

Hon. Mr. Hamilton.

OHAI RAILWAY BOARD.

[LOCAL BILL.]

ANALYSIS.

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A BILL INTITULED

AN ACT to make Provision for altering the Constitution and Powers of the Ohai Railway Board and for Matters incidental thereto. Title.

5 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 Ohai Railway Board Act, 1932. Short Title.

10 2. In this Act— Interpretation.
“ Board ” means the Ohai Railway Board :

No. 14—1.

“Coal-owner” means any person whose name appears for the time being on the coal-owners roll hereinafter referred to :

“District” means the Ohio Railway District :

“Elector” means any person whose name appears for the time being on the electors roll of any subdivision of the district : 5

“Existing overdraft” means the amount owing by the Board by way of overdraft on the day the power to borrow given by subsection *one* of section *seventeen* of this Act is exercised : 10

“Principal Act” means the Local Railways Act, 1914.

This Act to apply notwithstanding principal Act or other Acts.

3. (1) The provisions of this Act shall apply with respect to the Board, anything to the contrary in the principal Act or any other Act notwithstanding. 15

(2) Subject to the provisions of this Act, the principal Act shall apply to the Board.

Constitution of Board.

4. (1) Of the members of the Board three shall be elected by the coal-owners. 20

(2) The members of the Board shall be elected in the manner prescribed by the Local Elections and Polls Act, 1925, all the provisions of which Act shall, so far as they are not inconsistent with this Act, apply accordingly. 25

Power to combine subdivisions of district.

5. (1) The Governor-General may under the provisions of section two of the Local Railways Amendment Act, 1926, for the purposes of representation, combine any two or more subdivisions of the district created under that section, and may fix the number of members to be elected by the subdivisions so combined. 30

(2) The word “subdivision” where used in the following provisions of this Act shall be deemed to include any two or more subdivisions combined under subsection *one* of this section as though such subdivisions were one subdivision. 35

Electors roll and coal-owners roll.

6. The Clerk shall, not later than forty days before the day in any year appointed for the holding of a general election of members of the Board, cause to be prepared the following rolls :— 40

(a) An electors roll for each subdivision of the district, in the form in the Schedule hereto, containing the names arranged in alphabetical order of their surnames of all persons whose

names appear on the valuation roll of the subdivision as the occupiers of any rateable property within that subdivision.

5 (b) A roll (to be called the coal-owners roll) containing the names, similarly arranged, of every person, firm, company, society, or association (whether incorporated or not) carrying on the business of coal-mining within the district and using the Board's railway for the transportation of coal produced in such business.

10 7. (1) No person shall be entitled to have his name entered on the electors roll of more than one subdivision, but the name of any person who is the occupier of rateable property in more than one subdivision shall be placed on the roll of that subdivision only in which is situated the property occupied by him of the greatest value as shown by the valuation roll.

No person to be on two rolls.

20 (2) A coal-owner, notwithstanding that he is the occupier of rateable property within the district, shall not be entitled to have his name placed on the roll of any subdivision.

25 8. Forthwith on the preparation of the rolls of the subdivisions and the coal-owners roll, public notice shall be given that the same have been prepared and are open to public inspection under section twelve of the principal Act.

Public notice and inspection of rolls.

30 9. Sections seven to twelve of the principal Act shall (with the exception of paragraph (c) of subsection one of section eight) apply both to the electors roll of each subdivision and to the coal-owners roll as though such rolls were each an "electors list" or "electors roll" within the meaning of these words as used in the said sections, as the case may require.

Sections 7 to 12 of principal Act applied to rolls.

35 10. (1) Section twenty-four of the principal Act shall not apply with respect to any person elected a member of the Board.

Provisions as to members voting when interested or making contracts with Board.

40 (2) Paragraph (g) of subsection one of section five and paragraph (h) of subsection one of section sixteen of the principal Act respectively shall not apply to any person nominated for election as a member of the Board or to any member thereof, and in lieu thereof the following provision shall apply as though the same had been substituted for both of the said paragraphs :—

“ Any person who is concerned or interested (other-
 wise 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, if the payment made or to be made by or on
 behalf of the Board in respect of any such contract or
 contracts exceeds ten pounds in the case of any contract,
 or twenty-five pounds altogether in any financial year,
 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,
 or in any lease granted or agreed to be granted to or
 by the Board, shall not constitute a disqualification under
 this paragraph :

“ Provided further that no person shall be disqualified
 from being elected to be a member of the Board by virtue
 of his being interested or concerned in any contract
 made before his election, if before such election his
 obligation under such contract has been performed and
 the amount to be paid by or on behalf of the Board has
 been fixed ; and any payment made thereafter 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.”

Qualification of
 members of
 Board.

