

## New Zealand.



### ANALYSIS.

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## 1918, No. 5.

Title.

AN ACT to provide for the Construction or Purchase of Works for the Generation, Transmission, and Supply of Electric Power by Electric-power Boards. [10th December, 1918.]

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

Short Title.

1. This Act may be cited as the Electric-power Boards Act, 1918.

Interpretation.

2. In this Act, if not inconsistent with the context,—

“Board” means an Electric-power Board of an electric-power district:

“Clerk” means the Clerk of an Electric-power Board constituted under this Act:

“Constituent district” means the whole or any part of any borough, county, town district, or road district situated within an electric-power district:

“District” means an electric-power district proclaimed by the Governor-General under this Act:

- “Electric works” includes generating-works, transmission-lines, transformer-stations, and all other works authorized to be constructed or carried out under this Act :
- “Financial year” means a period of twelve months ending on the thirty-first day of March in any year :
- “Minister” means the Minister of Public Works :
- “Outer area” means any area or areas beyond the limits of a district, and within which area or areas an Electric-power Board is authorized to supply electric power to consumers :
- “Prescribed” means prescribed by this Act or by regulations made under this Act.

*Electric-power Districts.*

3. (1.) Any area or areas may be constituted an electric-power district or outer area under this Act in the manner following :—

Constitution of electric-power districts and outer areas.

- (a.) A petition in accordance with regulations praying that any area may be constituted an electric-power district shall be presented to the Governor-General. Every such petition shall be signed by not less than one-fourth of the ratepayers within each proposed constituent district.
- (b.) The petition shall contain the following particulars :—
- (i.) A description of the boundaries of the area or areas proposed to be constituted an electric-power district :
  - (ii.) A description of the boundaries of any area or areas proposed to be constituted an outer area :
  - (iii.) The boroughs, counties, town districts, and road districts or parts thereof forming the proposed constituent districts and any proposed outer area respectively :
  - (iv.) The number of ratepayers and the value, improved and unimproved, of all rateable property within each of such proposed constituent districts :
  - (v.) The number of members proposed to constitute the Board, and the number of members proposed to be elected by each constituent district, or by two or more constituent districts combined.
- (c.) The petition shall be publicly notified not less than one month before presentation in a newspaper circulating within the district, and a copy of such notice shall be served on the local authority of each proposed constituent district.

(2.) If after such inquiry as the Governor-General thinks fit he is of opinion that the petition should be granted, he may, by Proclamation, declare the area an electric-power district, and any proposed outer area an outer area of such district, or he may alter the proposed boundaries and proclaim the district and any outer area with such altered boundaries, and may assign a name to the district.

(3.) The Governor-General may by Proclamation, on petition signed by not less than one-fourth in number of the ratepayers within any defined area, alter the boundaries of a district so as to include such defined area within such district. The provisions of subsection one hereof, as to petitions, shall apply, *mutatis mutandis*, to petitions under this subsection.

*Electric-power Boards.*

Electric-power  
Boards.

4. (1.) For every electric-power district there shall be an Electric-power Board constituted in manner hereinafter provided.

(2.) Every such Board shall be a body corporate by the name of "The Electric-power Board," and shall have perpetual succession and a common seal, with power to purchase, take, hold, and dispose of real and personal property, and to do and suffer all that bodies corporate may lawfully do and suffer.

Constitution of  
Electric-power  
Boards.

5. (1.) Subject to the provisions of section six of this Act, every Electric-power Board shall consist of one or more representatives of each of the constituent districts within the electric-power district.

(2.) The number of representatives of each constituent district shall be such as is determined from time to time in each case by the Governor-General by Order in Council, having regard, in such manner as he thinks fit, both to the relative populations of those districts and also to the relative values of the rateable property in those districts.

(3.) The total number of members of any such Board shall in no case be less than five or more than twelve.

Combined districts.

6. (1.) In any case in which, by reason of the number of constituent districts in any electric-power district, or by reason of the smallness of the population of any such constituent district or of the value of the rateable property in that district, it is, in the opinion of the Governor-General in Council, impracticable or inexpedient to give full effect to the intent of the last preceding section, the Governor-General may, by Order in Council, combine into one or more combined districts any number of the constituent districts (whether of the same or of different kinds) in that electric-power district for the purpose of the election of representatives on the Board of that electric-power district.

(2.) In any such case the Governor-General shall, by the same or by any other Order in Council, from time to time prescribe the number of members to be elected in common as the representative or representatives of any such combined district, having regard, in such manner as he thinks fit, to the relative populations and the relative values of the rateable property of that district, and of every other combined or separate district within the electric-power district.

(3.) In any such case the Governor-General shall, by the same or any other Order in Council, from time to time select and appoint one of the local authorities of the combined district to be the principal local authority of that combined district within the meaning and for the purposes of this Act.

(4.) For all the purposes of this Act other than the election or appointment of representatives each of the constituent districts in a combined district shall be deemed to be a separate constituent district.

Alteration of  
constituent districts  
not to affect  
constitution of  
Board.

7. (1.) The creation, abolition, merger, union, division, or other alteration of any constituent district within an electric-power district shall not in itself have any operation so as to affect the then existing membership of the Electric-power Board of that district.

(2.) The Governor-General may from time to time, whenever in his opinion it becomes necessary or expedient so to do by reason of any such creation, abolition, merger, union, division, or alteration of constituent districts, or by reason of any other circumstance, revoke or amend any provisions made by him with respect to the representation of the constituent districts in an electric-power district, or with respect to the creation or representation of any combined district in an electric-power district; and may by Order in Council make, with respect to any of those matters, any other provisions which he thinks fit and which are not inconsistent with this Act.

(3.) If by any such Order in Council representation is given to any constituent district or combined district which is not already represented on the Board; or increased representation is given to any constituent district or combined district which is already represented on the Board, the Governor-General shall, by the same or any other Order in Council, fix the date of the first election of the representatives or additional representatives, as the case may be, of that district, and make all other provisions which are deemed necessary for that election.

(4.) If by any Order in Council under this section representation on a Board is taken away from any constituent district or combined district, the representatives of that district shall retire from office on the day appointed in that behalf by the Order in Council.

(5.) If by any Order in Council under this section a reduction is made in the number of representatives to which any constituent district or combined district is entitled, a sufficient number of those representatives shall retire from office on the day appointed in that behalf by the Order in Council so that the representation of that district may conform to the Order in Council. The representatives so to retire from office shall, in default of agreement among all the representatives of the constituent district or combined district, be determined by lot in manner determined by the Board.

