collection area, and the forest produce of such forests, have the same powers, authorities, and immunities as are vested in forest officers in respect of State forests or otherwise howsoever under the Forests Act, 1921-22.

Powers of forest officers.

24. Every person commits an offence against this Act, and shall be liable on summary conviction to a fine of *twenty* pounds, who on the water-collection area, except pursuant to a license or permit under this Act or other lawful authority,—

Unlawful molestation of animals or occupation of land in water-collection area.

- (a) Hunts kills, shoots, destroys, or sets snares for the purpose of capturing any animals or birds ;
- (b) Liberates any animal or animals ; or
- (c) Captures or snares animals or birds, or breaks up land for cultivation or any other purpose.

PART VI.

SCENIC HIGHWAYS, PLEASURE-GROUNDS, ETC.

25. (1) The City Council may on any of the lands vested in it for the purposes of this Act construct scenic highways, the traffic on which shall be subject to such regulations as the City Council may in its absolute discretion think fit.

Council empowered to construct scenic highways and pleasure-grounds.

(2) The Council may on any such lands vested in it under this Act, other than a catchment area or watershed or any waterworks, construct pleasure-grounds, parking-places, and buildings for the amusement and convenience of the public, and may in respect of the same make such charges as it in its absolute discretion thinks fit.

PART VII.

LICENSES.

26. (1) The City Council may in respect of the land subject to the provisions of this Act grant licenses for the following purposes :—

Licenses for grazing and other purposes.

- (a) For grazing and other purposes of a like nature :
- (b) For sites for sawmills, timber-depots, tramways, and incidental purposes :
- (c) For sites for tents, for buildings, or occupation for residential purposes :
- (d) For any industrial purposes.

(2) No license under this section shall be granted for a term exceeding twenty-one years.

(3) No compensation shall be payable to a licensee on the expiration of a license under this Act for any improvements effected on the land comprised therein; but the licensee shall be entitled at any time before or within three months after the expiry of his license to remove any buildings constructed or acquired by him, or to dispose of them to an incoming licensee :

Provided that the City Council shall have the right at any time within the last year of the license to notify the licensee that the City Council intends at the expiration of the license to purchase any such buildings at a price to be fixed in default of agreement by arbitration, and in any such case such buildings shall be the property of the City Council at the expiration of the license and shall not after such notice be removed from the land by the licensee.

27. Every license granted under this Act shall be granted subject to the payment by the licensee of such royalties, rents, charges, or other fees as may be prescribed.

28. Every license or permit under this Act shall be liable to forfeiture for default in payment of any royalties, rents, charges, or fees payable thereunder, or any breach or non-observance by the holder of any of the provisions of this Act or the by-laws thereunder, or of the conditions expressed in his license or permit, as the case may be.

29. The provisions of sections one hundred and fifty-five to one hundred and sixty-two (inclusive) of the Municipal Corporations Act, 1920, shall, subject to the provisions of this Act, apply *mutatis mutandis* to licenses granted pursuant to the provisions of this Act.

PART VIII.

FINANCE.

30. (1) The City Council shall pay all moneys received by it under the provisions of this Act into a special account, to be called the City and Suburban Water-supply Account.

(2) The provisions of sections seventy-four to seventy-six (inclusive) and sections one hundred and eleven and one hundred and twenty-five to one hundred and twenty-nine (inclusive) of the Municipal Corporations Act, 1920, shall apply to the funds and accounts of the City Council under the provisions of this Act.

31. (1) The City Council shall, with the approval of the Board, for each financial year make an estimate of the amount of its expenditure for all purposes of this Act and of its corresponding receipts for that year. Such estimates shall show the amount of expenditure exclusive of capital expenditure but inclusive of interest and sinking fund. Loan-moneys shall not be included in receipts.

(2) The estimate shall be confirmed at a special meeting of the Board to be held on or before the thirty-first day of March in the year previous to that to which the estimate relates.

(3) In this section the " receipts " shall include all moneys subject to the provisions of this Act in the hands of the Board at the commencement of the financial year.

