

**Reprint
as at 3 June 2017**



Southland Electricity Act 1993

Public Act 1993 No 147
Date of assent 28 September 1993
Commencement see section 1

Southland Electricity Act 1993: repealed, on 3 June 2017, by section 3(1) of the Statutes Repeal Act 2017 (2017 No 23).

Contents

	Page
Title	2
1 Short Title and commencement	3
2 Interpretation	3
3 Act to bind the Crown	5
Part 1	
Principles	
4 Principal objective of company	5
5 Responsibility of Ministers	5
6 Directors and their role	6
7 Non-commercial activities	6
8 Collective agreements	6
9 Saving of certain transactions	6
Part 2	
Acquisition by the Crown of shares in the company	
10 Acquisition by the Crown of shares in company	6

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Business, Innovation, and Employment.

11	Application of Companies Act 1955	7
12	Shareholding Ministers may subscribe for additional shares	7
13	Payment for shares	7
14	Further provisions relating to Ministers' shareholding	7
15	Shareholding Ministers may determine dividend	8

Part 3

Transfer of assets to the company

16	Transfer of Crown assets and liabilities to company	8
17	Assets relating to land and interests in land may be transferred separately	9
18	Further provisions relating to transfer of assets and liabilities	9
19	Provisions relating to transfer of land	10
20	Modification of provisions of Public Works Act 1981	11
21	Obligation to lodge caveat	11
22	Transfer of land not to constitute a subdivision or development	12
23	Uses deemed to be permitted activity	12
24	Title to land	12
25	Land certification	13
26	Certification of easements	13
27	Orders in Council relating to transfer of assets and liabilities	14
28	Relationship with other enactments	14

Part 4

Miscellaneous provisions

29	Half-yearly reports	15
30	Auditor-General to be auditor of company and subsidiaries	15
31	Certain provisions not to apply if Crown ceases to hold controlling interest in company	16
32	Amendment to Ombudsmen Act 1975	16
33	Amendment to Income Tax Act 1976 [<i>Repealed</i>]	16
34	Amendment to Official Information Act 1982	16
35	Amendment to Public Finance Act 1989	16
36	Consequential amendments and repeals	16
37	Saving	17

Schedule

Enactments amended

18

An Act—

- (a) to provide for the acquisition by the Crown of shares in the capital of a company incorporated under the Companies Act 1955; and
- (b) to provide for the vesting in that company of the assets and liabilities of the Southland Electric Power Supply; and
- (c) to provide for related matters

1 Short Title and commencement

- (1) This Act may be cited as the Southland Electricity Act 1993.
- (2) Except as provided in subsection (3), this Act shall come into force on the day after the date on which it receives the Royal assent.
- (3) Sections 32, 34, 35, and 36 shall come into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more Orders in Council may be made bringing different provisions into force on different dates.
- (4) A date may be appointed under subsection (3) to bring sections 32, 34, and 35 into force only if the Governor-General is satisfied, at the time of the making of the Order in Council, that at least 50% of the ordinary shares in the capital of the company is no longer held by Ministers of the Crown on behalf of the Crown.
- (5) *[Repealed]*

Section 1(3): section 36 brought into force, on 30 June 1994, by the Southland Electricity Act Commencement Order 1994 (SR 1994/111).

Section 1(3): sections 32, 33, 34, and 35 brought into force, on 20 March 1998, by the Southland Electricity Act Commencement Order 1998 (SR 1998/47).

Section 1(3): amended, on 1 April 2005 (effective for 2005–06 tax year and later tax years, except when the context requires otherwise), by section YA 2 of the Income Tax Act 2004 (2004 No 35).

Section 1(5): repealed, on 1 April 2005 (effective for 2005–06 tax year and later tax years, except when the context requires otherwise), by section YA 2 of the Income Tax Act 2004 (2004 No 35).

