

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

*House of Representatives, 16 November 1973*

Words struck out by the Committee are shown in italics within bold round brackets or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule or with double rule before first line and after last line.

*Hon. Mr Watt*

## PUBLIC WORKS AMENDMENT

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### A BILL INTITULED

#### An Act to amend the Public Works Act 1928

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

**1. Short Title**—This Act may be cited as the Public Works Amendment Act 1973, and shall be read together with and deemed part of the Public Works Act 1928\* (hereinafter referred to as the principal Act).

\*1957 Reprint, Vol. 12, p. 475

Amendments: 1958, No. 28; 1960, No. 105; 1961, No. 32; 1962, No. 41; 1963, No. 42; 1964, No. 107; 1965, No. 26; 1967, No. 31; 1967, No. 113; 1970, No. 145; 1971, No. 124; 1972, No. 96

No. 53—2

Price 15c

**2. Interpretation—**(1) Section 2 of the principal Act is hereby amended by inserting in the definition of the term “Minister” (as amended by section 2 (5) of the Ministry of Works Act 1943), after the word “Works”, the words “and Development”.

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(2) The said section 2 is hereby further amended by inserting, after the definition of the term “Minister”, the following definition:

“‘Ministry’ means the Ministry of Works and Development established by section 2A of this Act:”.

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(3) The said section 2 is hereby further amended—

(a) By inserting in paragraph (d) of the definition of the term “public work” (as substituted by section 3 (1) of the Public Works Amendment Act 1970), after the words “kindergarten within the meaning of the Education Act 1964”, the words, “, or any pre-school play centre recognised in accordance with regulations made under the Education Act 1964”:

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(b) By omitting from the said paragraph (d) (as so substituted) the words “or kindergarten”, and substituting the words “kindergarten, or pre-school play centre”:

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(c) By inserting, after paragraph (e) of the said definition, the following paragraph:

“(ca) Any police station, police training college, or residence for a member of the Police, and any other purpose in connection with any such police station, college, or residence:”.

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(4) Unless the context otherwise requires, every reference in any enactment, regulation, rule, order, agreement, deed, instrument, application, notice, licence, or other document whatsoever, in force on the commencement of this Act,—

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(a) To the Minister of Works shall hereafter be read as a reference to the Minister of Works and Development:

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(b) To the Ministry of Works shall hereafter be read as a reference to the Ministry of Works and Development.

**3. New sections inserted—**(1) The principal act is hereby further amended by inserting, after section 2, the following sections:

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“**2A. Ministry of Works and Development—**There is hereby established a Department of State, to be called the Ministry of Works and Development, which, under the control of the

Minister, shall be charged with the administration of this Act and of the enactments specified in the Fourteenth Schedule to this Act and with such other functions as may be lawfully conferred on it.

5    **“2B. Functions of Ministry—**(1) The Ministry shall have and undertake such functions as are necessary for the due and proper administration of this Act and the other Acts administered by it.

10    **“(2)** Without limiting the general functions specified in subsection (1) of this section but subject to section 2b of this Act, the Ministry shall have the following functions:

15    **“(a)** The efficient execution of Government works, and projects and undertakings of national significance as directed by the Minister, including the investigation, design, construction, operation, and maintenance of such works, projects, and undertakings, having due regard to standards and costs and the best practical means whereby environmental conditions can be conserved, restored, or enhanced:

20    **“(b)** The assembly of information relating to the activities of the building and construction industry as a whole and the demands being made on the industry and their relation to available and potential resources:

25    **“(c)** The provision of advice to the Minister on the programming of Government works and on the priorities considered suitable for the building and construction industry as a whole, having regard to the matters referred to in paragraph (b) of this subsection:

30    **“(d)** The investigation of and research into techniques and materials used for building and construction work, and the dissemination of information throughout the building and construction industry:

35    **“(e)** The provision of advice and technical assistance to Government departments, local authorities, and other public bodies in connection with existing works or projects or with the development of proposals for new works or projects:

40    **“(f)** The provision of information, advice, and guidance to any person, body, undertaking, or authority on proposals for existing or proposed works or projects as directed by the Minister:

45    **“(g)** The acquisition or leasing of land and buildings and the acquisition or hiring of plant, stores, and equipment for the purposes of the Ministry, ensuring their effective use and, when no longer required, providing for their disposal:

- “(h) The encouragement, investigation, and co-ordination of proposals for regional planning and for the development of natural resources, including the provision of advice, recommendations, and reports, as directed by the Minister: 5
- “(i) The preparation of reports and recommendations to the Minister or to other Government agencies on proposed Government works or existing Government works:
- “(j) The carrying out of inspections appropriate to the functions of the Ministry to ensure compliance with any regulations and standards laid down. 10
- “(3) In carrying out its functions the Ministry shall undertake such research and investigation as is considered by the Commissioner of Works to be appropriate and useful. 15

*New*

“(4) The Ministry shall have all such powers as may be reasonably necessary or expedient to enable it to carry out its functions.”

“2c. Powers of Minister—The Minister shall be charged with the execution of Government works and may, for the purpose of enabling the Ministry to carry out any of its functions and powers, give to the Commissioner of Works such directions as he thinks fit. 20

“2d. Other powers not affected—Nothing in section 2b or section 2c of this Act shall affect the exercise by any other Minister of the Crown or Government department or by any local authority or public body or by any other person or authority of any powers for the time being conferred by any other Act. 25 30

“2e. Committees—(1) The Minister may from time to time appoint such committees comprising 1 or more members as he thinks fit to advise or otherwise assist the Minister or the Commissioner of Works on such matters relating to the functions of the Ministry as the Minister may specify. 35

“(2) Every member of a committee shall hold office at the pleasure of the Minister.

“(3) Subject to any directions given to it by the Minister, every committee may regulate its own procedure. 40

“(4) Every such committee is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

“(5) There may, if the Minister so directs, be paid to any member of a committee, out of money appropriated by Parliament for the purpose,—

5 “(a) Remuneration by way of fees, salary, or allowances in accordance with the Fees and Travelling Allowances Act 1951; and

“(b) Travelling allowances and travelling expenses in accordance with that Act in respect of time spent travelling in the service of such committee—  
10 and that Act shall apply accordingly.

“(6) No person shall, by reason only of his being a member of such a committee, be regarded as being employed in the State services for the purposes of the State Services Act 1962 or in the Government service for the purposes of the Super-  
15 annuation Act 1956.”

*Struck Out*

(2) Section 2 of the Ministry of Works Act 1943 is hereby repealed.

*New*

20 “(2) The Ministry of Works Act 1943 is hereby amended—  
(a) By repealing the long title, and substituting the following long title:

“An Act to amend the Public Works Act 1928”:

(b) By repealing section 2.

25 (3) Section 11 of the Civil Aviation Act 1964 is hereby amended by omitting from subsection (1) the words “subsection (2) of section 2 of the Ministry of Works Act 1943”, and substituting the words “section 2c of the Public Works Act 1928”.

30 (4) Section 41 of the Housing Act 1955 is hereby consequentially amended by repealing subsection (1).

**4. Annual estimates**—The principal Act is hereby further amended by repealing subsection (2) of section 7 and the First Schedule.

35 **5. Certain land, etc., not to be entered on without consent**—Section 18 of the principal Act is hereby amended by inserting, after the word “railway”, the words “or a motorway”.

*New*

40 **5A. Notices and objections, etc.**—(1) Section 22 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

45 “(1) Subject to section 10 of this Act, when land (other than land owned by the Crown) is required to be taken for any public work, the Minister in the case of Government

*New*

works, and the local authority in the case of local works, shall—

- “(a) Cause a survey to be made and a plan to be prepared showing the land required to be taken, together with the names of the owners and occupiers of such land so far as they can be ascertained; and 5
- “(b) Cause a copy of such plan to be deposited in such convenient place as the Minister or local authority may direct; and 10
- “(c) Cause a notice to be gazetted and to be twice publicly notified stating the place where such plan is open for inspection, with a general description of the land required to be taken (including the name of and number in the road or street or some other readily identifiable description of the place where the land is situated), and a description of the general purposes for which the land is to be used; and 15
- “(d) In the notice call upon every person directly affected to set forth in writing any objection he may wish to make to the taking of the land, not being an objection to the amount or payment of compensation, and to send the written objection within 40 days after the first publication of the notice to the Town and Country Planning Appeal Board; and 20 25
- “(e) In the notice state that, if any objection is made in accordance with paragraph (d) of this subsection, a public hearing of the objection will be held unless the objector otherwise requires, and that each objector will be advised of the time and place of the hearing; and 30
- “(f) Cause a copy of such notice and description to be served on the said owners and occupiers, so far as they can be ascertained.” 35

