305.

Mr. Harris.

NORTH SHORE BOROUGHS (AUCKLAND) WATER-SUPPLY.

[LOCAL BILL.]

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A BILL INTITULED

Title.

AN ACT to make Provision for the Supply of Water for the Inhabitants of the Boroughs of Birkenhead, Devonport, Northcote, and Takapuna.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:— 5

Short Title.

1. This Act may be cited as the North Shore Boroughs (Auckland) Water-supply Act, 1924, and shall come into operation on the first day of January, nineteen hundred and *twenty-five*. 10

Interpretation.

2. In this Act, if not inconsistent with the context,—

"Board" means the Water Board constituted by this Act:

"The boroughs" and "the said boroughs" mean the boroughs of Birkenhead, Devonport, Northcote, and Takapuna:

"Commissioner" means the Commissioner for the time being of Crown lands for the North Auckland Land District, and includes any person lawfully acting as Commissioner for the time being: 15

"District" means the areas comprised for the time being within the boundaries of the said boroughs: 20

"Rateable property" shall have the same meaning as the same words have in the Rating Act, 1908, and the amendments thereof:

"Secretary" means the Secretary for the time being of the Board, and includes any person for the time being appointed by the Board to perform the duties of the Secretary, whether designated as Acting-Secretary or not. 25

Constitution of the Board.

Constitution of Water Board.

3. For the purpose of this Act there is hereby constituted a Water Board, which shall consist of the following, namely:— 30

(*a.*) The Commissioner of Crown Lands for the time being of the North Auckland Land District, who shall be a member of the Board *ex officio*.

(*b.*) Two elective members for and appointed by resolution of the Council for each of the said boroughs which has a population at the date of election of seven thousand inhabitants or more, and one elective member for and appointed by resolution of the Council for each of the said boroughs which has a population at the date of election of less than seven thousand inhabitants. Such elective members shall hold office for two years. In the event of a casual vacancy through death, resignation, or otherwise a fresh appointment shall be made, upon request by the Secretary, by the Council which appointed the member whose office has become vacant, and such appointee shall hold office only during the residue of the term for which his predecessor was appointed. 35 40 45

(*c.*) For the purposes of this Act the population of the said boroughs respectively shall be deemed to be the number of inhabitants as determined by the census last preceding the date of the election. 50

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(*d.*) The Commissioner may from time to time attend and vote by a proxy, who must be a member of the Public Service, appointed by notice in writing signed by the Commissioner, who may by like notice revoke any such appointment.

(*e.*) The Commissioner may, by notice signed by him and delivered to the Secretary of the Board, from time to time appoint a delegate to exercise in the name and on behalf of the Commissioner and as effectually for all intents and purposes as the Commissioner could do all or any of the powers and authorities of the Commissioner as such member of the Board, and the Commissioner may by a like notice at any time revoke the appointment of any such delegate.

Incorporation of Board.

4. Such Board shall be the body corporate under the name of the North Shore Boroughs (Auckland) Water Board, with perpetual succession and a common seal, and with full power and capacity by that name to sue and be sued, and, subject to the provisions and for the purposes of this Act, to purchase or otherwise acquire, take, hold, manage, transfer, dispose of, and alienate real and personal property, and to make all contracts connected with or incidental to the purposes of this Act.

Qualification for membership.

5. No person other than an elector of a constituent borough shall be capable of being elected or appointed as a member of the Board by or to represent the Council for that borough, and the same persons shall be incapable of being elected or appointed as members of the Board who would be incapable of being elected members if the Board were an Electric-power Board under the provisions of the Electric-power Boards Act, 1918, and the amendments thereof. If any member shall become disqualified his office shall, *ipso facto*, be vacated.

Governor-General may appoint member of Board on default of local authority.

6. If from any cause any Borough Council entitled to elect a member or members of the Board shall fail, neglect, or refuse so to do within one calendar month after being required to do so by the Chairman of the Board, or if there be no Chairman, then by the Commissioner, by notice in writing served on such Council, the Governor-General in Council may appoint any person or persons qualified for membership of the Board to be the member or members thereof as representing such Borough Council, and the person or persons so appointed shall be deemed for all purposes to have been duly elected by such Borough Council, but shall be removable by the Governor-General in Council, and unless so removed shall be entitled to hold office until the next succeeding annual meeting of the Board.

Chairman of the Board.