2 Interpretation

- (1) In this Act, unless the context otherwise requires,—
agreement includes a deed, a contract, an agreement, an arrangement, and an undertaking, whether oral, or written, express or implied, and whether or not enforceable at law
assets means any real or personal property of any kind whether or not subject to rights; and, without limiting the generality of the foregoing, includes—
 - (a) any estate or interest in any land, including all rights of occupation of land or buildings:
 - (b) all buildings, vehicles, plant, equipment, and machinery, and any rights therein:
 - (c) all livestock, products from livestock, and crops:
 - (d) all securities within the meaning of the Securities Act 1978:
 - (e) all rights of any kind, including rights under Acts, deeds, agreements, or licences, and all applications, objections, submissions, and appeals in respect of such rights:

- (f) all patents, trade marks, designs, copyright, plant variety rights, and other intellectual property rights of any kind whether enforceable by Act or rule of law:
- (g) goodwill, and any business undertaking:
- (h) all natural gas, petroleum, and other hydrocarbons

board means the board of directors of the company

company means The Power Company Limited, a company incorporated under the Companies Act 1955

Crown means Her Majesty the Queen in right of New Zealand

designated Minister means, subject to any enactment, the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

District Land Registrar means a District Land Registrar appointed under the Land Transfer Act 1952; and includes a Registrar of Deeds

liabilities includes—

- (a) liabilities and obligations under any Act or agreement; and
- (b) deposits and other debt securities within the meaning of the Securities Act 1978; and
- (c) contingent liabilities

rights includes powers, privileges, interests, licences, approvals, consents, designations, permissions, dispensations, authorisations, benefits, and equities of any kind, whether actual, contingent, or prospective

rules means the memorandum of association and articles of association of the company

shareholding Ministers means the Minister of Finance and the designated Minister

sitting day means a sitting day of the House of Representatives

statement of intent means the current statement of intent for the company prepared pursuant to the Public Finance Act 1989

subsidiary has the same meaning as it has in section 158 of the Companies Act 1955

transfer includes—

- (a) assign and convey; and
- (b) vest by Order in Council or notice in the *Gazette*; and
- (c) confer estates in fee simple of land held by the Crown, whether in allodium or otherwise; and
- (d) grant leases, rights, and interests in any real or personal property; and

- (e) in the case of liabilities, the assumption thereof by the company.
- (2) In this Act, a reference to **transfer, authorise, or grant** includes entering into an agreement to transfer, authorise, or grant, as the case may be.
- (3) For the purposes of this Act, to hold a controlling interest in the company means to hold at least 50% of the ordinary shares in the capital of the company.
- Compare: 1986 No 124 s 29; 1991 No 69 s 362; 1992 No 27 s 10

3 Act to bind the Crown

This Act binds the Crown.

Part 1 Principles

4 Principal objective of company

- (1) The principal objective of the company shall be to operate as a successful business and, to this end, to be—
- (a) as profitable and efficient as comparable businesses that are not owned by the Crown; and
- (b) a good employer; and
- (c) an organisation that exhibits a sense of social responsibility by having regard to the interests of the community in which it operates and by endeavouring to accommodate or encourage these when able to do so.
- (2) In seeking to attain its principal objective, the company shall have regard, among other things, to the desirability of ensuring the efficient use of energy.
- (3) For the purposes of this section, a **good employer** is an employer who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring—
- (a) good and safe working conditions; and
- (b) an equal employment opportunities programme; and
- (c) the impartial selection of suitably qualified persons for appointment; and
- (d) opportunities for the enhancement of the abilities of individual employees.

Compare: 1986 No 124 s 4; 1992 No 56 s 36(2)

5 Responsibility of Ministers

The shareholding Ministers of the company shall be responsible to the House of Representatives for the performance of the functions given to them by this Act or the rules.

