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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,
10th October, 1922.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Coates.

ELECTRIC-POWER BOARDS AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p style="padding-left: 40px;"><i>Elections of Boards by Ratepayers.</i></p> <p>2. Election of Board by ratepayers of whole district in certain cases.</p> <p>3. Consequential amendment of principal Act.</p> <p style="padding-left: 40px;"><i>General.</i></p> <p>4. If petition to constitute electric-power district has not been signed by required proportion of ratepayers of any proposed constituent district, that district may be excluded from boundaries.</p> <p>5. Extending powers of Governor-General to alter representation of constituent districts.</p> <p>6. United districts.</p> <p>7. Alteration of boundaries of electric-power districts.</p> <p>8. Adjustment of assets and liabilities. Arbitration Act not applicable to inquiries and awards under this Act.</p>	<p>9. Creditors not affected by alteration of district.</p> <p>10. Dates of general elections of Boards. Consequential repeal.</p> <p>11. Expenses of first election may be paid out of loan-money.</p> <p>12. As to qualification of members.</p> <p>13. Section 40 of principal Act (applying Local Bodies' Loans Act) amended.</p> <p>14. Form of annual statement and balance-sheet to be prescribed.</p> <p>15. Boards may provide dwellings for their employees.</p> <p>16. Consequential amendment of section 57 of principal Act.</p> <p>17. Powers of Board with respect to private lands.</p> <p>18. Incidental expenses payable out of loan-moneys. Repeals.</p> <p>19. Altering date of annual meeting.</p> <p>20. Extending power of local authority to advance moneys for constitution of electric-power district.</p> <p>21. Board may appoint standing or special committee.</p>
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A BILL INTITULED

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

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

5 1. This Act may be cited as the Electric-power Boards Amendment Act, 1922, and shall be read together with and deemed part of the Electric-power Boards Act, 1918 (hereinafter referred to as the principal Act).

Elections of Boards by Ratepayers.

10 2. (1.) Notwithstanding anything to the contrary in the principal Act, the members of the Board of any district constituted after the passing of this Act shall be elected by the ratepayers of the whole district as hereinafter in this section provided, instead of by the electors of the several constituent districts, if such method of election is so specified in the petition for the constitution of the district presented to
15 the Governor-General pursuant to section three of the principal Act.

(2.) At every such election every ratepayer shall have one vote only, whether or not he is a ratepayer of more than one constituent district.

Title.

Short Title.

Election of Board by ratepayers of whole district in certain cases.

(3.) Every such election shall be held under and subject to the provisions of the Local Elections and Polls Act, 1908, and the provisions of that Act, including the penal provisions thereof and the provisions relating to disputed elections, shall apply accordingly.

(4.) Every election under this section shall be deemed to be a poll of ratepayers within the meaning of section nine of the Electric-power Boards Amendment Act, 1920, and the provisions of that section and of section eleven of the said Act, shall apply with respect to every such election accordingly.

(5.) At any election under this section the vote of any ratepayer may be recorded at any polling-place within the constituent district in which is situated any rateable property in respect of which he is a ratepayer, or at any other polling-place within the electric-power 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.

(6.) The first election of the members of the Board pursuant to this section shall be held on such day as the Governor-General by Order in Council appoints; and by the same or any subsequent Order in Council the Governor-General may make all such provisions as are deemed necessary for the purposes of that election.

(7.) Subsequent elections shall be held triennially on the day fixed for the general election of County Councils pursuant to the Counties Act, 1920, save that if the day so fixed is within the period of twelve months immediately succeeding the date of the first election of the members of a Board, an election shall not be held and the members then in office shall continue in office as if they had been duly re-elected.

(8.) Every member of the Board shall come into office on the date of the election, and shall, unless his office sooner becomes vacant, continue in office until the election of his successor.

(9.) No person other than a ratepayer of the district shall be capable of being elected or appointed a member of the Board under this section.

(10.) If the ratepayers fail at any election under this section to elect the required number of members, the Governor-General may, by Warrant under his hand, appoint such qualified persons as he thinks fit in lieu of those who ought to have been elected; and the persons so appointed shall hold office in all respects as if they had been duly elected in conformity with this section.

