



## ANALYSIS

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1978, No. 10—*Local*

**An Act to amend the Hutt Valley Drainage Act 1967**

[20 October 1978

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 and commencement**—(1) This Act may be cited as the Hutt Valley Drainage Amendment Act 1978, and shall be read together with and deemed part of the Hutt Valley Drainage Act 1967 (hereinafter referred to as the principal Act).

(2) Sections 2 to 4 of this Act shall come into force on the 1st day of March 1979.

(3) Sections 5 and 6 of this Act shall be deemed to have come into force on the 1st day of March 1978.

**2. Definition of main sewer**—Section 2 of the principal Act is hereby amended by adding to the definition of the term “main sewer” the words “; but does not include any pumping station or sewer which the Board, after consultation with the constituent authorities, determines shall not be a main sewer or part of a main sewer”.

**3. Interpretation**—The principal Act is hereby further amended by inserting, before section 57, the following section:

“56A. For the purposes of sections 57 to 60 of this Act, unless the context otherwise requires—

“Design capacity” means the rate of flow of sewage provided or to be provided in the main sewerage system of the Board to serve the district of one or more constituent authorities within the District of the Board as may be determined from time to time by the Board:

“Water usage” for a constituent authority means the amount of water used annually by that constituent authority within the district of the Board from the 1st day of November of each year to the 31st day of October in the succeeding year both days inclusive, the said 31st day of October being that in the immediately preceding calendar year. The said amount of water shall be the sum of the following amounts:

“(a) The bulk water so supplied in the said period as assessed by the Wellington Regional Water Board, adjusted to such extent as may be necessary by virtue of the fact that bulk water is supplied by a constituent authority to another constituent authority; and

“(b) Water supplied from private wells so used in the same period as assessed by the Wellington Regional Water Board:

“Provided that if in the opinion of the Board significant amounts of water are being used from the above sources but are not being discharged directly or indirectly into the Board’s main sewerage works the Board may reduce the figure as assessed as it thinks fit and the net figure so assessed shall be the water usage of that constituent local authority.”

**4. New sections substituted**—The principal Act is hereby further amended by repealing sections 59 and 60, and substituting the following sections:

“59. **Assessment of contributions**—(1) The Board shall, on or before the 15th day of May in each year, hold a meeting at which the estimates shall be settled and at which the contributions payable by the contributing authorities for the current year commencing on the 1st day of March then last past shall be assessed.

“(2) Written notice shall then forthwith be given by the Board to each of the contributing authorities showing—

- “(a) The amount at which the contributing authority is assessed for the current year; and
- “(b) The amount paid or payable to the Board during the preceding year ending with the last day of February pursuant to bylaws made under section 48 (1) (h) of this Act for charges made in respect of trade wastes discharged from premises within the district of each contributing authority; and
- “(c) A copy of the estimates of the expenditure of the Board for the current year.

“60. **Calculation of assessments**—(1) The contribution of each constituent local authority referred to in section 59 of this Act shall be calculated and assessed as follows:

- “(a) One third of the total proposed expenditure of the Board for the ensuing year shall be charged and assessed to the constituent authorities so that each constituent authority pays a proportion of such amount equal to the proportion which its water usage bears to the total combined water usage of all constituent authorities;
- “(b) A further one third of the total proposed expenditure of the Board for the ensuing year shall be charged and assessed to the constituent authorities so that each constituent authority pays a proportion of such amount equal to the proportion which its design capacity bears to the total combined design capacity of all constituent authorities;
- “(c) The remaining one third of the total proposed expenditure of the Board for the ensuing year shall be charged and assessed to the constituent authorities so that each constituent authority pays a proportion of such amount equal to the proportion which its population within the district of the Board bears to the total combined population of all constituent authorities within the district of the Board.

“(2) The amount of trade waste charges paid or payable to the Board in respect of trade wastes discharged within the district of a contributing authority as notified to that authority in terms of section 59 (2) (b) of this Act shall be credited against the amount that contributing authority is required to pay to the Board in terms of the notice given to it under section 59 (2) (a) of this Act.”

**5. Chairman's allowance**—The principal Act is hereby further amended by repealing section 14, and substituting the following section:

“14. The Chairman may be paid, out of the funds of the Board, such annual allowance as may from time to time be fixed by the Board with the approval of the Minister of Finance.”

**6. Allowances to members**—Section 18 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) In addition to the allowances authorised by subsection (1) of this section, there may be paid, out of the Board's funds, to each member of the Board other than the Chairman, in respect of each meeting of the Board or of any committee of the Board attended by him, remuneration at a rate fixed by the Board, not exceeding such amount as may be fixed from time to time by the Minister of Finance:

“Provided that the maximum amount paid to any member of the Board under this subsection shall not exceed, in any financial year, such amount as may be fixed from time to time by the Minister of Finance.

“(3) The Minister of Finance may fix different amounts under subsection (2) of this section in respect of different specified categories of members and different specified classes of committees.”

**7. Payment of accounts**—Section 71 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) All money shall be paid by the Board in cash, or by cheque or withdrawal notice, signed by a responsible officer of the Board whom the Board by resolution from time to time so appoints, and countersigned in each case by any member or other officer of the Board whom the Board from time to time, by resolution, authorises in that behalf:

“Provided that it shall be lawful for money to be paid by the Board by cheque bearing a facsimile of the signature of either or both of the persons authorised pursuant to this subsection to sign and countersign cheques, and every cheque bearing such facsimile shall be deemed to have been duly signed and countersigned in accordance with this section.”