Compare: 1986 No 124 s 6

6 Directors and their role

- (1) The directors of the company shall be persons who, in the opinion of those appointing them, will assist the company to achieve its principal objective.
- (2) All decisions relating to the operation of the company shall be made by or pursuant to the authority of the board of the company in accordance with its statement of intent.
- (3) The board of the company shall be accountable to the shareholding Ministers in the manner set out in this Act and in the rules.

Compare: 1986 No 124 s 5

7 Non-commercial activities

Where the Crown wishes the company to provide goods or services to any persons, the Crown and the company shall enter into an agreement under which the company will provide the goods or services in return for the payment by the Crown of the whole or part of the price of the goods or services.

Compare: 1986 No 124 s 7

8 Collective agreements

Before entering into any collective agreement under the Employment Relations Act 2000, the company must consult with the State Services Commissioner over the conditions of employment to be included in the collective agreement.

Section 8: substituted, on 2 October 2000, by section 240 of the Employment Relations Act 2000 (2000 No 24).

9 Saving of certain transactions

Failure by the company to comply with any provision contained in this Part shall not affect the validity or enforceability of any deed, agreement, right, or obligation entered into, obtained, or incurred by the company.

Compare: 1986 No 124 s 21

Part 2**Acquisition by the Crown of shares in the company****10 Acquisition by the Crown of shares in company**

- (1) The Minister of Finance and the designated Minister may, on behalf of the Crown, subscribe for or otherwise acquire shares in the capital of the company.
- (2) The number of shares in the capital of the company held by each shareholding Minister shall be the same.

Compare: 1986 No 124 s 10; 1987 No 117 s 3

11 Application of Companies Act 1955

In the application of the Companies Act 1955 to the company, the following provisions shall, so long as the shareholding Ministers are the members of the company, be construed as if references in those provisions to 7 members were references to 2 members:

- (a) section 41, as to carrying on business when the number of members is reduced below the legal minimum:
- (b) section 211(4)(c), as to the appointment of a liquidator by the court when the number of members is reduced below the legal minimum.

Section 11: substituted, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

12 Shareholding Ministers may subscribe for additional shares

Subject to subsection (2) of section 10, each shareholding Minister may, from time to time, on behalf of the Crown, subscribe for or otherwise acquire shares in the capital of the company in addition to the shares subscribed for or acquired under that section.

Compare: 1992 No 76 s 11

13 Payment for shares

Any money required to be paid by a shareholding Minister on subscribing for or otherwise acquiring shares in the capital of the company shall be paid out of money appropriated by Parliament for the purpose.

Compare: 1986 No 124 s 10(3); 1987 No 117 s 3

14 Further provisions relating to Ministers' shareholding

- (1) Shares in the capital of the company held in the name of a person described as the Minister of Finance or the designated Minister shall be held by the person for the time being holding the office of Minister of Finance or designated Minister, as the case may be.
- (2) Notwithstanding any other enactment or rule of law, it shall not be necessary to complete or register a transfer of shares of the kind referred to in subsection (1) consequent on a change in the person holding the office of Minister of Finance or designated Minister, as the case may be.
- (3) Each shareholding Minister may exercise all the rights and powers attaching to the shares in the company held by that Minister.
- (4) A shareholding Minister may at any time or times, by written notice to the secretary of the company, authorise (on such terms and conditions as are specified in the notice) such person as the Minister thinks fit to act as the Minister's representative at any or all of the meetings of shareholders of the company or of any class of such shareholders, and any person so authorised shall be entitled to

exercise the same powers on behalf of the Minister as the Minister could exercise if present at the meeting or meetings.

Compare: 1986 No 124 s 22

15 Shareholding Ministers may determine dividend

- (1) Notwithstanding any other provision of this Act or the rules of the company, the shareholding Ministers may, by written notice to the board, determine the amount of dividend payable by the company, and the board shall comply with the notice.
- (2) Before giving a notice under this section, the shareholding Ministers shall—
 - (a) have regard to Part 1; and
 - (b) consult the board as to the matter to be referred to in the notice.
- (3) Within 12 sitting days after a notice is given to the board pursuant to this section, the designated Minister shall lay a copy of the notice before the House of Representatives.
- (4) The power conferred by subsection (1) may be exercised only where all the shares in the capital of the company are held by the shareholding Ministers.

