



ANALYSIS

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1988, No. 47

**An Act to amend the Water and Soil Conservation Act
1967**

[31 March 1988]

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

1. Short Title and commencement—(1) This Act may be cited as the Water and Soil Conservation Amendment Act 1988, 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) This Act shall come into force on the 1st day of April 1988.

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “Authority”.

(2) The said section 2 (1) is hereby amended by repealing the definition of the term “Board”, and substituting the following definition:

“ ‘Board’ or ‘Regional Water Board’ means any Regional Water Board specially constituted as such under section 19 of this Act; and includes every Catchment Board and, in relation to any area for which no Board has been constituted, means the territorial authority with jurisdiction over that area or, if there is no such territorial authority, the Minister of Local Government:”.

(3) The said section 2 (1) is hereby amended by repealing the definition of the term “Minister”, and substituting the following definition:

“ ‘Minister’ means the Minister for the Environment:”.

(4) The said section 2 (1) is hereby amended by repealing the definition of the term “water region”, and substituting the following definition:

“ ‘Water region’ or ‘region’ means a water region constituted under section 19 of this Act; and includes every catchment district.”

(5) Section 2 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) For the purposes of the definition of the term ‘Board’ in subsection (1) of this section, a territorial authority shall be deemed to have jurisdiction over any part of the territorial sea adjacent to its territorial authority district which is not within a water region.”

(6) So much of the Schedule to the Water and Soil Conservation Amendment Act 1983 as relates to section 2 (1) of the principal Act is hereby consequentially repealed.

3. Abolition of National Water and Soil Conservation Authority—(1) The National Water and Soil Conservation Authority is hereby abolished.

(2) Sections 4 (1), 5, 9, 11, 12, and 13 of the principal Act are hereby repealed.

(3) The following enactments are hereby consequentially repealed:

(a) Section 16 of the Water and Soil Conservation Amendment Act 1973:

(b) Sections 3 to 6 of the Water and Soil Conservation Amendment Act 1983:

(c) So much of the Schedule to the Water and Soil Conservation Amendment Act 1983 as relates to sections 4, 7, 9, 11, 12, and 13 of the principal Act:

(d) So much of the Second Schedule to the Conservation Act 1987 as relates to section 5 of the principal Act.

4. Bodies to participate in administration—(1) Section 4 (3) of the principal Act is hereby amended—

(a) By omitting the words “, and give effect to the policy and directions communicated to them from time to time by the Authority”:

(b) By repealing the first proviso.

(2) Section 4 (4) of the principal Act is hereby amended by repealing paragraphs (c) and (d), and substituting the following paragraph:

“(c) All Catchment Boards constituted under the Soil Conservation and Rivers Control Act 1941:”.

(3) Section 4 (5) of the principal Act is hereby repealed.

5. Functions and powers of Minister—(1) The principal Act is hereby amended by repealing section 14, and substituting the following section:

“14. (1) The Minister may from time to time, out of money appropriated by Parliament for the purpose, make grants of money to any person or body for the purposes of this Act.

“(2) Subject to subsection (3) of this section, if a Regional Water Board is not exercising or performing any of its powers, functions, or duties under this Act to such an extent as may, in the opinion of the Minister, be necessary, the Minister may

exercise or perform all or any of those powers, functions, or duties.

“(3) Before exercising or performing any powers, functions, or duties under subsection (2) of this section, the Minister shall give to the Regional Water Board in default not less than 1 month’s written notice of the Minister’s intention to do so.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 7 of the Water and Soil Conservation Amendment Act (No. 2) 1971:
- (b) Section 17 of the Water and Soil Conservation Amendment Act 1973:
- (c) Section 6 of the Water and Soil Conservation Amendment Act 1981.

6. Delegation of functions, powers, etc.—Section 16 of the principal Act is hereby amended—

- (a) By omitting from subsection (1) the word “Authority” where it first occurs, and substituting the word “Minister”:
- (b) By omitting from subsection (1) the word “it” in both places where it occurs, and substituting in each case the words “the Minister”:
- (c) By omitting from subsection (1) the words “Authority that makes the delegation or subdelegation”, and substituting the word “Minister”:
- (d) By omitting from subsection (4) the word “Authority”, and substituting the word “Minister”.

7. Application of Act to other functions—Section 17 of the principal Act is hereby amended—

- (a) By omitting the word “Authority” in both places where it occurs, and substituting in each case the word “Minister”:
- (b) By omitting the word “it”, and substituting the words “the Minister”.