Election and duties of Chairman.

7. At the first meeting of the Board, and thereafter at each annual meeting, the Board shall elect one of its members to be the Chairman thereof.

(*a.*) At every meeting of the Board for the election of a Chairman the Secretary of the Board shall preside until election of the Chairman, but shall not be entitled to vote.

(*b.*) In the event of there being an equality of votes at any election of a Chairman the matter shall be decided as between the members having such equality of votes by lot in such manner as the Board may resolve.

(*c.*) The Chairman shall come into office on his election, and shall hold office until the election of his successor.

(*d.*) The Chairman may resign his office by writing under his hand delivered to the Secretary of the Board, and in such case, or in the case of his ceasing from any cause to be a member of the Board, his office shall become vacant, and the Secretary of the Board shall forthwith convene a meeting of the Board for the election of a Chairman in his stead.

(*e.*) The Chairman shall preside at every meeting of the Board at which he is present, and in the case of his absence from any meeting, or if there is for the time being no Chairman, then the members present shall choose one of their number to act as Chairman of that meeting, and the member so chosen shall have the same powers at that meeting as if he were the Chairman of the Board.

Deputy Chairman.

8. (1.) The Board may at any time and from time to time appoint a Deputy Chairman, who shall act as Chairman during the temporary absence or incapacity of the Chairman.

(2.) While so acting the Deputy Chairman may do all acts that the Chairman as such might do.

(3.) The fact that the Deputy Chairman exercises any power, duty, or function of the Chairman shall be sufficient evidence of his authority so to do.

Proceedings of the Board.

Meetings.

9. (1.) The first meeting of the Board shall be held within two months after the coming into operation of this Act, and shall be convened by the Commissioner at such time and place as he may appoint, and if no quorum is present within half an hour of the time fixed for the holding of such meeting the same shall stand adjourned from day to day at the same time and place till a quorum is assembled.

(2.) The Board shall hold an annual meeting at noon on the first Monday in June in each year, and may hold ordinary meetings for the transaction of business at such times as the Board from time to time appoints.

(3.) The Board at any time may hold a special meeting, to be called either on a resolution of the Board or on a requisition in writing delivered to the Board and signed by the Chairman and by any two members specifying the day for which such special meeting is to be called. Every notice of a special meeting shall be in writing under the hand of the Secretary, and shall be sent to each member five clear days at least before such meeting, and shall set forth the business to be brought before such meeting.

(4.) All powers vested in the Board may be exercised by a quorum, which shall consist of at least half of the whole number of members of the Board where the number is even, and of a majority where the number is odd, and no business shall be transacted at any meeting unless a quorum is present.

(5.) Every question coming before the Board shall be decided by open voting, and by the majority present, and in case of an equality of votes the Chairman shall have a second or casting vote.

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Committees.

Appointment, &c., of committees.

10. (1.) The Board may from time to time appoint committees consisting of members of the Board, and may in general or in any particular matter confer upon and delegate to any such committee such of the Board's powers, duties, and functions conferred or imposed on the Board by this Act as it from time to time thinks fit, excepting the powers to borrow money, make a rate, make a by-law, execute a deed or contract, or institute an action.

(2.) Every such committee shall be subject in all things to the control of the Board, and shall carry out all directions, general or special, of the Board given in relation to such committee or its affairs.

(3.) The Board may from time to time discharge, alter, continue, or reconstitute any committee appointed by it.

Minutes.

Minutes of proceedings to be kept.

11. (1.) The Board shall cause to be kept minutes of its proceedings in a book in which shall be entered the names of the members attending each meeting, and every resolution, order, or other proceeding of the Board; and the minutes and proceedings of every meeting, if approved by the Board or when amended as directed by the Board, shall be signed by the Chairman of each succeeding meeting.

(2.) Such book shall be kept at the office of the Board, and shall be open to inspection without fee during office hours by any member of the Board or any member or appointee of any of the said Councils.

(3.) The minutes of the proceedings of the Board or of any committee kept as hereinbefore provided shall be *prima facie* evidence of such proceedings and of the validity thereof.

Officers.

The Board may appoint officers.

12. The Board may by resolution from time to time appoint and remove and reappoint an Engineer, Secretary, and Treasurer, and all such other officers and servants as may be deemed necessary, at such salaries or other remuneration for such period and on such terms as it thinks fit, and may define and redefine their duties and functions.