Compare: 1986 No 124 s 13

Part 3

Transfer of assets to the company

16 Transfer of Crown assets and liabilities to company

- (1) Notwithstanding any Act, rule of law, or agreement, the shareholding Ministers may, on behalf of the Crown, do any 1 or more of the following:
 - (a) transfer to the company assets and liabilities of the Crown:
 - (b) authorise the company to act on behalf of the Crown in providing goods or services, or in managing assets or liabilities of the Crown:
 - (c) grant to the company leases, licences, easements, permits, or rights of any kind in respect of any assets or liabilities of the Crown—
for such consideration, and on such terms and conditions, as the shareholding Ministers may agree with the company.
- (2) Nothing in this section applies to any assets or liabilities of the Crown other than assets or liabilities that form part of—
 - (a) the undertaking referred to in section 9 of the Southland Electric Power Supply Act 1936; or
 - (b) any extension of that undertaking.

- (3) The designated Minister shall lay before the House of Representatives any contract or other document entered into pursuant to subsection (1) within 12 sitting days after the date of that contract or document.

Compare: 1986 No 124 s 23(1), (2); 1987 No 117 s 6(1)

17 Assets relating to land and interests in land may be transferred separately

- (1) Assets that are fixed to, or are under or over, any land may be transferred to the company pursuant to this Act whether or not any interest in the land is also transferred.
- (2) Where any such asset is so transferred, the asset and the land shall be regarded as separate assets each capable of separate ownership.

Compare: 1986 No 124 s 23(3)

18 Further provisions relating to transfer of assets and liabilities

- (1) Any asset or liability of the Crown may be transferred to the company pursuant to this Act whether or not any Act or agreement or rule of law relating to the asset or liability permits such transfer or requires any consent to such a transfer.
- (2) Where a transfer of the kind described in subsection (1) takes place,—
- (a) the transfer shall not entitle any person to terminate, alter, or in any way affect the rights or liabilities of the Crown, or the company, under any Act or agreement:
 - (b) where the transfer is registrable, the person responsible for keeping the register shall register the transfer forthwith after written notice of the transfer is received by him or her from any person authorised for this purpose by the designated Minister:
 - (c) the laying before the House of Representatives of any contract or other document relating to the transfer shall be deemed to be notice of the transfer, and any third party shall after the date of such contract or document deal with the company in place of the Crown:
 - (d) the Crown shall remain liable to any third party as if the asset or liability had not been transferred but shall be indemnified by the company in respect of any liability to any third party:
 - (e) any satisfaction or performance by the company in respect of the asset or liability shall be deemed to be also satisfaction or performance by the Crown:
 - (f) any satisfaction or performance in respect of the asset or liability by any third party to the benefit of the company shall be deemed to be also to the benefit of the Crown.
- (3) No provision in any agreement limiting the Crown's right to sell any assets to third parties, or for determining the consideration for the sale of any assets to third parties, or obliging the Crown to account to any person for the whole or part of the proceeds of sale by the Crown of any assets to third parties, or ob-

liging the Crown to pay a greater price than otherwise by reason of or as a consequence of the sale of any assets to third parties, shall have any application or effect in respect of any agreement or transfer entered into or effected pursuant to or under this Act or pursuant to such an agreement or transfer.