8. Water regions—Section 18 (1) of the principal Act is hereby amended by repealing paragraphs (b) and (c).

9. Regional Water Boards and schemes—(1) Section 19 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) For the purposes of this Act, Catchment Boards shall be Regional Water Boards.”

- (2) The said section 19 is hereby amended—
- (a) By omitting from subsections (3), (5), and (11) the word “Authority”, and substituting in each case the word “Minister”;
 - (b) By omitting from subsection (4) the words “Not later than the 1st day of October 1968, or such later date as the Minister, on application by the Authority, may from time to time allow in any case or cases, the Authority shall”, and substituting the words “The Minister may from time to time”;
 - (c) By omitting from subsection (6) the words “Minister of Works and Development” in both places where they occur, and substituting in each case the words “Minister for the Environment”;
 - (d) By omitting from subsection (3)(a) the words “or a catchment area” and also the words “or a Catchment Commission”;
 - (e) By omitting from subsection (3)(b) the words “or catchment area, or to the area under the jurisdiction of the Waikato Valley Authority”;
 - (f) By omitting from subsection (3)(c) the words “, or Commission, or the Waikato Valley Authority,”;
 - (g) By omitting from subsection (3)(d) the words “or catchment area, or to the area under the jurisdiction of the Waikato Valley Authority” and also the words “or Commission, or the Waikato Valley Authority, as the case may be”;
 - (h) By omitting from subsection (4) the words “, Catchment Commission, the Waikato Valley Authority,”;
 - (i) By omitting from subsection (5)—
 - (i) The words “or catchment area” where they first occur; and
 - (ii) The words “or catchment area or to the area under the jurisdiction of the Waikato Valley Authority”; and
 - (iii) The words “, Catchment Commission, the Waikato Valley Authority,”;
 - (j) By omitting from subsection (7) the words “or Commission or Authority”;
 - (k) By omitting from subsection (8) (a)—
 - (i) The words “or catchment area” where they first occur; and
 - (ii) The words “or catchment area, or (if the part adjoins the area under the jurisdiction of the Waikato Valley Authority) add it to that area”;

- (l) By omitting from subsection (8) (b) the words “or a catchment area” and also the words “or Catchment Commission”.

10. Functions, powers, etc., of Regional Water Boards—(1) The principal Act is hereby amended by repealing section 20, and substituting the following section:

“20. (1) Every Regional Water Board that is also a Catchment Board and every member and employee thereof shall have all of the functions, rights, powers, and duties conferred and imposed upon Catchment Boards and members and employees thereof, as the case may be, by any enactment or otherwise.

“(2) Every Regional Water Board that is constituted by Order in Council under section 19 of this Act shall have such functions, rights, powers, and duties as are conferred upon it by the Order in Council by which it is constituted or any subsequent Order in Council.

“(3) Every Regional Water Board shall have the following additional functions, rights, powers, and duties:

“(a) So far as may from time to time be necessary to meet in full all demands for or in respect of natural water within the region or, if the Board of the adjacent region agrees, of any adjacent region, the Board shall promote the protection of water supplies of local authorities and the conservation and most beneficial uses of natural water within the region, including the planning for and promotion of works and projects for the conservation of natural water, and projects for the multiple use of natural water:

“(b) The promotion and carrying out of measures to safeguard natural water from damage or the risk of damage by or in respect of discharges into natural water of waste or natural water containing waste, including—

“(i) Measures reasonably conducive to or intended to further or effect the prevention, detection, or control of such discharges not authorised by or under this Act or of such discharges otherwise than in accordance with the conditions, restrictions, or prohibitions under which they are so authorised; and

“(ii) Measures to neutralise the effects of such discharges and to restore the quality of natural water:

“(c) The Board shall investigate and record all significant resources of natural water within the region, and its quality and availability, and shall check so far as possible upon the effects of damming, abstractions, diversions, pollutions, and other factors affecting the volume, quality, and availability of natural water above and below ground within the region:

“(d) The Board shall collect, sort, and record data on resources and availability of natural water, and shall supply to public authorities and the public information so collected:

“(e) The Board shall co-operate with all public authorities, bodies, and persons in respect of all matters for which any of them has responsibility under this Act:

“(f) The Board shall undertake, exercise, and perform in respect of the territorial sea and internal waters of New Zealand and the lands from time to time covered or otherwise affected thereby, the same functions, rights, powers, and duties as it may undertake, exercise, and perform in respect of rivers and streams and lands affected thereby, except to the extent that those functions, rights, powers, and duties are or may be undertaken, exercised, and performed by a Harbour Board.

