

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,  
22nd September, 1924.*

*Mr. Potter.*

## AUCKLAND ELECTRIC-POWER BOARD AMENDMENT.

[LOCAL BILL.]

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### A BILL INTITULED

AN ACT to amend the Auckland Electric-power Board Act, 1921-22. Title.

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

1. This Act may be cited as the Auckland Electric-power Board Amendment Act, 1924, and shall be read together with and deemed part of the Auckland Electric-power Board Act, 1921-22 (hereinafter referred to as the principal Act). Short Title.
- 10 2. Section six of the principal Act is hereby amended as follows:— Rolls of ratepayers for defined portions of district.
- (a.) By inserting, after the words "constituent districts taken together" in subsection one, the words "or so much of those rolls as relates to lands within any defined portion of the electric-power district as the case may require";
- 15 and by adding to the said subsection the words "or of such defined portion as aforesaid."
- (b.) By inserting, after the words "ratepayers of such constituent district" in subsection two, the words "or of any defined portion thereof."

As to qualification  
of members and  
as to member  
voting on matter  
in which he has  
pecuniary interest.

3. (1.) Section eleven of the principal Act is hereby amended by repealing paragraph (g) of subsection two thereof, and substituting the following paragraph:—

(g.) A person who is concerned or interested (otherwise than as a member of an incorporated company in which there are more than twenty members, and of which he is not the general manager or manager) in any contract made by the Board (other than a contract relating to land entered upon or taken, or proposed to be entered upon or taken, for electric works under the authority of this Act) if the payment made or to be made by the Board in respect of any such contract exceeds five pounds in the case of a single contract, or ten pounds altogether in any financial year in the case of two or more contracts, except in special cases to be previously approved by the Audit Office on the application of the Board. In any such special case the Audit Office may authorize the payment and receipt of such amount as it thinks fit, not exceeding in the aggregate fifty pounds, in any financial year in respect of any contract or of two or more contracts: Provided that an interest in any loan raised by the Board whether on security or otherwise, or in any newspaper in which the Board inserts advertisements, or in any lease granted or agreed to be granted to or by the Board, shall not constitute a disqualification under this paragraph.

(2.) Section twelve of the principal Act is hereby amended by repealing paragraph (h) of subsection one thereof, and substituting the following paragraph:—

(h.) Is concerned or interested (otherwise than as a member of an incorporated company in which there are more than twenty members, and of which he is not the general manager or manager) in any contract made by the Board (other than a contract relating to land entered upon or taken, or proposed to be entered upon or taken, for electric works under the authority of this Act) if the payment made or to be made by the Board in respect of any such contract exceeds five pounds in the case of a single contract, or ten pounds altogether in any financial year in the case of two or more contracts, except in special cases to be previously approved by the Audit Office on the application of the Board. In any such special case the Audit Office may authorize the payment and receipt of such amount as it thinks fit, not exceeding in the aggregate fifty pounds, in any financial year in respect of any contract or of two or more contracts: Provided that an interest in any loan raised by the Board whether on security or otherwise, or in any newspaper in which the Board inserts advertisements, shall not constitute a cause of forfeiture under this paragraph.

(3.) Section twenty of the principal Act is hereby amended by omitting from subsection one thereof all the words after the word "property," and by substituting the words "or as a member of an incorporated company in which there are more than twenty members, and of which he is not the general manager or manager."