Compare: 1986 No 124 s 23(4)–(6); 1990 No 23 s 3

19 Provisions relating to transfer of land

- (1) Notwithstanding any other provision of this Act, Crown land within the meaning of the Land Act 1948 and any lands of the Crown other than lands registered under the Land Transfer Act 1952 that are to be transferred to the company pursuant to this Act shall—
 - (a) be identified by an adequate legal description, or on plans lodged in the office of the Chief Surveyor for the land district in which the land is situated (being plans certified as correct for the purposes of this section by that Chief Surveyor); and
 - (b) vest in the company—
 - (i) pursuant to and on a date specified in an Order in Council made for the purposes of this section; or
 - (ii) pursuant to and on a date specified in a notice in the *Gazette* given for the purposes of this section by the shareholding Ministers or by a person authorised in writing by those Ministers.
- (2) Every notice given under subsection (1)(b)(ii) may be given on such terms and conditions as the shareholding Ministers or a person authorised in writing by those Ministers, as the case may be, thinks fit, and shall have effect according to its tenor.
- (3) Notwithstanding any other provision of this Act, no land that is subject to a lease or licence pursuant to section 66 or section 66AA of the Land Act 1948 shall be transferred to the company pursuant to section 16(1)(a).
- (4) Subject to subsection (5), but notwithstanding any other provision of this Act, no land for the time being held, managed, or administered under the Conservation Act 1987 or under any enactment specified in Schedule 1 of that Act shall be transferred to the company pursuant to section 16(1)(a).
- (5) Nothing in subsection (4) prevents the granting, to the company, of a licence to occupy any land to which that subsection applies if the Minister of Conservation consents to the granting of that licence.
- (6) All land that is subject to the Land Act 1948 or the Forests Act 1949 and that is transferred to the company pursuant to this Act shall cease to be subject to the Land Act 1948 or the Forests Act 1949, as the case may be, from the date of that transfer, unless otherwise expressly provided by this Act or any other Act.

- (7) Nothing in this Act or in any transfer of land to the company pursuant to this Act shall derogate from the provisions of section 10 or section 11 of the Crown Minerals Act 1991.

Compare: 1986 No 124 s 24; 1987 No 117 s 7(1), (2); 1990 No 31 s 37; 1991 No 70 s 121; 1992 No 27 s 5

20 Modification of provisions of Public Works Act 1981

- (1) This section applies to the transfer of land or an interest in land to the company pursuant to this Act.
- (2) Nothing in sections 40 to 42 of the Public Works Act 1981 shall apply to the transfer of land or an interest in land to the company (being a transfer to which this section applies) so long as the land or interest in land continues to be used for the purposes of the company, but, if all or any part of the land or interest in land is no longer required for such purposes, sections 40 and 41 of that Act shall apply to the land or interest no longer required as if the company were the Crown and the transfer of that land or interest to the company were not a transfer to which this section applies.
- (3) If, in relation to land or an interest in land that has been transferred to the company (being a transfer to which this section applies), an offer made under subsection (2) of section 40 of the Public Works Act 1981 is not accepted—
- (a) within 40 working days after the making of the offer or such further period as the chief executive of the department within the meaning of section 2 of the Survey Act 1986 considers reasonable; or
 - (b) if an application has been made pursuant to subsection (2A) of that section to the Land Valuation Tribunal, within 20 working days after the determination of the Tribunal,—
- whichever is later, and the parties have not agreed on other terms for the sale of the land or interest, the company may sell or otherwise dispose of the land or interest to any person on such terms and conditions as it thinks fit.
- (4) For the purposes of subsection (3), the term **working day** has the same meaning as it has in section 2 of the Public Works Act 1981.

Compare: 1990 No 52 s 9(4)

Section 20(3)(a): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

21 Obligation to lodge caveat

- (1) Where land or an interest in land is transferred to the company pursuant to this Act, the Crown shall, for the purpose of protecting the rights of persons from whom that land or interest was acquired and their successors to have that land or interest offered to them under section 40(2) of the Public Works Act 1981, lodge an appropriate caveat under the Land Transfer Act 1952, and this section shall be sufficient authority for the lodging of such a caveat.