“(4) A Board, with the consent of every regional council, united council, and territorial authority affected, may supply water to any area within its region.

“(5) Where a Board undertakes such supply, the provisions of Part XXIV of the Local Government Act 1974 (as inserted by section 2 of the Local Government Amendment Act 1979) shall, so far as they are applicable and with the necessary modifications, apply as if the Board were a regional council or united council for the purposes of that Part of that Act.

“(6) Every Regional Water Board shall have due regard to recreational needs and the safeguarding of scenic and natural features, fisheries, and wildlife habitats, and shall consult the appropriate authority controlling fisheries and wildlife where they are likely to be affected.

“(7) Without restricting the foregoing provisions of this section, the Board shall also have the following functions and powers:

“(a) To examine problems concerning, and make plans in respect of,—

“(i) The allocation and quality of natural water:

“(ii) The control of erosion on the banks of rivers, the shores of lakes, and the seashore; and the control of flow and flooding in and from rivers and lakes:

“(iii) Conservation of natural water:

“(iv) The needs of primary and secondary industry and of the community:

“(v) All forms of water-based recreation, fisheries, and wildlife habitats, and the preservation and protection of the wild, scenic, and other natural characteristics of rivers, streams, and lakes, or parts of rivers, streams, and lakes:

“(b) To advise the Minister from time to time as to what enactments are desirable to ensure the most efficient administration of natural water and the conservation of soil and natural water in the national interest:

“(c) To co-ordinate all matters relating to natural water so as to ensure that this national asset is available to meet as many demands as possible and is used to the best advantage of both the country and the region in which it exists in the course of nature:

“(d) To exercise, in relation to erosion, accretion, and pollution in estuaries and on the sea front and in all other places within the outer limits of the territorial sea of New Zealand, all of the functions and powers conferred on the Board by or under the Soil Conservation and Rivers Control Act 1941, as if those functions and powers extended to the said estuaries, sea front, and places:

“(e) To exercise all the functions and powers conferred on any public authority or officer thereof in respect of natural water by or under the Public Works Act 1981:

“Provided that nothing in this paragraph shall prevent the exercise by any public authority or officer of any such function or power:

“(f) To control the damming, diversion, taking, and use of natural water, and the discharge of anything into any natural water, so far as any such acts may affect the quality and availability of natural water for other purposes:

“(g) To organise, where it considers necessary or where any enactment so requires, the registration of and the recording of information concerning rights and

duties relating to the damming, diversion, taking, use, and pollution of natural water:

“(h) To demonstrate and encourage the development and use of efficient methods of conservation of soil and natural water and other water:

“(i) To promote the best uses of natural water, including multiple uses, and to allocate natural water between competing demands:

“(j) To promote the training and education of persons engaged in the administration of natural water and other water and in soil conservation, and the dissemination of information to the public.

“(8) Without restricting the foregoing provisions of this section, the Board shall also have the following functions and powers:

“(a) To organise the establishment of records of availability, volume, and location of resources of natural water, of existing rights to natural water and other water, and future requirements in respect of natural water, and of such other matters as may seem useful as a basis for allocation of natural water between competing demands, and to ensure that the information is made available to interested local authorities:

“(b) To supervise and guide, as it seems best in the public interest, the settlement of competing demands in respect of natural water:

“(c) To promote the adequacy of natural water at all times:

“(d) To promote knowledge of and efficiency in public use of natural water, including irrigation, water for animals, fire fighting, and rural supplies of natural water:

“(e) To make such investigations in respect of the water-supply industry or any part or aspect thereof as may from time to time appear to it to be necessary or desirable or be requested by any local authority engaged in the industry:

“(f) To advise local authorities and others on the efficient transfer and use of natural water and other water:

“(g) To foster the proper training of waterworks personnel:

“(h) To examine, in relation to particular processes, the qualities of natural water required for different industrial purposes, and the possibilities of economic use of natural waters of different qualities for complementary purposes:

