

# WATER, SOIL, AND RIVERS BILL

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## EXPLANATORY NOTE

*Clause 1* relates to the Short Title.

### PART I

#### AMENDMENTS TO PUBLIC WORKS ACT 1981

*Clause 2* provides for this Part of the Bill to be read together with and deemed part of the Public Works Act 1981 and date of commencement, being 19 June 1987.

*Clauses 3 and 4* amend sections 210 and 212 of the Public Works Act 1981, which, *inter alia*, provide for the adjustment of the basic charge and the water availability charge when a supply of water is first available to an irrigation district.

The amendments enable the charges to be adjusted when a supply of water is first available to any part of an irrigation district.

*Clause 5* provides that the powers conferred by sections 11 (2) and 18 of the Public Works Amendment Act 1960 (being powers continued in force pursuant to section 222 (3) of the Public Works Act 1981) to alter, by Order in Council, an irrigation charge may be exercised on the expiration of 10 years from the date of commencement of availability of a supply of water to any part of an irrigation district, as well as the whole district.

### PART II

#### AMENDMENTS TO SOIL CONSERVATION AND RIVERS CONTROL ACT 1941

*Clause 6* provides for this Part of the Bill to be read together with and deemed part of the Soil Conservation and Rivers Control Act 1941.

*Clause 7* provides that, notwithstanding anything to the contrary in—

- (a) Any Order in Council constituting any catchment district under section 34 of the principal Act (as amended pursuant to or to give effect to section 19 of the Water and Soil Conservation Act 1967); or
- (b) Any notice defining any catchment area under section 13 of the principal Act (as amended pursuant to or to give effect to section 19 of the Water and Soil Conservation Act 1967)—

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any restrictions on the application of the provisions of the principal Act contained in any such Order in Council or notice shall cease to have any force or effect on and after the commencement of the clause.

The effect of this is that every Catchment Board will be able to exercise all of the powers conferred on Boards by the principal Act notwithstanding that some Boards are not at present entitled to exercise all of those powers.

*Clause 8* removes the limit on the amount of administrative rates which may be struck by Catchment Boards.

In addition the clause repeals the provision under which the National Water and Soil Conservation Authority may pay to Catchment Boards a subsidy on administrative rates.

*Clause 9* removes the requirement that general rates and special rates made and levied by Catchment Boards must be made and levied on a graduated scale according to a classification of rateable property. Such rates may now also be made and levied on a uniform scale.

### PART III

#### AMENDMENT TO WATER AND SOIL CONSERVATION ACT 1967

*Clause 10* provides for this Part of the Bill to be read together with and deemed part of the Water and Soil Conservation Act 1967.

*Clause 11* empowers each Regional Water Board to fix, by special order, scales of charges recoverable from holders of water rights for the purposes of defraying the costs of carrying out the Board's water resource management functions.

In setting scales of charges, each Board is to have regard to—

- (a) The costs it incurs in respect of different catchments, and the likely benefits to the holders of different types of right and to others; and
  - (b) The volumes of water authorised and the effects of the exercise of the rights on the water resource; and
  - (c) The extent to which the administration, monitoring, and supervising of the exercise of rights is necessary to ensure that the conditions, restrictions, or prohibitions to which a right is subject are being complied with.
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*Right Hon. Fraser Colman*

## WATER, SOIL, AND RIVERS

### ANALYSIS

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### A BILL INTITULED

#### **An Act to amend certain enactments relating to water, soil, and rivers**

BE IT ENACTED by the Parliament of New Zealand as follows:

- 5     **1. Short Title**—(1) This Act may be cited as the Water, Soil, and Rivers Act 1987.  
          (2) This Act shall be deemed to have come into force on the 19th day of June 1987.

#### PART I

10                    AMENDMENTS TO PUBLIC WORKS ACT 1981

**2. This Part to be read with Public Works Act 1981**—  
This Part of this Act shall be read together with and deemed part of the Public Works Act 1981\* (in this Part of this Act referred to as the principal Act).