8. (1.) The representatives on an Electric-power Board of any constituent district shall be elected by the electors of that district.

(2.) Every such elector shall have one vote only.

(3.) Every such election shall be held in the same manner, with all necessary modifications, as the elections of members of the local authority of the constituent district; and all the provisions of the Local Elections and Polls Act, 1908, and of all other Acts affecting the mode of election of members of that local authority (including the penal provisions thereof and the provisions relating to disputed elections), shall, so far as applicable and so far as consistent with this Act, apply accordingly.

(4.) Where an election of representatives of a constituent district is held simultaneously with an election of members of the local authority of that district, the voting-papers provided for the former election shall be different in colour from those provided for the latter.

(5.) In the application of the Local Elections and Polls Act, 1908, as aforesaid every reference therein to the local authority shall be construed as a reference to the local authority of the constituent district.

Election of  
members of  
Electric-power  
Board.

(6.) The Returning Officer of the local authority of the constituent district shall be the Returning Officer for the purpose of elections of representatives of that constituent district under this Act.

(7.) The reasonable cost of every such election, except the expenses of scrutineers and other expenses incurred by or on behalf of candidates, shall be borne and paid by the local authority of the constituent district.

(8.) Every candidate at any such election shall at the time of nomination deposit the sum of three pounds with the Returning Officer; and if that candidate does not receive one-eighth of the votes received by the successful candidate, or, as the case may be, by the successful candidate receiving the fewest votes, the deposit shall be forfeited to the local authority; but otherwise, or if the candidate duly withdraws his nomination before the election or is elected without a poll, the deposit shall be returned to him.

Election of  
representatives  
of combined  
district.

9. (1.) The representatives on an Electric-power Board of a combined district shall be elected by the electors of each of the constituent districts included in the combined district.

(2.) Every such elector shall have one vote only, even though he is an elector of more than one of the constituent districts included in the combined district.

(3.) Every such election shall be held in manner provided by regulations made by the Governor-General in Council either generally or in respect of any specified combined district or districts.

(4.) By such regulations the Governor-General in Council may apply to any such election, with such modifications, exceptions, and additions as he thinks fit, the provisions of the Local Elections and Polls Act, 1908, and of any other Act affecting the election of members of the local authority of any of the constituent districts included in a combined district.

(5.) The reasonable cost of every such election, except the expenses of scrutineers and other expenses incurred by or on behalf of candidates, shall be borne and paid by the several local authorities of the constituent districts included in the combined districts, in such proportions as the Governor-General may prescribe.

Date of first  
election of Board.

10. The first election of the representatives of any constituent district or combined district 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.

In default of  
election, Governor-  
General may  
appoint members.

11. If any constituent district or combined district fails, at the first or any subsequent election, to elect the required number of representatives the Governor-General may, by Warrant under his hand, appoint such qualified persons as he thinks fit to be the representatives of that district 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 Act.

Dates of subsequent  
elections of Boards.

12. (1.) 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.

(2.) 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.

(3.) 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.

13. Every representative of a constituent district or combined district shall come into office on his election or appointment, and shall, unless his office sooner becomes vacant, hold office until the election or appointment of his successor in accordance with this Act.

Members to come into office on date of election or appointment.

14. (1.) No person other than an elector of a constituent district shall be capable of being elected or appointed as a representative of that district or of a combined district which includes that district.

Qualifications of members.

(2.) The following persons are incapable of being elected or appointed members of an Electric-power Board:—

- (a.) A minor :
- (b.) An alien :
- (c.) A person of unsound mind :
- (d.) A bankrupt who has not obtained his order of discharge, or whose order of discharge is suspended for a term not yet expired or is subject to conditions not yet fulfilled :
- (e.) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon, or has served his sentence, or otherwise suffered the penalty imposed on him :
- (f.) A person who holds any office or place of profit under or in the gift of the Board :
- (g.) A person who is concerned or interested (otherwise than as a member of an incorporated company in which there are not less than twenty members, and of which he is neither a director nor 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 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 :

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 disqualification under this section.

#### *Extraordinary Vacancies.*

15. (1.) The office of a member shall become vacant if he—

- (a.) Dies ; or
- (b.) Resigns his office by writing under his hand delivered to the Clerk or Chairman of the Board, or is ousted of office ; or

Vacation of office by members.

- (c.) Becomes a bankrupt, or makes any composition with his creditors for less than twenty shillings in the pound, or makes an assignment of his estate for the benefit of his creditors ; or
- (d.) Becomes of unsound mind ; or
- (e.) Is convicted on indictment, or is sentenced by the Supreme Court on a plea of "Guilty" to any charge of an indictable offence, or is sentenced by any Court for any offence to imprisonment without the option of a fine or to reformative detention under any Act ; or
- (f.) Is absent without leave from four consecutive meetings of the Board ; or
- (g.) Holds any office or place of profit under or in the gift of the Board ; or
- (h.) Is concerned or interested, whether directly or indirectly (otherwise than as a member of an incorporated company in which there are not less than twenty members, and of which he is neither a director nor 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 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 :

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 section ; or

- (i.) Is convicted of an offence against section twenty-four hereof.
- (2.) If any person does any act as a member after his office has become vacant under this section he shall be liable on summary conviction to a fine of fifty pounds.
- (3.) If any member becomes concerned or interested in any contract made by the Board so as thereby to forfeit his office under this section he shall be liable on summary conviction to a fine of fifty pounds, and shall not be entitled to enforce that contract as against the Board ; and all moneys paid to him by the Board in respect of the contract shall constitute a debt due by him to the Board, and shall be recoverable by action accordingly in any Court of competent jurisdiction.
- (4.) Every member who knowingly takes part in the making by the Board of any contract in which any other member is so concerned or interested as thereby to forfeit his office under this section is liable on summary conviction to a fine of fifty pounds.
- (5.) It shall be the duty of the Audit Office to institute proceedings for the recovery of any fine under this section, but nothing herein shall be so construed as to prevent such proceedings from being taken by any other person.
- (6.) Any member who becomes concerned or interested in any contract made by the Board so as thereby to forfeit his office under this section shall be disqualified for three years after the date of that forfeiture from being elected or appointed as a member of the Board.



16. (1.) When a representative of any constituent district vacates his office on the Board through the operation of the last preceding section the local authority of that constituent district shall forthwith appoint some qualified person in his place as a representative of that district.

Appointments to fill casual vacancies.

(2.) When a representative of a combined district vacates his office on the Board through the operation of the last preceding section the local authorities of the several constituent districts included in that combined district shall forthwith, by agreement among themselves, jointly appoint some qualified person in his place as a representative of that district.