(2) Section 22 (3) of the principal Act is hereby amended by omitting the words “and upon all other persons having an interest in the land”.

(3) Section 22 (5) of the principal Act (as added by section 3 of the Public Works Amendment Act 1952) is hereby amended—

(a) By omitting the words “execute works and”;

(b) By omitting the words “executing the work and”.

(4) The provisions of the principal Act shall continue to apply in respect of every notice gazetted under section 22 of the principal Act before the commencement of this section as if sections 5A to 5C of this Act had not been enacted: 45

*New*

Provided that the Minister may refer any objection made in respect of a notice so gazetted which relates to a Government work to the Appeal Board within the meaning of 5 section 22A of the principal Act, and in any such case the provisions of the principal Act (as amended by sections 5B and 5C of this Act) shall, with the necessary modifications, apply accordingly.

10 (5) The following enactments are hereby consequentially repealed:

- (a) Section 3 of the Public Works Amendment Act 1963;
- (b) Section 2 of the Public Works Amendment Act 1965.

15 **5B. Hearing of objections**—(1) The principal Act is hereby further amended by inserting, after section 22, the following section:

“22A. (1) In this section, ‘Appeal Board’ means any one of the Town and Country Planning Appeal Boards constituted under the Town and Country Planning Act 1953.

20 “(2) Notwithstanding anything in section 40 of the Town and Country Planning Act 1953, the Chairman or Deputy Chairman of the Appeal Board sitting alone or sitting with any other member of the Board shall have jurisdiction to conduct an inquiry under this section and to report on the inquiry and make recommendations in respect of the inquiry.

25 “(3) On receiving a written objection under section 22 of this Act, the Appeal Board shall—

“(a) As soon as practicable send a copy of the objection to the Minister or local authority, as the case may require; and

30 “(b) Inquire into the objection and the proposed taking and for that purpose shall conduct a hearing at such time and place as it may appoint.

“(4) Not less than 28 days’ notice of the time and place so appointed shall be given to the objector and to the Minister 35 or local authority, as the case may require.

“(5) Every such hearing shall be held in public unless the objector gives written notice to the Appeal Board before the date of the hearing that he requires the hearing to be held in private.

40 “(6) At every such hearing the Minister or the local authority may be represented by counsel or by an officer of the Ministry or local authority, as the case may require, and the objector may appear and act personally or by counsel or any duly authorised representative.

## New

“(7) For the purposes of any hearing, the provisions of the Commissions of Inquiry Act 1908 shall, so far as they are applicable and with the necessary modifications, apply as if the Appeal Board were a Commission of Inquiry appointed under that Act. 5

“(8) On the completion of the inquiry, the Appeal Board shall prepare a written report on the objection and on whether the proposed taking is fair, sound, and reasonably necessary for achieving the objectives of the Minister or local authority, as the case may require; and shall submit the report together with such recommendations as it considers proper to make in the circumstances to the Minister or local authority, as the case may require. 10

“(9) At the same time as the Appeal Board submits its report to the Minister or local authority, it shall send a copy of the report to the objector. 15

“(10) No appeal shall lie from any report or recommendation of the Appeal Board under this section.”