11. (1) Subject to the provisions of subsection one
 of section five of the principal Act as modified by the
last preceding section, every person whose name appears
 on the electors roll of any subdivision is qualified to be
 elected a member of the Board by the electors of that
 subdivision.

(2) A candidate for election as a member of the
 Board by the coal-owners shall be nominated by two
 coal-owners in the manner prescribed by section eight of
 the Local Elections and Polls Act, 1925.

(3) No person shall be entitled to be elected a member of the Board by the coal-owners unless—

(a) His name appears on the coal-owners roll ; or

5 (b) There is lodged with his nomination-paper a certificate signed by all the partners in a firm or all the members of an unincorporated society or association of persons whose name appears on the coal-owners roll, or by the secretary of an incorporated company or other body corporate whose name so appears, that such person is a member of such firm, society, or association, or a director of such incorporated company or body corporate, as the case may be.

15 **12.** No elector or coal-owner shall have more than one vote, except as provided by subsection four of section thirteen of the Local Elections and Polls Amendment Act, 1926. Votes of electors and coal-owners.

20 **13.** The first general election of members of the Board held after the passing of this Act shall be held on a day to be fixed by the Governor-General, and on the same day in every third year thereafter a fresh general election of members shall be held. Date of elections.

25 **14.** At the first meeting of the Board subsequent to the first general election of members of the Board held after the passing of this Act and thereafter at its annual meeting the Board shall elect one of its members to be Chairman of the Board. Election of Chairman.

30 **15.** The first ordinary meeting after a general election of members and the first ordinary meeting held in the same month in each of the two following years thereafter shall be the annual meeting of the Board. Annual meetings.

16. After the repayment of all loans heretofore raised by it no rate shall be made or levied by the Board. Abolition of power to rate.

35 **17. (1)** The Board may by resolution and without taking the steps described in sections nine to thirteen of the Local Bodies' Loans Act, 1926, but subject to the provisions of the Local Government Loans Board Act, 1926, borrow either from its bankers by way of overdraft or from any other source or from both such an amount as shall be necessary— Extension of power to borrow.

40 (a) To repay the special loan raised by the Board and referred to in section *eighteen* hereof, after allowing for the amount of any sinking fund available for the partial repayment of such loan ; and

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(b) To repay the Board's existing overdraft :

Provided that the total amount borrowed by the Board under this subsection shall not exceed *thirty-one thousand* pounds.

(2) After exercising the powers of borrowing herein- 5
before contained, the Board may, in anticipation of its
revenue and in addition to any amount borrowed in the
exercise of such powers, from time to time borrow from
its bankers by way of overdraft such amounts as it
thinks fit : 10

Provided that the amount owing under this subsection
shall at no time exceed *ten thousand* pounds, except
with the precedent consent of the Governor-General
in Council given after the Board shall have complied with
the provisions of the Local Government Loans Board 15
Act, 1926.

(3) The power given to the Board by subsection *two*
of this section to borrow by way of overdraft is in addition
to the power in that behalf contained in section three of
the Local Bodies' Finance Act, 1921-22. 20

(4) For the purpose of securing any amount borrowed
under this section from its bankers by way of overdraft
the Board may create a series of debentures of an aggregate
amount not exceeding the total amount agreed to be
lent by its bankers, together with ten per centum of such 25
latter amount, and may hypothecate such debentures to
its bankers.

(5) For the purpose of securing any moneys borrowed
from any source or sources other than its bankers by way
of overdraft the Board may issue a series of debentures. 30

(6) Any debentures created or issued by the Board
under this section may create a charge on the whole or
any part or parts of the Board's undertaking, assets,
and revenues, and shall be in the form prescribed by
section twenty-seven of the Local Bodies' Loans Act, 35
1926 ; and the provisions of sections forty-eight to fifty-
eight of such Act shall apply to such debentures.

Existing special
loan to be
repaid.

18. The Board shall on or before the thirty-first day
of December, nineteen hundred and thirty-two, repay
the loan raised by the Board and known as the Ohai 40
Railway Board Debenture Loan of £30,000.

Exclusion of
certain
provisions of
principal Act.

19. Subsection two of section five, subsections one,
two, and four of section six, sections thirteen and
fourteen, sections forty to forty-four, and subsection three

of section twenty-five of the principal Act, and subsection four of section two of the Local Railways Amendment Act, 1926, shall not apply to or in relation to the Board.

20. Upon the Board exercising any power to borrow
5 given by this Act the power given by section sixty-five of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1922, shall cease to be exercised by the Board.

Abolition of existing extension of power to borrow.

SCHEDULE.

Schedule.

ELECTORS ROLL OF SUBDIVISION.

Number.	Name of Elector.	Description of Land with respect to which Qualification exists.