Royalties and fees payable under licenses.

Forfeiture of licenses, &c.

Certain provisions of Municipal Corporations Act, 1920, to apply to licenses.

Special account.

Council to make estimates of receipts and expenditure.

32. Every estimate under the *last preceding* section shall include the amount, if any, of the deficiency in the revenues of the City Council for the purposes of this Act during the preceding or any former financial year, and the amount of such deficiency shall form part of the expenditure of the Board in the year to which the estimates relate.

Deficiency in revenue for preceding year to be included as expenditure.

33. From the amount of expenditure estimated in accordance with the *two last preceding* sections of this Act there shall be deducted the estimated receipts of the Board during the same year from all sources other than the contributions to be received from contributory local authorities, and the remainder, after making such deductions, is hereinafter referred to as the net estimated expenditure.

Net estimated expenditure.

34. (1) The estimated expenditure of the Board shall be apportioned among the contributory local authorities in proportion to the population in their respective districts on the first day of January preceding the financial year in respect of which the estimate is made, and the population in each such district shall be fixed by the Government Statistician, whose decision shall be final, conclusive, and binding on all parties.

Apportionment of net estimated expenditure among contributory local authorities.

(2) For the purposes of this Act the district of the Hutt County Council shall be the area defined in the *Second Schedule* hereto, or any greater area of such county hereafter included in the suburban area.

(3) On making such apportionment the City Council shall furnish to each contributory local authority—

- (a) A statement setting forth the Council's receipts estimated under this Act for the preceding financial year; and
- (b) The Council's estimated receipts and expenditure under this Act for the current financial year, and the amount apportioned to each of the contributory local authorities.

35. (1) The amount so apportioned by the City Council to any contributory local authority shall constitute a debt payable by that authority to the City Council, and may be recovered by the City Council in any Court of competent jurisdiction.

Recovery of contributions.

(2) The said amount shall be payable to the City Council by equal instalments, being not more than twelve or less than four, as the Board may from time to time determine; and every such instalment shall be due on the day fixed by the Board for the payment thereof. The City Council shall give to the contributory local authority not less than fourteen days' notice in writing of the due date of each instalment.

(3) Interest at the rate of *six and one-half* per centum or such less rate as the City Council shall fix, being not more than the rate of interest paid by it in respect of overdraft, shall be payable by the local authority to the City Council on the amount of any instalment or part thereof remaining unpaid after the expiration of fourteen days from the date when each such amount becomes due.

36. Every contributory local authority liable to pay any contribution under this Act may pay the same out of its ordinary funds, or may, if it thinks fit, in addition to its other powers, raise the required amount by a rate to be made and levied for that purpose.

Contributory local authority may pay contribution out of ordinary funds or may raise by a rate.

37. If at any time the moneys received under the provisions of this Act are insufficient for the carrying-out of the purposes of this Act the City Council may, with the consent of the Board, out of its District Fund, advance such sums as may be necessary for the purposes of this

Council may make advances out of District Fund for the purpose of the Act.

Act, and such sums shall, with interest fixed as aforesaid, be repayable out of the moneys received by the Council for the purposes of this Act to its District Fund. The City Council may if it thinks fit, with the consent of the Board, commence operations immediately on the passing of the Act, and in such case the first estimates of receipts and expenditure shall be made for a period commencing at such time as it thinks fit, and ending on the thirty-first day of March, nineteen hundred and twenty-eight, and all the foregoing provisions of this part of this Act shall, *mutatis mutandis*, apply. 5

PART IX. 10

ADDITIONAL AREAS.

Additional areas.

38. The Wellington City Council may, with the consent of the Board, from time to time, by resolution gazetted, extend the suburban area by including therein such parts of the Hutt and Makara Counties and the Johnsonville Town District as the local authority having jurisdiction in the area affected shall by resolution verified under its seal request the City Council to include in the suburban area; and every such resolution of the City Council shall take effect on the thirty-first day of March next ensuing after the passing of the resolution. 15

Appointment of officers and servants.