3. Section three of the principal Act is hereby amended as follows:—

(a.) By omitting from subparagraph (v) of paragraph (b) of subsection one all words after the word "Board."

(b.) By inserting after the said subparagraph (v) the following subparagraph:—

"(vi.) A statement as to whether the members of the Board are to be elected by the electors of the several constituent districts (including combined districts) or by the ratepayers of the electric-power district; and where the members are to be elected by the electors of the several constituent districts, a further statement as to the number of members proposed to be elected by each constituent district and combined district."

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General.

4. Where a petition for the constitution of any area as an electric-power district is presented to the Governor-General as required by section three of the principal Act, save that the petition has not been signed by at least one-fourth of the ratepayers of each of the proposed constituent districts as required by paragraph (a) of subsection one of that section, the Governor-General may exclude from the boundaries of the proposed electric-power district the area comprised in any proposed constituent district in which less than one-fourth of the ratepayers have signed the petition, and may constitute the remaining area, with such alterations (if any) as he may make pursuant to subsection two of the said section three, an electric-power district in the same manner in all respects as if the petition had been originally limited to that area. Any area excluded from the boundaries of an electric-power district as provided in this section may, if the Governor-General thinks fit, be included in the outer area of that district.

If petition to constitute electric-power district has not been signed by required proportion of ratepayers of any proposed constituent district, that district may be excluded from boundaries.

5. (1.) Section five of the principal Act is hereby amended by omitting from subsection two all words after the words "as he thinks fit," and substituting the words "to the relative populations of those districts, to the relative values of the rateable property therein, to the amount of rates levied or proposed to be levied therein, and to all other relevant considerations."

Extending powers of Governor-General to alter representation of constituent districts.

(2.) Section six of the principal Act is hereby amended by omitting from subsection two all words after the words "in such manner as he thinks fit," and substituting the words "to the relative populations, to the relative values of the rateable property, and to the rates levied or proposed to be levied in the combined district and in every other combined district or separate constituent district within the electric-power district, and to all other relevant considerations."

6. (1.) The Governor-General may, by Proclamation approved in Executive Council, declare any two or more districts to be united, and to form one district, with such name as he thinks fit:

United districts.
Cf. 1920, No. 47,
sec. 10.

Provided that no such Proclamation shall be made except upon a petition from each of the districts proposed to be united, signed by not less than a majority of the ratepayers in each such district, nor unless public notice of such petition has been given in each of the districts before its presentation to the Governor-General.

(2.) By the same or a subsequent Proclamation the Governor-General shall determine whether the Board of the united district shall be elected by the ratepayers of the district, or by the electors of the several constituent districts and combined districts.

(3.) Save as otherwise provided herein, the provisions of the principal Act as to the first election of members of the Board of a new district shall apply with respect to the first election of the Board of a united district.

(4.) On the union of two or more districts as herein provided the following provisions shall have effect, that is to say:—

(a.) The Boards of the original districts shall be dissolved:

(b.) All property, real or personal, belonging to the Board of any of the original districts shall become vested in the Board of the united district:

(c.) All rates and other moneys payable to the Board of any of the original districts shall become payable to the Board of the united district :

(d.) All the liabilities and engagements of the Board of any of the original districts shall become liabilities and engagements of the Board of the united district : 5

(e.) All proceedings pending by or against the Board of any of the original districts may be carried on or prosecuted by or against the Board of the united district.

7. (1.) The boundaries of any two or more contiguous districts may from time to time be altered by the Governor-General by Proclamation made in accordance with a resolution proposing the alteration passed by the Board of each of the districts affected. 10

(2.) If the Board of any district passes a resolution proposing an alteration of boundaries, and the Board of any contiguous district whose boundaries are thereby proposed to be altered does not within three months thereafter pass a resolution proposing the same alteration, the Board which has passed such resolution may present a petition to the Governor-General requesting that the proposed alteration be made. Such petition shall be executed by the petitioning Board under seal, and shall be accompanied by a petition to the Board praying for the proposed alteration, signed by not less than two-thirds of those ratepayers whose properties are situated within the area or areas which it is proposed by such alteration to exclude from or include in the boundaries of the district of the petitioning Board. 15 20 25

(3.) Upon receipt of such petition the Governor-General may direct a Commission consisting of an electrical engineer engaged in the service of the Crown, a District Valuer under the Valuation of Land Act, 1908, and one other fit person to inquire and report to him whether the alterations of boundaries proposed by the petitioning Board or any other alterations of the boundaries of the contiguous districts ought or ought not to be made. 30

(4.) The said Commission shall have all the powers of a Commission under the Commissions of Inquiry Act, 1908.