- (2) For the purposes of this section, the rights of persons from whom the land or an interest in land was acquired and their successors to have that land or interest offered to them under section 40(2) of the Public Works Act 1981 shall be deemed to be interests in land for the purposes of section 137 of the Land Transfer Act 1952.
- (3) In stating, in a caveat lodged pursuant to subsection (1), the interest claimed by the caveator, it shall be sufficient, for the purposes of section 138 of the Land Transfer Act 1952, to refer to sections 40 to 42 of the Public Works Act 1981 and this section.

Compare: 1974 No 66 s 594ZG; 1989 No 29 s 34(1)

22 Transfer of land not to constitute a subdivision or development

Nothing in section 11 or Part 10 of the Resource Management Act 1991 applies to the transfer of land or an interest in land to the company pursuant to this Act.

23 Uses deemed to be permitted activity

Where any land is transferred to the company pursuant to this Act, the use of that land which is established at the date of the transfer shall be deemed to be a permitted activity under the Resource Management Act 1991 until the next completion of the review of the district plan or appropriate part of the district plan, and thereafter the status of that use shall be as provided from time to time in or under the district plan.

Compare: 1974 No 66 s 594ZN; 1989 No 29 s 34(1); 1991 No 69 s 362

24 Title to land

- (1) A District Land Registrar shall, on written application by any person authorised by a shareholding Minister and on payment of the prescribed fee,—
 - (a) register the company as the proprietor, in substitution for the Crown, of the estate or the interest of the Crown in any land that is incorporated in the register or otherwise registered in the Land Registry Office of the land registration district concerned and that is transferred to the company pursuant to this Act; and
 - (b) make such entries in the register and on any outstanding documents of title and generally do all such things as may be necessary to give effect to this section.
- (2) The powers conferred by subsection (1) may be exercised in respect of an estate or interest that is incorporated in the register by virtue of a lease or licence that has expired or has been determined.
- (3) A District Land Registrar shall, on written application by any person authorised by a shareholding Minister and on payment of the prescribed fee, issue a certificate of title for land vested in the company pursuant to section 19(1) in form 1 of Schedule 1 of the Land Transfer Act 1952, amended as appropriate.

- (4) As soon as registration is accomplished in accordance with subsection (1) or a certificate of title is issued in accordance with subsection (3), the company shall, except where the interest acquired is either an easement in gross or an estate as lessee or mortgagee, be deemed to be seized of an estate in fee simple in possession in respect of that land.
- (5) Applications in accordance with subsections (1) and (3) shall specify the name of the company and the date of the agreement, together with a description of the land sufficient to identify it and, in the case of applications under subsection (3), a certificate by the Chief Surveyor for the district concerned as to the correctness of such description.

Compare: 1986 No 124 s 25; 1989 No 57 s 2

25 Land certification

- (1) Before a District Land Registrar issues a certificate of title in respect of any land vested in the company pursuant to section 19(1), the District Land Registrar shall either receive under the hand of or request from the Director-General within the meaning of section 2 of the Survey Act 1986 or any Chief Surveyor a certificate in the form set out in Schedule 2 of the Land Act 1948 as to the legal description of the land, any trusts, reservations, or restrictions affecting the land, and any other matters that the District Land Registrar considers appropriate.
- (2) A certificate in accordance with subsection (1) shall be filed by the District Land Registrar in the Land Registry Office and shall be conclusive evidence to the District Land Registrar of the matters required to be stated in that certificate.

Compare: 1986 No 124 s 26; 1987 No 117 s 8; 1989 No 57 s 3(1), (2)

Section 25(1): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

26 Certification of easements

- (1) Where land is vested in the company pursuant to section 19(1) subject to the reservation of or together with any easement, not being an easement previously registered under the Land Transfer Act 1952, the Director-General within the meaning of section 2 of the Survey Act 1986 or any Chief Surveyor shall include in the certificate given under section 25(1) a sufficient description of the easement and particulars as to the rights and powers, terms, covenants, conditions, or restrictions attaching thereto.
- (2) The District Land Registrar shall enter a memorial of the easement upon the relevant certificate of title by reference to the certificate in which it is described as if that certificate were the instrument creating the easement.
- (3) Where a memorial of an easement is entered upon the relevant certificate of title under subsection (2), the easement shall be treated for all purposes includ-

ing all subsequent dealings as if it had been created under the Land Transfer Act 1952.