39. (1) In addition to officers which the City Council is hereby authorized to appoint for afforestation purposes, the City Council may appoint such officers and servants as it thinks necessary to assist in the execution of this Act. 20

(2) The provisions of sections sixty-eight and sixty-nine of the Municipal Corporations Act, 1920, shall apply, *mutatis mutandis*, to all officers and servants appointed under the provisions of this Act, including officers appointed for purposes of afforestation. 25

PART X.

LOANS.

Borrowing-powers.

40. (1) For the purpose of constructing and carrying out the works and operations authorized by this Act, and for purchasing plant as aforesaid, the City Council is hereby authorized, with the consent of the Board, to raise special loans from time to time for such sums as may be necessary under the Local Bodies' Loans Act, 1926, for a public work, by special order. 30 35

(2) For the purposes of raising such loans the area included in the City of Wellington and suburban area as existing from time to time shall be deemed to be the district of the City Council within the meaning of the Local Bodies' Loans Act, 1926, and such Council shall be the local authority of the district and shall be empowered to levy such rates over the district. 40

(3) The provisions of the Local Bodies' Loans Act, 1926, shall, except as otherwise specially provided herein, apply to the raising of every such loan, save that it shall not be necessary to take the steps prescribed in sections nine to thirteen of that Act. 45

(4) Every special rate pledged as security for a loan raised under the authority of this section may be made and levied over the district on the basis of the system of rating for the time being in force in the City of Wellington. Such special rate may be made and levied, notwithstanding that the district may not be an area within continuous boundaries.

(5) If at any time it becomes necessary to collect any special rate levied as aforesaid the City Council may, as regards that part of the district comprised in the suburban area, either collect the rate itself or require each of the local authorities within the area to collect the rate from the ratepayers in the area under its control, and to pay the rate when and as collected to the City Council.

(6) If the system of rating in force in the district of any of the local authorities required to collect the rate as required by the *last preceding* subsection is different from the system under which the special rate was made and levied, the total amount of the rate to be collected from that district shall be separately calculated, and the amount shall be collected by the local authority by an even rate over the whole of its district according to the system of rating in force in such district.

(7) The valuation roll for the district shall be the combined rolls for the separate districts or parts thereof rateable under this Act of each of the local authorities comprised within the district.

(8) Debentures issued in respect of the said special loans shall have a currency of not more than fifty years.

(9) A sinking fund of not less than *one* per centum per annum shall be provided for the redemption of the said special loans.

PART XI.

BY-LAWS.

41. (1) The City Council may in respect of the water-collection area and works constructed under this Act, with the consent of the Board, make by-laws for any of the following purposes:—

- (a) Good rule and government of the water-collection area :
- (b) More effectually carrying out any of the objects of this Act :
- (c) Regulating any of the subject-matters of this Act :
- 35 (d) Protecting from damage or injury any property vested in the Corporation or controlled by the Council under the provisions of this Act :
- (e) Prescribing the terms and conditions of licenses and permits :
- 40 (f) Conserving public health, safety, and convenience, and preventing or abating nuisances :
- (g) Regulating, controlling, or prohibiting traffic within any area at any time vested in the City Corporation for the purposes of this Act :
- 45 (h) Regulating drainage and sanitation :
- (i) Concerning scenic highways and the use thereof, and the construction of anything upon, over, or under such highways :
- (j) Regulating bathing :
- (k) Preventing danger from fire :