Special Orders.

Special orders.

13. Every special order made hereunder may be made and approved in the same way, *mutatis mutandis*, as a special order of a Borough Council is required to be made and approved by the Municipal Corporations Act, 1920.

Accounts.

Books of account to be kept.

14. (1.) The Board shall cause accounts to be kept as required by section one hundred and eleven of the Municipal Corporations Act, 1920, which section, *mutatis mutandis*, shall be read into and form part of this Act.

(2.) Such books shall at all reasonable hours be open to inspection by any member of the Board, or any member or appointee of any of the said Borough Councils.

(3.) The accounts of the Board shall be audited in the month of May in each year by the Auditor-General, who shall have the same powers and duties in respect of the moneys and accounts of the Board and every person dealing therewith as if the Board were a local autho-

rity within the meaning of section one hundred and eighteen of the Public Revenues Act, 1910.

(4.) The Board shall before the last day of April in each year cause the accounts of the Board for the preceding year up to and including the last day of March to be balanced, and a full and true statement to be prepared of all moneys received and expended by the Board during such financial year, and of all debts owing by and to the Board, and such statement and account signed by the Chairman and Treasurer of the Board shall be submitted to the Auditor-General.

(5.) All expenditure incurred between the coming into operation of this Act and the thirty-first day of March, nineteen hundred and *twenty-five*, and all debts, liabilities, and engagements of the Board constituted under section twenty-five of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1915, shall be included in the accounts and statement to be submitted at the first annual meeting of the Board.

(6.) Any deficiency or surplus at the end of any year shall be carried forward as an asset or liability, as the case may be, into and calculated or allowed for in the making and assessing of the next year's requirements.

Estimate to be prepared annually.

15. (1.) The Board shall, on or before the thirtieth day of April in each year, cause an estimate to be prepared showing,—

(*a.*) The necessary appropriations for payment of interest, and the creation of a sinking fund, and the depreciation and renewal funds authorized by this Act or by-law:

(*b.*) The several sums that may be required for carrying on and maintaining in good order the works hereby authorized, and for exercising the powers, duties, and functions of the Board and administering this Act:

(*c.*) Any sums already available for such purposes:

(*d.*) The additional sum required.

Board's charges for water supplied.

16. The charges of the Board for water to be supplied shall be estimated, assessed, and charged in and for each financial year so that the revenues of the year shall cover the expenditure of that year, including interest on loans, but exclusive of capital expenditure or sinking funds on loans.

Audited statement of account and estimate to be produced at annual meeting.

17. (1.) The statement and account audited as aforesaid and either allowed or disallowed by the Audit Office, together with such estimate as aforesaid, shall be produced at the annual meeting of the Board in each year.

(2.) Such statement and account and estimate if and when adopted at such meeting, or any adjournment thereof, shall be signed by the Chairman, and when so signed shall be open for inspection during office hours at the offices of the Board for a period of not less than thirty days.

(3.) A copy of such statement and account and estimate shall be furnished by the Secretary on demand without fee to the Council of each of the said boroughs.

Finance.

Board's charges for water supplied shall be equal.

18. The charges imposed from time to time by the Board on the local authorities of the said boroughs respectively for water supplied at the borough boundaries shall be at the same rate per thousand gallons

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for all the said boroughs, and neither the Board nor any of its officers or servants shall give any undue preference or show any partiality in the delivery of water, the imposition of charges, or otherwise in the performance of any of the powers, duties, or functions of the Board.

"General Fund" and "Special Fund."

19. (1.) A fund shall be established called the "General Fund," consisting of the following moneys, that is to say:—

(*a.*) All moneys received by the Board by way of charges for water withdrawn from the lake or for water supplied.

(*b.*) All moneys contributed to the Board by the local authorities of the said boroughs.

(*c.*) All revenues, duties, rents, and profits from property, fees, fines, and sums received by the Board, excepting moneys required by this or any other Act to be otherwise dealt with.

(2.) All moneys borrowed and all moneys raised or levied for or appropriated or allocated or held in trust for any special work or purpose shall be kept as a special fund.

(3.) The Board shall pay out of the General Fund all expenditure on account of the annual works of the Board and its officers, and its operations, including the repair and maintenance in good order and condition of all works and property, and all interest.