(2) Section 2 (1) of the Town and Country Planning Act 1953 is hereby amended by inserting in the definition of the term “appeal” (as inserted by section 2 (1) (b) of the Town and Country Planning Amendment Act 1966), after the word “regulation;”, the words “but does not include any objection lodged under section 22 of the Public Works Act 1928;”. 25

**5c. Land to be taken by Proclamation**—Section 23 of the principal Act is hereby amended—

- (a) By omitting the words “all objections”, and substituting the words “the report and the recommendations (if any) of the Appeal Board received under section 22A of this Act”: 30
- (b) By omitting the words “it is expedient that the proposed works should be executed”, and substituting the words “the land should be used for the general purposes for which it is required”: 35
- (c) By omitting from paragraph (c) (iii) the words “undertake the work”, and substituting the words “carry out the general purposes”:
- (d) By omitting from paragraph (c) (iii) the words “proposed works should be executed”, and substituting the words “land should be used for such general purposes”. 40

New

5D. **Person failing to make claim**—Section 2 (1) of the Public Works Amendment Act 1954 is hereby amended by omitting the words “twelve months”, and substituting the words “3 months”.

5E. **Interpretation**—Subsection (3) of section 101A of the principal Act (as inserted by section 6 (1) of the Public Works Amendment Act 1970) is hereby amended—

(a) By adding to the definition of the term “designated” the words “, or made subject to the powers conferred by a middle-line Proclamation issued under this Act, or included in a reclamation area or a comprehensive urban renewal area under Part II or Part IIA of the Urban Renewal and Housing Improvement Act 1945:

(b) By adding to the definition of the term “designating authority” the words “; and includes any local authority within whose district land has been included in a reclamation area or a comprehensive urban renewal area under Part II or Part IIA of the Urban Renewal and Housing Improvement Act 1945”.

**6. Additional compensation for acquisition of designated land**—(1) Section 101B of the principal Act (as inserted by section 6 (1) of the Public Works Amendment Act 1970) is hereby amended by omitting from subsection (1) the expression “\$500”, and substituting the expression “\$1,500”.)

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(1) Section 101B of the principal Act (as inserted by section 6 (1) of the Public Works Amendment Act 1970) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Subject to the provisions of this section, where any land that—

“(a) Has been designated or made the subject of a requirement; and

“(b) Contains a separate dwelling used solely as a private residence—

is taken or acquired for the public work for which it was designated or made the subject of a requirement—

“(c) There shall, if the land is taken or acquired otherwise than at the request or instigation of the owner,

*New*

be paid to the owner of that land by the designating authority, in addition to the compensation otherwise payable under this Act, a sum of \$1,500 by way of solatium: 5

“(d) There may, in the discretion of the designating authority, if the land is taken or acquired at the request or instigation of the owner or pursuant to an order of the Town and Country Planning Appeal Board under section 47A of the Town and Country Planning Act 1953, be paid to the owner of the land by the designating authority, in addition to the compensation otherwise payable under this Act, such sum not exceeding \$750 as the designating authority considers reasonable in the circumstances.” 10 15

(1A) The said section 101B (as so inserted) is hereby further amended by omitting from subsection (5) the expression “\$500”, and substituting the words “the amount of compensation that would otherwise be payable”. 20

(2) This section shall—

(a) Be deemed to have come into force on the 11th day of June 1973, in respect of Government works:

(b) Come into force on the passing of this Act, in respect of local works. 25

(3) Notwithstanding the provisions of paragraph (b) of subsection (2) of this section—

(a) Every payment made before the passing of this Act but on or after the 11th day of June 1973 in accordance with section 101B of the principal Act (as amended by subsection (1)) subsections (1) 30

and (1A) of this section) in respect of a local work is hereby validated and declared to have been lawfully made:

(b) If a local authority has agreed to make any payment in accordance with the said section 101B (as so amended) in respect of land taken or acquired for a local work on or after the 11th day of June 1973, the local authority is hereby authorised to make that payment. 35 40

*New*

6A. **Additional compensation to assist in purchase of dwelling**—(1) Section 101c of the principal Act (as inserted by section 6 (1) of the Public Works Amendment Act 1970) is hereby amended—

(a) By omitting from subsection (1) the words “and value” in both places where they occur:

(b) By omitting from subsection (1) the words “solely on account of age and lack of means, or infirmity and lack of means”, and substituting the words “on account of age or infirmity and lack of means, or solely on account of lack of means”:

(c) By adding to subsection (1) the following proviso:  
“Provided that, if any additional compensation is paid under this subsection solely on account of lack of means, such compensation shall not exceed 15 percent of the value as at the specified date of the land taken or acquired by the designating authority.”