(5.) The Governor-General may by Proclamation alter the boundaries of the district of the petitioning Board and any contiguous district or districts in such manner as he may deem to be in accordance with the report of the Commission. 35

(6.) A Proclamation made under the authority of this section shall fully describe the boundaries of any area thereby added to or excluded from a district, and shall also describe the boundaries of each of the districts affected by it, and the altered boundaries so defined shall, as from the taking effect of the Proclamation, be the boundaries of the districts mentioned therein. 40

8. (1.) When the boundaries of any district are altered as provided in the *last preceding* section,— 45

(a.) All contracts then subsisting in respect of any part of the district severed therefrom and included in another district shall belong to and may be enforced by and against the Board of the latter district ; and all rates then due in the said part of the district shall be deemed to be rates due to the Board of such latter district : 50

Alteration of boundaries of electric-power districts.

Cf. 1920, No. 47, sec. 14

Adjustment of assets and liabilities. Cf. 1920, No. 47, sec. 16

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(b.) The Boards of the said districts may agree together to transfer a fair share of the property, debts, and liabilities of any district which is diminished to any district which is increased in area by such alteration of boundaries. Every such agreement shall be in writing, and shall be final as between the said Boards.

(2.) If the Boards do not agree, the Controller and Auditor-General, or such other person as the Governor-General appoints, shall, on the application of the Board of any of the districts affected, hold an inquiry, and shall make an award as to the matters mentioned in the *last preceding* subsection.

(3.) Any such award may provide for all or any of the matters included in the subject for inquiry, and may declare in whom any property shall be vested, and by whom any moneys shall be paid, or other acts and things done, including the payment by either party of the whole or any part of the expenses of such inquiry; and the person making such award may make and give such directions generally as may be necessary for giving full effect to the objects of the inquiry.

(4.) Every such award shall be final, and shall from the date thereof have the operation of, and be enforceable as, and be held to be a judgment of the Supreme Court.

(5.) All property, real or personal, transferred from one Board to another by any such agreement or award shall be deemed to have vested in the latter Board on the date on which the alteration of boundaries was effected.

(6.) Where pursuant to any agreement or award under this section any sum of money is payable by any Board, that Board may raise such sum or any part thereof by way of special loan under the Local Bodies' Loans Act, 1913, without taking the steps described in sections eight to twelve of that Act.

(7.) Neither the Controller and Auditor-General nor any other person appointed under the foregoing provisions of this section to hold an inquiry and make an award with respect to the several matters therein mentioned shall be deemed to be an arbitrator within the meaning of the Arbitration Act, 1908, and nothing in that Act shall apply to any such inquiry or award.

9. The alteration of the boundaries of any district shall not in any way affect the rights or interests of any debenture-holder or other creditor of the Board of any district from which a part is thereby severed, nor shall it relieve the ratepayers for the time being in such part from their liability to pay any special or other rate made under the principal Act or any other Act.

10. (1.) Nothing in this section shall apply in any district the Board of which is elected by the ratepayers in accordance with the provisions of this Act in that behalf.

(2.) On every day appointed for holding the ordinary general election of the members of the local authority of any constituent district there shall be held at the same time an election of the representatives of such constituent district on the Electric-power Board.

(3.) On every day appointed for holding the ordinary general election of the members of the principal local authority of a combined district there shall be held at the same time an election of the representatives of that combined district on the Electric-power Board.

Arbitration Act not applicable to inquiries and awards under this Act.
Cf. 1921-22, No. 24, sec. 2

Creditors not affected by alteration of district.
Cf. 1920, No. 47, sec. 17

Dates of general elections of Boards.

(4.) On the election under this section of representatives of any constituent district or combined district the former representatives thereof shall, unless re-elected, retire from office.

