



ANALYSIS

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1967, No. 31

An Act to amend the Public Works Act 1928

[26 October 1967]

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 Public Works Amendment Act 1967, and shall be read together with and deemed part of the Public Works Act 1928 (hereinafter referred to as the principal Act).

2. Interpretation—Section 2 of the principal Act is hereby amended by repealing the definition of the term “Maori”, and substituting the following definition:

“‘Maori’ means a person belonging to the aboriginal race of New Zealand; and includes a half-caste and a person intermediate in blood between half-castes and persons of pure descent from that race:”.

3. Power to take Maori land for public work—Section 102 of the principal Act is hereby amended by inserting, after the word “owned”, the words “wholly or partly”.

4. Poles, etc., on highways to be adjacent to boundaries—
The principal Act is hereby amended by inserting, after section 168, the following section:

“168A. (1) Notwithstanding anything to the contrary in any Act or rule of law but subject to paragraph (d) of this subsection, no pole or tower, other than lighting standards required solely for effective highway illumination, shall be erected or re-erected on any public highway outside a borough, town district, or county town otherwise than adjacent to the frontage line of the land adjoining the highway or as near thereto as is practicable, having regard to—

- “(a) The desirability of any cross-arms and wires not encroaching over the land;
 - “(b) The necessity of ensuring that any line (within the meaning of section 141 of the Post Office Act 1959) or transmission line (within the meaning of subsection (2) of section 43 of the Public Works Amendment Act 1948) is not susceptible to instability or to damage by, or interference from, natural causes, or trees, or structures, or other lines or transmission lines;
 - “(c) The necessity of ensuring that any such line or transmission line is reasonably accessible for repair and maintenance; and
 - “(d) The necessity of complying with any other enactment by which express provision is made as to the distance of any pole or tower from any other thing or as to the distance between poles or towers that support different lines or transmission lines.
- “(2) Subsection (1) of this section shall not apply in any case—
- “(a) When the Commissioner of Transport determines (after consultation with the authority having control of the highway and the authority proposing to erect or re-erect a pole or tower) that the proposed position of any pole or tower (although not complying with the said subsection (1)) is such that the pole or tower will not be dangerous to vehicles and persons in them using any highway; or
 - “(b) If, in the public interest, it is essential that any pole or tower be re-erected without delay; or
 - “(c) If, because of technical difficulties or disproportionate costs, it is not practicable to re-erect a pole or tower otherwise than in its previous position.
- “(3) This section shall bind the Crown.”

5. Cancellation of registration of middle-line Proclamation—Section 217 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsections:

“(3) Where the Minister is satisfied that any railway referred to in a Proclamation deposited under this section does not or will not pass over, under, or through any land against which the Proclamation is registered, or where the Minister considers it expedient so to do, he may cause to be deposited, without fee, in the appropriate District Land Registry Office, a certificate, signed by or on behalf of the Minister, containing a description or reference to all land which it is desired be no longer affected by the Proclamation and authorising the cancellation of the registration of the Proclamation against the land. On the deposit of such a certificate the District Land Registrar shall take all steps necessary to discharge or cancel the memorials or entries relating to the Proclamation in respect of the land referred to in the certificate.

“(4) Subsections (1), (2), and (3) of this section shall apply with respect to Proclamations, maps, and plans issued or made for the purposes of section 30 of this Act and of subsections (2), (4), and (5) of section 4 of the Public Works Amendment Act 1947.”

6. Taking and closing of roads and streets—Section 29 of the Public Works Amendment Act 1948 is hereby amended by adding to subsection (1) the following additional proviso:

“Provided also that the whole or any part of any public reserve or public domain shall not be so proclaimed without the consent of the Minister of Lands.”

7. Restrictions on poles, etc., on motorways—Section 6 of the Public Works Amendment Act 1947 is hereby amended by inserting, after the word “motorway”, the words “or on any land that has been taken, purchased, set apart, or otherwise acquired for the purpose of constructing a motorway,”.