(2) The said section 101c (as so inserted) is hereby further amended by repealing subsection (3), and substituting the following subsection:  
“(3) If additional compensation is paid under this section—  
“(a) The amount paid, if it was paid solely on account of lack of means; or  
“(b) The amount paid in excess of \$1,000, if it was paid on account of age or infirmity and lack of means— shall constitute a debt due by the person to whom it is paid to the designating authority who or which paid it, and shall be a charge on the estate or interest of that person in the land acquired by him with the assistance of the compensation, and may be registered against that land under the provisions of the Statutory Land Charges Registration Act 1928.”

(3) The said section 101c (as so inserted) is hereby further amended by inserting in subsection (6), after the word “section,”, the words “being money that has been paid on account of age or infirmity and lack of means,”.

(4) The said section 101c (as so inserted) is hereby further amended by adding the following subsections:  
“(7) If any money has been paid under this section solely on account of lack of means, such money shall be repaid to the designating authority at such reasonable times and on such reasonable terms and conditions (including interest) as may be specified by the designating authority when making payment of the additional compensation.”

*New*

“(8) In this section, the term ‘specified date’ has the same meaning as in section 29 of the Finance Act (No. 3) 1944.”

**7. Metric conversions**—(1) Section 101E of the principal Act (as inserted by section 6 (1) of the Public Works Amendment Act 1970) is hereby amended— 5

(a) By omitting from subparagraph (i) of paragraph (a) of subsection (2) the words “30 miles”, and substituting the words “50 kilometres”:

(b) By omitting from paragraph (b) of subsection (2) the words “30 miles”, and substituting the words “50 kilometres”:

(c) By omitting from subsection (4) the words “30 miles”, and substituting the words “50 kilometres”:

(d) By omitting from subsection (4) the words “50 miles”, and substituting the words “80 kilometres”. 15

(2) Section 180 of the principal Act is hereby amended by omitting the words “one mile”, and substituting the words “1600 metres”.

(3) Section 205 of the principal Act is hereby amended 20 by omitting the word “mile”, and substituting the words “1600 metres”.

**8. Definition of railway**—Section 211 of the principal Act is hereby amended by omitting the words “or any special”.

**9. Railways to be authorised by Order in Council**— 25  
(1) The principal Act is hereby further amended by repealing sections 212 and 213, and substituting the following section:

“212. (1) Every railway shall be constructed only under the authority of the Governor-General by Order in Council.

“(2) Subsection (1) of this section shall not apply in respect of any railway not exceeding 3.25 kilometres in length intended to connect any other railway with a ballast pit or other undertaking required for the purposes of that other railway. 30

“(3) Land required for any such connecting railway may 35 be taken as if the construction of such railway had been authorised under subsection (1) of this section.”

(2) Sections 215 and 345 of, and the Fifth, Sixth, Seventh, and Ninth Schedules to, the principal Act are hereby repealed.

(3) Notwithstanding the repeal of any enactment by this section, every railway the construction of which has been authorised or deemed to have been authorised under any such enactment or by any enactment continued in force by any such enactment, or under any special Act which is still in force, shall be deemed to have been authorised to be constructed under section 212 of the principal Act (as substituted by subsection (1) of this section), and so much of the Acts as are set out in the said Ninth Schedule shall continue in force and operate as if such repeal had not been made.

(4) Section 47 of the Government Railways Act 1949 is hereby amended by omitting from subsection (1) the words “, and for the purpose of section two hundred and twelve of the Public Works Act 1928 this Act shall in the case of each such railway and improvement be deemed to be a special Act”, and substituting the words “and authorised by an Order in Council made under section 212 of the Public Works Act 1928 (as substituted by section 9 (1) of the Public Works Amendment Act 1973)”.

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*New*

**9A. Procedure for making railway**—(1) Section 216 of the principal Act is hereby amended by omitting from subsection (1) the words “any special Act”, and substituting the words “this or any other Act”.

(2) The said section 216 is hereby further amended by omitting from paragraph (j) of subsection (1) the words “of the Sheriff’s district within which the land is situate”.

