

[AS REPORTED FROM THE PLANNING AND DEVELOPMENT
COMMITTEE]

House of Representatives, 24 November 1987.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. Richard Prebble

WATER, SOIL, AND RIVERS

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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.

No. 157—2

Price
incl. GST \$1.90

Struck Out

(2) This Act shall be deemed to have come into force on the 19th day of June 1987.

New

(2) This Act shall come into force on the 1st day of April 1988. 5

PART I

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 10
part of the Public Works Act 1981* (in this Part of this Act
referred to as the principal Act).

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 15
the word “water”, the words “to the district or to any part of
the district”.

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 20
inserting, after the word “water”, the words “to the district or
to any part of the district”.

**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 25
to amend an Order in Council made under section
11 (1) of that Act; and

(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 30
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.

*1981, No. 35

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

PART II
AMENDMENTS TO SOIL CONSERVATION AND
RIVERS CONTROL ACT 1941

5 **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).

10 **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—

15 “(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

20 “(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)—

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.”

25 *Struck Out*

8. Removing limit on administrative rates—(1) Section 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”.

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

35 “Provided that, where all the local authorities in a catchment district agree to apportion among themselves and to pay to the 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
40 been provided by the proposed levying of a uniform

Struck Out

administrative rate), the Board may accept from the local 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.

(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.

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

*New***8. Repealing provision for administrative rates—**

(1) Section 84 of the principal Act is hereby repealed.

(2) The following enactments are hereby consequentially repealed:

(a) Section 15 of the Soil Conservation and Rivers Control Amendment Act 1959:

(b) Section 3 of the Soil Conservation and Rivers Control Amendment Act 1963:

(c) Section 2 of the Soil Conservation and Rivers Control Amendment Act 1977.

8A. Repealing provision for subsidy on administrative rates—(1) Section 78 of the Statutes Amendment Act 1945 is hereby repealed.

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

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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:

New

9. Removal of requirement for general and separate rates to be levied on a graduated scale—(1) Section 101 (1) of the principal Act is hereby amended by omitting the words
5 “, other than an administrative rate under section 84 hereof,”.

(2) Section 101 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Notwithstanding the provisions of subsection (1) of this section, any Board may determine, in respect of any rating
10 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
15 CONSERVATION ACT 1967

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
20 the principal Act).

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11. Costs of managing water resources—The principal Act is hereby amended by repealing section 24k (as inserted by
25 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 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
30 water granted on application or otherwise authorised under this Act within its region (other than authorisations under section 22 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
35 Government Act 1974; and the provisions of that section, with the necessary modifications, shall apply accordingly.

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- “(3) In setting a scale of charges, the Board shall have regard to—
- “(a) The costs it incurs in respect of different catchments; and 5
 - “(b) The likely benefits to the holders of different types of 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 10
 - “(d) 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.” 10

New

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11. Costs of managing water resources—(1) The principal Act is hereby amended by repealing sections 24κ and 24κΑ, and substituting the following section:

“24κ. (1) For the purpose of defraying the costs of the administration, monitoring, and supervision of rights and the costs of carrying out its functions under section 20 (5) (c), (ca), and (d) to (i) of this Act, the Board, by special order, may from time to time fix scales of charges recoverable from the holders of all rights in respect of natural water within its region granted on application or otherwise authorised under this or any other Act, other than authorisations under section 22 of this Act. 20 25

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

- “(a) The costs it incurs in respect of different catchments and areas; and 30
- “(b) The likely benefits to the holders of different classes of right and to other persons or categories of person; and
- “(c) The effects of the exercise of the rights on the water and soil resource; and 35
- “(d) The extent to which the administration, monitoring, and supervising of the exercise of rights is necessary to ensure that the conditions, restrictions, or

New

- prohibitions to which rights are subject are being
complied with; and
- 5 “(e) Any monitoring and catchment management carried out
by the holders of rights pursuant to any lawful
requirement of the Board.
- “ (3) 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
10 the necessary modifications, shall apply accordingly.
- “ (4) Every copy of a resolution made pursuant to **subsection (1)**
of this section and deposited in accordance with section 113
(1) (c) of the Local Government Act 1974 shall have attached to
it a statement, signed by the Secretary to the Board, setting out
15 the principles upon which the scale of fees is based.
- “ (5) Every scale of fees fixed under this section shall come
into force on such date as may be specified in the resolution,
being a date not earlier than the date on which the resolution is
confirmed. If no date is so specified the scale of fees shall come
20 into force on the date on which the resolution is confirmed.
- “ (6) Nothing in this section shall apply to any taking or use of
natural water authorised by the second proviso to section 21 (1)
of this Act.”
- 25 (2) Section 13 of the Water and Soil Conservation
Amendment Act 1983 is hereby consequentially repealed.