- (l) (i) Regulating the management of forests and the cutting, hewing, sawing, or other methods of conversion of timber or other forest produce :
- (ii) Prescribing the procedure for the sale by auction or by tender, or by other method, of forest produce, and enabling upset prices or minimum royalties or charges to be fixed : 5
- (iii) Prescribing fees or deposits to be paid with any application or tender for license in respect of afforestation land :
- (iv) Prescribing the mode in which any forest produce from the lands subject to this Act is to be branded or marked, and the mode in which all brands and marks may be registered. 10
- (v) Requiring the holders of licenses or permits in respect of timber or forest produce to produce for inspection to any officer of the Council the books of account, returns, and other documents connected with such license or permit : 15
- (vi) Regulating or prescribing the lighting of fires within any area vested in the City Corporation for the purposes of this Act, and prescribing the means for prevention or suppression of fires in such areas : 20
- (vii) Authorizing officers appointed under this Act for afforestation purposes to detain or seize any produce produced within such area, and provide for the registration of sawmills and other factories or industrial plants dependent on supplies of forest produce from such area : 25
- (m) Regulating, controlling, or prescribing access to any waterworks or watershed or catchment area situate on lands vested in the City Corporation under the provisions of this Act, and protecting any such waterworks, watershed, or catchment area from defilement. 30
- (2) The provisions of section three hundred and fifty-seven, paragraphs (a), (b), (c), and (g) ; section three hundred and fifty-eight, paragraphs (a) and (e) ; sections three hundred and fifty-nine, three hundred and sixty, three hundred and sixty-one, three hundred and sixty-two, three hundred and sixty-four, and three hundred and sixty-five of the Municipal Corporations Act, 1920, shall apply, *mutatis mutandis*, to all by-laws made under this Act. 35
- (3) Any by-law may apply only to part of the area vested in the Corporation for the purposes of this Act. 40

PART XII.

GENERAL.

Application of
Municipal
Corporations Act.

42. The powers and duties conferred and imposed on the City Council, and the functions exercisable by the City Council, under this Act are conferred, imposed, and exercisable as powers, duties, and functions under the Municipal Corporations Act, 1920 ; and the relevant and applicable provisions of the Municipal Corporations Act, 1920, shall, so far as the same are applicable, and so far as the same do not conflict with the express provisions of this Act, and so far as the 45

express provisions of this Act do not extend, be applicable to the exercise and performance by the City Council of such powers, duties, and functions.

43. The Hutt River Board may pay to the City Council such amounts as it thinks fit to be expended for the purposes of afforestation under the provisions of this Act.

Hutt River Board may contribute for afforestation purposes.

44. The land vested in the City Corporation for the purposes of this Act shall not be used for the purposes of electric power, except under the authority of a special Act.

Special Act to be obtained in respect of use of lands for hydro-electric power.

45. Section forty-three of the Finance Act, 1925, is hereby repealed.

Repeal.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

1. ALL that area in the Wellington Land District, containing by admeasurement 5,900 acres, more or less, situated in Blocks I, V, and IX, Akatarawa Survey District, and Blocks IV and VII, Paekakariki Survey District, and being portion of an area reserved for the growth and preservation of timber by notice published in the *Gazette* of the 28th July, 1881, page 959: bounded towards the north by Section 13, Block I, Akatarawa Survey District; towards the east by Section 15, Block I, and Sections 1, 2, 3, 4, and 5, Block V, and Sections 13, 12, 11, and 10, Block IX, Akatarawa Survey District; towards the south by Section 2, Block IX, Akatarawa Survey District, and Sections 6 and 5, Block VII, Paekakariki Survey District; and towards the west by the watershed passing through Trig. Stations E.E. Titi and Maunganui to the southern boundary of the aforesaid Section 13, Block I, Akatarawa Survey District.

2. All that area in the Wellington Land District, containing by admeasurement 5,351 acres, more or less, being Sections 1, 2, 3, 4, and 5 on Deposited Plan 614, Block V, and Sections 1, 2, 3, 4, 5, 6, and 7 on Deposited Plan 620, Block VI, Akatarawa Survey District, and being the whole of the land comprised in certificate of title, Volume 153, folio 5, Wellington.

3. All that area in the Wellington Land District, containing by admeasurement 2,224 acres and 5 perches, more or less, being Sections 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, and 412, Block II, Akatarawa Survey District, and being the balance of the land comprised in certificate of title, Volume 161, folio 263, Wellington, after deducting therefrom 4 acres and 27 perches taken for a public road by Proclamation No. 1580.

