

New Zealand.



ANALYSIS.

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1924, No. 6.—*Local and Personal.*

AN ACT to enable the Corporation of the City of Dunedin to raise the Height of a Dam or Weir in the Waipori River for the Purpose of impounding the Water of the River for generating and supplying Electricity. Title.
 [6th October, 1924.]

WHEREAS by the Dunedin City Corporation Empowering Act, 1920, the said Corporation is empowered to construct and erect, in accordance with the plan deposited in the office of the Public Works Department at Wellington as number 49402, a dam or weir across the Waipori River at a point in such river shown on the said plan: And whereas the said Corporation is desirous of raising the height of such dam or weir; and it is desirable to repeal the said Act and to confer on the said Corporation the extended powers hereinafter set out: Preamble.

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

1. This Act may be cited as the Dunedin City Corporation Empowering Act, 1924. Short Title.

2. In this Act, unless the context otherwise requires,— Interpretation.
 “The said Corporation” means the Corporation of the City of Dunedin:

“The said dam or weir” means the dam or weir referred to in the Preamble to this Act.

Corporation
empowered to raise
height of dam on
Waipori River.

3. (1.) The said Corporation is hereby empowered to raise the height of the said dam or weir to one hundred and ten feet above the bed of the said river, as shown on the plan deposited in the office of the Public Works Department at Wellington as number 60375, and at all times to maintain the said dam or weir, and, save as hereinafter in this section provided, to impound, collect, divert, and take away for its absolute use and benefit all the waters in the Waipori River for the purpose of generating electricity and supplying the same as motive power and for lighting and for any other purpose whatsoever :

Provided that nothing herein shall interfere with the exercise within the watershed of the Waipori River of any riparian rights or other rights to take or use the waters of the said river, or shall limit the authority of the Warden or other authorized person to grant any such rights :

Provided also that the said dam or weir shall not be raised to a greater height than sixty feet above the bed of the said river before the first day of March, nineteen hundred and twenty-eight.

(2.) The raising of the dam or weir shall be carried out in accordance with detail working drawings and specifications to be submitted by the said Corporation, and approved by the Minister of Public Works.

Power of entry on
lands for purpose of
executing works.

4. All officers, workmen, and others employed by the said Corporation may at all times hereafter, in accordance with and subject to the provisions of the Public Works Act, 1908, enter on any land, with or without horses or vehicles, for the purpose of constructing or erecting the works hereinbefore referred to and of examining and repairing the said dam or weir.

Compensation for
rights injuriously
affected.

5. Every person having any estate or interest in any land situated within the watershed of the Waipori River or being the holder of a mining privilege who in respect of such estate or interest or privilege is injuriously affected, or is likely to be injuriously affected, by or suffers any damage from or by reason of the exercise of the powers by this Act conferred upon the said Corporation shall be entitled to full compensation for the same, to be ascertained in the manner provided by the Public Works Act, 1908, in respect of compensation for lands taken under that Act, and the provisions of that Act shall in all respects apply to any claim against the said Corporation, except that for the purpose of any such claim section thirty-seven of the said Act shall be read as if the words "three years" were contained therein in lieu of the words "twelve months"; provided that no claim for compensation may be made in respect of any mining privilege granted after the commencement of this Act.

Protection of mining
privileges acquired
by Corporation.

6. The rights conferred on the said Corporation by the mining privileges now or hereafter acquired or held by or otherwise vested in the said Corporation shall not nor shall such mining privileges be liable to loss of priority, cancellation, forfeiture, or surrender under or by virtue of the mining laws of New Zealand or otherwise; and all licenses for water-races now or hereafter acquired or held by or otherwise vested in the said Corporation and used in connection with the hydro-electrical undertaking of the Corporation shall, notwithstanding the expiry of the terms thereof respectively, continue in force in all respects as if the same had been granted in perpetuity.

7. It shall not be lawful for any person, after the expiration of one year from the passing of this Act, to discharge any tailings, mining debris, or waste water into the Waipori River above the said dam or weir, or into any tributary that enters the river above the said dam or weir.

Restriction on use of Waipori River as sludge-channel

8. All deeds or instruments made between the said Corporation and any person having any estate or interest in any land held under the provisions of the Land Act, 1908, in connection with or incidental to the exercise by the Corporation of the powers conferred upon it by this Act, or in respect of the compensation-moneys paid or payable to such persons pursuant to section five of this Act, may be registered in the office of the Land Board of the Otago Land District in Dunedin by depositing in such office the said deeds or instruments or duplicates thereof, and thereupon the said deeds or instruments and everything therein contained shall, without any further procedure and notwithstanding the provisions of any other Act, bind the lands described or referred to in such deeds or instruments and the respective owners, lessees, and licensees for the time being of any such lands. All future leases and licenses of the said lands shall be granted subject to the provisions of this Act and of the said deeds or instruments.

Deeds or instruments may be registered in office of Otago Land Board.

9. Nothing in this Act shall prejudicially affect the holders for the time being of the water-race licenses held at the passing of this Act by the Golden Crescent Sluicing Company (Limited), the Lawrence Sluicing Company (Limited), and the Gabriel's Gully Sluicing Company (Limited), in respect of the rights conferred by those licenses to take water from the Waipori River for use beyond the watershed thereof, or shall prejudicially affect a certain unexpired lease made between the said Corporation of the one part and John Thomas Johnson of the other part, and dated the eighth day of August, nineteen hundred and twenty-three, and registered as number 937 at the office of the Mining Registrar at Lawrence, in the Provincial District of Otago.

Saving of certain existing mining privileges and other rights.

10. Before hearing any application, whether made before or after the passing of this Act, for a mining privilege in respect of the Waipori River or its tributaries or the watersheds thereof respectively, the Warden shall cause written notice of such application to be given to the said Corporation.

Notice of application for mining privilege in Waipori district to be given to Corporation.

11. (1.) The Dunedin City Corporation Empowering Act, 1920, is hereby repealed:

Repeal.

Provided that the repeal of that Act shall not affect any rights to compensation that have accrued thereunder prior to the passing of this Act.

(2.) All works, claims for compensation, awards, agreements, and generally all acts of authority done, made, or entered into for the purposes of the Act hereby repealed, and subsisting or in force at the commencement of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under this Act, and shall, where necessary, be deemed to have so originated.