

Hon. Mr Highet

**AUCKLAND ELECTRIC POWER BOARD
AMENDMENT**

[LOCAL]

ANALYSIS

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A BILL INTITULED

**An Act to amend the Auckland Electric Power Board
Act 1978**

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

1. **Short Title**—This Act may be cited as the Auckland
Electric Power Board Amendment Act 1981, and shall be
read together with and deemed part of the Auckland Electric
10 Power Board Act 1978 (hereinafter referred to as the principal Act).

2. **Change to Energy Board**—Section 5 of the principal Act
is hereby amended by adding the following subsections:

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“(2) Where the Board or a proposed amalgamation of the Board with any other electric power board is supplying or is about to supply gas or substantial forms of other energy, as well as electricity, over all or a large part of any region constituted under Part II of the Local Government Act 1974, the Minister may consent to the Board or the proposed new body taking the name of The [*Name of Board*] Energy Board. 5

“(3) Where the Minister has issued a consent under subsection (2) of this section to the Board to change its name to an energy board, unless the context otherwise requires, every reference in any enactment or in any regulation, rule, order, agreement, deed, instrument, application, notice, licence, or document whatsoever to the Board shall be read as a reference to that energy board, and every reference to the district shall be read as a reference to the energy district of that energy board. 10 15

“(4) Notwithstanding that the name of the Board has been changed to an energy board and the name of the district changed to an energy district, the Board shall continue to be the Auckland Electric Power Board within the meaning of this Act, and the district shall continue to be the Auckland Electric Power District within the meaning of this Act.” 20

3. Remuneration of Chairman and Deputy Chairman—Section 23 of the principal Act (as substituted by section 2 of the Auckland Electric Power Board Amendment Act 1979) is hereby amended by adding the following subsection: 25

“(2) The Deputy Chairman may be paid, in addition to any amount payable to him under section 36 of this Act, such annual allowance, not exceeding 10 percent of the amount that may be paid to the Chairman, out of the funds of the Board as the Board from time to time fixes.” 30

4. Notice to be given of extraordinary business—Section 31 of the principal Act is hereby amended by adding the following subsection: 35

“(3) Extraordinary business shall be deemed to include any resolution affecting or likely to affect the continued existence of the Board.”

5. Board may insure members against personal accident while engaged in duties—The principal Act is hereby further amended by inserting, after section 36, the following section: 40

“36A. The Board may from time to time enter into contracts of insurance insuring members of the Board against loss from personal accident arising out of, and in the course of, the exercise of their powers or duties as members of the Board and pay the premiums payable in respect of such contracts.”

6. Liability of local authority for failing to collect rates—Section 52 of the principal Act is hereby amended by omitting the words “section 43”, and substituting the words “section 51”.

10 **7. Balance Sheets and audit—**Section 59 (1) of the principal Act is hereby amended by repealing paragraph (a).

8. General powers of Board with respect to electric works—Section 67 of the principal Act is hereby amended by inserting, after paragraph (p), the following paragraph:

15 “(pa) May provide public amenities in connection with any projected works at a cost not exceeding 1 per cent of the estimated capital cost of those works, or in connection with existing works within limits determined from time to time by the Minister in conjunction with the Minister of Finance.”

9. Powers of Board with respect to private land—(1) Section 68 (b) of the principal Act is hereby amended by inserting, after the words “any such land”, the words “or lay cables under it”.

25 (2) The said section 68 (b) is hereby further amended by repealing the proviso, and substituting the following proviso:

“Provided that nothing in this section—

30 “(c) Shall abrogate the right of the owner or occupier to have all the rights to compensation given by section 76 of this Act:

“(d) Shall authorise the laying of cables under land appurtenant to any dwellinghouse or to any improvement ancillary thereto for the purpose of supplying electric power without—

35 “(i) The written permission of the owner thereof; or

“(ii) The Board acquiring such part of the land as is necessary for its requirements or an easement over such part.”

40 **10. New sections relating to supply of gas—**The principal Act is hereby further amended by inserting, after section 99A, the following sections:

“99B. **Board may supply gas**—(1) For the purpose of this section and sections 99c and 99d of this Act—

“‘Compressed natural gas’ means natural gas contained in pressure vessels or in containers at a pressure, in each case, greater than 200 kilopascals gauge: 5

“‘Gas’ means manufactured gas, natural gas, compressed natural gas, and liquefied petroleum gas:

“‘Liquefied petroleum gas’ means propane, propylene, butane, butylene, or iso-butane supplied in containers; and includes any mixture consisting wholly or principally of any such substances supplied in such containers, whether or not the mixture contains any other hydrocarbon: 10

“‘Natural gas’ means any naturally occurring hydrocarbon in a gaseous state or any mixture of any such hydrocarbons, together with any naturally associated non-hydrocarbon; and includes any such substance both before and after it has been subjected to any treatment or process for purification, separation of constituents, liquefaction, or other purpose. 15 20

“(2) Subject to any other provision of this Act and any other enactment—

“(a) The Board may, with the consent of the Governor-General given by Order in Council under section 20B of the Gas Industry Act 1958, and subject to any conditions specified in that order, supply piped manufactured or natural gas to the inhabitants of the district: 25

