

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.

30th September, 1920.

Hon. Mr. Coates.

ELECTRIC-POWER BOARDS AMENDMENT.

Title.	ANALYSIS.
1. Short Title.	13. Board to determine mode of collection of rates.
2. Interpretation.	14. Procedure when rate to be collected by Board.
3. Notification of petition for constitution of electric-power district.	15. Amount of rates not collected may be recovered from local authority.
4. Minister to make provision for first meeting of Board.	16. Valuer-General to supply Board with particulars as to valuations, &c.
5. Annual meeting of Board. Repeal.	17. Section 49 of principal Act (relating to authorizing Order in Council) amended. Consequential amendments.
6. Section 20 of principal Act (relating to remuneration of Chairman) amended.	18. Local authorities of constituent districts may contribute towards preliminary costs.
7. Travelling-expenses of Chairman and members. Section 34 of principal Act consequentially amended.	19. By-laws of Board.
8. Section 35 of principal Act (procedure as to special orders) amended.	20. Mode of making by-laws.
9. Roll of ratepayers of electric-power district.	21. Penalties for breach of by-laws.
10. Voting on proposal to borrow money.	22. Section 54 of principal Act amended. Repeal.
11. Deputy returning officers for purposes of poll taken by Electric-power Board.	23. Cost of installation of electric equipment to charged on land.
12. Board to make and levy rates by resolution. Section 43 of principal Act (relating to collection of rates by local authorities on behalf of Board) amended.	

A BILL INTITULED

AN ACT to amend the Electric-power Boards Act, 1918.

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 Electric-power Boards Amendment Act, 1920, and shall be read together with and deemed part of the Electric-power Boards Act, 1918 (hereinafter referred to as the principal Act).

Short Title.

2. (1.) Section two of the principal Act is hereby amended by adding thereto the following definition:—

Interpretation.

“‘Ratepayer’ means a person whose name appears for the time being in the occupiers’ column in the valuation roll of a constituent district in respect of rateable property within that district.”

15

(2.) The term “local authority” as used in the Local Elections and Polls Act, 1908, the Mining Act, 1908, and the Valuation of Land Act, 1908, is hereby extended to include in each case an Electric-power Board.

Notification of petition for constitution of electric-power district.

3. Section three of the principal Act is hereby amended by adding to paragraph (c) thereof the words: "In publicly notifying the petition it shall be sufficient to set forth the object, purport, or general effect thereof, if a copy of the petition is deposited at the office of each of the local authorities aforesaid and is open to the inspection of the public during the usual office hours of the local authority for not less than *one* month before presentation as aforesaid."

Minister to make provision for first meeting of Board.

4. The first meeting of the Board after the constitution of an electric-power district shall be held at such time and place as the Minister by notice in the *Gazette* appoints.

Annual meeting of Board.

5. (1.) The Board shall hold an annual meeting on the fourth Tuesday in November in each year at the office of the Board.

Repeal.

(2.) Section twenty-five of the principal Act is hereby amended by repealing subsection three thereof.

Section 20 of principal Act (relating to remuneration of Chairman) amended.

6. Section twenty of the principal Act is hereby amended by omitting from subsection one the words "not exceeding two hundred pounds, as the Board from time to time fixes," and substituting the words "as may from time to time be fixed by the Board, with the approval of the Minister."

Travelling-expenses of Chairman and members.

7. (1.) There may be paid to the Chairman and to the members of the Board, out of the funds of the Board, all amounts actually and reasonably expended by them in attending meetings of the Board, or of any committee thereof, or in transacting any business of the Board pursuant to a resolution of the Board:

Provided that no moneys shall be payable under this section in respect of travelling-expenses incurred out of New Zealand, save with the approval of the Minister.

Section 34 of principal Act consequentially amended.

(2.) Section thirty-four of the principal Act is hereby amended by omitting the words "and travelling-expenses."

Section 35 of principal Act (procedure as to special orders) amended.

8. Section thirty-five of the principal Act is hereby amended by inserting, after the words "public office of the Board," the words "and at the office of the local authority of each constituent district."

Roll of ratepayers of electric-power district.

9. (1.) For the purposes of any poll of ratepayers to be taken by an Electric-power Board the rolls of the ratepayers of the several constituent districts taken together, or so much of those rolls as relates to lands within the electric-power district, shall be deemed to be the roll of the ratepayers of the electric-power district.