(3.) If no such appointment is made within two months after the happening of the vacancy the Governor-General may, by Warrant under his hand, make the required appointment.

(4.) The member so appointed shall hold office only for the unexpired portion of the term of office of his predecessor.

17. The establishment of an Electric-power Board, and the validity or legality of acts done by such a Board, shall not be affected by any error or defect in the election or appointment of any member of the Board, or by the fact that the full number of members has not been elected or appointed, or by the fact that any person acting as a member of the Board is disqualified or has vacated his seat.

Irregularities in appointment or election not to affect constitution or acts of Board.

#### *Ouster of Office.*

18. (1.) Upon proof in the first instance by affidavit or otherwise that any member of a Board is or has become incapable under this Act of holding his office, any Magistrate's Court in the district, or if there is no such Court in the district, then the nearest Magistrate's Court, may grant a summons calling upon the person holding such office to show cause why he should not be adjudged to be ousted of the same.

Ouster of office.

(2.) If on the return of such summons it appears to the Court, on affidavit or oral evidence on oath, that such person is incapable under this Act of holding the said office the Court may adjudge such person to be ousted of the same, and such person shall be ousted of such office accordingly.

(3.) In any such proceeding the Magistrate's Court may exercise all the powers and authorities which it may exercise in its ordinary jurisdiction in civil cases, and the procedure of such Court shall, so far as applicable, apply generally to proceedings had under this section.

(4.) No matter in relation to a disputed election shall be heard by the Magistrate's Court under this section.

(5.) No question which may be tried under this section shall be tried in the Supreme Court; and no proceedings in the Magistrate's Court hereunder shall be removable into the Supreme Court by certiorari or otherwise.

#### *The Chairman.*

19. (1.) In every district the Board shall at the first meeting of the Board after the constitution of a district, and thereafter at its annual meeting, elect one of its members to be Chairman of the Board.

Chairman to be elected by Board.

(2.) At every meeting for the election of a Chairman the Clerk shall preside, and in any case of an equality of votes shall determine the election by lot in such manner as the Board directs.

(3.) The Chairman shall come into office on his election, and shall hold office until the election of his successor.

(4.) The Chairman may resign his office by writing under his hand delivered to the Clerk; and in such case, or in the case of his ceasing from any cause to be a member of the Board, his office shall become vacant, and the Clerk shall forthwith convene a meeting of the Board for the election of a fresh Chairman.

Remuneration of  
Chairman.

20. (1.) The Chairman may be paid out of the funds of the Board such annual allowance, not exceeding two hundred pounds, as the Board from time to time fixes; but no alteration in the amount of the allowance shall take effect during the term of office of the Chairman for the time being. The receipt of an allowance under this section shall not constitute a cause of forfeiture of office under section fifteen hereof.

(2.) For the purposes of this section a person re-elected Chairman shall be deemed a new Chairman.

*Proceedings of Board.*

Majority of Board  
to determine  
questions before  
the Board.

21. (1.) All acts of the Board, and all questions coming or arising before the Board, may be done and decided by the majority of such members of the Board as are present and vote at a meeting held in pursuance of this Act or of any by-law made thereunder.

(2.) A meeting shall be duly constituted if a quorum is present thereat, whether voting or not.

(3.) At a meeting of the Board a quorum is a number of members not less than one-half of the number of the whole Board when that number is even, or a majority of such number if odd.

(4.) The Chairman shall have a deliberative vote, and in any case in which the votes are equal shall have a casting-vote also.

Questions decided  
by open voting.

22. Every question coming before the Board shall be decided by open voting.

Chairman to preside  
at meetings.

23. (1.) The Chairman shall preside at every meeting of the Board at which he is present.

(2.) If the Chairman is absent from any meeting of the Board, then such member as the members of the Board then present choose shall be chairman of that meeting.

Disqualification of  
members of Board  
from voting in  
certain cases.

24. (1.) A member of the Board shall not vote on or take part in the discussion of any matter before the Board in which he or his partner in any business, calling, or undertaking has, directly or indirectly, any pecuniary interest otherwise than as the occupier or owner of rateable property, or as a member of an incorporated company in which there are not less than twenty members and of which he is neither a director nor the general manager.

(2.) A member who knowingly offends against this section is liable on summary conviction to a fine of fifty pounds.

(3.) It shall be the duty of the Audit Office to institute proceedings under this section, but nothing herein shall be so construed as to prevent such proceedings from being taken by any other person.

25. (1.) The Board shall hold such ordinary meetings at such stated times and at such place as it from time to time appoints. Ordinary meetings of Board.

(2.) The Chairman or the Clerk shall give notice in writing to each of the members of the time and place appointed from time to time for holding ordinary meetings, and the members shall attend such meetings without further notice of each meeting.

(3.) The first ordinary meeting after a general election of members, and the first ordinary meeting held in the same month in every alternate year, shall be the annual meeting of the Board.

26. (1.) The Board may hold special meetings, and the Chairman or any three or more of the members may call a special meeting. Special meetings.

(2.) No special meeting shall be held unless at least seven days' notice in writing thereof and of the business to be transacted thereat has been given to members, and no business shall be transacted at a special meeting unless notice thereof has been so given.

27. Any meeting of the Board may be adjourned to another day not later than seven days thereafter, and notice of such adjourned meeting shall be given to each member. Adjournment of meetings.

28. If a quorum is not present within half an hour of the time appointed for any meeting the Chairman, or members, or member (if there is only one) present, or the Clerk, if no member is present, shall postpone such meeting either to a later hour on the same day or to the next day at the usual hour of meeting. No notice of any such postponement need be given. A postponed meeting may be adjourned, but not postponed. Postponement of meetings.

29. (1.) Meetings of the Board shall be open to the public, but the Board for sufficient cause, of which it shall be the sole judge, may exclude strangers altogether from any meeting. Meetings of Board to be open to public unless Board otherwise determines.

(2.) The Chairman at any meeting may order any constable or officer of the Board to exclude or remove any stranger from the meeting on account of noisy or disorderly conduct, or intoxication.

30. (1.) No extraordinary business shall be transacted at any ordinary meeting of a Board unless due notice of such business has been given at a prior meeting, or forwarded to the Chairman or Clerk ten days at least before the meeting at which it is to be brought forward, and at least seven days' notice in writing of such business has been sent to each member. Notice to be given of extraordinary business.

(2.) Subject to the by-laws of the Board, the Chairman of the meeting shall determine what business shall be deemed to be extraordinary within the meaning of this section.