- “(i) To investigate and disseminate information to the public regarding the most economic means of reducing peak demands on water-supply systems:
 - “(j) To make and encourage investigations of the requirements of industry in respect of natural water:
 - “(k) To take into account the present and future needs of primary and secondary industry, water supplies of local authorities, and all forms of recreation, and to have due regard to scenic and natural features and to fisheries and wildlife habitats when planning and advising on the allocation of natural water:
 - “(l) To advise the Minister from time to time on the best ways of maintaining or improving the quality of natural water and of co-ordinating the functions of persons or bodies charged with the duty of maintaining or improving the quality of natural water:
 - “(m) To carry out surveys and investigations for the purpose of ascertaining the causes, nature, and extent of the deterioration of the quality of natural water:
 - “(n) To organise and encourage research into ways and means of maintaining or improving the quality of natural water:
 - “(o) To compile and publish information on ways and means of maintaining or improving the quality of natural water:
 - “(p) To investigate conflicts of interests that have arisen or may arise between different public authorities, bodies, industries, classes of the community, or persons in respect of the maintenance or improvement of the quality of natural water, and to recommend the resolution of any such conflicts:
 - “(q) To advise public authorities and public bodies for the purpose of co-ordinating the policies and activities of any such authorities and bodies in respect of the maintenance or improvement of the quality of natural water.”
- (2) The following enactments are hereby consequentially repealed:
- (a) Section 2 of the Water and Soil Conservation Amendment Act 1980:
 - (b) Section 8 of the Water and Soil Conservation Amendment Act 1983.

11. Water conservation orders—Section 20A of the principal Act (as inserted by section 7 of the Water and Soil Conservation Amendment Act 1981) is hereby amended by repealing subsections (3), (4), and (5), and substituting the following subsection:

“(3) The Minister shall either—

“(a) Deal with the application under section 20B of this Act;
or

“(b) Refer the application to the appropriate Regional Water Board for consideration under section 20F of this Act.”

12. Consideration of application for national water conservation order—(1) Section 20B (1) of the principal Act (as so inserted) is hereby amended—

(a) By omitting the words “If an application is referred to the Authority under section 20A (5) (a) of this Act, the Authority”, and substituting the words “If the Minister decides to deal with the application under this section, the Minister”:

(b) By omitting the word “it”, and substituting the words “the Minister”.

(2) Section 20B (2) of the principal Act (as so inserted) is hereby amended by repealing paragraph (b), and substituting the following paragraph:

“(b) Any Minister of the Crown:”.

(3) Section 20B of the principal Act (as so inserted) is hereby amended by repealing subsections (3), (4), and (5), and substituting the following subsection:

“(3) The Minister shall consider or hear the application and all submissions and objections received by the Minister.”

(4) Section 20B (6) of the principal Act (as so inserted) is hereby amended by omitting the words “Authority or Committee”, and substituting the word “Minister”.

(5) Section 20B of the principal Act (as so inserted) is hereby amended by repealing subsection (7), and substituting the following subsection:

“(7) After the application and submissions and objections have been considered, the Minister may—

“(a) Prepare and publicly notify a draft national water conservation order; or

“(b) Refer the application to the appropriate Regional Water Board for consideration under section 20F of this Act; or

“(c) Decline the application.”

(6) Section 20B (8) of the principal Act (as so inserted) is hereby repealed.

(7) Section 20B (9) of the principal Act (as so inserted) is hereby amended—

(a) By omitting the word “Authority”, and substituting the word “Minister”:

(b) By adding to paragraph (a) the word “and”:

(c) By repealing paragraph (b).

(8) Section 20B of the principal Act (as so inserted) is hereby amended by repealing subsection (10), and substituting the following subsection:

“(10) If the Minister declines the application, the Minister shall advise the applicant, and give public notice, of that decision.”

13. Inquiry by Planning Tribunal—(1) Section 20c (1) of the principal Act (as so inserted) is hereby amended by repealing paragraph (b), and substituting the following paragraph:

“(b) A decision under section 20B (7) (c) of this Act that the application be declined—”.

(2) The said section 20c (1) (as so inserted) is hereby amended by omitting the words “the recommendation”, and substituting the words “the decision”.

(3) Section 20c (4) of the principal Act (as so inserted) is hereby amended—

(a) By omitting the words “the Authority,” where they first occur:

(b) By omitting the word “Authority” where it secondly occurs, and substituting the word “Minister”.

(4) Section 9 of the Water and Soil Conservation Amendment Act 1983 is hereby consequentially repealed.

14. Making of national water conservation order—

(1) Section 20D of the principal Act (as so inserted) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The Governor-General in Council, on the advice of the Minister given after taking into account any recommendation of the Planning Tribunal, may make a national water conservation order.”

(2) Section 20D (3) of the principal Act (as so inserted) is hereby amended by omitting from paragraph (c) the words “or section 23”.

(3) Section 20D (4) of the principal Act (as so inserted) is hereby amended by omitting the words “and the Authority” and also the expression “, 23,”.