Compare: 1986 No 124 s 26A; 1992 No 27 s 6

Section 26(1): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

27 Orders in Council relating to transfer of assets and liabilities

(1) For the purpose of facilitating the transfer of assets and liabilities to the company pursuant to this Act, the Governor-General may from time to time, by Order in Council, do any 1 or more of the following:

- (a) vest in or impose on the company any asset or liability (other than land to which section 19(1) applies), or any class of any such asset or liability, that is to be transferred to the company:
- (b) vest land in the company for the purposes of section 19(1):
- (c) declare that a reference to the Crown or a Minister, officer, employee, department, or instrument of the Crown in any or all regulations, orders, notices, or documents shall be deemed to be or to include a reference to the company:
- (d) declare that the company shall assume or continue to have the rights and obligations of the Crown or a Minister, officer, employee, department, or instrument of the Crown in respect of applications for rights, objections, or proceedings before any court, authority, or other person, being rights and obligations that the company has agreed to assume:
- (e) declare, in respect of any assets or liabilities transferred to the company pursuant to this Act, that the company shall be deemed to have specified rights or obligations in respect of those assets or liabilities, being rights or obligations that are required in respect of those assets or liabilities as a result of the change of ownership or responsibility from the Crown to the company:
- (f) declare that any Order in Council made under this section shall be deemed to be notice to all persons, and that specific notice need not be given to any authority or other person:
- (g) direct any authority or other person to register or record any such vesting or declaration.

(2) Every Order in Council made under this section may be made on such terms and conditions as the Governor-General thinks fit, and shall have effect according to its tenor.

Compare: 1986 No 124 s 28; 1991 No 69 s 362

28 Relationship with other enactments

(1) This Part shall have effect, and assets and liabilities may be transferred pursuant to this Act, notwithstanding any restriction, prohibition, or other provi-

sion contained in any Act, rule of law, or agreement that would otherwise apply.

- (2) Nothing in this Act shall limit any powers or rights that the Crown or a Minister has other than pursuant to this Act.

Compare: 1986 No 124 s 29(3), (4)

Part 4

Miscellaneous provisions

29 Half-yearly reports

- (1) In addition to the obligations of the company under the Public Finance Act 1989, within 2 months after the end of the first half of each financial year of the company, the board shall deliver to the shareholding Ministers a report of the operations of the company during that half-year.
- (2) Within 12 sitting days after a half-yearly report is given to the designated Minister pursuant to this section, the designated Minister shall lay a copy of the report before the House of Representatives.

Compare: 1986 No 124 s 16

30 Auditor-General to be auditor of company and subsidiaries

- (1) Subject to subsections (3) and (4), the Auditor-General shall, notwithstanding sections 163 to 165 of the Companies Act 1955, be the auditor of the company, and of every subsidiary of the company, and for the purposes of that Act shall have and may exercise or perform the functions, duties, and powers of an auditor appointed under that Act and all such powers as it has under the Public Audit Act 2001 in respect of public money and public stores.
- (2) The company shall pay to the Auditor-General for carrying out its duties under this section fees at such rates as may be prescribed by the Minister of Finance.
- (3) Without limiting subsection (1) or subsection (2), the board may, after consultation with the Auditor-General and if the designated Minister so approves, appoint a person or firm that is qualified for appointment as an auditor of a company to be an additional auditor of the company or any subsidiary of the company.
- (4) Upon a controlling interest in the company ceasing to be held by Ministers of the Crown on behalf of the Crown,—
 - (a) the Auditor-General shall cease to be the auditor of the company and of the subsidiaries of the company (if any):
 - (b) the directors of the company and of every subsidiary of the company shall appoint an auditor or auditors of the company and of every subsidiary of the company, and every such appointment shall be deemed to have been made by the directors to fill a casual vacancy in the office of auditor under section 163(5) of the Companies Act 1955.

