

Mr. Collins.

CITY OF CHRISTCHURCH ELECTRIC POWER AND LOAN EMPOWERING.

[LOCAL BILL.]

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Interpretation. 3. Council may construct and work electrical installation. 4. Council may construct head-works, races, &c. Lift and convey water. Erect and maintain buildings, &c. Provide and maintain appliances, &c. Acquire or purchase lands. Compensation. Incidental purposes. Repayment of advance from General Account in anticipation of special loan for electric-power purposes. 5. Governor in Council may grant use of Crown lands. 6. Governor in Council may settle site, &c., of head-works, races, &c. 7. Selwyn County Council and Council may enter into agreement.</p> <p>COUNCIL MAY RAISE SPECIAL LOANS FOR CERTAIN PURPOSES. 8. Council may raise special loan.</p>	<p>9. Sinking fund. 10. Special rate may be pledged.</p> <p>MISCELLANEOUS PROVISIONS. 11. Lands may be acquired under "The Municipal Corporations Act, 1900," or by purchase. 12. Lands acquired held under Municipal Corporations Act. 13. Works authorised by this Act deemed constructed under Municipal Corporations Act. 14. Provisions of Municipal Corporations Act to apply to special loans hereby authorised. 15. Extended power. 16. Work done shall be deemed to be "public work." 17. Property exempt from rates and taxes.</p> <p>FURTHER SPECIAL LOAN FOR IMPROVING SYSTEM OF ELECTRIC POWER. 18. After electric power system provided Council may raise additional £50,000 to improve and extend the same.</p>
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A BILL INTITULED

AN ACT to authorise the Mayor, Councillors, and Citizens of the City of Christchurch to obtain Power for Electric Lighting and other Purposes. Title.

5 WHEREAS it is desirable to enable "The Mayor, Councillors, and Citizens of the City of Christchurch," a Corporation duly incorporated under "The Municipal Corporations Act, 1900," to produce electricity, electrical energy, or power, and convey the same to the City of Christchurch, and to use the same or supply the same to others for use in the said city and the vicinity thereof; also to raise a special loan for the aforesaid purposes or any of them : Preamble.

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

15 1. The Short Title of this Act is "The City of Christchurch Electric Power and Loan Empowering Act, 1902." Short Title.

2. In this Act, unless inconsistent with the subject-matter or the context thereof, the words and phrases following shall have the meanings hereby assigned to them respectively, that is to say,— Interpretation.

20 "City" means the City of Christchurch, constituted under "The Municipal Corporations Act, 1900" :

"Council" means the Christchurch City Council, constituted under the said Act :

25 "Electricity" means electricity, an electric current, or other like agent :

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“Energy” means electrical energy or power; and for the purposes of this Act such energy or power shall be deemed to be a “like agent” within the meaning of electricity before defined:

“Private purpose” refers to any purpose whatever to which electricity may for the time being be applicable, not being public purposes, but shall not include the transmission of any telegrams: 5

“Public purpose” refers to the supply of electricity to or in any street, road, square, building, or place belonging to or subject to the control of any local governing body, or any hall, theatre, or building belonging to or subject to the control of any such body, but shall not include any other purpose to which electricity may be applied: 10

“Streets and roads” shall include any public or private street, and any public road, square, open space, highway, thoroughfare, bridge, culvert, or passage within the limits to be affected by this Act. 15

Council may construct and work electrical installation.

3. The Council may construct, maintain, and work an electrical installation, either within the limits or outside the limits of the City of Christchurch, for supplying electrical energy for its own use and for public and private use within the said city and neighbourhood, and may for such purposes or any of them, and from time to time as it thinks proper, take, purchase, or acquire land within or beyond the limits of the said city, or any estate or interest therein, break up streets, place main service lines, and distributing-mains, and wires, either above or below ground and over or under streets, and may lay down, erect, build, or place and maintain pipes, conduits, and service-pipes, pillars, arches, and poles in and upon any street, and make, construct, and do all such other work and things which in the opinion of the Council may be necessary and proper to be done for the purpose of enabling the Council to produce, use, and supply electricity and energy within the said city and neighbourhood, or any part thereof: Provided that the Council shall not sell electricity or energy within the jurisdiction of any borough without the consent of the Council of such borough. 20 25 30 35

Council may construct head-works, races, &c.