(4.) Subject to the provisions of this or any other Act and to any trust affecting the same, the Board shall be entitled to pay out of the Special Fund the cost of all waterworks, and all other works constructed under the authority of this Act, and of the purchase, taking, or acquisition of land, and all preliminary and other expenditure incidental to the construction of such works, such part of the salaries or other remuneration of officers and servants as have been incurred in the way of capital expenditure, and such legal and other expenses as are incurred by reason of or are incidental to any works or matters referred to in this subsection.

(5.) Subject to the foregoing provisions and to the decision of the Auditor-General, the Board may determine what items or proportion of its expenditure are or is payable out of the Special Fund and the General Fund respectively.

Constituent boroughs to contribute deficiency in General Fund.

20. If and as often as the expenditure, debts, and liabilities of the Board in or for the financial year chargeable against the General Fund shall exceed the receipts and income paid or payable into the General Fund for that year, the amount of the excess shall be a debt owing by the Corporations of the said boroughs severally in proportion to the consumption in the several boroughs of water from the lake or other works of the Board during that year, and shall become due within one calendar month after the annual meeting of the Board at which the accounts of the Board disclosing such deficiency are adopted, and if the Council of any borough so indebted shall fail to pay the amount owing to the Board as and when the same shall become due the Board may recover the same without further demand or notice by action for debt in any Court of competent jurisdiction.

Interest to be charged on overdue contributions.

21. If any local authority liable to contribute under this Act omits or neglects to pay such contribution within thirty days after demand in writing by the Secretary, interest thereon shall be payable from day to day at the rate of six pounds per centum per annum until payment.

Scale of charges for water.

22. (1.) The Board is empowered to fix, by special order, from time to time a scale of charges for water withdrawn from the lake, and to enforce payment accordingly.

(2.) Such special order shall be published in the *Gazette* within twenty-eight days after the making thereof, and may, within three months after such publication, be disallowed by the Governor-General.

Power of Board to demand contributions from boroughs.

23. (1.) The Board is empowered to demand from the Corporations of the said Boroughs such sum or sums, not exceeding in the aggregate *twenty* thousand pounds, as the Board may deem necessary for the purpose of enabling the Board to carry out the works necessary to augment and improve the water-supply of the lake as provided in section *twenty-nine* hereof, and to carry out such other works as the Board may deem necessary in the exercise of the powers conferred on it by the said section or incidental thereto:

Provided that such sum or sums shall be apportioned amongst the said boroughs on the basis of the consumption in each borough of water from the lake during the twelve calendar months preceding the date of such demand.

(2.) If any Borough Council fails to pay any sum so demanded within three months from the date of such demand, the Board may recover the amount unpaid in any Court of competent jurisdiction.

Moneys belonging to Board to be paid into bank, &c.

24. (1.) All moneys belonging to the Board shall be paid into such bank as the Board from time to time appoints to an account to be called "The North Shore Boroughs (Auckland) Water Board Account."

(2.) No money shall be drawn out of the bank except pursuant to a resolution of the Board, and all moneys shall be paid by the Board in cash or by cheque signed by any two of such of the members as the Board authorized from time to time to countersign cheques.

Board may establish special fund.

25. (1.) The Board may appropriate in any year any moneys standing to the credit of the Board's account and not appropriated for any special purpose towards the creation of a Special Fund to provide for the following contingencies:—

(*a.*) Destruction of or injury to any of the property of the Board:

(*b.*) Depreciation in the value of any of the property of the Board:

(*c.*) Claims which may be made upon the Board by employees or other persons:

(*d.*) The strengthening of any sinking fund of any loan or the depreciation of any of the investments thereof:

(*e.*) Any other exceptional losses or expenditure.

(2.) The Board may invest all moneys so appropriated, and the interest and profits accruing therefrom, in such securities as may be prescribed by regulations made under the authority of this or on any other Act, or, until such regulations be made, as the Board from time to time determines.

(3.) The Board may at any time and from time to time repay into its account the whole or any part of the moneys so appropriated or invested and the accumulations thereof, except in the case of moneys set apart for the contingencies mentioned in paragraph (*d*) of subsection *one* hereof.

Board may establish Renewal Fund.

26. (1.) The Board may from time to time make appropriations out of the General Fund to establish a Renewal Fund: Provided that the appropriation under this section shall not exceed in any financial year one and a half per centum of the value of the depreciable assets

of the Board as fixed by the Board subject to the approval of the Auditor-General.