31. (1.) Any resolution of a meeting of the Board may (save as to anything theretofore lawfully done thereunder) be revoked or altered at the same meeting by the unanimous vote of the members present when it was passed, or by a resolution passed at a subsequent meeting of the Board. Revocation or alteration of resolutions of Board.

(2.) Notice of such subsequent meeting and of the proposal to revoke or alter such resolution shall be given to each member seven days at least before such subsequent meeting.

32. No act or proceeding of a Board shall be invalidated in consequence of any failure to give to any member of the Board due notice of any meeting or of the business to be transacted thereat. Proceedings of Board not invalidated for failure to give due notice.

Minutes of proceedings to be kept.

33. (1.) The Clerk shall keep the minutes of the proceedings of the Board in a book, in which he shall enter, subject to the direction of the Board, the names of the members attending each meeting, and the names of the members voting on each question on which there is a division, and every resolution, order, or other proceeding of the Board, and any other matter directed by the Board to be entered upon the minutes.

(2.) The minutes of the proceedings of every meeting shall be read at the next ordinary meeting succeeding, and, if approved by the Board or when amended as directed by the Board, shall be signed by the Chairman of such succeeding meeting.

(3.) The minutes of proceedings of any meeting of the Board kept as above provided, or an extract thereof certified as correct by the Chairman or Clerk, shall, unless the contrary is proved, be received as evidence of such proceedings and of the due convening and holding of the meeting; and the validity of all such proceedings shall be presumed unless the contrary is proved.

(4.) The minute-book of the Board shall be kept in the office of the Board, and shall be open for inspection, without fee, during all office hours, by any member of the Board or by any creditor or elector of the district.

Remuneration of Board.

34. The Board may, out of its funds, pay to members such reasonable remuneration for their services and travelling-expenses as may be prescribed. The receipt of any payment under this section shall not constitute a cause of forfeiture of office under section fifteen hereof.

#### *Special Orders.*

Special orders, how made.

35. (1.) The power given by this or any other Act to a Board to do anything by special order shall be exercised only as follows:—

(a.) Notice of the intention to move the resolution to do such thing shall be given as for extraordinary business, and the resolution shall be passed at the meeting for which the notice was given.

(b.) The resolution shall be confirmed at a subsequent meeting held not sooner than the twenty-eighth day and not later than the fifty-sixth day after the first meeting.

(c.) Public notice of the time and place fixed for the subsequent meeting, and of the resolution, shall be given once in each of the four weeks immediately preceding the day on which the subsequent meeting is to be held.

(d.) In publicly notifying the resolution it shall be sufficient to set forth the object, purport, or general effect thereof if a copy of the resolution is deposited at the public office of the Board, and is open to the inspection of the public for at least twenty-one days immediately preceding the day appointed for the holding of the subsequent meeting.

(2.) A special order may (save as to anything theretofore lawfully done thereunder) be revoked or altered by a subsequent special order.

(3.) A document purporting to be a copy of any special order, sealed with the common seal of the Board, shall be received as evidence for all purposes of the special order, of which such document

purports to be a copy, having been duly made in accordance with this Act, unless the contrary is proved.

(4.) A special order shall not be quashed by any proceedings in any Court or otherwise unless such proceedings are commenced within six months from the making of the special order.

*Regulation of Procedure.*

36. A Board may, subject to the provisions of this Act, make by-laws or pass resolutions— Board may make by-laws.

- (a.) Regulating the proceedings of the Board and the conduct of meetings thereof respectively :
- (b.) Regulating the adjournment of meetings of the Board :
- (c.) Directing notices of meetings to be given, and prescribing the form, and mode, and time of service thereof :
- (d.) Regulating debates :
- (e.) Providing for the custody of documents and the custody and use of the common seal, and prescribing the mode and form of attestation thereof :

Provided that no by-law or resolution made or passed under this paragraph shall affect any person acting in good faith, and taking or to take any estate, interest, or advantage under any document having or about to have the common seal affixed thereto :

- (f.) Prescribing the duties of officers and servants :
- (g.) Prescribing forms of, and in connection with, any proceedings of the Board :
- (h.) Concerning anything incidental to any of the matters hereinbefore referred to.

*Public Office.*

37. A Board may from time to time provide public offices within the district with fitting furniture for the same for holding its meetings and transacting its business, and for the use of its officers, and for any other purposes ; and may purchase or take on lease land or buildings for such purpose, or may cause buildings to be erected on any land belonging to or leased to the Board, or any such building to be added to or improved. Offices of Board.

*Officers.*

38. (1.) A Board may by resolution from time to time appoint fit persons to be Clerk, Treasurer, Engineer, Surveyor, Manager, and all such other officers and servants as it thinks necessary to assist in the execution of this Act ; and may pay such persons such salaries and allowances out of the funds of the Board as it thinks fit. Appointment of officers of Board.

(2.) No member of the Board shall be capable of holding any such office, unless without remuneration.

(3.) One person may hold two or more of such offices.

39. During the absence from duty of any officer of the Board by reason of illness, leave of absence, or other cause, the duties and powers of such officer may be performed and exercised by an acting-officer appointed by resolution of the Board ; and any such appointment may be either general or for some occasion only. Acting-officers.

*Finance.*

Borrowing-powers  
of Board.

40. (1.) The Board may from time to time borrow such sums as are necessary for the undertaking authorized pursuant to this Act.

(2.) Such sums shall be borrowed in the manner prescribed by the Local Bodies' Loans Act, 1913, all the provisions of which Act (save Parts II and III thereof) shall accordingly extend and apply as if the Board were a local authority and the electric-power district a district within the meaning of that Act :

Provided that the rate of interest payable in respect of any such loan shall not exceed five and a half per centum per annum, unless in any case the Minister of Finance has by writing under his hand agreed to some higher rate, in which case the rate of interest payable as aforesaid shall not exceed such higher rate.

Estimated  
expenditure and  
income of Board.

41. (1.) The Board shall during the month of April in every year, or as soon thereafter as may be, make an estimate—

(a.) Of the amount of its expenditure during the financial year ;  
and

(b.) Of the amount of its income during the same year.

(2.) In this section the term "expenditure" includes any deficiency in the revenues of the Board during the preceding or any former financial year, but does not include capital expenditure ; and the term "income" includes moneys in the hands of the Board at the commencement of the financial year, but does not include capital moneys borrowed under the authority of the last preceding section.

Board may make  
and levy rate for  
excess of  
expenditure  
over income.