4. For the purposes aforesaid, or any of them, the Council may from time to time,—

(1.) Construct and maintain head-works, intake and other works, on the banks or in the bed of the Waimakariri River, at any point or points either above or in the vicinity of the Waimakariri Gorge Bridge, and may construct and maintain a head-race leading from such head-works, intake and other works, to any point on either terrace or bank of the said river, as may be determined, and may also from time to time construct and maintain all necessary head-works, head-races, and tail-races, power-houses, turbines, machinery, and plant necessary or convenient for creating electricity or electrical energy, and may construct and maintain all necessary by-washes and tail-races necessary or convenient for returning the water conveyed along any such race back into the said river at any point which may be determined upon: 40 45 50

- 5 (2.) Lift, divert, and take water from the said river, and convey the same by means of such head-works, intake, head water-race, tail-race, and by-washes, and use the same for any purpose authorised by this Act; also discharge water over the terrace of the Waimakariri, and convey the same by tail-races back into and along the bed of the said river: **Lift and convey water.**
- 10 (3.) Erect and maintain all necessary buildings, storage, and converting stations and power-houses, and provide, work, and maintain turbines, hydraulic engines, dynamos, batteries, machinery, plant, and other things necessary or convenient to enable the Council to produce electricity or energy, and convey the same to the City of Christchurch and vicinity, and there use the same, or apply the same for use for public or private purposes: **Erect and maintain buildings, &c.**
- 15 (4.) Provide and maintain all appliances, machinery, plant, fixtures, and other things necessary or convenient for distributing energy throughout the said city and neighbourhood, and making the same available for public or private use: **Provide and maintain appliances, &c.**
- 20 (5.) Take, acquire, or purchase lands situate either within or without the said city, or any estate, right, or interest therein, or any right, easement, advantage, or appurtenance in respect of any land situate within or without the said city, also any buildings, engines, head-works, water-race, tunnel, tail-race, water-right, machinery, or other property or rights, which in the opinion of the Council may be necessary or convenient for the purpose of carrying out the provisions of this Act: **Acquire or purchase lands.**
- 25 (6.) Pay any person injuriously affected by reason of any of the matters or things aforesaid such compensation as he may by law be entitled to: **Compensation.**
- 30 (7.) Make, do, or suffer any other act or thing incidental or in relation to any of the purposes hereinbefore defined or authorised by this Act: **Incidental purposes**
- 35 (8.) Repay to the General Account of the District Fund of the Corporation all moneys heretofore advanced or paid from such account for any purpose connected with the initiation of or carrying out the said scheme or work hereby authorised to be carried into effect, or any part thereof, and the cost of obtaining this Act. **Repayment of advance from General Account in anticipation of special loan for electric-power purposes.**
- 40 5. His Excellency the Governor may by Order in Council, from time to time, as to him may seem meet and proper, grant any Crown lands or the use thereof to the Council, their appointees or assigns, for the purpose of a site on which to construct, build, erect, place, and maintain head-works, tunnels, inlets, intakes, head-races, or tail-races, by-washes, power-houses, turbines, transforming stations, or any other machinery, plant, or convenience authorised by this Act, or which in the opinion of His Excellency may be necessary in order to enable the objects of this Act to be carried into effect. **Governor in Council may grant use of Crown lands.**
- 50 6. His Excellency the Governor may by Order in Council, from time to time, and as the circumstances of the case may require, **Governor in Council may settle site, &c., of head-works, races, &c.**

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settle and determine the site, area, line, route, or limits of any head-works, tunnels, inlet, intake, head-race or tail-race, by-wash, powerhouse, turbine, transforming station, or any machinery, plant, building, or convenience which the Council may propose to erect, build, or construct under authority of this Act outside the limits of the said city. 5

Selwyn County Council and Council may enter into agreement.

7. The Selwyn County Council and the Council may enter into an agreement, subject to such terms and conditions as they may think proper, giving the Council the property in or control of the head-works, intake, and head-race leading from the said Waimakariri River above the said Gorge Bridge, known as the Selwyn County Council's Waimakariri Gorge Race, or any portion thereof, or giving the Council the use thereof, or any estate, right, or interest therein; and such contract may contain provisions for enlarging or adding to or altering the said head-works, intake, and race, or any portion thereof. 10 15

While the said head-works, intake, head-race, or any portion thereof, or any addition made thereto, is or are being constructed, added to, enlarged, or altered, the supply of water to persons or lands served by the said head-works or race may be suspended or cut off. 20

The Selwyn County Council and the Council may refer to arbitration in manner provided by "The Arbitration Act, 1890," or in manner which may be agreed upon between them, any question arising between them as to the said agreement or the terms and conditions to be contained therein, or the rights and liabilities of the parties thereto. 25

If, after being served with seven days' notice in writing from the Council so to do, the Selwyn County Council refuses or fails or neglects for a further period of thirty days to make an agreement concerning the matters aforesaid or any of them, or refuses or fails or neglects to negotiate or continue negotiations until such an agreement has been arrived at, or if any of the cases provided for in "The Arbitration Act, 1890," section seven, shall arise, or if His Excellency the Governor shall by Order in Council so direct, then and in either case the said parties respectively may proceed in manner provided in the said Act in respect of cases mentioned in the aforesaid section seven. The appointment of an arbitrator under this section shall be subject to the approval of the Minister for Public Works. 30 35

