



ANALYSIS

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1979, No. 3—*Local*

An Act to amend the Christchurch District Drainage Act 1951
[3 August 1979]

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—This Act may be cited as the Christchurch District Drainage Amendment Act 1979, and shall be read together with and deemed part of the Christchurch District Drainage Act 1951 (hereinafter referred to as the principal Act).

2. New sections substituted—(1) The principal Act is hereby amended by repealing sections 19, 19A, 19B, and 20 to 26, and substituting the following sections:

“19. Appointment of Chairman, Deputy Chairman, and Chairmen of Standing Committees—(1) Subject to subsection (2) of this section, the Board shall, at its first meeting after its election and thereafter in each successive year at its

monthly meeting nearest the anniversary of such election, appoint from its members for the year following such appointment, a Chairman, a Deputy Chairman, and Chairmen of Standing Committees.

“(2) The number of Chairmen of Standing Committees, including the Deputy Chairman of the Board, entitled to an allowance or remuneration under section 20 (3) (c) of this Act shall not exceed 4. If more than 4 such Chairmen are appointed, the Board shall determine which of them shall be entitled to an allowance or remuneration under the said section 20 (3) (c).

“20. Allowances, expenses, and remuneration of Chairman and members—(1) The Board is hereby declared to be a Statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

“(2) The Board may pay to the Chairman and to the members of the Board or any committee thereof travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

“(3) The Minister of Local Government may from time to time, with the concurrence of the Minister of Finance, by notice in the *Gazette*, fix—

“(a) The rate of the annual allowance of the Chairman:

“(b) The rate of the annual allowance of the Deputy Chairman, which allowance shall be payable in addition to any allowance or remuneration to which he may be entitled under paragraph (c) of this subsection:

“(c) The rate of the annual allowance or remuneration of the Chairmen of Standing Committees entitled to such allowance or remuneration under section 19 of this Act:

“(d) The rate of remuneration of other members of the Board:

“(e) The conditions subject to which any such allowance or remuneration is to be paid.

“(4) Every notice under subsection (3) of this section may—

“(a) Provide that the rate of any annual allowance or remuneration shall be the actual rate that is to be paid or shall be the maximum rate that may be paid:

“(b) Specify the date on and after which any annual allowance or remuneration fixed thereby shall take effect.

“(5) Any annual allowance paid pursuant to any such notice shall be paid out of the funds of the Board.

“21. **Deputy Chairman**—(1) The Deputy Chairman may with the consent of the Chairman or, in the event of the Chairman becoming incapable of acting, without that consent, until the Chairman resumes his duties or a new Chairman comes into office, have all the authority of the Chairman.

“(2) A minute appearing in the minute book of the Board’s proceedings recording the appointment of the Deputy Chairman shall, as regards all persons having any business with the Board, and acting in good faith, be deemed to be conclusive evidence of the validity of the appointment of any person as Deputy Chairman, and of his continued authority to act as such, and shall relieve all persons having business with the Board from the necessity of making any inquiries in the matter.

“22. **Casual vacancy**—If any casual vacancy occurs in any of the offices of Chairman, Deputy Chairman, or Chairmen of Standing Committees, and where in the case of the Chairman there is no Deputy Chairman to act in his place, the Board shall, as soon as it conveniently can after the occurrence of the vacancy, appoint some other member to fill the vacancy for so long as the same exists; and every person so appointed shall continue in office so long only as the person in whose place he was elected would have been entitled to continue if such vacancy had not occurred.

“23. **Committees**—(1) The Board may delegate any of its powers to committees, including Standing Committees, consisting of such members as it thinks fit, whether members of the Board or not, but the Board may not delegate to any such committee power to enter into any contract except in accordance with the provisions of section 4 of the Public Bodies Contracts Act 1959.

“(2) The Board may at any time, and from time to time, discharge, alter, continue, or reconstitute any committee or discharge any member of a committee, and, if it thinks fit, appoint another member in his stead.

