

Hon. Mr. Hamilton

OHAI RAILWAY BOARD AMENDMENT

[LOCAL BILL]

ANALYSIS

Title.	2. Permitting members to be interested in certain contracts with the Board, and disentitling some members to vote in respect of such contracts.
1. Short Title.	

A BILL INTITULED

AN ACT to amend the Ohai Railway Board Act, 1932. Title.

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

1. (1) This Act may be cited as the Ohai Railway Board Amendment Act, 1943, and shall be read together with and deemed part of the Ohai Railway Board Act, 1932. Short Title.

10 | *New*  
(2) This Act shall be deemed to have come into force on the first day of April, nineteen hundred and forty-two. Commencement.

15 | ~~2. Section ten of the Ohai Railway Board Act, 1932, is hereby amended by adding the following subsections thereto, which subsections shall take effect as if this amendment had been enacted immediately prior to the commencement of the financial year ended on the thirty first day of March, nineteen hundred and forty three, namely:—~~ Permitting members to be interested in certain contracts with the Board, and disentitling some members to vote in respect of such contracts.

20 | ~~“(2) No person shall be disqualified from being~~

*New*

(1) Notwithstanding anything to the contrary in section three of the Local Authorities (Members' Contracts) Act, 1934, no person shall be disqualified from *being* elected a member or from remaining a member of the Board by reason of his being interested or concerned in any contract for the supply of coal or any product of coal to the Board for the Board's use if such contract was entered into in accordance with *subsection two or subsection three* of this section; and ~~any~~ *no* payment made by or on behalf of the Board pursuant to such contract shall ~~not~~ operate to disqualify such person from continuing to hold office or be taken into account for the purpose of computing the amount that may lawfully be paid to him as a member of the Board in the same financial year in respect of any contract or contracts.

*Struck out*

“(3)(a) Any contract or contracts with any person for the supply of coal or any product of coal to the Board for the Board's use with respect to which the payments made or to be made to such person by or on behalf of the Board do not exceed one hundred pounds altogether in any financial year may be made in any manner authorized by law.

*New*

(2) Any contract with a person for the supply of coal or any product of coal to the Board for the Board's use may be made in any manner authorized by law if the payments made or to be made to that person by or on behalf of the Board in any financial year in respect of that contract and all other contracts previously made with that person do not exceed one hundred pounds altogether.

“(b) (3) Any contract for the supply of coal or any product of coal to the Board for the Board's use, other than ~~contracts mentioned in paragraph (a) of this subsection~~, *a contract to which the last preceding subsection applies*, shall be made ~~by~~ *only after* public tender of which public notice shall have been given on at least two occasions in a newspaper circulating in the district, and no member of the Board who is carrying on the business of coal-mining or who is a member of a firm,

company, society, or association (whether incorporated or not) carrying on the business of coal-mining shall take part in the discussion on, or vote upon the question of, the acceptance of any such tender, and the Board  
5 in letting any such contract shall be governed by the decision of the majority of the remaining members of the Board who are present at a special meeting of such members called in accordance with the provisions of section twenty-six of the Local Railways Act, 1914,  
10 for the purpose of considering tenders for such supply; and in the event of an equality of votes such members shall appoint an umpire, whose decision shall be final.

3. (1) This Act is in substitution for the Ohai Railway Board Amendment Act, 1934, and that Act is hereby  
15 accordingly repealed. Repeals.

*New*

(2) Subsection five of section nine of the Local Authorities (Members' Contracts) Act, 1934, is hereby repealed.