4. (1.) The application by section thirty-six of the principal Act of the provisions of the Local Bodies' Loans Act, 1913, shall be deemed to authorize, and at all times since the commencement of the principal Act to have authorized, the Board to raise a loan for an authorized  
5 purpose for the benefit of a defined part or of defined parts of the district (whether called by a distinctive name or not), and in any such case every constituent district within the defined part or parts shall without limiting the meaning of the expression "legal subdivision" as used in section three of the Local Bodies' Loans Act, 1913, be deemed  
10 to be a legal subdivision.
- (2.) Notwithstanding anything to the contrary in the Local Bodies' Loans Act, 1913, a loan may be raised by the Board for the benefit of defined parts of the district although such parts may not together form one continuous area.
5. Section thirty-nine of the principal Act is hereby amended by inserting, after the words "the excess may be raised," the words "either wholly or in part"; and by adding to the section the following words: "If part only of such excess is raised as aforesaid, the balance may be raised by a separate rate or by separate rates on all rateable  
15 property within such portion or within such several portions of the district as may be defined for the purpose by special order."
6. Section forty-seven of the principal Act is hereby amended by omitting from subsection one thereof the words "any moneys standing to the credit of the Power Fund Account and not appropriated for  
20 any special purpose," and substituting the words "such sum as it thinks fit."
7. Section fifty of the principal Act is hereby amended by repealing paragraph (b) of subsection one thereof.
8. Section fifty-eight of the principal Act is hereby amended by  
30 omitting from paragraph (a) the words "on the sites and the routes defined in any plans prepared or deposited as required by any Act or within a distance of one hundred yards on either side thereof."
9. In addition to the general powers conferred on it by section fifty-eight of the principal Act the Board may,—
- 35 (a.) Undertake the planting of trees for the purpose of providing a supply of timber for the requirements of the Board:
- (b.) Construct tunnels under any private land or aqueducts or flumes over the same, and may erect poles thereon, and carry wires over or along any such land without being  
40 bound to acquire the same, with right of way by the best available route to and along all such works and erections for the Board's servants, workmen, and agents from time to time and at all times, with or without any suitable or available means of conveyance, and with all such tools,  
45 machinery, articles, and materials as may be necessary for the construction of such works, or for the maintenance or repairing of the same, or for the doing of anything hereby authorized; and may also deposit and store from time to time upon any lands adjoining such works all such  
50 machinery and material of any kind as may be used in the construction or repairing of such works: Provided that nothing in this Act shall abrogate the right of the owner or occupier to have all the rights to compensation given by section sixty-six of the principal Act.

Board may borrow money for defined portion of district.

Board may levy separate rates for revenue purposes over defined portions of district.

Amendment of section 47 of principal Act.

Amendment of section 50 of principal Act.

Amendment of section 58 of principal Act.

Powers of Board with respect to planting trees and with respect to private land.

Disfranchisement  
of defaulting  
ratepayers.

10. (1.) It shall be the duty of the Clerk of every local authority of each constituent district to send to the Board, not later than ten days before the date fixed for the holding of any election or the taking of any poll under the principal Act, a list of all ratepayers whose rates, or any part thereof, are then unpaid and have remained unpaid for a period of not less than six months. 5

(2.) Notwithstanding anything in the principal Act or in any other Act, no person whose name appears on a list furnished under the *last preceding* subsection for the purposes of any election or poll shall be entitled to vote at that election or poll. 10

Board may provide  
dwellings for its  
employees.

11. (1.) With the consent in writing of the Minister and subject to such conditions as he may impose the Board,—

(a.) May acquire land, and may erect dwellings thereon for disposal under this section :

(b.) May erect dwellings for disposal under this section on any land being the property of the Board and not held in trust for any special purpose : 15

(c.) May purchase any land with dwellings thereon for disposal under this section.

(2.) All land and the dwellings thereon disposed of under this section shall be disposed of by way of sale or lease to any workers or other persons employed in the service of the Board. 20

(3.) In the event of any dwelling acquired or erected by the Board for the purposes of this section being no longer required for those purposes the Board may sell, let, demise, exchange, or otherwise dispose of the same in such manner and on such terms as the Board with the approval of the Minister thinks fit. 25

Incidental expenses  
payable out of  
loan-moneys.