**10. Power to make railways, railway stations, etc.**—Section 219 of the principal Act is hereby amended by omitting from subsection (1) the words “by a special Act”, and substituting the words “under this or any other Act”.

**11. Provisions of principal Act to apply to motorways**—Section 5 of the Public Works Amendment Act 1947 is hereby amended by omitting from subsection (1) the words “a special Act”, and substituting the words “an Order in Council made under section 212 of the principal Act”.

**12. Repealing provisions relating to Road Boards**—(1) The principal Act is hereby further amended by repealing sections 266 and 270.

*New*

(2) Section 264 of the principal Act is hereby amended by omitting from subsection (3) the words “, or any Road Board within the county,”.

(2) Section 33 of the Finance Act 1938 is hereby amended 5  
by omitting from subsection (1) the words “a Road Board,”.

**13. Amending documents**—The principal Act is hereby further amended by inserting, after section 330, the following section:

“330A. If any Proclamation, Order in Council, notice, 10  
declaration, or other document executed under this Act is found to contain an error, the Governor-General, Governor-General in Council, Minister, or other authorised person, as the case may require, may in a subsequent document of the same type amend the first-mentioned document to correct the error, 15  
and the subsequent document shall be deemed to have taken effect on the same date that the first-mentioned document took effect.”

**14. Shares in building-unit companies**—The principal Act is hereby further amended by inserting, after section 331, the 20  
following section:

“331A. (1) In this section, ‘building-unit company’, means a company registered under the Companies Act 1955 the articles of association of which provide that a registered holder of shares in the company is entitled, by virtue of being 25  
such holder, to occupy a specified portion of a building owned by the company.

“(2) On behalf of Her Majesty the Queen the Minister may purchase and shall be deemed always to have had the power to purchase any shares in the capital of any building-unit company, and may hold, sell, or otherwise dispose of the 30  
shares.

“(3) The Minister may from time to time exercise on behalf of Her Majesty the Queen all Her Majesty’s rights, powers, and privileges as the holder of any such shares.” 35

**15. Excavations near public works**—(1) The principal Act is hereby further amended by inserting, after section 336, the following section:

“336A. (1) Except with the prior written consent of the Minister, local authority, or other public authority having the 40  
control of a public work, and subject to such conditions as may be specified in the consent, no person shall—

“(a) In the case of any pole supporting an electric line, telephone line, or telegraph line, excavate or other-

wise interfere with any land within 2.5 metres of the pole, if the excavation or interference is likely to disturb the pole or impair its stability:

5 “(b) In the case of any tower or pylon supporting any such line or supporting any aerial ropeway, excavate or otherwise interfere with any land within 6 metres of the outer edge of the visible foundations of the tower or pylon, if the excavation or interference is likely to disturb the tower or pylon or impair its stability:

10 “(c) In the case of any other public work, excavate or otherwise interfere with any land in the vicinity of the work if the excavation or interference is likely to produce, either directly or indirectly, a subsidence on to that work or a subsidence of that work or of the soil thereunder.

15 “(2) Nothing in subsection (1) of this section shall apply in respect of normal agricultural cultivation or the formation, repair, sealing, or resealing of any road or street.

20 “(3) Every person who wilfully contravenes or wilfully fails to comply with the provisions of subsection (1) of this section commits an offence and shall be liable on summary conviction to a fine not exceeding \$500.

25 “(4) Every person who contravenes or fails to comply with the provisions of subsection (1) of this section shall be civilly liable for all damage to the public work arising from the contravention or non-compliance, whether or not he has been prosecuted under subsection (3) of this section.”

30 (2) Section 42 of the Public Works Amendment Act 1948 is hereby repealed.

**16. New Fourteenth Schedule added**—The principal Act is hereby further amended by adding the **Fourteenth Schedule** set out in the Schedule to this Act.