(2.) The provisions of sections one hundred and fifteen to one hundred and twenty-two (both inclusive) of the Municipal Corporations Act, 1920, shall be applicable, *mutatis mutandis*, to the fund so established, and Commissioners shall be appointed, and the said fund shall be invested and dealt with accordingly.

Borrowing.

Power to borrow.

27. (1.) The Board may from time to time borrow such sums as are necessary for the undertaking authorized pursuant to this Act.

(2.) Such sum shall be borrowed and secured in the manner prescribed by the Local Bodies' Loans Act, 1913, and the amendments thereof, and all the provisions of the said Acts shall accordingly extend and apply, including power to make, levy, and pledge a special rate on the rateable property within the district, and the Board shall be deemed to be a local authority, and the said boroughs shall be deemed to be a district, within the meaning of the same words in the said Acts:

Provided that the rate of interest payable in respect of any such loan shall not exceed five and a half per centum per annum, unless in any case the Minister of Finance has by writing under his hand agreed to some higher rate, in which case the rate of interest payable as aforesaid shall not exceed such higher rate.

(3.) Before borrowing any money the Board shall make provision for repayment thereof by the creation of a sinking fund of not less than ten shillings per centum per annum, and by making the whole loan repayable at a stated period, or any part thereof at stated periods. For the purposes of such sinking fund Commissioners shall be appointed, and the moneys so appropriated shall be invested in the manner prescribed, *mutatis mutandis*, by the said Acts.

(4.) Loans to the Board may be made by the State Advances Office under Part III of the said Act, which shall extend and apply to the Board in manner aforesaid.

(5.) For the purposes of making and levying such special rate as aforesaid the Board shall cause a property roll and rate-book for the said district to be compiled by copying from the valuation rolls and rate-books respectively of the said boroughs all particulars therein contained of all the rateable property within the district, and the owners and occupiers thereof; by adding to such particulars of any valuation roll or rate-book, or part thereof, so copied a statement of the area of each property on such valuation roll or rate-book; and a copy of any valuation roll or rate-book, or part thereof, in force in any borough certified as correct by the Mayor or Town Clerk shall be conclusive so far as it extends, and shall be receivable as evidence in proof of the facts therein appearing.

(6.) The Board may, at its option and from time to time, either make, levy, and collect its own rates in manner provided for the making and collection of rates by the Rating Act, 1908, which for all purposes of this Act is deemed to be incorporated herewith, or the Board may, by special order, fix the amount of any rate or rates, and direct the same to be made, levied, and collected by the several local authorities named in such special order, and it may exercise the option or options hereby given in different ways as to the several boroughs within the district.

(7.) When the Board, by special order, has directed any rate to be levied, and has fixed the amount of such rate according to the provisions hereof, and has determined that the same shall be collected by the said boroughs respectively or any of them within its or their respective districts, it shall cause a copy of such special order to be forwarded separately to each such local authority within the district which it desires to make or collect such rates, whereupon the following duties shall arise and the following consequences shall ensue :—

(*a.*) Every such local authority shall proceed to make, levy, and collect such rates in the part of the district within its jurisdiction as nearly as may be, and with such power, and the rates shall be payable by and recoverable from such persons, and in such manner, in every respect as if the rates were levied by such local authority for its own purposes under the powers of rating then vested in them : Provided that no limitation of the rating-powers of any local authority shall be deemed to affect any such rate.

(*b.*) Every such local authority shall be entitled to retain all reasonable costs and expenses incurred in and about the making, levying, collecting, and recovering the same, and reasonable remuneration for clerical and other work.

(*c.*) Such costs, expenses, and remuneration may form the subject of an agreement between the Board and any such local authority ; but if any dispute arises as to the amount so to be retained, or otherwise in relation thereto, the same shall be decided by the Auditor-General or some other person to be from time to time appointed by the Governor-General in that behalf.

(*d.*) Each such local authority collecting any rate or part of a rate on behalf of the said Board shall furnish the Board monthly, and on the seventh day of each month, with an account showing particulars of such rate collected by such local authority up to and inclusive of the last day of the then preceding month, and shall pay over to the Board the amount shown by such account to have been so collected after deducting the amount of such costs, expenses, or remuneration as hereinbefore provided.

Provisions in regard to loan-moneys.