42. In any year in which the amount of the estimated expenditure exceeds the amount of the estimated income the amount of the excess may be raised by a uniform rate, which may be levied either on the improved or unimproved value of all rateable property within the district.

Rates to be  
collected by local  
authorities on  
behalf of Board.

43. (1.) When the Board has made and levied any general, separate, or special rate it may cause a copy of the special order making and levying such rate to be forwarded to the local authority of the constituent district within which such rate has been made and levied.

(2.) Every such local authority shall forthwith proceed to collect such rate in such manner, as nearly as may be, and with such powers, and the rate shall be payable by and receivable from such persons and in such manner, in every respect as if such rate had been validly made and levied by such local authority.

(3.) All such rates shall be held by every such local authority as trustee for the Board, and shall be handed over to such Board as collected.

Board may borrow  
moneys by way of  
bank overdraft.

44. (1.) The Board may, in anticipation of its income, from time to time borrow moneys from its bankers by way of overdraft, not exceeding at any time the amount of the estimated income for the current financial year less the amount of moneys in the hands of the Board at the commencement of the year, if any.

(2.) The Board may, for the purpose of providing for the cost of survey and other preliminary works and the expenses of administration, before borrowing moneys by special loan pursuant to section

forty hereof, and notwithstanding that an Order in Council authorizing the construction of the electric works may not have been granted, make and levy a uniform rate over the whole electric-power district.

(3.) The Board may pledge such rate as security for moneys borrowed from its bankers.

45. (1.) The Board may appropriate in any year any moneys standing to the credit of the Power Fund Account, and not appropriated for any special purpose, towards the creation of a special fund to provide for the following contingencies:—

Board may establish special funds.

(a.) Destruction of or injury to any of the property of the Board:

(b.) Depreciation in the value of any of the property of the Board:

(c.) Claims which may be made upon the Board by employees or any other persons:

(d.) The strengthening of any sinking fund of any loan, or the depreciation of any of the investments thereof:

(e.) Any other exceptional losses or expenditure.

(2.) The Board may invest all moneys so appropriated, and the interest and profits accruing therefrom, in such securities as it from time to time determines.

(3.) The Board may at any time, and from time to time, repay into the Power Fund Account the whole or any part of the moneys so appropriated or invested and the accumulations thereof, except in the case of moneys set apart for the contingencies mentioned in paragraph (b) of subsection one hereof.

46. (1.) All moneys belonging to the Board shall be paid into such bank as the Board from time to time appoints, to an account to be called "The Power Fund Account."

Power Fund Account to be kept with bank.

(2.) No money shall be drawn out of the bank except pursuant to a resolution of the Board; and all moneys shall be paid by the Board in cash, or by cheque signed by any two of such of the members as the Board from time to time authorizes to sign cheques and countersigned by the Treasurer.

47. (1.) The Board shall cause books to be provided and kept, and true and regular accounts to be entered therein, in the form prescribed by regulations, of all sums received and paid by the Board, and of the several purposes for which such sums were received and paid.

Board to keep proper accounts.

(2.) Such books shall at all reasonable times be open for the inspection of any member of the Board and any debenture-holder or creditor of the Board.

48. (1.) The Board shall, not later than the month of May in every financial year, cause its accounts for the preceding financial year to be balanced, and a true statement and account to be prepared, in the form prescribed by regulations—

Balance-sheet to be prepared and accounts to be audited.

(a.) Of all contracts entered into during the financial year;

(b.) Of all moneys received or expended during that year;

(c.) Of the income and expenditure of the Board for that year; and

(d.) Of all assets and liabilities of the Board at the end of that year.

(2.) All such accounts shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act, 1910, in respect of public moneys.

*Construction or Purchase of Electric Works.*

Board not to purchase or construct electric works without consent of Governor-General in Council.

49. (1.) It shall not be lawful for any Board constituted under this Act to purchase or commence the construction of electric works, or to enter into any contract, matter, or thing authorized by this Act to be done in or about the purchase or construction of electric works, unless and until an Order has been granted by the Governor-General in Council authorizing the purchase or construction of such electric works.

(2.) Every application for such Order shall be in writing under the common seal of the Board, and shall be left at the office of the Minister of Public Works, together with—

(a.) A plan setting forth the situation of any proposed generating-works; the method of generation, which may be either hydraulic or fuel; an estimate of the length, direction, and voltage of transmission line or lines (such particulars to be set forth separately in respect of the generating-works, transmission-lines, and other works proposed to be constructed by the Board, and those which may already be in existence within the electric-power district, and which the Board proposes to acquire and take over); together with a book of reference showing the lands required to be taken for the same, and the names of the owners and occupiers of such lands so far as the same can be ascertained, together with the names of the owners of the undertakings proposed to be acquired; every such plan shall be on a scale or scales to be fixed by regulations, and shall show the several lands, streets, roads, and places along, through, over, or under which the transmission line or lines is or are intended to or do pass, as described in the said plan and book of reference:

(b.) An estimate of the cost of any generating or other works proposed to be constructed or acquired, and the equipment thereof, signed by some competent engineer and approved by the Electrical Engineer-in-Chief of the Public Works Department or by such other officer of the Public Works Department as the Minister may authorize in that behalf.

(3.) The Governor-General may require from the Board such further information as he deems necessary to enable him to judge of the necessity of the proposed work and the ability of the Board to carry it out; and may, if he thinks fit, direct an inquiry in the district to which the application relates, or may cause such other inquiries to be made as in the circumstances he deems proper.

(4.) Where it appears to the Governor-General in Council expedient and proper that the application should be granted, the Governor-General in Council may issue an Order authorizing the electric works to be constructed or purchased in accordance with the provisions of this Act.



(5.) The issue of an Order in Council shall be conclusive proof for all purposes that all proceedings, matters, and things required by this Act prior to the issue of such Order in Council have been duly taken, done, and fulfilled.

50. (1.) Copies of the plan and book of reference shall be deposited in some public place within the electric-power district, and at such other public places as the Governor-General determines.

Copies of plan and book of reference to be deposited for public inspection.

(2.) The plan and book of reference shall be open to public inspection at each such place at all reasonable hours; and any person having the custody thereof who refuses or obstructs inspection thereof is liable to a fine not exceeding five pounds.

51. (1.) The Board shall, within seven days after the deposit of the plan and book of reference as aforesaid, cause notice thereof to be published in a newspaper circulating in the district, and such notice shall be published at intervals of not more than three days once at least in each of four successive weeks from the date of such deposit.

Notice of deposit to be advertised.