The umpire to be appointed in respect of any reference under this section shall be the Commissioner of Crown Lands for the time being of the Canterbury Land District. 40

If the Council returns the water lifted or taken by it from the said Waimakariri River into the said river at any point above the intake of the Selwyn County Council, the said Council shall be discharged from all liability to the Selwyn County Council or the Waimakariri-Ashley Water-supply Board, or any person or any other body corporate in respect of any right claimed by the said County Council and Water Board, or other such person or body corporate respectively, in the said river or the waters thereof. 45

COUNCIL MAY RAISE SPECIAL LOANS FOR CERTAIN PURPOSES.

8. The Council may raise by way of special loan or loans under the provisions of Part XIII. of "The Municipal Corporations Act, 1900," any sum or sums of money, not exceeding in the aggregate
5 a sum of two hundred and fifty thousand pounds, and apply the same to any of the purposes which the Council is authorised to carry into effect under or by virtue of this Act; but no money shall be borrowed under the authority of this Act which shall produce to the lender a higher rate of interest than five per centum per annum.
- 10 9. There shall be a sinking fund provided for any loan raised under this Act by the Council of not less than one-half per centum per annum of the total amount of the loan.
- 15 10. The Council may pledge as a security for the interest or sinking fund, upon every or any special loan hereby authorised to be raised, any special rate or special rates within the meaning of the said Act, and may by special order make and levy every special rate so pledged in such manner as in the said Act is provided.
- 20 The Council may also pledge a special rate estimated to produce a larger sum per annum than may be required to provide such interest and sinking fund; but the Council shall not be required to levy more of such rate in any year during the currency of such loan than shall be sufficient to provide such interest and sinking fund so long as such interest and sinking fund shall be punctually paid.

Council may raise special loan.

Sinking fund.

Special rate may be pledged.

MISCELLANEOUS PROVISIONS.

- 25 11. All lands or any estate or interest therein which the Council is hereby authorised to acquire may be acquired under the provisions of "The Municipal Corporations Act, 1900," or by purchase.
- 30 12. Save in so far as may be inconsistent with this Act, all lands acquired by the Corporation shall be held by the Corporation subject to the provisions of the said last-mentioned Act.
- 35 13. All works constructed or provided and all lands and other property acquired out of moneys to be raised under this Act respectively shall be deemed to be authorised, constructed, provided, or acquired, as the case may be, under the provisions of "The Municipal Corporations Act, 1900," which provisions shall apply thereto accordingly. The Council shall in relation to such works, land, and property respectively have all the powers, authorities, and discretions which by the said last-mentioned Act are or is expressly or by reference given to the Council with respect to the execution
40 of works and the acquisition of land and other property thereunder.
- 45 14. The provisions of Part XIII. of "The Municipal Corporations Act, 1900," and all other provisions of the said Act relating to the raising and repayment of City Councils of special loans, including provisions affecting the pledging of security for such loans, and the making and levying of special rates, shall, *mutatis mutandis*, apply to special loans authorised by this Act.
15. The powers given to the Council by Part XXII. of the said Act shall extend to and may be exercised in respect of any land and other property, right, or privilege authorised to be constructed,

Lands may be acquired under "The Municipal Corporations Act, 1900," or by purchase.

Lands acquired held under Municipal Corporations Act.

Works authorised by this Act deemed constructed under Municipal Corporations Act.

Provisions of Municipal Corporations Act to apply to special loans hereby authorised.

Extended power.

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provided, acquired, purchased, or maintained under this Act, whether the same be situate within the limits of the said city or outside of such limits.

Work done shall be deemed to be "public work."

16. Any work done by or under the authority of this Act shall be deemed to be a public work within the meaning of "public work," as defined in section two of "The Public Works Act, 1894." 5

Property exempt from rates and taxes.

17. Property acquired by the Council under the authority of this Act shall be exempt from liability for rates and taxes levied by any local authority.

FURTHER SPECIAL LOAN FOR IMPROVING SYSTEM OF ELECTRIC POWER. 10

After electric-power system provided Council may raise additional £50,000 to improve and extend the same.

18. After a system of electric power for the city shall have been provided, the Council may from time to time raise by way of special loan any further sum or sums, not exceeding in the whole fifty thousand pounds, for the purpose of improving or extending such system, and acquiring lands and appurtenances and buildings and other things in connection with any such improvement or extension. All the provisions of this Act shall, *mutatis mutandis*, apply respectively to such improvements and extensions, and to every special loan authorised to be raised under this section. 15