

ELECTRICITY AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Electricity Act 1968.

Clause 1 relates to the Short Title.

Clause 2 amends section 6 of the principal Act, which sets out the principal functions of the New Zealand Electricity Department, by providing that one such function is to “initiate”, and not to “promote”, the production, transmission, and supply of electricity.

Clause 3 amends section 7 of the principal Act which sets out the duties of the Department.

Subclause (1) in effect provides that the Department is to “arrange or execute”, and not “secure or promote”—

- (a) A continuous programme of works providing adequate supplies of electricity; and
- (b) The supply of electricity at the lowest practicable cost.

Subclause (2) provides an additional duty of the Department in that it is to undertake or promote measures to achieve greater economy and efficiency in the use of electricity as a means of reducing the future rate of growth of power requirements.

Subclause (3) adds a new subsection (3) to make it clear that, in exercising his present powers under section 7 (2) (e) to regulate, control, allocate, restrict, or prevent the use of electricity, the General Manager may exercise all rights and powers necessary to carry out those powers, including in particular the right to enter on any premises, the power to determine in what manner restrictions in power supply are to be applied, and the power to disconnect any premises, electric line, or equipment from any system of supply.

Clause 4 inserts a new section 7A regarding the right to enter on any premises for the purposes of the proposed subsection (3) of section 7 of the Act. The person authorised may, together with any other person he thinks competent to assist him, at all reasonable times having regard to the circumstances, enter any premises and—

- (a) Examine and inspect any electrical or electric-powered equipment; and
 - (b) Make such inquiries as he considers necessary or desirable,—
- in order to ascertain whether the Act or any regulation, requirement, or direction thereunder relating to the use of electricity is being complied with.

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The proposed new section also provides that, where practicable, reasonable notice shall be given to the owner or occupier of any premises of the intention to enter thereon, and that the written authority of the person entering shall be produced and shown if required.

Clause 5 authorises the General Manager to delegate to Electrical Supply Authorities all or any of his rights or powers under section 7 (2) (e) of the principal Act, and the power to delegate those rights or powers.

Clause 6 amends section 15 of the principal Act to make it clear the Minister's rights of entry upon land for the purposes of the Act are not restricted to roads, streets, railways, and other land of a similar nature.

Clause 7 transfers from the Public Works Amendment Act 1956 to the principal Act the present provision regarding the powers of the Minister in respect of aerial ropeways.

Clause 8 amends section 50 (1) of the Act so that electricity agreements can now be registered by the Land Transfer Office wherever the land is situated, and not, as at present, where the land is situated outside a borough or town district.

Clause 9 extends the present protection afforded by section 53 of the principal Act to persons acting in the exercise or intended exercise of any of the functions of the Minister or the Department to include persons acting in the exercise or intended exercise of any of the duties of the Minister or the Department.

Clause 10: Subclause (1) increases the maximum amount of the fine which may be imposed on summary conviction for failing to comply with the licencing provisions of sections 20, 21, and 25 of the principal Act from \$500 to \$1,000.

Subclause (2) adds a further offence of failing to comply with, or acting in contravention of, any direction given pursuant to section 7 (2) (e) of the principal Act. The offender is liable on summary conviction to a fine not exceeding \$1,000, and a further fine not exceeding \$20 for each day or part of a day during which the offence is continued.

Clause 11: Subclause (1) substitutes a new paragraph (k) in section 55 (1) of the principal Act to make it clear that regulations may be made in line with all the powers given to the Department under section 7 (2) (e) of the principal Act.

Subclause (2) increases the maximum fine which may be prescribed for offences under regulations made under the principal Act from \$200, with a further fine of \$10 a day for a continuing offence, to \$1,000 and \$20 respectively.

Hon. Mr Holland

ELECTRICITY AMENDMENT

ANALYSIS

Title	6. Right of entry
1. Short Title	7. Aerial ropeways
2. Principal functions of Department	8. Registration of electricity agreements
3. Duties of Department	9. Protection of persons acting under authority of Act
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5. Delegation of powers by General Manager	11. Regulations

A BILL INTITULED

An Act to amend the Electricity Act 1968

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

1. Short Title—This Act may be cited as the Electricity Amendment Act 1976, and shall be read together with and deemed part of the Electricity Act 1968* (hereinafter referred to as the principal Act).

10 **2. Principal functions of Department**—Section 6 (a) of the principal Act is hereby amended by omitting the word “promote”, and substituting the word “initiate”.