4. All that area in the Wellington Land District, containing by admeasurement 20,000 acres, more or less, situated in Blocks IV, VII, VIII, XI, XII, and XVI, Akatarawa Survey District, and Blocks I, III, and V, Eritonga Survey District, and being portion of an area reserved for the growth and preservation of timber by notice published in the *Gazette* of the 28th July, 1881, page 959: bounded towards the north by the watershed passing through Trig. Stations Renata (G), Alpha, and Omega; towards the east by the watershed of the Hutt and Tauherenikau Rivers from Trig. Station Omega, passing through Mount Marchant, until it strikes the northern boundary of Section 32, Block XVI, Akatarawa Survey District; towards the south and south-west by the said Section 32 and Lots 4 and 2 on Deposited Plan 1820, being part of the Pakuratahi Block; and towards the west by a right line between Trig. Stations Kakariki and Renata (G).

5. All that area in the Wellington Land District containing by admeasurement, 3,102 acres 3 rood 20 perches, more or less, being Lot 4 on Deposited Plan 1820, Part of the Pakuratahi Block, situated in Blocks XI and XII, Akatarawa Survey District, and being the whole of the land comprised in certificate of title, Volume 160, folio 47, Wellington.

6. All that area in the Wellington Land District, containing by admeasurement 7,920 acres, more or less, situated in Blocks XV and XVI, Akatarawa Survey District,

Blocks III, IV, and VII, Rimutaka Survey District, and being portion of an area of Crown lands set apart as and for a State forest by Proclamation published in the *Gazette* of the 20th September, 1898, page 1540: bounded towards the north generally by Section 416 of Block XV, Akatarawa Survey District, by the Railway Reserve and a scenic reserve, by Sections 299, 418, 438, 29, 1, and 2 of the said Block XV; on the east generally by Section 4 of the said Block XV, and the western side of the Railway Reserve to the northern boundary of the Rimutaka Survey District; thence by that boundary to the Pakuratahi River, and by the said river to Section 6 of the said Block XV; thence by the eastern side of the said Section 6 to Section 20 of Block XVI, Akatarawa Survey District; thence by the southern boundaries of Sections 20 and 21, Block XVI aforesaid, to the Rimutaka Range; on the south-east by the summit of the said range to the southern boundary of State Forest Reserve No. 32; and on the south and south-west by the southern and western boundaries of the said Reserve No. 32 to the place of commencement: excluding therefrom the Railway Reserve.

7A. All that area in the Wellington Land District, containing by admeasurement 3,780 acres, more or less, situated in Blocks III, VI, and VII, Rimutaka Survey District, and being portion of an area reserved for the growth and preservation of timber by notice published in the *Gazette* of the 28th July, 1881, page 959: bounded towards the north-west by State Forest No. 32 from the easternmost corner of Section 2, Block III, Rimutaka Survey District, to the summit of the Rimutaka Range; towards the east and south-east by the said range to the south-eastern corner of Section 11A, Block VI, Rimutaka Survey District; towards the north-west by Sections 11A, 10A, and 9A of the said Block VI, and Sections 8, 7, 6, 5, 4, and 3 of Block II, and Section 2 of Block III, Rimutaka Survey District.

7B. All that area in the Wellington Land District, containing by admeasurement 15,300 acres, more or less, situated in Block XVII, Belmont Survey District, Block X, Rimutaka Survey District, and Blocks II, III, V, and VI, Pencarrow Survey District: bounded towards the north generally by a line commencing at a point on the eastern boundary of Section 94 of Block XVII, Belmont Survey District, distant 7523.5 links from the south-eastern corner thereof; thence by a line bearing 133° to the northern boundary of Block III, Pencarrow Survey District; thence by the said block boundary to the summit of the Rimutaka Range; towards the east and south by the said range to the northern boundary of Subdivision 1A, Orongorongo Native Block; and towards the west and north-west generally by the said Subdivision 1A, Section 83, of Block V, Pencarrow Survey District, Sections 56, 57, 58, 59, 60, 61, and 62, of Block I, Pencarrow Survey District, and Sections 65, 97, 96, 95, and 74, Block XVII, Belmont Survey District.