“(b) The Board may, with the consent of the Governor-General given by Order in Council, subject to any conditions specified in that order, supply compressed natural gas or liquefied petroleum gas within the district: 30

“Provided that the consent of the Governor-General shall not be given unless in his opinion an adequate supply of compressed natural gas or, as the case may be, liquefied petroleum gas is not available in the district and will not be available in the district within a reasonable period from any other person carrying on or about to commence to carry on business within the district: 35 40

“Provided also that the consent of the Governor-General shall not be required to the establishment of works by the Board, either alone or jointly with

5 one or more other electric power boards, for the supply of compressed natural gas for use by the Board, or, as the case may be, for use by the Board and the other electric power boards, and not for supply to the public.

“99c. **Gas reticulation**—(1) Where the Board is for the time being supplying piped gas to the inhabitants of the district it—

10 “(a) Shall, upon the written application of the owner or occupier of any land on which there is a building that is within 100 metres of any main gas pipe of adequate capacity; and

15 “(b) May, upon the written application of the owner or occupier of any other land,— install such service pipes, fittings, and gas meters as are necessary to supply the building or land, as the case may be, with such gas and to measure the quantity consumed.

“(2) In any case to which subsection (1) of this section applies, the Board may, if it thinks fit,—

20 “(a) Lay at its own cost such service pipes as may be necessary from the main gas pipe to the boundary of the premises of the applicant, or, where the cost does not exceed \$400 (or such greater amount as the Minister fixes from time to time by notice in the *Gazette*), from the main gas pipe to the gas meter on the premises of the applicant; or

25 “(b) Require the applicant to pay the cost of the same— but all service pipes on the premises and all fittings on the premises shall be paid for by the applicant.

30 “(3) The Board may, in its discretion, either require the applicant to pay the cost of any gas meter or install the same at its own cost and charge such rent therefor as may be prescribed by bylaws in that behalf.

35 “(4) The Board may, before commencing any work authorised by this section, require the applicant to deposit a sum equal to the estimated cost thereof, or the portion thereof payable by the applicant, as the case may be.

40 “(5) In any such case the Board and the applicant may agree in writing that any money payable under this section to the Board shall be payable by such instalments as the Board thinks fit, with interest.

“99D. **Application of other provisions of Act to supply of gas**—The provisions of this Act, as far as they are applicable, and with any necessary modifications, shall apply to the purchase, acquisition, construction, and carrying on of any gas undertaking, the distribution, supply, and sale of gas, and the conduct of any business incidental thereto by the Board under this Act to the same extent as those provisions apply with respect to the electric works and undertakings of the Board, and the gas undertakings shall be deemed to form part of the undertaking of the Board.”

11. Board may guarantee advances to employees for housing purposes—Section 109 (6) of the principal Act is hereby amended by omitting the word “and” where it first occurs, and substituting the word “an”.

Mr Prebble

AUCKLAND REGION BULK WATER PRICE

[LOCAL]

ANALYSIS

Title	2. Interpretation
Preamble	
1. Short Title and commencement	4. Amendment to agreements Schedules

A BILL INTITULED

An Act to amend certain bulk water supply agreements between the Auckland Regional Authority and certain bulk water consumers

5 WHEREAS —

- (a) The Authority and the consumers have entered into agreements on or about the respective dates set against each consumer's name in the second column of the First Schedule hereto whereby the Authority shall supply to each consumer bulk water upon the terms of such agreement until the 31st day of March 1988:
- 10
- (b) Each agreement contains provisions prescribing the method by which the price for bulk water shall be fixed for each 2-year period, the next of which commences on the 1st day of April 1980, and it is in the public interest that those provisions be amended to enable the method by which such price is calculated to be varied from time to time:
- 15
- (c) The consumers named in Part I of the First Schedule hereto have agreed with the Authority upon the terms of such variation and, although the consumers named in Parts II and III of that Schedule have not so agreed, it is in the public interest that such variation be made to each of the agreements.
- 20
- 25

No. 45—1

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

1. Short Title and commencement—(1) This Act may be cited as the Auckland Region Bulk Water Price Act 1979. 5

(2) This Act shall be deemed to have come into force on the 31st day of March 1979.

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

“Authority” means the Auckland Regional Authority constituted by the Auckland Regional Authority Act 1963: 10

“Consumers” means the territorial authorities named in Part I of the First Schedule hereto and Her Majesty the Queen (in respect of defence establishments at Whenuapai and Hobsonville); and “consumer” has a corresponding meaning: 15

“The agreements” means the documents of contract between the Authority and the consumers bearing the respective dates set out against each consumer’s name in the second column of Parts I, II, and III of the First Schedule hereto relating to the Authority’s supply of bulk water to each consumer: 20

“Regional district” means the Auckland regional district established under the Auckland Regional Authority Act 1963. 25

3. Act to bind Crown—This Act shall bind the Crown.

4. Amendment of agreements—(1) Notwithstanding any rule of law to the contrary, each of the agreements is hereby varied by the insertion therein of the provisions set out in the Second Schedule hereto, and shall be read and construed in all respects as if the parties thereto had for valuable considerations passing between them executed a memorandum of variation amending such agreement by inserting therein the said provisions. 30 35

(2) Each consumer shall, within 2 months after being requested by the Authority so to do, execute either a formal memorandum recording the amendment made in its agreement by subsection (1) of this section or, at the Authority’s option, a new memorandum of contract comprising that agreement as so varied. 40

(3) Notwithstanding anything in the agreements (as varied by this section), the provisions set out in the Second Schedule hereto shall, in the years 1979 and 1980, be read and construed in all respects as if every reference to a date were a reference to the date 4 months later.

