

**ANALYSIS**

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1947, No. 18

AN ACT to fix the Basis on which the Court shall assess Title.
Compensation in relation to the Control of the Level
of Lake Taupo. *[26th September, 1947]*

WHEREAS the works undertaken for the purpose of controlling the level of the waters of Lake Taupo, and referred to in section thirty-four of the Finance Act 1944, No. 31 (No. 3), 1944, were designed and constructed for the purpose of controlling those waters within a range of levels none of which exceeds the maximum working level of one thousand one hundred and seventy-seven feet above sea-level: And whereas it is not at present proposed to control those waters at any higher working level:

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 Lake Taupo Compensation Act, 1947. *Short Title.*

Interpretation.

2. (1) In this Act, unless the context otherwise requires,—

1944, No. 31

“Court” means a special Compensation Court constituted in accordance with the provisions of the said section thirty-four of the Finance Act (No. 3), 1944:

1945, No. 45

“Maximum working level” means the level of one thousand one hundred and seventy-seven feet above sea-level, or such other level as may for the time being be prescribed under section three of this Act:

“Ordinary claim” means a claim for compensation, other than a special claim, which requires to be determined in accordance with the provisions of the said section thirty-four, as amended by section thirty-six of the Finance Act (No. 2), 1945:

“Special claim” means a claim for compensation made under section five of this Act:

“Works” means the existing works designed and constructed for the purpose of controlling the level of the waters of Lake Taupo, and referred to in the said section thirty-four.

(2) For the purposes of any ordinary claim or any special claim, the level of Lake Taupo at any time shall be determined by reference to the lower of the two permanent bench-marks which have been established adjacent to co-ordinates five thousand one hundred and twenty-six chains south and one thousand seven hundred and thirty-five chains west of circuit origin F Maketu and are situated in Block II of the Tauhara Survey District, which lower bench-mark shall be deemed to represent a height of one thousand one hundred and seventy-six feet and eight-tenths of a foot above sea-level.

**Power to alter
maximum
working level.**

3. (1) The Minister in Charge of the State Hydro-electric Department may from time to time, by notice published in the *Gazette*, prescribe the maximum working level up to which it is intended that the works will be used to control the waters of Lake Taupo.

(2) The works shall not at any time be used for the purpose of controlling the waters of Lake Taupo at any level higher than the maximum working level.

4. All special claims which arise as a result of the maximum working level being increased by a notice under section three of this Act, and all ordinary claims, shall be determined on the basis that the works will be used for the purpose of controlling the waters of Lake Taupo within a range of levels none of which exceeds the maximum working level.

Compensation
to be assessed
on basis of
range of levels
not exceeding
maximum
working level.
1944, No. 31

5. (1) If at any time after the passing of this Act the maximum working level is increased by a notice under section three of this Act, or if notwithstanding the provisions of the said section three the works are used for the purpose of controlling the waters of Lake Taupo at levels higher than the maximum working level, then on each such occasion a special claim for compensation in accordance with section thirty-four of the Finance Act (No. 3), 1944, as amended by section thirty-six of the Finance Act (No. 2), 1945, may thereupon be made at any time not later than twelve months after a notice relating to that occasion has been published in the *Gazette* in accordance with section three or section six hereof.

Special claims
in event of
increase in
maximum
working level.

1944, No. 31
1945, No. 45

(2) A special claim or claims may be made under this section, notwithstanding that compensation in respect of the same matters may have been previously awarded on the basis of a lower maximum working level, but in determining any such special claim or claims the Court shall take into account the compensation previously awarded as aforesaid.

6. If, notwithstanding the provisions of section three of this Act, the works are used at any time after the passing of this Act for the purpose of controlling the waters of Lake Taupo at any level higher than the maximum working level, the Minister shall forthwith, by a notice published in the *Gazette*, announce that fact.

Notice to be
published in
the *Gazette* if
works used to
control Lake
Taupo at level
higher than
the maximum
working level.