12. (1.) The Board may out of loan-moneys pay any expenses incurred by ratepayers within the district prior to the election of the Board, and whether before or after the constitution of the district or incurred by the Board at any time within twelve months after the first election of the Board,— 30

(a.) In making surveys ; or

(b.) In obtaining office requisites ; or

(c.) In advertising the scheme for which the loan was raised or otherwise in connection with such scheme ; or 35

(d.) In connection with and preliminary to the constitution of the district :

Provided that no such expenses shall be so paid unless the Audit Office certifies that the expenses are reasonable and have been incurred in good faith for any of the purposes aforesaid. 40

(2.) In addition to the payments authorized by the *last preceding* subsection the Board may pay out of loan-moneys any moneys borrowed by way of bank overdraft pursuant to any lawful authority within the period of twelve months referred to in the *last preceding* subsection. 45

(3.) This section shall be deemed to have been in force as from the date of the coming into force of the principal Act.

Board may appoint  
standing or special  
committees.

13. (1.) The Board may from time to time appoint standing or special committees ; and may delegate to such committees any matters for consideration or inquiry or management or regulation ; 50

and may delegate to any such committee any of the powers and duties by the principal Act or any other Act conferred or imposed upon the Board, except the powers to borrow money, to make a rate, to make a by-law, to execute a deed or contract, or to institute an action.

5 (2.) Every committee to which any powers or duties are delegated as aforesaid may without confirmation by the Board exercise or perform the same in like manner and with the same effect as the Board could itself have exercised or performed the same.

10 (3.) 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.

(4.) The Board appointing any committee may appoint a member of such committee to be the permanent Chairman thereof, and if no such appointment is made the committee may make the appointment.

15 The Board may from time to time remove such Chairman and appoint another in his stead.

(5.) The Board may from time to time discharge, alter, continue, or reconstitute any committee.

20 14. (1.) The Board may in every financial year out of the Power Fund Account expend for purposes not authorized by any Act or law for the time being in force any sum or sums not amounting in the whole to more than one per centum of the gross receipts of the Board for that year exclusive of loan-moneys.

Unauthorized expenditure of Board.

25 (2.) This section shall be deemed to have been in force as from the date of the coming into force of the principal Act.

15. (1.) The Board may from time to time and at any time during any financial year, in addition to any rate made or levied under the principal Act or this Act, make and levy separate rates within any defined portion or defined portions of the district.

Power to make separate rates within defined portion of district.

30 (2.) The proceeds of any such rate or rates shall be deemed to be part of the income of the Board.

(3.) No rate made and levied under this section in any year shall in respect of any one property exceed thirty pounds, or be less than one pound.

35 (4.) For the purposes of this section the expression "one property" means a continuous area of land occupied and used as one holding. An area of land shall be deemed to be continuous notwithstanding that it may be severed by a public road or by a railway or river if it is in fact occupied and used as one property.

40 (5.) Where one property is situated within different constituent districts, the rateable value of such property shall be the total rateable values of the separate parts thereof as appearing in the district valuation rolls of such constituent districts.

45 (6.) Unless a supply of electricity is available at the boundary of the property or at a point within ten chains of such boundary from the Board's mains, the Board shall not be entitled under this section to collect any rate in respect of that property, and every person liable to pay a rate under this section shall be entitled to receive free of charge for use on the property in respect of which the rate is levied a supply of electrical energy equivalent in value to the total amount of such rate at the scale of charges from time to time fixed by the Board.

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(7.) In the event of electricity having been made available for any property at any time during the currency of the year for which a rate under this section is made, such property shall be liable only for a part of that rate proportionate to the unexpired portion of the year.

Board may lease land or buildings not required for other purposes.

Regulations under principal Act may prescribe fine.

16. The Board may, with the consent of the Minister and subject to such conditions as he may require, let or lease any land or buildings or portion of any building not required for the use of the Board. 5

17. The Governor-General may, by regulations made under section ninety-six of the principal Act, prescribe fines for the breach of any regulation under that section not exceeding *one* hundred pounds for any offence. 10