*1968, No. 125; 1969, No. 45; 1972, No. 55; 1973, No. 60; 1975, No. 72

3. Duties of Department—(1) Section 7 (2) of the principal Act is hereby amended by repealing paragraphs (c) and (d), and substituting the following paragraphs:

“(c) Arrange or execute—

“(i) A continuous programme of works providing adequate supplies of electricity: 5

“(ii) The supply of electricity at the lowest practicable cost:

“(d) Promote—

“(i) The use of economical methods of generating, transmitting, and distributing electricity: 10

“(ii) The standardisation of systems of supply and types of fittings:

“(iii) Research into matters affecting electricity:

“(iv) Safety and training in connection with all branches of the electrical industry: 15

“(v) The simplification of methods of charge for supplies of electricity:

“(vi) The avoidance of wide variations in charge for comparable types of supply of electricity.”. 20

(2) Section 7 (2) of the principal Act is hereby further amended by adding, after paragraph (e), the following paragraph:

“(f) Undertake or promote measures to achieve greater economy and efficiency in the use of electricity as a means of reducing the future rate of growth of power requirements.” 25

(3) Section 7 of the principal Act is hereby further amended by adding, after subsection (2), the following subsection: 30

“(3) For the purposes of paragraph (e) of subsection (2) of this section the General Manager may exercise all rights and powers necessary to carry out the duties of the Department under that paragraph, including in particular the right to enter on any premises, the power to determine in what manner restrictions in power supply are to be applied, and the power to disconnect any premises or any electric line or any equipment from any system of supply.” 35

4. Exercise of powers of entry—The principal Act is hereby further amended by inserting, after section 7, the following section: 40

“7A. (1) In exercising his right to enter on any premises under section 7 (3) of this Act, the General Manager, or any person authorised by him or by any Electrical Supply

Authority acting under delegated authority pursuant to section 9 of this Act, may, together with any other person he may think competent to assist him, at all reasonable times having regard to the circumstances, enter any premises and—

- 5 “(a) Examine and inspect any electrical or electric-powered equipment; and
“(b) Make such inquiries as he considers necessary or desirable,—

10 for the purpose of ascertaining whether the provisions of this Act or of any regulation, requirement, or direction thereunder relating to the use of electricity are being or have been complied with.

“(2) Before entry, the General Manager, or person authorised as aforesaid, shall, where practicable, give reasonable
15 notice to the owner or occupier of the premises of the intention to enter thereon, and shall, if required by the owner or occupier, produce and show written evidence of his identity and of the authority under which he claims to enter, or has entered, on the premises.”

20 **5. Delegation of powers by General Manager**—(1) Section 9 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The General Manager may from time to time, either generally or particularly, delegate to such Electrical
25 Supply Authority or Authorities as he thinks fit all or any of the rights or powers exercisable by him pursuant to section 7 (2) (e) of this Act and the power to delegate, either generally or particularly, all or any of those rights or powers.”

(2) Section 9 (2) of the principal Act is hereby consequen-
30 tially amended—

- (a) By inserting, after the words “officer or employee”, the words “or Authority”;
(b) By inserting, after the words “on him”, the words “or it”.

35 **6. Right of entry**—Section 15 of the principal Act is hereby amended by omitting the words “road, street, railway or other”.

7. Aerial ropeways—(1) The principal Act is hereby further amended by inserting, after section 19, the following
40 section:

“19A. Sections 11, 15, 16, 17 and 19 of this Act shall apply to any aerial ropeway erected or proposed to be erected by or for the Minister in the same way as if the aerial ropeway

were an overhead electric line, and the Minister shall have and may exercise in connection with any such aerial ropeway, without any other authority than this section, all or any of the powers relating to electric lines which are or may be conferred on him under any of those sections.”

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(2) The Public Works Amendment Act 1956 is hereby consequentially amended by repealing section 5.

8. Registration of electricity agreements—Section 50 (1) of the principal Act is hereby amended by omitting the words “outside a borough or town district”.

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9. Protection of persons acting under authority of Act—Section 53 (1) of the principal Act (as substituted by section 5 of the Electricity Amendment Act 1969) is hereby amended by inserting, after the word “functions”, the words “or duties”.

10. Offences—(1) Section 54 (1) of the principal Act is hereby amended by omitting the expression “\$500”, and substituting the expression “\$1,000”.

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(2) Section 54 of the principal Act is hereby further amended by adding, after subsection (2), the following subsection:

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“(3) Every person who fails to comply with or acts in contravention of any direction given pursuant to section 7 (2) (e) of this Act commits an offence, and is liable on summary conviction to a fine not exceeding \$1,000 and, where the offence is a continuing one, to a further fine not exceeding \$20 for every day or part of a day during which the offence has continued.”

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11. Regulations—(1) Section 55 (1) of the principal Act is hereby amended by repealing paragraph (k), and substituting the following paragraph:

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“(k) Regulating, controlling, allocating, restricting, or preventing the use of electricity:”.

(2) Section 55 (1) (1) of the principal Act is hereby amended—

(a) By omitting the expression “\$200”, and substituting the expression “\$1,000”:

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(b) By omitting the expression “\$10”, and substituting the expression “\$20”.