



ANALYSIS

Title 1. Short Title and commencement	2. Powers of entry for survey and investigation purposes other than by Minister or local authority
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1987, No. 110

An Act to amend the Public Works Act 1981

[29 June 1987]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Public Works Amendment Act (No. 3) 1987, and shall be read together with and deemed part of the Public Works Act 1981 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of January 1988.

2. Powers of entry for survey and investigation purposes other than by Minister or local authority—The principal Act is hereby amended by inserting, after section 111, the following section:

“111A. (1) In this section, ‘developer’ means—

“(a) An electricity operator within the meaning of section 2 of the Electricity Act 1968; or

“(b) A network operator within the meaning of section 2 of the Telecommunications Act 1987; or

“(c) The Airways Corporation of New Zealand Limited, a company incorporated under the Companies Act 1955 pursuant to the State-Owned Enterprises Act 1986.

“(2) Where a developer wishes to undertake a survey or other investigation on any land for the purpose of gathering information necessary for any application for any right, consent, or permit, or for the preparation of any report,

required for any proposed development, the developer may, upon giving the owner and occupier of the land not less than 10 working days' notice of its intention to do so, apply to the District Court for an order under this section.

“(3) On being satisfied that the proposed survey or investigation is necessary for the purposes of the proposed development, that the proposed development may properly be undertaken by the developer, and that the developer has taken all reasonable steps to negotiate an agreement for entry, the Court may make an order authorising the developer to:

“(a) Enter and re-enter the land at reasonable times, with or without such assistants, aircraft, boats, vehicles, appliances, machinery, and equipment as are reasonably necessary for making any kind of survey or investigation:

“(b) Dig and bore into the land and remove samples of it.

“(4) Every order made under this section shall specify—

“(a) How and when entry is to be made; and

“(b) The specific powers intended to be exercised; and

“(c) Such other conditions as the Court thinks fit to impose.

“(5) Before exercising any powers authorised by an order made under this section, the developer shall serve the order on the owner and occupier of the land to which the order relates.

“(6) Every officer, employee, or agent of a developer acting in pursuance of an order made under this section shall have with him or her and shall produce on initial entry and if required to do so, evidence of his or her authority and identity.

“(7) The developer shall fully compensate every person having any right, title, estate, or interest in any land or property injuriously affected by the exercise of any of the powers authorised by an order made under this section for all loss, injury, or damage suffered by that person.

“(8) In default of agreement between the parties, claims for compensation under this section shall be made and determined within the time and in the manner provided by Part V of this Act, and the provisions of that Part shall, as far as they are applicable and with the necessary modifications, apply with respect to claims under this section.”