(2.) It shall be the duty of the clerk of the local authority of each constituent district, whenever requested so to do by the Electric-power Board, to supply to the Board a certified roll of the ratepayers of such constituent district, together with as many copies thereof as the Board may require.

(3.) The cost of preparing any roll of ratepayers of a constituent district for the purposes of this section and of supplying copies thereof shall be paid by the Board.

Voting on proposal to borrow money.

10. (1.) At any poll taken on a proposal of an Electric-power Board to borrow money, only those persons whose names appear on the roll of ratepayers shall be entitled to vote and every such ratepayer shall have one vote only.

(2.) If the total number of valid votes recorded in favour of any such proposal is at least three-fifths of the total number of valid votes recorded at the poll, then, and not otherwise, the proposal shall be deemed to be carried.

(3.) At any such poll the vote of any ratepayer may be recorded at any polling-place within the constituent district in which is situated the rateable property in respect of which he is a ratepayer, or at any polling-place, within the electric-power district but not within that constituent district, which may be specially appointed as a polling-place at which may be recorded the votes of ratepayers irrespective of the location of the rateable property in respect of which they are entitled to vote.

11. For the purposes of any poll taken by an Electric-power Board the returning officer appointed by the local authority of each constituent district shall for such constituent district be a deputy returning officer of the electric-power district.

Deputy returning officers for purposes of poll taken by Electric-power Board.

12. (1.) The Board may make and levy rates under the principal Act by resolution.

Board to make and levy rates by resolution.

(2.) Section forty-three of the principal Act is hereby amended by omitting from subsection one the words "special order," and substituting the word "resolution"; and by inserting, after the words "to be forwarded" in that subsection, the words "by registered letter."

Section 43 of principal Act (relating to collection of rates by local authorities on behalf of Board) amended.

(3.) Section forty-three of the principal Act is hereby further amended by adding to subsection three the following proviso:—

"Provided that the local authority may deduct from the proceeds of any such rate an amount, not exceeding *two and a half* per centum thereof, in respect of the cost of collecting the rate and as remuneration for the services of its officers, and the amount so deducted shall be paid into the general fund of the local authority."

13. (1.) Before making and levying any rate under the principal Act the Board shall by resolution determine whether the rate when made and levied shall be collected by the Board or by the local authorities of the constituent districts on behalf of the Board.

Board to determine mode of collection of rates.

(2.) Any resolution under this section may be in like manner rescinded, whether before or after the rate has been made and levied and before the collection thereof.

14. If the Board determines that any rate shall be collected by the Board itself it shall cause a valuation roll and a rate-book to be provided and, subject to the provisions of this Act and the principal Act, the provisions of the Rating Act, 1908, and the Valuation of Land Act, 1908, shall apply accordingly.

Procedure when rate to be collected by Board.

15. If the local authority of any constituent district, or any officer or servant of such local authority, fails to take the steps required by law to be taken for the collection or recovery of any rate pursuant to section forty-three of the principal Act, the amount of such rate or of any part thereof uncollected or unrecovered owing to such failure shall be deemed to be a debt owing by the local authority to the Board, and may be recovered by action by the Board from that local authority accordingly.

Amount of rates not collected may be recovered from local authority.

16. The Valuer-General shall, at the request of the Board, and on payment of such fees as the Governor-General in Council may from time to time prescribe, supply to the Board a statement showing the total value of all the rateable property within each constituent district and such other particulars as the Board may require for the purpose of making and levying any rate under the principal Act.

Valuer-General to supply Board with particulars as to valuations, &c.

Section 49 of principal Act (relating to authorizing Order in Council) amended.

17. (1.) Section forty-nine of the principal Act is hereby amended as follows:—

(a.) By omitting from subsection one the words “unless and until an Order has been granted by the Governor-General in Council authorizing the purchase or construction of such electric works,” and substituting the following words: “except with the authority of the Governor-General in Council and pursuant to such conditions as may be prescribed in that behalf by the Governor-General in Council;” and

(b.) By repealing subsections two, three, four, and five thereof.