- (5) Notwithstanding anything in subsection (4)(a), where, in respect of the company and its subsidiaries (if any), consolidated financial accounts have been submitted to the Auditor-General for audit, the Auditor-General shall continue to be the auditor of the company and every subsidiary of the company until that audit has been completed.

Compare: 1986 No 124 s 19

Section 30 heading: amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 30(1): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 30(1): amended, on 1 July 2001, pursuant to section 54(1)(a) of the Public Audit Act 2001 (2001 No 10).

Section 30(2): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 30(3): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 30(4)(a): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

Section 30(5): amended, on 1 July 2001, pursuant to section 52 of the Public Audit Act 2001 (2001 No 10).

31 Certain provisions not to apply if Crown ceases to hold controlling interest in company

Upon a controlling interest in the company ceasing to be held by Ministers of the Crown on behalf of the Crown, sections 4, 5, 6(3), 7, 8, and 29 shall cease to apply in respect of the shareholding Ministers, the board, and the company.

32 Amendment to Ombudsmen Act 1975

Amendment(s) incorporated in the Act(s).

33 Amendment to Income Tax Act 1976

[Repealed]

Section 33: repealed, on 1 April 2005 (effective for 2005–06 tax year and later tax years, except when the context requires otherwise), by section YA 2 of the Income Tax Act 2004 (2004 No 35).

34 Amendment to Official Information Act 1982

Amendment(s) incorporated in the Act(s).

35 Amendment to Public Finance Act 1989

Amendment(s) incorporated in the Act(s).

36 Consequential amendments and repeals

- (1) The enactments specified in the Schedule are hereby amended in the manner indicated in that schedule.
- (2) The following enactments are hereby repealed:

- (a) the Southland Electric Power Supply Act 1936:
- (b) *Amendment(s) incorporated in the Act(s):*
- (c) *Amendment(s) incorporated in the Act(s):*
- (d) the State-Owned Enterprises Amendment Act (No 2) 1992.

Section 36(1): amended, on 1 April 2005 (effective for the 2005–06 tax year and later years, except when the context requires otherwise), by section YA 2 of the Income Tax Act 2004 (2004 No 35).

37 Saving

Notwithstanding the repeal, by section 36(2)(a), of the Southland Electric Power Supply Act 1936, until the undertaking referred to in section 9 of that Act is transferred to the company pursuant to this Act, section 9 of the Southland Electric Power Supply Act 1936 shall continue to apply in respect of that undertaking as if section 36 of this Act had not been enacted.

Schedule
Enactments amended

s 36(1)

Income Tax Act 1976 (1976 No 65) (RS Vol 12, p 1)

Amendment(s) incorporated in the Act(s).

Official Information Act 1982 (1982 No 156) (RS Vol 21, p 579)

Amendment(s) incorporated in the Act(s).

Ombudsmen Act 1975 (1975 No 9) (RS Vol 21, p 657)

Amendment(s) incorporated in the Act(s).

Public Finance Act 1989 (1989 No 44)

Amendment(s) incorporated in the Act(s).

Reprints notes

1 *General*

This is a reprint of the Southland Electricity Act 1993 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Statutes Repeal Act 2017 (2017 No 23): section 3(1)

Income Tax Act 2004 (2004 No 35): section YA 2

Public Audit Act 2001 (2001 No 10): sections 52, 54(1)(a)

Employment Relations Act 2000 (2000 No 24): section 240

Southland Electricity Act Commencement Order 1998 (SR 1998/47)

Survey Amendment Act 1996 (1996 No 55): section 5

Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16): section 2

Southland Electricity Act Commencement Order 1994 (SR 1994/111)