



## ANALYSIS

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1976, No. 164

**An Act to amend the Water and Soil Conservation Act 1967**  
*[14 December 1976]*

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 Water and Soil Conservation Amendment Act 1976, and shall be read together with and deemed part of the Water and Soil Conservation Act 1967 (hereinafter referred to as the principal Act).

(2) Sections 2 to 4 of this Act shall be deemed to have come into force on the 1st day of April 1972.

(3) Section 5 of this Act shall come into force on the date of the passing of this Act.

**2. Rights in respect of natural water**—(1) Section 21 (1) of the principal Act is hereby amended by inserting, after the words “waste into any natural water,”, the words “or to discharge natural water containing waste on to land or into the ground in circumstances which result in that waste, or any other waste emanating as a result of natural processes from that waste, entering natural water,”.

(2) Section 21 (3) of the principal Act is hereby amended by inserting, after the words “waste into any natural water”, the words “or to discharge natural water containing waste on to land or into the ground”.

**3. General authority for use, etc., of natural water**—Section 22 (1) of the principal Act (as amended by section 37 (1) of the Water and Soil Conservation Amendment Act 1971) is hereby amended by inserting, after the words “which may be interested in the authorisation,”, the words “by public notice authorise (with or without conditions) the discharge of natural water containing waste on to land or into the ground, or,”.

**4. Applications by Crown**—Section 23 (1) of the principal Act is hereby amended by inserting, after the words “waste into any natural water,”, the words “or to discharge natural water containing waste on to land or into the ground,”.

**5. Offences**—(1) Section 34 (1) of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraphs:

“(ba) Discharges natural water containing waste on to land or into the ground in circumstances which result in that waste, or any other waste emanating as a result of natural processes from that waste, entering natural water; or

“(bb) Being the occupier of any land, causes or permits any waste, emanating as a result of natural processes from matter previously placed on or discharged on to the land or into the ground, to enter natural water; or”.

(2) The said section 34 is hereby further amended by repealing subsection (3) (as added by section 18 (3) of the Water and Soil Conservation Amendment Act (No. 2) 1971), and substituting the following subsection:

“(3) For the purposes of this section, a person shall be deemed to discharge waste into natural water if he places or discharges, or causes or permits to be placed or discharged, any waste or natural water containing waste in a position where that waste, or any other waste emanating as a result of natural processes from that waste, is liable to fall or descend into, or to be washed or percolate into, or to be carried by wind, tide, or current into, any natural water.”