(5.) Notwithstanding anything in the foregoing provisions of this section, if the day appointed pursuant to those provisions for the holding of the second election of the representatives of any constituent district or combined district, as the case may be, would fall within the period of twelve months immediately succeeding the first election, an election shall not then be held, and the member or members then in office as the representative or representatives of such constituent district or combined district, as the case may be, shall be deemed to have been duly re-elected, and shall continue in office accordingly. 5 10

Consequential
repeal.

(6.) Section two of the Electric-power Boards Amendment Act, 1919, is hereby repealed.

Expenses of first
election may be
paid out of loan-
money.

11. The expenses of the first election of any Board (whether such election is by the electors of the several constituent districts or by the ratepayers of the whole district) may be paid by the Board as if they were expenses in connection with and preliminary to the constitution of the district. 15

As to qualification
of members.

12. (1.) Section fourteen of the principal Act is hereby amended by repealing paragraph (g), and substituting the following paragraph:— 20

“(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) 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: 25 30 35 40

“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.” 45

(2.) Section fifteen of the principal Act is hereby amended by repealing paragraph (h), 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) in any contract made by the Board (other than a contract relating to land entered upon or 50

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.”

13. Section forty of the principal Act is hereby amended by omitting from subsection one the words “(save Parts II and III thereof).”

Section 40 of principal Act (applying Local Bodies' Loans Act) amended.

14. Section forty-eight of the principal Act is hereby amended by repealing paragraphs (a) to (d) of subsection one.

Form of annual statement and balance-sheet to be prescribed.

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

Boards may provide dwellings for their employees.

(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:

(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.

(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.

16. Section fifty-seven of the principal Act is hereby amended by omitting from paragraph (a) the words “on the sites and the routes defined in any plans deposited as hereinbefore provided or within a distance of one hundred yards on either side thereof.”

Consequential amendment of section 57 of principal Act.

17. In addition to the powers conferred by section fifty-seven of the principal Act the Board of any district may 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 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

Powers of Board with respect to private lands.

of conveyance, and with all such tools, 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 machinery and material of any kind as may be used in the construction or repairing of such works: 5

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-eight of the principal Act. 10

Incidental expenses payable out of loan-moneys.

18. (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— 15

- (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
- (d.) In connection with and preliminary to the constitution of the district: 20

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.

(2.) In addition to the payments authorized by the last preceding subsection, the Board may pay out of loan-moneys— 25

- (a.) 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:
- (b.) Any moneys advanced to the Board by any local authority pursuant to section eighteen of the Electric-power Boards Amendment Act, 1920: 30
- (c.) The interest, or interest and sinking fund, of the loan for the first year, or, with the consent of the Minister, for any longer period not exceeding in any case the period of construction of any works for which the loan was raised, or a period of three years, whichever is the less. 35

(3.) Nothing in the Local Bodies' Loans Act, 1913, or in any other Act, shall be construed to restrict the power of the Board to pay interest, or interest and sinking fund, out of loan-moneys in accordance with the foregoing provisions of this section. 40

Repeals.

(4.) This section is in substitution for section eighty-nine of the principal Act, and that section, and also section four of the Electric-power Boards Amendment Act, 1919, and section five of the Electric-power Boards Amendment Act, 1921-22, are hereby repealed. 45

Altering date of annual meeting.

19. Section five of the Electric-power Boards Amendment Act, 1920, is hereby amended by omitting from subsection one the words "on the fourth Tuesday in November" and substituting the words "in the month of May:"

Extending power of local authority to advance moneys for constitution of electric-power district.

20. Section eighteen of the Electric-power Boards Amendment Act, 1920, is hereby amended by omitting the words "The local authority of any constituent district" and substituting the words "Any local authority," and by omitting the word "the," before the words "electric-power district," and substituting the word "an." 50

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21. (1.) The Board may from time to time appoint standing or special committees, and may relegate to such committees any matters for consideration, or inquiry, or management, or regulation; and may delegate to any such committee any of the powers and duties by the
 5 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.

Board may appoint standing or special committees.
Cf. 1920, No. 48, secs. 49 to 54.

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

(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.

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

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