(2.) A copy of such notice shall be given to each owner or occupier of any land whose name is set forth in the book of reference in the manner hereinafter prescribed.

(3.) Where the lands required to be taken comprise lands owned by Natives a notice referring to such lands, and stating generally the nature of the application, shall be published in the *Kahiti*.

52. Notwithstanding anything in section forty-nine hereof, the Board before obtaining the Order referred to in that section may take all necessary preliminary steps for the future construction and purchase of electric works.

Board may take preliminary steps before obtaining authorizing Order in Council.

53. (1.) On the issue of an Order in Council as aforesaid authorizing the construction or purchase of electric works the Board shall have power to purchase, construct, and maintain the electric works; and may enter into contracts with any person for the purchase, construction, or maintenance of the electric works, or for any other purpose authorized by this Act or by any Order in Council made thereunder, or for furnishing materials, or for any other things necessary for the purposes of this Act.

On issue of authorizing Order, Board may purchase or construct electric works.

(2.) The Board may enter into any such contract with the Minister of Public Works, and the Minister of Public Works is hereby authorized to make any such contract with the Board, for the construction or maintenance of electric works by the Department of Public Works at the cost and charges of the Board, or for any such purpose or matter as is referred to in subsection one hereof.

54. The generating-works and other undertakings constructed under this Act shall be subject to the provision of Part XII of the Public Works Act, 1908; section five of the Public Works Amendment Act, 1908; and sections two, three, four, five, and six of the Public Works Amendment Act, 1911.

Works constructed under this Act to be subject to Part XII of Public Works Act, 1908, and amendments.

55. (1.) Any surveyor, or engineer, or other officer appointed by the Board may from time to time enter upon any land within the electric-power district or outer area (whether before or after the deposit of a plan and book of reference as before provided), with such assistants as he thinks fit, for the purpose of making any survey or inspection for the proposed works and undertakings of the Board; and may fix or set up thereon survey pegs, marks, or poles, and dig

Authority to make surveys, &c., within the electric-power district or outer area.

or bore into such lands so as to ascertain the nature of the soil, and set out the lines of any works thereon.

(2.) In all cases notice shall be given to the owner or occupier of the land to be entered upon before such entry is made; and the surveyor, engineer, or other officer shall, when required to do so, produce to the owner or occupier of any land the written authority of the Clerk or Chairman of the Board to make the survey.

(3.) In case any damage is done by the surveyor, engineer, or other officer in exercise of the powers hereby conferred upon him the Board shall be liable to make good the same; and the amounts thereof shall be ascertained in the mode hereinafter provided as to the assessment of compensation for land taken or affected by the electric works.

Board may hold and occupy land, and exercise other incidental powers.

56. (1.) Subject to the provisions of this Act, the Board may exercise all or any of the powers hereby conferred by this Act for the purchase or construction of the electric works, and may enter upon or cause to be entered upon all lands which it is authorized to use or acquire under this Act for the purpose of making such surveys as may be necessary, and, subject as aforesaid, may take and hold all the lands specified in the plan and book of reference and required for the electric works along the line to be set forth and described as aforesaid or within the limits of deviation, and may temporarily occupy and use such lands as may be necessary on either side of the electric works during the construction thereof.

(2.) The Board shall be a local authority for all the purposes of the Public Works Act, 1908; and the electric works constructed, purchased, or taken over, and all works which the Board is authorized by this Act to undertake, shall be deemed to be public works within the meaning of that Act.

General powers of Board with respect to authorized works.

57. Subject to the restrictions hereinafter specified, the Board may do the following things in respect of any electric works authorized to be constructed or acquired under this Act:—

- (a.) May erect generating-works, transmission-lines, transformer-stations, and all other works authorized by this Act on, over, or under any land necessary for the construction thereof, 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, and for this purpose may construct works of every description and of every material necessary to the working thereof;
- (b.) May do all things necessary to secure the rights of and to utilize the water intended or required to be used for the generation of electric power as defined in the plan and book of reference;
- (c.) May purchase, either for cash or on such terms as it may deem fit, or lease on such terms as may be expedient, such coal- or other fuel-bearing lands as may be necessary for the proper working of the undertaking; and may do all things necessary by mining, quarrying, or otherwise to raise any fuel required for generating the electric power;
- (d.) May purchase electric energy in bulk from the Minister of Public Works, or from any local authority, company, or person authorized to sell the same;

- (e.) May erect transformer-stations in such places as may be found necessary for the distribution of the electric energy generated or purchased by the Board ;
- (f.) May erect a transmission-line or transmission-lines along, on, over, or under any road or tramway or public reserve, and may alter the level of any road or tramway for such purpose ;
- (g.) May erect a transmission-line or transmission-lines across any river or stream, but so as not to impede the navigation on any navigable river, except as may be provided by a special Act ;
- (h.) May alter the course or level of any river not navigable, or of any stream, watercourse, ditch, or drain ;
- (i.) May make and maintain drains or conduits on or under any land adjacent to, and for the purpose of carrying water from off, the works and undertakings of the Board ;
- (j.) May remove or alter any drain or sewer, or any pipes or other material for the supply of water or gas belonging to any body or person within or beyond the limits of the operation of the Board ;
- (k.) May erect works and install all needful machinery and plant for the utilization and proper treatment of the by-products of coal or other fuel used in the generation of electric power ; and may employ chemists or other specialists, either permanently or temporarily, for research and advice thereon ;
- (l.) May sell or otherwise dispose of tar, gas, coke, or other by-products of coal or other fuel, if any, used in the generation of electric power ;
- (m.) May provide all such buildings, engines, stations, machinery, piers, wharves, roads, bridges, approaches, and other works in connection with the undertaking of the Board as may be thought necessary ;
- (n.) May enter into contracts with local authorities, public and private companies, and others for the supply to them of electric power in bulk ; and such local authorities, public and private companies, and others may distribute such power to consumers either as agents of the Board or on their own behalf on such terms and conditions as may be agreed upon ;
- (o.) May sell electric energy to any local authority or to consumers generally within the district, in bulk or otherwise, and on such terms and conditions as it deems fit ;
- (p.) May make such arrangements as it may deem expedient to consumers, either individually or collectively, whose point of consumption is within the outer area, for the erection and maintenance of a transmission-line or transmission-lines, and supply of electric power ;
- (q.) May construct all roads, bridges, tramways, or other means of access and transit necessary for the construction and maintenance of the electric works ; and

(r.) Generally may do all acts necessary for constructing, maintaining, altering, repairing, and using the works and all the other undertakings of the Board.