28. The following provisions shall apply to any loans raised under the provisions hereof :—

(*a.*) The debentures and coupons issued under the provisions of this Act shall be in or to the effect of the form of debenture and coupon in the *Second* Schedule hereto.

(*b.*) Subject to the provisions of this Act, all the provisions of the Local Bodies' Loans Act, 1913, and the amendments thereof, shall be applicable to any issue of debentures under the authority of this Act in the same manner, and shall confer upon the holder thereof the same or the like security, rights, powers, and remedies, as if the said debentures had been issued under the said Act.

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Powers of the Board.

29. The Board is hereby empowered to undertake and construct all such works as it may consider necessary for the purpose of augmenting, maintaining, and improving the supply of water in the lake and improving the water-supply from the lake for the inhabitants of the said boroughs.

Works to be undertaken.

30. The Board is further empowered, either in addition to augmenting, maintaining, and improving the supply of water in the lake, or, instead of the lake supply, to undertake and construct all such waterworks as it may consider necessary for the supply of water for the use of the inhabitants of the said boroughs, and may operate and maintain the same.

Board may construct waterworks independent of lake supply.

31. (1.) Subject to the provisions of this Act, the Board shall have and may exercise the powers and authorities conferred on Councils of boroughs by Part XXIV of the Municipal Corporations Act, 1920, and the Ninth Schedule thereto, which respectively shall be read into and form part of this Act, but shall be construed and applied, with such modifications as may be necessary for the purposes of this Act, as if the word "Board" had been inserted in lieu of the words "Council," "Councils of the Borough," or "Corporation of the Borough," and as if the said boroughs were one borough and the Board were the Council thereof, and all other consequential alterations had been made accordingly:

Powers of Municipal Corporations as to waterworks incorporated.

Provided that nothing in this section shall take away or restrict the powers of the Councils of the said boroughs under the said Act or otherwise:

Provided further that before interfering with any road, street, or other public work in any of the said boroughs for the purpose of constructing waterworks the Board shall give not less than fourteen days' notice in writing to the Council thereof, and if such Council objects to such interference the objection shall be referred to the Minister of Public Works, whose decision thereon shall be final.

(2.) The Board may at any time interfere with any such road, street, or other public work so far as to effect all necessary repairs in such waterworks on giving to such Council three days' previous notice in writing of intention so to do; and in any sudden emergency or danger to any works of the Board, or to any property adjoining, the Board may, without any previous notice, proceed to effect the necessary repairs, but shall as soon as practicable thereafter give notice to the Council of its having so proceeded.

32. Subject to the provisions of this Act the Board may—

Subsidiary powers conferred on Board.

(*a.*) Lay and construct, maintain, and alter mains and works upon, over, or under any land purchased, acquired, or taken by the Board, or of which it has acquired the use or occupation, or in or over which it has acquired a right of water, or any other easement:

(*b.*) Make, construct, maintain, or alter mains for use in any public road or street or through any public reserve, and break up and dig the surface thereof, and stop temporarily the traffic thereon for such purpose:

(*c.*) Alter the course or level of any river, streams, ditch, or drain:

(*d.*) Take, impound, or divert the water from any stream or river, and make dams, reservoirs, or other waterworks in any such stream or river.

(*e.*) Enter upon any lands for the purpose of removing any obstruction to the flow of water in any stream or river supplying water to the works of the Board:

(*f.*) Enter upon any lands for the purpose of making surveys, and of constructing, maintaining, extending, altering, enlarging, repairing or inspecting any waterworks:

(*g.*) Acquire and construct all works, buildings, and machinery of every description and material, and generally do all things necessary for the construction, extension, alteration, maintenance, repair, and use of any waterworks or otherwise for the purposes of this Act.

Board deemed to be local authority within meaning of Public Works Act, 1908.

33. The Board shall be deemed to be a local authority within the meaning of the Public Works Act, 1908, and the amendments thereof, and the works hereby authorized shall be "public works" within the meaning of the said Act, and accordingly the Board may exercise all or any of the powers provided by Parts II, III, and V of the said Act, which said Parts shall, *mutatis mutandis*, be read into and form part of this Act.

Contracts.

Powers of Municipal Corporations as to contracts incorporated.

34. For the purposes of this Act the Board shall have and may exercise all the powers and authorities conferred upon Councils of boroughs by Parts XVII of the Municipal Corporations Act, 1920, which said parts shall, *mutatis mutandis*, be read into and form part of this Act.

