

*Hon. Mr. Hackett*

## POLLUTION MITIGATION

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### A BILL INTITULED

AN ACT to Make Provision for the Mitigation of Pollution of Waters and for the Better Use of Polluting Substances. Title.

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

1. (1) This Act may be cited as the Pollution Mitigation Act, 1949. Short Title.

10 (2) This Act shall come into force on the first day of January, nineteen hundred and fifty. Commencement.

2. In this Act, unless the context otherwise requires,— Interpretation.

“ Council ” means the Pollution Mitigation Council established under this Act:

“ Minister ” means the Minister of Marine:

“ Pollutant ” means any liquid, gas, material, substance, or thing which changes or tends to change the physical or chemical properties of water if added thereto, or which obstructs the flow of water if inserted therein, but does not include any building, bridge, wharf, dam, culvert, or structure constructed in any water under the authority of any Act:

“ Pollution ” means the addition to or insertion in water of any pollutant.

Establishment  
of Pollution  
Mitigation  
Council.

3. (1) There is hereby established a Council to be known as the Pollution Mitigation Council. 15

(2) The Council shall consist of—

(a) The Secretary of the Marine Department:

(b) Six other members, to be appointed by the Governor-General on the recommendation of the Minister, of whom— 20

(i) One shall be an officer of the Marine Department:

(ii) One shall be an officer of the Department of Health:

(iii) One shall be an officer of the Ministry of Works: 25

(iv) Three shall represent local authorities.

(3) Except as provided in the *next succeeding* subsection, every appointed member of the Council shall be appointed for a term of five years, but may from time to time be reappointed, or may be at any time removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister. 35

(4) If any appointed member of the Council dies, is removed from office, or resigns, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall be appointed for the residue of the term for which his predecessor was appointed. 40

(5) Unless he sooner vacates his office as provided in this section, every appointed member of the Council shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

(6) The powers of the Council shall not be affected by any vacancy in the membership thereof.

4. No member of the Council shall be personally liable for any act done or omitted by the Council or by any member thereof in good faith in pursuance or intended pursuance of the powers and authority of the Council.

Members of Council not liable.

5. (1) The Governor-General may from time to time, on the recommendation of the Minister, appoint a Chairman and a Deputy Chairman of the Council. During any vacancy in the office of Chairman or when the Chairman is unable to act, whether for reason of absence or otherwise, the Deputy Chairman may exercise and perform all the powers and duties of the Chairman.

Chairman and Deputy Chairman of Council.

(2) The Chairman shall preside at every meeting of the Council at which he is present. In the absence of the Chairman and Deputy Chairman from any meeting of the Council the members present shall select one of their number to be the Chairman for the purposes of that meeting.

(3) The Chairman at any meeting of the Council shall have a deliberative vote, and in a case of an equality of votes shall also have a casting vote.

6. (1) The first meeting of the Council shall be held on a day to be appointed in that behalf by the Minister.

Meetings of Council.

(2) Subsequent meetings of the Council shall be held at such times and places as the Council or the Chairman from time to time appoints.

(3) At every meeting of the Council three members shall constitute a quorum.

(4) Every question before the Council shall be determined by a majority of the votes of members present at a meeting of the Council.

7. Subject to the provisions of this Act, the Council may regulate its procedure in such manner as it thinks fit.

Procedure of Council.

Notice of meetings to be given to Minister.

8. Notice in writing of every meeting of the Council and of the business proposed to be transacted thereat shall be given to the Minister, who shall have the right to attend or be represented at any such meeting and to receive copies of the reports of proceedings of all meetings. 5

Committees.

9. (1) The Council may from time to time appoint a committee or committees consisting of two or more persons, and may from time to time, with the consent of the Minister, delegate to any such Committee any of its powers or duties. 10

(2) Any person may be appointed to be a member of a Committee under this section, notwithstanding that he is not a member of the Council.

Remuneration and travelling-allowances.

10. (1) There shall be paid to the members of the Council or of any committee appointed by the Council who are not officers employed in the service of the Crown or to representatives or persons invited for purposes of consultation to any meeting of the Council, or of any committee appointed by the Council, such remuneration by way of fees or allowances and such travelling-allowances as the Minister of Finance from time to time approves. 15 20

(2) All expenses incurred in the administration of this Act shall be paid out of moneys appropriated by Parliament for the purpose. 25

Appointment of officers.

11. (1) There may from time to time be appointed as officers of the Public Service such officers as may be deemed necessary for the purposes of this Act.

(2) The Council may, with the approval of the Public Service Commission, arrange with any local authority, public body, or other employer for the use of the services, from time to time, or on a part-time basis, of any specially qualified technical officer, and may arrange for the remuneration of any such officer while employed by the Council, or for the reimbursement to any local authority, public body, or other employer of any such officer of the value of his services and of travelling-expenses incurred while employed by the Council. 30 35

Objects of Council.

12. The general objects for which the Council is established are:— 40

(a) The prevention and mitigation of the pollution of water:

(b) The encouragement of the more economic use of liquids, materials, or substances which now cause or which may cause pollution: 45

(c) The assistance of Government Departments, local authorities, public bodies, and industry in the solution of problems of pollution.

5 be— **13.** (1) The general functions of the Council shall Functions of Council.

(a) To carry out surveys and investigations for the purpose of ascertaining the nature and extent of pollution of water:

10 (b) To organize, encourage, and participate in research into ways and means of mitigating pollution:

(c) To compile data of service in the mitigation of pollution:

15 (d) To record and publish information on ways and means of avoiding or mitigating pollution.

(e) To carry out experiments in the treatment of liquids, materials, and substances which give rise to pollution, and to develop and demonstrate experimental treatment plants:

20 (f) To investigate conflicts of interest which arise, or threaten to arise, between different authorities, public bodies, industries, or persons or between different sections of the public in respect of pollution, and to recommend solutions, having regard to the interests of all concerned:

25 (g) To co-ordinate, having regard to the objects for which the Council is established, the policies and activities of Government Departments, local authorities, and public bodies in relation to any of the foregoing matters:

30 (h) To make inquiries and recommendations on any matters referred to it by the Minister.

(2) The Council may carry out any of its functions either independently or in conjunction with any Government Departments, local authorities, public bodies, trade or industrial associations, companies, or persons.

(3) The Council shall have such other functions as are by this Act or by any other Act imposed upon it.

Council may  
give permit  
authorizing  
addition of  
pollutant  
subject to  
conditions.

14. (1) Any person may apply to the Council for a permit to add or allow the addition of any pollutant to any river, stream, watercourse, lake, or sea.

(2) The Council, after taking into consideration the nature and probable effect of the pollutant, the extent to which the water concerned may be otherwise polluted, and the extent to which the addition of the pollutant will be detrimental to the public interest, may grant or refuse the application. 5

(3) Any permit under this section shall be in writing under the hand of the chairman of the Council. 10

(4) Any permit under this section may be granted upon or subject to such terms or conditions as the Council thinks fit in the public interest to impose, and may be at any time, by notice signed by the chairman, revoked or modified. 15

(5) Notwithstanding the provisions of any Act or of any by-laws made under the authority of any Act, no person shall be liable for any penalty for adding or allowing the addition of any pollutant to any water in accordance with the terms and conditions of a permit for the time being in force and given under this section to that person. 20

(6) No liability shall attach to the Crown or to the Council in respect of any loss or damage sustained by any person as the result of the doing of any act, matter, or thing in accordance with the terms of a permit given under this section. 25

(7) Except as otherwise provided herein, nothing in this Act shall be deemed to affect the civil rights or liabilities of any person. 30