Board may supply electric power to consumers within outer area.

58. Nothing in this Act shall prevent the Board from erecting transmission-lines, transformer-stations, and other works for the distribution and supply of electric power, or from supplying such power to consumers within the area of supply of any licensee under section two of the Public Works Amendment Act, 1911, provided that such area of supply is within the outer area; but the Board shall not supply electric power direct to consumers within any such area of supply included in the district without the consent of the licensee.

Alteration of roads, &c., by Board not to occasion undue inconvenience.

59. (1.) Where it is found necessary for the construction of electric works to alter any road, tramway, watercourse, sewer, or drain, or any other public work, or any water-pipe or gas-pipe for the supply of water or gas belonging to a private person or a company, such alterations shall be made in such a manner as to interfere as little as possible with the works so altered, and so as to afford to the public and to every person entitled to use the same an equal use and convenience as before such alteration.

(2.) Before commencing any such alteration the Board shall cause a plan thereof to be prepared and to be submitted to the local authority under whose control the work proposed to be altered is, or to the owner of such sewer, drain, water-pipe, or gas-pipe, or other work, as the case may be; and if such local authority or owner objects to the proposed alteration the Board shall appoint a competent engineer to confer with such local authority or owner and to agree with it or him as to the manner in which such alteration shall be made.

(3.) If no agreement can be come to between the parties the matter shall be referred to two Justices, who shall make such order therein as they think fit, and the alteration shall be made in accordance with such order.

Temporary occupation and use of land for certain purposes.

60. Except as and subject to the conditions hereinafter provided, the Board may temporarily occupy and use any lands for the purpose of constructing or repairing the electric works, and may do the following things thereon:—

- (a.) May take therefrom stone, gravel, earth, and other materials:
- (b.) May deposit thereon any such material:
- (c.) May form and use temporary roads thereon:
- (d.) May manufacture bricks or other materials thereon:
- (e.) May erect workshops, sheds, and other buildings of a temporary nature thereon.

Notice in writing to be given to occupier of intention to occupy lands.

61. (1.) The engineer or other person having charge of the electric works shall, before occupying or using any land as herein provided, and except in the case of accident to the electric works requiring immediate repair, give to the owner or occupier thereof not less than twenty-one days' notice in writing, and shall state in such notice the use proposed to be made of such land.

(2.) The said owner or occupier may within ten days after receiving such notice, and after giving notice to the said engineer or

other person of his intention so to do, apply to any Justice, who may thereupon summon such engineer or other person to appear before two Justices at a time and place to be named in the summons.

(3.) If it appears to the Justices that the use proposed to be made of the said land is unreasonable and unnecessary, or that other neighbouring lands are more fitting to be used for the purpose proposed, the Justices may, by writing under their hands, order that the land in question shall not be occupied or used in the manner proposed.

(4.) If it appears to the Justices that the use proposed to be made of the said land is reasonable and necessary they may in like manner order that the said land may be occupied and used, or material taken therefrom, in such manner and to such extent only and subject to such limitations and restrictions as they think fit; and all persons concerned shall be bound by any such order.

62. The owner of any land temporarily occupied as aforesaid may at any time during such occupation, by notice in writing to the Board, require the Board to take the land.

Owner of land temporarily occupied may require Board to take same.

63. The Board in constructing the electric works may deviate from the sites and routes set out in the plan, but may not take or use for the purpose of such deviation any land not comprised within the limits of deviation set forth in the plan and book of reference without the consent in writing of the owner of the land.

Deviation from sites and routes as appearing on plan.

64. No advantage shall be taken of or against the Board, either during or after the purchase or construction of the electric works, on account of any error or omission in such plan or book of reference in any case in which it appears to two Justices that such error or omission proceeded from mistake, and the Justices have, by writing under their hands, so certified accordingly.

Errors or omissions in plan or book of reference, due to mistake, not to prejudice Board.

65. The Board shall, as soon as may be after the issue of the Order in Council referred to in section forty-nine hereof, acquire or commence the construction of the electric works in accordance with the plans approved by the Governor-General, and shall prosecute the same to completion without delay or intermission unless hindered or prevented by some unforeseen cause.

Board to undertake works without undue delay after issue of authorizing Order in Council.

66. During the construction of the electric works and the execution of the works connected therewith, and after the completion thereof, the Governor-General shall be at liberty to direct any engineer or other person to inspect the works, transmission-lines, and other works of the Board; and upon or after such inspection may require that such additions, alterations, or repairs shall be made by the Board as, in the opinion of the Governor-General, are necessary or desirable for the utility and safety of the undertaking and the public. All such additions, alterations, or repairs shall be made in a manner to be approved by an officer appointed for the purpose by the Minister.

Governor-General may authorize inspection of works, and may require alterations or additions thereto.

67. If it is found that any land taken under this Act is not required for the purposes of the electric works the Board may, with the consent of the Minister publicly notified and gazetted, cause the same to be sold by public auction; or, with the like consent, may cause such land to be leased for any term not exceeding twenty-one years, at such rent and upon such terms and conditions as the Board thinks fit.

Disposal of lands taken but not required for purposes of electric works.

Compensation under Public Works Act, 1908, for lands taken or injuriously affected.

68. Every person having any estate or interest in any land taken under the authority of this Act, or injuriously affected thereby, or suffering any damage from the exercise of any of the powers hereby given, shall be entitled to full compensation for the same from the Board. Such compensation may be claimed and shall be determined in the manner provided by the Public Works Act, 1908.

*Power of Purchase by the Governor-General.*

Governor-General may acquire works.

69. The Governor-General shall be entitled, at any time after the date on which the electric works provided for in the Order in Council have been completed, upon giving twelve months' notice in writing to the Board, to purchase the electric works at a price to be determined by arbitration, the award being that of three arbitrators or any two of them, one arbitrator being appointed by the Governor-General, another by the Board, and a third arbitrator by the two other arbitrators.

On payment of compensation, Board to convey works, &c., to His Majesty.

70. On payment of the compensation to be determined as provided in the last preceding section the Board shall convey, assign, and transfer to His Majesty the whole of the electric works and everything appurtenant thereto, free from all encumbrances.

No compensation to be payable in respect of goodwill.

71. (1.) No compensation whatever shall be paid for the goodwill of the electric works, but the arbitrators in determining the price to be paid to the Board shall take as a basis of the valuation the cost of other similar electric works at the time when the works forming the subject of the arbitration were constructed or acquired, as the case may be.