(2.) For the purposes of section forty-nine of the principal Act, as amended by this section, the Governor-General may authorize the purchase by the Board of any electric works the property of the local authority of any constituent district, and thereupon that local authority shall have power to sell any such electric works to the Board, subject to such conditions, if any, as may be imposed by the Governor-General in Council, anything to the contrary in its local governing Act or in any other Act notwithstanding.

(3.) Sections fifty, fifty-one, sixty-three, and sixty-four of the principal Act are hereby repealed.

(4.) Section fifty-five of the principal Act is hereby amended by omitting from subsection one the words “deposit of a plan and book of reference as before provided,” and substituting the words “issue of an Order in Council under section forty-nine hereof.”

(5.) Section fifty-six of the principal Act is hereby amended—

(a.) By omitting from subsection one the words “specified in the plan and book of reference and required for the electric works along the line to be set forth and described as aforesaid or within the limits of deviation,” and substituting the words “required for the electric works”; and

(b.) By inserting before the word “temporarily” the words “from time to time”; and

(c.) By adding at the end of the subsection the words “or for the purposes of the maintenance thereof.”

Consequential amendments.

Local authorities of constituent districts may contribute towards preliminary costs.

18. The local authority of any constituent district may, out of its general fund, contribute such sum as it thinks fit, not exceeding in any case the sum of *one hundred* pounds, towards the expenses incidental to the constitution of the electric-power district and the election of the Electric-power Board, and towards any expenses that may be incurred by the Board before the end of the financial year in which it is constituted.

By-laws of Board.

19. Subject to the provisions of an Order in Council under section forty-nine of the principal Act as amended by this Act the Board may from time to time make by-laws in respect of any electric works for the following purposes, that is to say:—

(a.) Regulating the use and management of any electric works so as to secure the safety of persons from injury by reason of such use:

(b.) Protecting electric works or other property belonging to the Board from damage or injury:

(c.) The more effectually carrying out any of the objects of the principal Act and this Act.

20. (1.) By-laws under the *last preceding* section shall be made in the manner and subject to the conditions following, that is to say:—

Mode of making by-laws

- 5 (a.) They shall be made by special order :  
 Provided that in publicly notifying the resolution making such order it shall not be necessary to set forth the whole of the proposed by-law if the object or purport of the same is stated, and if a copy of the proposed by-law is deposited at the office of the Board and at the office of the local authority of each constituent district and is open to the inspection of the public during office hours for at least seven days immediately preceding the meeting at which the said resolution is to be confirmed :
- 10
- 15 (b.) They may be amended before the confirmation of the resolution making the same :
- (c.) They shall have the common seal of the Board affixed thereto :
- 20 (d.) They shall come into force on a day to be fixed at the meeting held for the confirmation of the resolution, which day shall be not earlier than seven clear days after the date of that meeting.

(2.) A copy of any such by-laws sealed with the common seal of the Board shall be received as evidence of the same having been duly made as provided by this Act unless the contrary is proved.

(3.) The Board shall cause printed copies of all such by-laws to be kept at the office of the Board and to be sold at a reasonable charge to any person applying for the same.

21. (1.) Every person who commits a breach of any by-law made under this Act is liable to a fine of *fifty* pounds ; or where the breach is a continuing one, then to a further fine of *five* pounds for every day or part of a day during which such breach continues.

Penalties for breach of by-laws.

(2.) The Board may, after conviction for the continuing breach of any by-law, apply to the Supreme Court for an injunction to restrain the further continuance of such breach by the person so convicted.

(3.) The continued existence in a state contrary to any by-law of any work or thing shall be deemed a continuing offence within the meaning of this section.

40 22. (1.) Section fifty-four of the principal Act is hereby amended by omitting the words "sections two, three, four, five, and six," and substituting the words "section two."

Section 54 of principal Act amended.

(2.) Section ninety-two of the principal Act is hereby repealed.

Repeal.

45 23. Where in exercise of the powers conferred on it by section eighty-eight of the principal Act the Board has, whether before or after the passing of this Act, installed any motor, electric wires, electric lamps, or other fittings or equipment on any land or in any building thereon the cost of any such motor, electric wires, electric lamps, and other fittings and equipment and of the installation thereof, or any rent payable for the use of any such fittings or equipment, shall be a charge on such land and may be recovered as rates are recovered under the Rating Act, 1908, and the provisions of that Act as to the recovery of rates shall apply accordingly.

Cost of installation of electric equipment to be charged on land.