“(3) Any committee so formed shall, in the exercise of the powers delegated, conform to any directions that may be given to it by the Board.

“(4) A committee other than a Standing Committee may elect one of its members to be the Chairman.

“(5) A committee may meet and adjourn as it thinks proper.

“(6) Questions at any committee meeting shall be determined by a majority of the votes of the members present.

“24. Chairman of meetings—(1) At any meeting of the Board the Chairman, or in his absence the Deputy Chairman, shall act as chairman of that meeting.

“(2) At any meeting of a Standing Committee the Chairman of that Standing Committee shall act as chairman of that meeting.

“(3) At any meeting of committees other than Standing Committees the chairman of that committee shall act as chairman of that meeting.

“(4) The Board, in the absence of the Chairman and Deputy Chairman, a Standing Committee, in the absence of the Chairman of that Standing Committee, or any other committee, in the absence of the chairman of that committee, shall choose one of the members present at that meeting to be chairman of such meeting.

“25. Chairman of meeting to have casting vote—In case of an equality of votes at any meeting the chairman for the time being of such meeting shall have a second or casting vote.

“26. Insurance of Board members—(1) The Board may from time to time enter into contracts of insurance insuring members of the Board against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members of the Board, and pay the premiums payable in respect of those contracts.”

(2) The following enactments are hereby consequentially repealed:

- (a) So much of the Second Schedule to the Public Bodies Contracts Act 1959 as relates to the principal Act:
- (b) Section 2 of the Christchurch District Drainage Amendment Act 1960:
- (c) Section 4 of the Christchurch District Drainage Amendment Act 1966:

- (d) Section 5 of the Christchurch District Drainage Amendment Act 1969:
- (e) The Christchurch District Drainage Amendment Act 1970:
- (f) The Christchurch District Drainage Amendment Act 1971.

(3) Notwithstanding the repeal of sections 19A and 19B of the principal Act by subsection (1) of this section, the allowances payable under the said section 19A and subsection (3) of the said section 19B may continue to be paid until the first notice given under section 20 (3) of the principal Act (as substituted by subsection (1) of this section) takes effect.

3. Removal of obstructions by owners—(1) The principal Act is hereby further amended by repealing section 43, and substituting the following section:

“43. (1) Subject to the provisions of the Soil Conservation and Rivers Control Act 1941 and of the Water and Soil Conservation Act 1967, the Board may, by order in writing under the hand of the Chairman or Secretary or Engineer, require the carrying out within a time specified in such order (being not less than 24 hours after the service of the order) of all or any of the following works:

“(a) The removal from any watercourse of any obstruction to the free flow of water or sewage in the watercourse:

“(b) The construction, maintenance, renewal, or removal of, or other specified dealing with, any crossings, structures, or things of any kind whatsoever in, over, or under any watercourse, either wholly or in part:

“(c) The removal or other specified treatment of, or dealing with, plants, weeds, growths, structures, or things of any kind whatsoever within such distance of any watercourse as to obstruct or be likely to obstruct the free flow of water or sewage in the watercourse.

“(2) Any such order may be directed—

“(a) To the owner or occupier of any land abutting the watercourse at the point at which such obstruction or likely obstruction or structure or thing exists or is required to be constructed; or

“(b) To the owner of such obstruction or likely obstruction or structure or thing.

“(3) If the person to whom such order is directed fails to comply with the same within such time as is specified in the order he shall be liable to a fine not exceeding \$100, and to a further fine not exceeding \$10 for every day or part of a day during which such failure continues; and the Board may itself carry out the works specified in such order and recover the cost of so doing from the person to whom the order was directed.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 9 of the Christchurch District Drainage Amendment Act 1960:
 - (b) Section 6 of the Christchurch District Drainage Amendment Act 1966:
 - (c) Section 7 (e) of the Christchurch District Drainage Amendment Act 1975.
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