8. All that area in the Wellington Land District, containing by admeasurement 587 acres 1 rood 6 perches, more or less, situated in Block III, Rimutaka, and Block XV, Akatarawa Survey Districts, being portion of State Forest Reserve taken for scenic purposes by Proclamation published in the *Gazette* of the 30th January, 1913, page 321, and being the whole of the land shown on plan numbered 251/4, deposited in the office of the Chief Surveyor at Wellington, and thereon bordered pink.

9. All that area in the Wellington Land District, containing by admeasurement 3,000 acres, more or less, situated in Blocks XII and XVI, Akatarawa, Block VII, Waiohine, and Block II, Wairarapa Survey Districts, being portion of Crown lands set apart for climatic and water-conservation purposes by notice published in the *Gazette* of the 14th April, 1904, page 1010, and being the whole of the land shown on plan numbered 71/61P, deposited in the office of the Chief Surveyor at Wellington, and thereon bordered green.

SECOND SCHEDULE.

1. ALL that land in the Wellington Land District bounded as follows: Commencing at the easternmost corner of Section 89, Block I, Rimutaka Survey District; thence in a south-westerly direction along the boundaries of Sections 89, 88, 87, 86, Block I, Rimutaka Survey District, and Sections 85, 84, 83, 82, 81, 191, Block IV, Belmont Survey District; thence along the north-eastern and south-eastern boundaries of Sections 194 and 195 to Section 65, Block IV, Belmont Survey District; thence to the easternmost corner of the said Section 65; thence along the north-eastern boundaries of Sections 66 and 67 to Section 234, Block X, Belmont Survey District; thence

along the north-eastern boundary of Section 234 and south-eastern boundaries of Sections 234 and 233; thence along the southern boundaries of Sections 233, 232, and 231; thence along the south-eastern boundaries of Sections 43 and 42, Block X, Belmont Survey District; thence along the southern boundary of Section 41, Block XIV, Belmont Survey District, to the boundary of Lower Hutt Borough; thence in a westerly and northerly direction along the boundary of the Lower Hutt Borough to the southernmost corner of Section 37, Block IX, Belmont Survey District; thence in a north-westerly direction along the boundaries of Section 37, Block IX, Belmont Survey District, and Section 186, Block VIII, Belmont Survey District; thence by a straight line to the south-westernmost corner of Section 48, Block IX, Belmont Survey District; thence along the western boundary of Section 48 to its north-western corner; thence by a line bearing $48^{\circ} 30'$ for 227 chains through Sections 184, 183, 425, 203, 202, Block IX, Belmont Survey District, to the northern boundary of Section 202, Block IX, Belmont Survey District; thence by a line bearing $45^{\circ} 45'$ for 91 chains through Sections 200A, 200, 198, Block IV, Belmont Survey District, to its north-eastern boundary; thence by a straight line to the easternmost corner of Section 196A, Block IV, Belmont Survey District; thence by a line in an easterly direction along the boundary of Section 196A to the Hutt River; thence due east to the eastern boundary of the Hutt River; thence in a northerly direction along the eastern boundary of the Hutt River to its junction with the northern boundary of Section 89, Block I, Rimutaka Survey District; thence along the northern boundary of Section 89, Block I, Rimutaka Survey District, to the place of commencement.

2. All that land in the Wellington Land District bounded as follows: Commencing at the north-eastern corner of Section 20, Block XVI, Belmont Survey District; thence in a southerly direction along the eastern boundary of Sections 20 and 22 to Section 24; thence in an easterly direction along the northern boundary of Section 24 to its easternmost corner; thence in a south-westerly direction along the eastern boundary of Sections 24, 26, 28, 31; thence in a north-westerly direction along the southern boundary of Section 31; thence in a south-easterly direction along the eastern boundaries of Section 33; thence by the eastern and southern boundaries of Section 33 to Day's Bay Road; thence by a production of the boundary of Section 33 across the said road to high-water mark, Wellington Harbour; thence in a northerly direction along high-water mark, Wellington Harbour, to its junction with the production of the northern boundary of Section 20; thence to the north-western corner of Section 20; thence along the northern boundary of Section 20 to the place of commencement.