(4) Section 20D (6) of the principal Act (as so inserted) is hereby amended—

- (a) By omitting the words “section 20B (9) (b) or”;
- (b) By omitting the words “Authority or”.

15. Application for revocation or variation of order—

(1) Section 20E (1) of the principal Act (as so inserted) is hereby amended by omitting the words “refer it to the Authority for consideration”, and substituting the words “consider it”.

(2) Section 20E (2) of the principal Act (as so inserted) is hereby amended—

- (a) By omitting the word “Authority”, and substituting the word “Minister”;
- (b) By omitting the word “it”, and substituting the words “the Minister”.

(3) Section 20E (3) of the principal Act (as so inserted) is hereby amended by omitting the words “the recommendation of the Authority or the Planning Tribunal, as the case may be,”, and substituting the words “any recommendation of the Planning Tribunal,”.

16. Consideration of application for local water conservation notice—(1) Section 20F of the principal Act (as so inserted) is hereby amended by repealing subsections (1) and (2), and substituting the following subsection:

“(1) On receipt of an application pursuant to section 20A (3) (b) or section 20B (7) (b) of this Act, the Board shall as soon as practicable publicly notify the application, call for submissions or objections, to be made not later than 28 days after the date of public notification, and send a copy of the public notice to such bodies and persons as it considers appropriate.”

(2) Section 20F (3) of the principal Act (as so inserted) is hereby amended by repealing paragraphs (b) and (c), and substituting the following paragraph:

“(b) Any Minister of the Crown.”

(3) Section 20F (8) of the principal Act (as so inserted) is hereby amended by repealing paragraph (b), and substituting the following paragraph:

“(b) Except where the application has been referred to it under section 20B (7) (b) of this Act, recommend to

the Minister that the Minister deal with the application under section 20B of this Act; or”.

(4) Section 20F (10) (b) of the principal Act (as so inserted) is hereby repealed.

17. Appeal to Planning Tribunal—(1) Section 20G (3) of the principal Act (as so inserted) is hereby amended by omitting the words “the Minister, the Authority”, and substituting the words “any Minister of the Crown”.

(2) Section 10 of the Water and Soil Conservation Amendment Act 1983 is hereby consequentially repealed.

18. Board may fix levels, flows, and standards—The principal Act is hereby amended by inserting, after section 20i, the following section:

“20j. The Board may from time to time, after consultation with representatives of all interested bodies and persons known to the Board, fix maximum and minimum levels, and minimum standards of quality to be sought or permitted for the natural water in lakes, both natural and artificial, and the minimum acceptable flow and minimum standard of quality of the natural water of any river or stream, and, where desirable, fix the maximum range of flow and arrange for the retention or disposal of surplus natural water.”

19. Rights in respect of natural water—(1) Section 21 (2) of the principal Act (as substituted by section 2 of the Water and Soil Conservation Amendment Act 1969) is hereby amended by repealing the proviso.

(2) Section 21 (3) of the principal Act is hereby amended by omitting the words “Subject to subsections (3D) and (3E) of this section, any Regional”, and substituting the words “Any Regional”.

(3) The said section 21 (3) is hereby amended by repealing the third proviso.

(4) Section 21 of the principal Act is hereby amended by repealing subsections (3B), (3C), (3D), and (3E), and substituting the following subsection:

“(3B) Where it is impracticable, because of emergency overflows or the carrying out of maintenance work or any other temporary situation, for the Board to impose any term or condition that it is required to impose under subsection (3A) of this section in granting any right, it may grant the right without imposing that term or condition. In any such case the Board shall publicly notify the reasons for so acting.”

(5) Section 21 (5) of the principal Act is hereby repealed.

(6) The following enactments are hereby consequentially repealed:

(a) Section 12 (1) of the Water and Soil Conservation Amendment Act (No. 2) 1971:

(b) Section 19 (1), (3), and (4) of the Water and Soil Conservation Amendment Act 1973.

20. Repealing provisions relating to applications by Crown in respect of natural water—(1) Section 23 of the principal Act is hereby repealed.

(2) The following enactments are hereby consequentially repealed:

(a) Section 4 of the Water and Soil Conservation Amendment Act 1976:

(b) Section 9 of the Water and Soil Conservation Amendment Act 1981.

21. Applications in respect of natural water, and objections thereto—(1) Section 24 of the principal Act is hereby amended by omitting from subsection (1) and also from subsection (4) the words “The Authority”, and substituting in each case the words “Any Minister of the Crown”.