Sale or Lease of Land.

Board may sell, exchange, or lease lands.

35. The Board is empowered to sell, exchange, let, or lease any land vested in the Board in the same manner and on the same terms and conditions as are prescribed in respect of land vested in Municipal Corporations by Part XVIII of the said Act, which said Part, *mutatis mutandis*, shall be read into and form part of this Act.

Protection of Members, &c.

Members of Board not personally liable.

36. No member of the Board shall be personally liable in damages or otherwise for any act done or omitted by the Board or by any member thereof in good faith in pursuance or in intended pursuance of the authority of this Act.

Proceedings of Board deemed not to be invalid in certain contingencies.

37. The Board may continue to act notwithstanding any vacancy in the membership thereof, and no act or proceeding of the Board or any committee or officer shall be invalidated or be deemed to be illegal in consequence only of the number of the members of the Board not being complete at the time of such act or proceedings, or in consequence only of any person continuing to act as a member of the Board or committee after his seat thereon has become vacant.

All acts of Board to be deemed valid in certain contingencies.

38. All acts and proceedings of the Board and of every committee shall, notwithstanding that there was some defect, error, or illegality in the appointment or election of any person as such member thereof, or that any member is disqualified or not entitled to vote, be as valid for all purposes as if every such person had been duly appointed or elected, as the case may be, and qualified to act and vote as a member of the Board or committee.

Objection to rate struck as security not allowed as defence.

39. No objection shall be allowed in any Court to any rate which forms the security for any debentures or coupons issued under the provisions of this Act, and no informality or irregularity whether

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in form or in substance in the making or levy of such rate, or in the election or appointment of any body or person acting in connection therewith, shall be allowed by any Court as a defence to any action or proceeding for the recovery of such rate, or be entertained as a ground for quashing such rate or restraining the recovery thereof.

By-laws.

Board may make by-laws.

40. (1.) The Board may make by-laws for all such purposes as are expressly provided by this Act, and such other by-laws as are, in the opinion of the Board, requisite for the protection of the property and interests of the Board and the good government and management of its affairs and procedure; and the Board may by any such by-law provide a penalty for every breach thereof to an amount which shall be in the discretion of the Court inflicting the same, and shall in no case exceed the sum of *five* pounds for a single offence.

(2.) Such by-laws shall be made only in the manner following:—

(*a.*) They shall be made by special order only.

(*b.*) They shall have the seal of the Board affixed thereto.

(*c.*) They shall come into force on a day to be named therein or in the special order making the same, which shall not be earlier than seven clear days after the making of such order.

(*d.*) They shall be published in the *Gazette* within fourteen days after confirmation of the order making the same.

(*e.*) They may within three months after such publication be disallowed by the Governor-General.

Miscellaneous.

Power of Governor-General for purpose of giving effect to provisions of Act.

41. (1.) Section three hundred and eighty-two of the Municipal Corporations Act, 1920, shall be read, *mutatis mutandis*, into and form part of this Act.

(2.) The Governor-General is further empowered by Proclamation to confer upon the Board such powers, not inconsistent with the provisions of this Act, as he thinks fit for—

(*a.*) Conserving the supply of water in Lake Takapuna:

(*b.*) Regulating the output of water from the lake:

(*c.*) Maintaining the purity of the water-supply of the lake:

(*d.*) Prescribing provisions to be complied with by the Board before laying any mains upon any land or interfering with any road, street, reserve, or public work:

(*e.*) Prescribing offences for causing or allowing contamination of the lake or any stream or river from which the Board draws water, or diverting or obstructing any such stream or river, or bathing therein:

(*f.*) Granting to the Board from time to time such further or other powers as may be deemed necessary for the purposes of this Act:

(*g.*) Borrowing money by way of temporary loans in anticipation of revenue or by the pledge of debentures.

(3.) All regulations made by the Governor-General under this section shall be of the same force and effect as if contained in this Act, and the production of the *Gazette* containing any such regulations shall be conclusive evidence in all Courts of the contents of such regulations, and that the same have been duly made.

Authentication of documents.

42. Every order, notice, or other such document requiring authentication by the Board may, unless otherwise provided, be signed by any two members or by the Secretary, and need not be under seal.