**17. Taking and closing of roads and streets**—(1) Section 35 29 of the Public Works Amendment Act 1948 is hereby amended by repealing subsection (6), and substituting the following subsections:

40 “(6) If, as the result of any land being proclaimed as a road or street, any adjacent land is rendered unsuitable or inconvenient for occupation by the owner, lessee, or licensee, the Minister may, subject to subsection (6B) of this section, by the same or by a subsequent notice,—

- “(a) Take the adjacent land; or  
 “(b) Resume it, if it is vested in the Crown and is comprised in a lease or licence; or  
 “(c) Allocate it to the purposes of this subsection and of subsection (6A) of this section, if it is owned by 5  
 or vested in the Crown for any purpose.  
 “(6A) On the taking, resumption, or allocation of any land under subsection (6) of this section it shall vest in—  
 “(a) The person specified in the notice as the person to whom it is granted in exchange for land proclaimed 10  
 as road or street; or  
 “(b) If no such person is specified, the corporation of the county, borough, or town district specified in the notice; or  
 “(c) If no such person or corporation is specified, the 15  
 Crown—  
 free from all reservations, restrictions, trusts, rights, titles, estates, or interests of any kind whatsoever except so far as may be otherwise provided for in the notice.  
 “(6B) No land shall be taken, resumed, or allocated under subsection (6) of this section without the written consent of 20  
 the owner, lessee, or licensee, and of every other person having a registered estate or interest in the land.  
 “(6c) Any land taken, resumed, or allocated under sub-  
section (6) of this section and vested, under subsection (6A) 25  
 of this section, in—  
 “(a) The corporation of a county, borough, or town district, may be dealt with by the corporation in all respects as if it had been comprised in a road or street closed under this section: 30  
 “(b) The Crown, shall be deemed to be stopped Govern-  
 ment road.”  
 (2) The Counties Amendment Act 1972 is hereby conse-  
 quentially amended by repealing so much of the Second  
 Schedule as relates to subsection (6) of section 29 of the 35  
 Public Works Amendment Act 1948.

**18. Limited access roads—**(1) Section 4 of the Public Works Amendment Act 1963 is hereby amended by inserting in subsection (7), after the word “subdivide”, the words “or sell”.

*New*

(2) The said section 4 is hereby further amended by repealing subsection (8).

*New*

19. **Assessment of compensation**—(1) Section 29 of the Finance Act (No. 3) 1944 is hereby amended by omitting from subsection (1) (a) the word “No”, and substituting the words “Subject to Part IIIA of this Act, no”.

(2) The said section 29 is hereby further amended by adding the following subsections:

“(4) Notwithstanding the provisions of subsection (3) of this section, the Minister (in the case of a Government work) and the local authority (in any other case), if he or it considers in the circumstances existing at any time that it is just and equitable to do so, may amend the specified date to such date as he or it considers equitable, so long as any such amendment of the specified date does not operate to the detriment of the claimant.

“(5) If the specified date has been amended under subsection (4) of this section, such amended date shall become the specified date for the purpose of assessing or awarding compensation under Parts III and IIIA of the principal Act.”

20. **Changing administration of Clerks of Works Act 1944**—(1) The Labour Department Act 1954 is hereby amended by omitting from the First Schedule (as substituted by section 3 (1) of the Labour Department Amendment Act 1970) the words “The Clerks of Works Act 1944”.

(2) Section 2 of the Clerks of Works Act 1944 is hereby amended by repealing the definition of the term “Minister”, and substituting the following definition:

“‘Minister’ means the Minister of Works and Development.”

Section 16

## SCHEDULE

## NEW FOURTEENTH SCHEDULE TO PRINCIPAL ACT

Section 2A

## "FOURTEENTH SCHEDULE

## ACTS ADMINISTERED BY MINISTRY OF WORKS AND DEVELOPMENT

The Auckland Harbour Bridge Act 1950.

The Christchurch-Lyttelton Road Tunnel Act 1956.

*New*

The Clerks of Works Act 1944.
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The Engineering Associates Act 1961.
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The Engineers Registration Act 1924.
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The Geothermal Energy Act 1953.
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The National Roads Act 1953.
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The Quantity Surveyors Act 1968.
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The Soil Conservation and Rivers Control Act 1941.
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The Town and Country Planning Act 1953.
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The Tramways Act 1908.
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*Struck Out*

The Underground Water Act 1953.
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The Urban Renewal and Housing Improvement Act 1945.
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The Waikato Valley Authority Act 1956.
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The Water and Soil Conservation Act 1967."
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