(2) So much of the Schedule to the Water and Soil Conservation Amendment Act 1983 as relates to section 24 of the principal Act is hereby consequentially repealed.

22. Transfer of rights—Section 24A of the principal Act (as inserted by section 3 of the Water and Soil Conservation Amendment Act 1969) is hereby amended by omitting the words “or section 23”.

23. Variation of rights—Section 24B (6) of the principal Act (as inserted by section 39 of the Water and Soil Conservation Amendment Act 1971) is hereby repealed.

24. Imposition of restrictions on exercise of rights—(1) Section 24D of the principal Act (as so inserted) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Where any right has been granted or authorised under this Act, notice in writing may (except as expressly provided in the right) be given by the Board to the holder for the time being of the right requiring the holder to restrict or suspend the exercise of all or any of the powers conferred by the right after

such date as may be specified in the notice, being not less than 14 days after the day on which the notice is given.”

(2) Section 24D (2) of the principal Act (as so inserted) is hereby amended—

(a) By omitting the words “Authority and every”;

(b) By omitting from the proviso the words “the Authority or”.

25. Control of taking and use of water during water shortage—Section 24E (1) of the principal Act (as so inserted) is hereby amended by repealing the proviso.

26. Revocation and variation of permits under Waters Pollution Regulations 1963—(1) Section 24I (1) of the principal Act (as inserted by section 15 of the Water and Soil Conservation Amendment Act (No. 2) 1971) is hereby amended by omitting the words “or the Authority (if the permit is deemed to be a right granted under section 23 of this Act)”.

(2) Section 24I (2) of the principal Act (as so inserted) is hereby amended by omitting the words “or the Authority”.

(3) Section 24I of the principal Act (as so inserted) is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) The holder of a permit in respect of which any power is exercised by a Board under this section shall have a right of appeal in accordance with section 25 of this Act as if the exercise of that power were a decision of a Board under section 21 of this Act and as if the holder of the permit were an applicant.”

27. Extension of effect of temporary permits—Section 24J (1) of the principal Act (as so inserted) is hereby amended—

(a) By omitting the words “or the Authority (if the permit is deemed to be a right granted under section 23 of this Act)”;

(b) By omitting the words “or the Authority” where they secondly occur.

28. Costs of managing water resources—(1) Section 24K (1) of the principal Act (as substituted by section 2 (1) of the Water and Soil Conservation Amendment Act 1987) is hereby amended—

(a) By omitting the expression “section 20 (5) (c), (ca), and (d) to (i)”, and substituting the expression “section 20 (3), (7), and (8) and section 20J”:

(b) By inserting, after the word “fix”, the words “charges or”.

(2) Section 24κ (2) of the principal Act (as so substituted) is hereby amended by omitting the words “a scale”, and substituting the words “charges or scales”.

(3) Section 24κ (5) of the principal Act (as so substituted) is hereby amended by omitting the words “scale of fees” in both places where they occur, and substituting in each case the words “charge or scale of charges”.

29. Appeals—(1) Section 25 of the principal Act is hereby amended by inserting, after subsection (1A), the following subsection:

“(1B) Any—

“(a) Body or person affected by any decision of a Board under section 20j of this Act; and

“(b) Body or person representing some relevant aspect of the public interest in relation to such a decision—
may appeal to the Planning Tribunal against the decision”.

(2) Section 25 (2) of the principal Act is hereby amended by omitting the words “subsection (4) of section 23 of this Act and under subsection (1)”, and substituting the words “subsection (1) or subsection (1B)”.

(3) Section 25 (3) of the principal Act (as substituted by section 3 (3) of the Water and Soil Conservation Amendment Act 1980) is hereby amended by omitting the words “the Authority,”.

30. Recording of decisions—(1) Section 26 (1) (b) of the principal Act is hereby repealed.

(2) Section 26 (1) (c) of the principal Act is hereby amended by omitting the words “on an appeal under subsection (4) of section 23 of this Act in respect of an appeal against a decision of the Authority, and”.

(3) Section 26 (2) of the principal Act is hereby amended by omitting the words “, and by the Authority of every decision of the Authority, and by the Minister of every decision of the Governor-General in Council”.

31. Investigation of water quality—Section 26A of the principal Act (as inserted by section 17 of the Water and Soil Conservation Amendment Act (No. 2) 1971) is hereby amended—

(a) By omitting from subsection (1) the words “The Authority, or any”, and substituting the word “Any”:

- (b) By omitting from subsection (1) (h) the words “Authority or”:
- (c) By omitting from subsection (2) the words “Authority or”.