\*1981, No. 35

Amendments: 1982, No. 182, 1983, No. 150; 1987, No. 62; 1987, No. 67

**3. Adjustment of basic charge**—Section 210 (1) (a) of the principal Act (as substituted by section 12 of the Public Works Amendment Act 1983) is hereby amended by inserting, after the word “water”, the words “to the district or to any part of the district”. 5

**4. Adjustment of water availability charge**—Section 212 (1) (a) of the principal Act (as substituted by section 14 of the Public Works Amendment Act 1983) is hereby amended by inserting, after the word “water”, the words “to the district or to any part of the district”. 10

**5. Review of charges under Public Works Amendment Act 1960**—The powers conferred by—

(a) Section 11 (2) of the Public Works Amendment Act 1960 to amend an Order in Council made under section 11 (1) of that Act; and 15

(b) Section 18 of that Act to alter, by Order in Council, the irrigation charge—

(being powers continued in force pursuant to section 222 (3) of the principal Act) may be exercised from time to time in respect of any part of an irrigation district after the expiration of 10 years from the date of the commencement of availability of a supply of water to that part of the district. 20

## PART II

### AMENDMENTS TO SOIL CONSERVATION AND RIVERS CONTROL ACT 1941

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**6. This Part to be read with Soil Conservation and Rivers Control Act 1941**—This Part of this Act shall be read together with and deemed part of the Soil Conservation and Rivers Control Act 1941\* (in this Part of this Act referred to as the principal Act). 30

\*R.S. Vol. 17, p. 607

**7. Extending jurisdiction of Catchment Boards**—The principal Act is hereby amended by inserting, after section 34, the following section:

“34A. Notwithstanding anything to the contrary in—

“(a) Any Order in Council constituting any catchment district under section 34 of this Act (as amended pursuant to or to give effect to section 19 of the Water and Soil Conservation Act 1967); or 35

“(b) Any notice defining any catchment area under section 13 of this Act (as amended pursuant to or to give effect to section 19 of the Water and Soil Conservation Act 1967)—

5 any restrictions on the application of the provisions of this Act contained in any such Order in Council or notice shall cease to have any force or effect on and after the commencement of this section.”

**8. Removing limit on administrative rates**—(1) Section 10 84 (1) of the principal Act (as substituted by section 15 of the Soil Conservation and Rivers Control Amendment Act 1959 and amended by section 2 of the Soil Conservation and Rivers Control Amendment Act 1977) is hereby amended by omitting the words “not exceeding in any one year 0.05c in the \$1”.

15 (2) The said section 84 (1) (as so substituted) is hereby amended by repealing the 2 provisos, and substituting the following proviso:

“Provided that, where all the local authorities in a catchment district agree to apportion among themselves and to pay to the 20 Catchment Board by way of annual amounts sufficient, in the opinion of the Board, to provide for the efficient administration of the district (but not exceeding the amount that would have been provided by the proposed levying of a uniform administrative rate), the Board may accept from the local 25 authorities, and the local authorities may pay to the Board, such annual amounts as may be due under any such agreement.”

(3) Section 3 of the Soil Conservation and Rivers Control Amendment Act 1963 is hereby consequentially repealed.

30 (4) Section 2 of the Soil Conservation and Rivers Control Amendment Act 1977 is hereby consequentially repealed.

(5) Section 78 of the Statutes Amendment Act 1945 is hereby repealed.

35 (6) Section 7 of the Soil Conservation and Rivers Control Amendment Act 1962 is hereby consequentially repealed.

**9. Removal of requirement for general and separate rates to be levied on a graduated scale**—Section 101 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

40 “(1A) Notwithstanding the provisions of subsection (1) of this section, any Board may determine, in respect of any rating year, that any general rate under section 85 of this Act or any

separate rate under section 86 of this Act shall be made and levied on a uniform scale.”

### PART III

#### AMENDMENT TO WATER AND SOIL CONSERVATION ACT 1967

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**10. This Part to be read with Water and Soil Conservation Act 1967**—This Part of this Act shall be read together with and deemed part of the Water and Soil Conservation Act 1967\* (in this Part of this Act referred to as the principal Act).

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\*R.S. Vol. 17, p. 783

**11. Costs of managing water resources**—The principal Act is hereby amended by repealing section 24k (as inserted by section 13 (1) of the Water and Soil Conservation Amendment Act 1983), and substituting the following section:

“24k. (1) For the purpose of defraying the costs of carrying 15 out its functions under section 20 (5) (c), (ca), and (d) to (i) of this Act, the Board, by special order, may fix scales of charges recoverable from the holders of all rights in respect of natural water granted on application or otherwise authorised under this Act within its region (other than authorisations under section 22 20 of this Act).

“(2) Every special order under subsection (1) of this section shall be made in the manner set out in section 113 of the Local Government Act 1974; and the provisions of that section, with the necessary modifications, shall apply accordingly. 25

“(3) In setting a scale of charges, the Board shall have regard to—

“(a) The costs it incurs in respect of different catchments; and

“(b) The likely benefits to the holders of different types of 30 right and to others; and

“(c) The volumes of water authorised and the effects of the exercise of the rights on the water resource; and

“(d) The extent to which the administration, monitoring, and supervising of the exercise of rights is necessary to 35 ensure that the conditions, restrictions, or prohibitions to which a right is subject are being complied with.”