SCHEDULES

FIRST SCHEDULE

Section 2

PART I

NAME OF TERRITORIAL AUTHORITY	1	DATE OF AGREEMENT
Auckland City Council		15 November 1967
Birkenhead City Council		19 October 1970
Devonport Borough Council		17 August 1970
Glen Eden Borough Council		20 July 1970
Henderson Borough Council		21 September 1970
Howick Borough Council		9 June 1970
Manukau City Council		19 June 1972
Mt Eden Borough Council		20 July 1970
Mt Roskill Borough Council		17 August 1970
Mt Wellington Borough Council		20 July 1970
New Lynn Borough Council		20 July 1970
Newmarket Borough Council		11 February 1970
Northcote Borough Council		19 October 1970
One Tree Hill Borough Council		20 November 1967
Otahuhu Borough Council		20 July 1970
Papatoetoe City Council		21 September 1970
Takapuna City Council		17 March 1970

PART II

East Coast Bays City Council	21 September 1970
Eilerslie Borough Council	20 July 1970
Mt Albert City Council	20 July 1970
Waitemata City Council	20 July 1970
(as successor to the former Waitemata County Council)	

PART III

Her Majesty the Queen (in respect of defence establishments at Whenuapai and Hobsonville)	20 July 1970
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SECOND SCHEDULE

Section 2

ADDITIONAL PROVISIONS TO BE INSERTED IN AGREEMENT

1. The provisions of this agreement relating to the biennial fixing of the bulk water price (hereinafter called the price clause) may be varied from time to time in accordance with the following provisions, and upon being so varied shall stand as varied until further varied as aforesaid.

2. Commencing in 1979 (being the year before the next biennial bulk water price fixing) and every second year thereafter during the term of this agreement—

(a) The local authority shall, not later than the 31st day of March, appoint a representative empowered and directed—

(i) To attend a general meeting of similar representatives of all other bodies having with the Authority a bulk water supply agreement similar to this agreement (which other bodies are in this clause together with the local authority called the consumers):

(ii) At such meeting to participate in the appointment by simple majority of those present at the general meeting of not more than 6 persons to be a committee of assessors (hereinafter called the assessors) charged with the duty of discussing and negotiating bulk water matters with the Authority on behalf of the consumers by the 30th day of June following their appointment:

(b) The local authority shall take all reasonable measures to ensure that such general meeting is held not later than the 30th day of April and that the assessors are duly appointed and empowered:

(c) The Authority shall, through its authorised representatives, receive the assessors at mutually convenient times between the date of their appointment and the 30th day of June following, and may negotiate with the assessors any variation of the provisions of the price clause hereof. The Authority shall, not later than the following 31st day of July, post to the consumers notice of the decision of the Authority and the assessors upon such negotiations:

(d) Unless by 4 p.m. on the following 31st day of August written objections to the said decision are lodged with the Authority by at least 25 percent in number of the consumers, the said decision shall, on that day, become final:

(e) If written objections, setting out the grounds of objection and the relief sought by the objecting consumers, are lodged by the aforesaid time by at least 25 percent in number of the consumers, such objections shall be referred to the assessors and to the representatives of the Authority for consideration of the objections and for final determination of the matters raised thereby, with such consequent amendment of the said decision as the case may require. Such final determination shall be made by the following 30th day of September and

SECOND SCHEDULE—*continued*

the Authority shall give notice of it to the consumers by the following 7th day of October, whereupon the said decision, amended as appropriate in accordance with such final determination, shall become final:

- (f) Upon becoming final under paragraph (d) or paragraph (e) of this subclause, the said decision, amended under paragraph (e) of this subclause if the case so requires, shall take effect and bind the parties hereto as a variation of this agreement in all respects as if for valuable considerations the parties hereto had entered into a formal agreement for such variation:
- (g) The failure of the local authority or of any other of the consumers to appoint and empower a representative under paragraph (2) (a) of this clause, or its representative's failure to act, shall not invalidate any proceedings of a general meeting as aforesaid or any action of the assessors appointed thereby:
- (h) If assessors are not appointed as aforesaid, or if the assessors do not act, the Authority may by itself, not later than the 31st day of July in the year in question, make and give notice of any decision which could have been made by negotiation under paragraph (2) (c) of this clause and the provisions of paragraph (2) (d), (e), and (f) of this clause shall apply to such decision of the Authority.