Disputes between Board and Borough Councils to be referred to Governor-General.

43. If any dispute or difference arises between the Board and the Council of any of the said boroughs the question shall be referred to the Governor-General in Council, who shall determine such dispute or difference after such inquiry and in such manner as he thinks fit, and such determination shall be obeyed.

Certain sections of Municipal Corporations Act, 1920, incorporated.

44. Sections fifty-seven, sixty-six, seventy-six, one hundred and twenty-eight, three hundred and sixty-two, three hundred and sixty-seven, three hundred and seventy-three, three hundred and seventy six, three hundred and seventy-seven, three hundred and seventy-nine, and three hundred and eighty of the Municipal Corporations Act, 1920, shall, *mutatis mutandis*, be read into and from part of this Act.

Councils of constituent boroughs empowered to provide funds to pay contributions.

45. (1.) For the purpose of providing the amount necessary to satisfy any demand of the Board for contribution pursuant to section *twenty* of this Act the Councils of the said boroughs respectively may appropriate a sufficient sum out of the District Fund, and are empowered to strike and collect a separate rate to pay the whole or any part of such demand, and interest thereon (if any), and the costs of and incidental to the making and collection thereof.

(2.) For the purpose of providing the amount necessary to satisfy any demand of the Board for contribution pursuant to section twenty-*three* of this Act the Council of each of the said boroughs is empowered either to make an appropriation or strike a rate as aforesaid, or by special order without taking any poll of the ratepayers thereon to raise a loan under the provisions of the Local Bodies' Loans Act, 1913, and the amendments thereof, for the whole or any part of the amount demanded.

Repeals and savings.

46. (1.) The enactments mentioned in the *Second* Schedule hereto are hereby repealed, and with respect to those enactments the following provisions shall apply :—

(*a.*) The Board constituted under any such enactment and subsisting on the coming into operation of this Act ;

(*b.*) All by-laws, rules, and regulations made and Proclamations duly made thereunder and subsisting on the coming into operation of this Act ;

(*c.*) All contracts entered into, rights acquired, and liabilities thereunder and subsisting as aforesaid ; and

(*d.*) All acts of authority which originated thereunder and are subsisting as aforesaid—

shall enure for the purposes of this Act as freely and effectually as if they had respectively originated under the corresponding provisions of this Act, and for that purpose shall, where necessary, be deemed to have so originated.

(2.) Every such Board shall be deemed to be the same Board under this Act without change of corporate entity or otherwise, and the members of the Board holding office on the coming into operation of this Act shall continue in office until their successors under this Act come into office.

(3.) All works, matters, or proceedings commenced under any such enactment and in progress on the coming into operation of this Act may be continued and completed under this Act.

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SCHEDULES.

Schedules.

FIRST SCHEDULE.

SUBSECTIONS (5), (6), (7), of section 100 of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1913.

Section 25 of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1915.

Section 10 of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1921–22.

SECOND SCHEDULE.

DEBENTURE.

North Shore Boroughs (Auckland) Water Board of the District comprising the Boroughs of Birkenhead, Devonport, Northcote, and Takapuna.

Loan of £ secured upon [*State public work or undertaking, special rate, or other property on which loan is secured.*]

No. . Transferable by delivery. £ . Under the authority of the North Shore Boroughs (Auckland) Water-supply Act, 1924.

[N.B.—The holder of this debenture has no claim in respect thereof upon the Government or public revenues of New Zealand.]

ON presentation of this debenture at [*State place of payment*], on or after the day of , 19 , the bearer thereof will be entitled to receive £ . Interest on this debenture will cease after the day when the payment falls due, unless default is made in payment.

This debenture bears interest at the rate of per centum per annum, payable on and in each year, on presentation of the attached coupons.

Issued under the common seal of the Board at , in New Zealand, this day of , 19 .

The seal of the North Shore Boroughs (Auckland) Water Board was hereto affixed in the presence of—

....., Chairman.
....., Secretary.

COUPON.

North Shore Boroughs (Auckland) Drainage Board's Debenture No.

Issued under the North Shore Boroughs (Auckland) Water-supply Act, 1924, of the Dominion of New Zealand.

ON presentation of this coupon at , on or after the day of 19 , the bearer thereof will be entitled to receive £ .

....., Chairman.
....., Secretary.

By Authority: W. A. G. SKINNER, Government Printer, Wellington.—1924.