32. Classification of natural waters—(1) Section 26c of the principal Act (as so inserted) is hereby amended—

- (a) By omitting from subsection (1) the word “Authority”, and substituting the word “Board”:
- (b) By omitting from subsection (5) (as substituted by section 22 of the Water and Soil Conservation Amendment Act 1973) the word “Authority”, and substituting the word “Board”.

(2) So much of the Schedule to the Water and Soil Conservation Amendment Act 1983 as relates to section 26c of the principal Act is hereby consequentially repealed.

33. Preliminary classification to be prepared—(1) Section 26D of the principal Act (as so inserted) is hereby amended—

- (a) By omitting the word “Authority” where it first occurs, and substituting the word “Board”:
- (b) By omitting the words “the Authority” where they secondly and thirdly occur, and substituting in each case the words “the Board”.

(2) So much of the Schedule to the Water and Soil Conservation Amendment Act 1983 as relates to section 26D of the principal Act is hereby consequentially repealed.

34. Objections—(1) Section 26E (1) of the principal Act (as so inserted) is hereby amended by omitting the word “Authority”, and substituting the word “Board”.

(2) Section 26E (2) of the principal Act (as so inserted) is hereby amended by omitting the word “Authority”, and substituting the word “Board”.

(3) So much of the Schedule to the Water and Soil Conservation Amendment Act 1983 as relates to section 26E of the principal Act is hereby consequentially repealed.

35. Notification of final classification—(1) Section 26F of the principal Act (as so inserted) is hereby amended by omitting the word “Authority” in both places where it occurs, and substituting in each case the word “Board”.

(2) So much of the Schedule to the Water and Soil Conservation Amendment Act 1983 as relates to section 26F of the principal Act is hereby consequentially repealed.

36. Appeals—Section 26G (3) of the principal Act (as so inserted) is hereby amended by omitting the words “the Authority,”.

37. Reclassification of natural waters—(1) Section 26i of the principal Act (as so inserted) is hereby amended by omitting the word “Authority”, and substituting the word “Board”.

(2) So much of the Schedule to the Water and Soil Conservation Amendment Act 1983 as relates to section 26i of the principal Act is hereby consequentially repealed.

38. Cancellation of classification of natural water—(1) Section 26IA of the principal Act (as inserted by section 24 of the Water and Soil Conservation Amendment Act 1973) is hereby amended by omitting the word “Authority”, and substituting the word “Board”.

(2) So much of the Schedule to the Water and Soil Conservation Amendment Act 1983 as relates to section 26IA of the principal Act is hereby consequentially repealed.

39. Classification to terminate rights—Section 26K (2) of the principal Act (as inserted by section 17 of the Water and Soil Conservation Amendment Act (No. 2) 1971) is hereby amended—

(a) By omitting the words “or the Authority, as the case may be,”;

(b) By omitting the words “or section 23”.

40. Revocation and variation, on classification, of rights granted—Section 26KA of the principal Act (as inserted by section 26 of the Water and Soil Conservation Amendment Act 1973) is hereby amended by omitting the words “or the Authority, as the case may be,”.

41. Information—(1) Section 27 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Every Board and other public authority concerned with natural water shall, whenever so required by the Minister, supply the Minister with information concerning any matter within the jurisdiction of that Board or public authority, being information which the Minister considers necessary for the discharge of the Minister’s duties.”

(2) So much of the Schedule to the Water and Soil Conservation Amendment Act 1983 as relates to section 27 of the principal Act is hereby consequentially repealed.

42. Expenditure and receipts—(1) Section 28 of the principal Act is hereby repealed.

(2) So much of the Schedule to the Water and Soil Conservation Amendment Act 1983 as relates to section 28 of the principal Act is hereby consequentially repealed.

43. Fees and travelling allowances—(1) Section 29 (1) of the principal Act is hereby amended by omitting the words “The Authority and all”, and substituting the word “All”.

(2) Section 29 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) There may be paid to the members of any Regional Water Board, advisory or technical committee, or Tribunal (whether appointed by the Minister or a Regional Water Board) remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951; and the provisions of that Act shall apply accordingly as if the members of any Regional Water Board, advisory or technical committee, or Tribunal were members of a statutory Board within the meaning of that Act.”

(3) So much of the Schedule to the Water and Soil Conservation Amendment Act 1983 as relates to section 29 of the principal Act is hereby consequentially repealed.

44. Staff—(1) Section 30 of the principal Act is hereby repealed.

(2) So much of the Schedule to the Water and Soil Conservation Amendment Act 1983 as relates to section 30 of the principal Act is hereby consequentially repealed.

