

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 4th October, 1945

[AS A SECOND TIME REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 24th October, 1945

[Further amendments shown with double bar in margin]

Mr. Watts

WAIMAIRI COUNTY ELECTRICAL SUPPLY AND
CHRISTCHURCH CITY EMPOWERING

[LOCAL BILL]

ANALYSIS

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A BILL INTITULED

AN ACT to authorize the Christchurch City Council to supply Electricity to the Inhabitants of the Waimairi County as the Successor of the Waimairi County Council and the Waimairi Electric-power Board, and to take over certain Obligations of the said County Council and Electric-power Board. Title.

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

2 *Waimairi County Electrical Supply and
Christchurch City Empowering*

Short Title.

1. This Act may be cited as the Waimairi County
Electrical Supply and Christchurch City Empowering
Act, 1945,

Struck Out

and shall come into force on the first day
of ~~October~~ *January*, nineteen hundred and forty-~~five~~ *six*. 5

Definitions.

2. *In this Act, unless the context otherwise requires,—*
“Board” means the Waimairi Electric-power
Board:

“City” “City corporation” means the Mayor, 10
Councillors, and Citizens of the City of Christchurch:

“City Council” means the Christchurch City
Council:

New

“County corporation” means the Chairman, 15
Councillors, and Inhabitants of the County of Waimairi:

“County Council” means the Waimairi County
Council.

New

Poll of
electors to be
taken by
County Council.

2A. (1) On a date to be fixed by the County Council, 20
being not later than the second day of March, nineteen
hundred and forty-six, a poll of the electors of the
Waimairi County as constituted immediately before the
first day of December, nineteen hundred and forty-four,
shall be taken on the proposal to transfer to the Christ- 25
church City Council the electrical supply undertaking
of the Waimairi County Council and the powers, duties,
and obligations conferred and imposed on the County
Council in connection therewith.

(2) The County Council shall cause the requisite 30
rolls to be prepared and take all other steps necessary
to ensure that the poll is duly taken as aforesaid.

(3) The poll shall be taken in accordance with the
Local Elections and Polls Act, 1925, and for the pur- 35
poses of the poll the electors shall be electors within
the meaning of the Counties Act, 1920, as extended by
the Local Elections and Polls Amendment Act, 1944.

(4) The proposal shall be deemed to be carried if 40
affirmed by a majority of the valid votes recorded at
the poll.

(5) Within fourteen days after the taking of the
poll, the Returning Officer shall notify the Minister of
Works of the result of the poll and that Minister shall
thereupon notify the result in the *Gazette*.

*Waimairi County Electrical Supply and
Christchurch City Empowering* 3

New

2B. If the poll is not taken within the prescribed time or the proposal is carried the following provisions of this Act shall come into force on the first day of April, nineteen hundred and forty-six, but otherwise they shall be of no effect whatsoever.

Commencement of remaining provisions of Act.

3. The powers conferred on, and the duties and obligations imposed on, the County Council relating to the supply of electricity in the county by Order in Council dated the ninth day of October, nineteen hundred and sixteen, gazetted on the twelfth day of October, nineteen hundred and sixteen, and by Order in Council dated the fifth day of March, nineteen hundred and twenty-eight, gazetted on the eighth day of March, nineteen hundred and twenty-eight, are hereby conferred and imposed on the ~~Christchurch~~ City Council and the said Orders in Council shall be read and construed as if the City Council had been referred to where the County Council is referred to in the said Orders.

Powers and duties under County Council's electric supply Orders in Council conferred and imposed on City Council.

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and as if the county formed part of the City of Christchurch only for the purposes of the supply of electricity to the inhabitants of the county.

4. The Board is hereby dissolved, and shall cease to operate on the coming into operation of this Act the *Waimairi Electric-power District is hereby abolished.*

Dissolution of Board.

5. All real and personal property of the county corporation and of the Board used for the purposes of electrical supply, and all moneys belonging to the Electric Supply Account of the county corporation, shall, by virtue of this Act, vest in the city corporation on the coming into operation of this Act for the purposes of supplying electricity to the inhabitants of the county.

Vesting of property in City Council.

6. All obligations, engagements, and liabilities of the county corporation and of the Board in respect of electrical supply operations (including liability for loans, and the interest thereon) shall be imposed on the city and shall, by virtue of this Act, be met by the city by virtue of this Act, be obligations, engagements, and liabilities of the city corporation.

Liabilities of county corporation and Board (including liability for special loans in respect of electrical supply operations) imposed on city corporation.

4 *Waimairi County Electrical Supply and
Christchurch City Empowering*

City Council
to indemnify
county
corporation
and Board
against
loans and
other
liabilities.

7. The *City Council* shall indemnify the *County Council* and the Board against all liabilities of the *county corporation*, and the Board against all claims in respect of—

(a) Special loans incurred by the *County Council* 5
(and the interest from time to time payable in respect thereof) relating to electrical supply:

(b) All outstanding liabilities of the *county corporation* and of the Board incurred in 10
relation to contracts and engagements by such bodies the *County Council* and the Board respectively in respect of the powers vested in them in relation to the supply of electricity in the county: 15

(c) All claims in respect of torts heretofore committed or alleged to ~~be~~ have been heretofore committed by the *County Council* or the Board in exercising their respective powers in relation to the supply of electricity in the 20
county.

City Council
to make
arrangements
to meet
financial
obligations.

8. The *City Council* shall make all arrangements necessary to meet the financial obligations referred to in the *last two preceding* sections.

Security of
existing special
rates not
affected.

9. Nothing in this Act shall be construed so as to 25
affect in any way the security afforded to any creditor of the county by any special rate.

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10. (1) All sinking funds accrued in respect of 30
loans raised by the *County Council* for electrical supply purposes shall vest in the city.

New

Sinking funds.

10. (1A) All sinking funds which have heretofore accrued in respect of loans raised by the *County Council* the liability wherefor has become by virtue of 35
this Act a liability of the city corporation shall be held by the Sinking Fund Commissioners for the purpose of the repayment of those loans by the *City Council*.

(2) All powers of appointment and removal of Sinking Fund Commissioners in respect of such loans vested in the County Council are hereby conferred on the City Council.

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New

10A. (1) If any dispute shall arise between the City Council and the County Council or the Board as to the effect of sections *five, six, seven, nine, and ten* hereof, the Controller and Auditor-General, or such other person as the Governor-General appoints, shall, on the application of any of the parties to the dispute, hold an inquiry, and shall make an award as to the matters in dispute.

Determination of disputes as to assets and liabilities passing.

15 (2) Any such award may provide for all or any of the matters included in the subject for inquiry, and may declare what property shall be vested in the city corporation, 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 the inquiry; and the person making the award may make and give such directions generally as may be necessary for giving full effect to the objects of the inquiry.

25 (3) 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.

30 (4) 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 any matters in dispute as aforesaid 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.

35 11. The City Council shall supply electricity to the inhabitants of the county at the same prices and on the same conditions as electricity is supplied to the inhabitants of the city *City of Christchurch*.

Prices of electricity in county.