

**Reprint
as at 25 March 2005**



**Wellington Regional Council
(Water Board Functions) Act 2005**

Local Act 2005 No 1
Date of assent 24 March 2005
Commencement see section 2

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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Preamble

- (1) The Wellington Regional Water Board Act 1972 constituted the Wellington Regional Water Board and provided for its functions, powers, and duties:
- (2) The Wellington Region Constitution Order 1980 (*Gazette* 1980, p 1618) established the Wellington Regional Council, and clause 7 of the order—
 - (a) transferred to the Wellington Regional Council the functions, rights, powers, and duties conferred or imposed on the Wellington Regional Water Board by the Wellington Regional Water Board Act 1972; and
 - (b) continued with all necessary modifications the application of provisions of the Wellington Regional Water Board Act 1972 (except sections 6, 8, 9, 11, 12, 13, 14, 15, 17, and 19) to the functions transferred to the Wellington Regional Council; and
 - (c) dissolved the Wellington Regional Water Board on the assumption of its functions by the Wellington Regional Council:
- (3) The Local Government (Wellington Region) Reorganisation Order 1989 (*Gazette* 1989, p 2491) dissolved and re-established the Wellington Regional Council; and clause 16 of the order specifies the functions, duties, and powers of the Wellington Regional Council, including the functions, duties, and powers of the former Wellington Regional Council under the Wellington Regional Water Board Act 1972:
- (4) Section 12 of the Local Government Act 2002 confers on local authorities full capacity and full powers for the purpose of performing their role, but that section applies subject to any other enactment:
- (5) Under the Wellington Regional Water Board Act 1972, the functions, powers, and duties transferred to the Wellington Regional Council are limited:

- (6) The Wellington Regional Council wishes to establish and operate electrical installations and electrical works (such as wind turbines) to meet the needs for renewable energy, but the Wellington Regional Water Board Act 1972 does not authorise this to be done on land previously owned by the Wellington Regional Water Board and now vested in the Wellington Regional Council, including water collection areas and forestry areas under that Act.

1 Title

This Act is the Wellington Regional Council (Water Board Functions) Act 2005.

**Part 1
Preliminary provisions**

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Interpretation

In this Act, unless the context otherwise requires,—

electrical installation has the same meaning as in section 2 of the Electricity Act 1992

forestry area and **water collection area** have the same meaning as in section 2 of the Wellington Regional Water Board Act 1972

renewable energy has the same meaning as in section 2 of the Resource Management Act 1991

works has the same meaning as in section 2 of the Electricity Act 1992.

Part 2

Electrical installations and works

4 Construction, operation, and maintenance of electrical installations and works

- (1) The Wellington Regional Council may construct, operate, and maintain electrical installations or works for renewable energy on the land specified in subsection (2).
- (2) The land—
 - (a) is land previously owned by the Wellington Regional Water Board and vested in the Wellington Regional Council; and
 - (b) includes forestry areas and water collection areas.
- (3) The Council has full powers for the purpose of performing the functions conferred by subsection (1), including (but not limited to) the power—
 - (a) to enter into any contract, agreement, or arrangement with any person; and
 - (b) to grant easements, leases, licences, or permits on any conditions that the Council thinks fit.
- (4) Before performing the functions conferred by subsection (1), the Council must satisfy itself that the performance of the functions will not impede the performance by the Council of its functions, duties, and powers under Part 2 of the Wellington Regional Water Board Act 1972.

5 Performance of functions by another person

- (1) The functions conferred by section 4(1) may be performed by another person—
 - (a) if the Wellington Regional Council agrees; and
 - (b) subject to any terms and conditions specified by the Wellington Regional Council.
- (2) To avoid doubt, the Wellington Regional Council may agree to the other person performing the functions either on behalf of the Wellington Regional Council or in the other person's own right.

6 Consequential amendment

Amendment(s) incorporated in the Act(s).

7 Relationship with other enactments

Except as provided in section 6, this Act does not limit or affect the application of any other enactments.

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Notes**1 General**

This is a reprint of the Wellington Regional Council (Water Board Functions) Act 2005. The reprint incorporates all the amendments to the Act as at 25 March 2005, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/legislation/reprints.shtml> or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 ***List of amendments incorporated in this reprint
(most recent first)***