45. Authentication of documents—Section 31 of the principal Act is hereby amended by omitting the words “the Authority or”.

46. Notices—Section 32 (1) of the principal Act is hereby amended by omitting the words “the Authority or”.

47. Bylaws regulating construction of dams—Section 34A (4) of the principal Act (as inserted by section 41 of the

Water and Soil Conservation Amendment Act 1971) is hereby repealed.

48. Power to order contravention to be remedied—Section 34B (1) of the principal Act (as inserted by section 19 of the Water and Soil Conservation Amendment Act (No. 2) 1971) is hereby amended by omitting the words “The Authority or any”, and substituting the word “Any”.

49. Power to carry out surveys and investigations—Section 34D (1) of the principal Act (as inserted by section 18 of the Water and Soil Conservation Amendment Act 1983) is hereby amended by omitting the words “by the Authority or the Board, as the case may require,”, and substituting the words “the Board”.

50. Provisions applying in respect of entry, etc.—Section 34E of the principal Act (as so inserted) is hereby amended—

- (a) By omitting from subsection (1) the words “Authority, the Board,”, and substituting the word “Board”;
- (b) By omitting from subsection (2) the words “Authority or Board, as the case may be”, and substituting the word “Board”;
- (c) By omitting from subsection (3) the words “Authority or”.

51. Compensation for damage—Section 34F of the principal Act (as so inserted) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Every person having any estate or interest in land injuriously affected by the exercise of any power under section 34D of this Act, and every other person suffering any damage as a result of the exercise of any such power, shall be entitled to compensation from the Board.”

52. Annual report of Authority—Section 36 of the principal Act is hereby repealed.

53. Regulations—Section 37 (1) of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraph:

“(c) Regulating the procedure of Boards and of Tribunals appointed by them:”.

54. Amending Water and Soil Conservation Amendment Act (No. 2) 1971—Section 25 (2) of the Water

and Soil Conservation Amendment Act (No. 2) 1971 is hereby amended by repealing paragraph (d), and substituting the following paragraph:

“(d) Every permit issued under those regulations to discharge any waste into any classified water shall be deemed to be a right granted under section 21 (3) of that Act, but shall nevertheless be subject to the terms and conditions imposed in that permit so far as those terms and conditions are not inconsistent with that Act.”

55. Amending Water and Soil Conservation Amendment Act 1983—Section 2 (6) of the Water and Soil Conservation Amendment Act 1983 is hereby amended by omitting the words “National Water and Soil Conservation Authority”, and substituting the words “Minister for the Environment”.

56. Current applications for national water conservation orders—Every application for a national water conservation order which has been made, but not finally determined, before the commencement of this Act shall continue and may be completed in all respects as if it had been made after the commencement of this Act.

57. Current applications for Crown water rights—Every application under section 23 of the principal Act for a right in respect of natural water which has been made, but not finally determined, before the commencement of this Act shall continue and may be completed by the appropriate Regional Water Board as if the application had been made under section 24 of the principal Act.

58. Savings as to Crown water rights—(1) Every right in respect of natural water granted, before the commencement of this Act, under section 23 of the principal Act shall for all purposes be deemed to have been granted under section 21 (3) of the principal Act by the Regional Water Board within whose water region the natural water concerned is situated; and every reference in every such right, or in the terms and conditions to which it is subject, to the National Water and Soil Conservation Authority shall be read as a reference to the appropriate Regional Water Board.

(2) Every right in respect of natural water held, immediately before the commencement of this Act, by the Minister of

Works and Development shall be deemed to be held by the Minister of the Crown responsible for the public work or Crown undertaking in respect of which it was granted.

(3) The Order in Council called *Rights Conferred on the Minister of Electricity to Dam, Use, Discharge, and Divert Waters of, or into, Lakes Tekapo, Pukaki, and Ohau*, published in *Gazette*, 1969, Volume 2, at page 1560 shall continue to have full force and effect as if section 23 of the principal Act had not been repealed.

59. Certain references to National Water and Soil Conservation Authority to be read as references to appropriate Regional Water Board—On and after the commencement of this section, every reference to the National Water and Soil Conservation Authority in any consent, privilege, grant, permit, or other right whatever, or in any term or condition to which it is subject, unless the context otherwise requires, shall be read as a reference to the Regional Water Board for the region in which is situated the subject matter of the consent, privilege, grant, permit, or other right.

This Act is administered in the Ministry for the Environment.