(2.) The arbitrators shall also take into consideration the depreciation in the electric works, including therein any onerous or burdensome provisions respecting the use of the electric works, or any easements, rights, or privileges in connection therewith.

Additional compensation to be paid in certain cases.

72. (1.) If such power of purchase is exercised by the Governor-General as aforesaid between the periods hereinafter respectively mentioned after the electric works have been completed there shall be added to the amount of compensation, to be ascertained as before provided, the percentage hereinafter mentioned, that is to say,—

Ten years and not exceeding fourteen years, five per centum :

Fourteen years and not exceeding twenty-one years, ten per centum.

(2.) The amount of such percentage as the case may require shall be ascertained by the arbitrators, and shall be deemed to be and shall be paid as part of the compensation.

Compensation to be in full satisfaction of Board's claims.

73. (1.) The compensation so ascertained as aforesaid shall be accepted by the Board in full satisfaction of all claims and demands in respect of the purchase of the electric works, and all the rights, powers, and privileges of the Board in respect thereof, and shall be paid out of moneys appropriated for that purpose by Parliament.

(2.) Until Parliament has appropriated money for such purpose no agreement made by the Governor-General to purchase any electric works constructed or purchased under this Act shall be binding on him or the Government.

74. All electric works purchased by the Governor-General under the provisions of this Act shall be and become subject to all laws, by-laws, and regulations in force at the time of such purchase in respect of any similar Government undertaking.

Control of works  
acquired by Crown.

75. Nothing in this Act shall be deemed to authorize the Governor-General, on purchasing any electric works under the authority of this Act, to require any person holding a debenture to receive payment of the principal-moneys secured thereby unless and until the time prescribed therein for repayment has arrived.

Debenture-holders  
not required to  
accept payment of  
principal-moneys  
in advance.

76. No receiver shall sell or make application to a Judge of the Supreme Court for an order to sell any portion of the Board's property charged by any debenture unless and until he has first given notice in writing to the Governor-General of his intention to sell or to apply for such an order; and unless the Governor-General within three months next after the receipt of such notice either fails to give to such receiver notice of his intention to purchase or gives to such receiver notice in writing that it is his intention not to purchase.

Receiver required  
to give notice to  
Governor-General  
of intention to sell  
any portion of  
Board's property.

77. (1.) If the Governor-General exercises the power of purchase conferred by this Act, and the electric works or any part thereof purchased is then charged with any moneys borrowed by the Board, and the moneys charged are less than the price determined by arbitration as aforesaid, the moneys to be paid to the Board shall be the difference between the moneys charged and the price so to be determined.

Provisions to  
apply where  
Governor-General  
purchases works  
charged with  
moneys borrowed  
by Board.

(2.) If the moneys charged are more than the price so determined the Board shall pay to the Governor-General the difference between the price so determined and the money charged.

(3.) If the money charged, or any part thereof, bears interest at a higher rate than five and one-half per centum per annum, the arbitrators who determine the price to be paid for the purchase shall ascertain what (if any) is a proper sum to be allowed to the Governor-General as a rebate in respect of any interest on the amount charged in excess of five and one-half per centum per annum; and the amount so ascertained (if any) shall be added to the principal-money so charged, and, as between the Governor-General and the Board, shall be deemed an amount charged upon the electric works.

(4.) If after having paid or liquidated all moneys borrowed, and other debts or charges which may have been owing against and in connection with the electric works purchased and taken over by the Governor-General, the Board has a sum of money or securities for money remaining in hand it shall hand over such remaining money or securities to the local authorities of the constituent districts in proportion to the rateable value of all rateable property within each such district.

#### *Miscellaneous Provisions.*

78. (1.) Any contract which, if made between private persons, must be by deed shall, if made by an Electric-power Board, be in writing under the seal of the Board.

Contracts of Board,  
how made.

(2.) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith may, if made by an Electric-power Board, be in writing signed on behalf of the Board by some person duly authorized in that behalf.

(3.) Any contract which, if made between private persons, may be made verbally without writing may be similarly made by or on behalf of an Electric-power Board.

Judge or Magistrate, being a ratepayer, not deemed to be thereby interested in any proceedings.

79. No Judge, Magistrate, or Justice shall be deemed to be interested in any case in which he is acting judicially solely on the ground that he is a ratepayer.

Service of judicial process on Board.

80. Any summons, writ, or other legal proceedings requiring to be served on the Board may be served by being left at the office of the Board or given personally to the Clerk thereof.

Governor-General may assume possession and control of works if Board guilty of inexcusable delay in prosecution of its purposes.

81. (1.) In the event of any unreasonable or inexcusable delay by the Board in the prosecution of the electric works authorized by this Act, or if, after the completion of the said electric works in whole or in part so that the whole or any complete part or section of such electric works may be used for the purposes of supplying electric power, the Board fails for the space of twenty-one clear days, without reasonable excuse, to supply such power the Governor-General may take possession and assume the management of the electric works, and, if he thinks fit, complete the same and supply the electric power, charging the Board with all outlay and expenditure which may be entailed, and crediting the Board with all earnings and receipts.

(2.) In any such case there shall be paid by the Board to the Governor-General, and by the Governor-General to the Board, the balance from time to time found to be due from the one to the other of them, the accounts being computed and rendered at intervals of not less than six months; or the Governor-General may restore the possession of the electric works to the Board, or waive any breach in any contract as aforesaid, on such terms and conditions as he thinks fit.

Appeal to Supreme Court from exercise of powers of Governor-General.

82. (1.) If the Governor-General exercises the powers vested in him by the last preceding section the Board may apply to the Supreme Court as hereinafter provided.

(2.) Every such application shall be heard and determined by a Judge of the Supreme Court in a summary way; and such application shall be limited to the question whether there has been such unreasonable or inexcusable delay, or such failure to supply power as aforesaid, as to justify the exercise of such powers by the Governor-General or any of them.

(3.) The Judge shall, in such manner as he thinks fit, hear and receive evidence, either oral or by affidavit, as to the matters upon which his decision is sought; and any order made by the Judge shall set forth whether in his opinion the power conferred by the last preceding section was rightly exercised; and every such order shall be final and conclusive on the Governor-General and the Board.

(4.) In all other respects the procedure and practice in force for the time in the Supreme Court shall apply to all proceedings authorized by this provision.

Governor-General may give notice of intention to permanently retain works so taken possession of.

83. If the Board, for the space of one year after the Governor-General has taken possession as aforesaid, fails to repay all sums of public money which have been expended in or towards completing the electric works and the equipment thereof, and all sums of public



money which have been expended on the repair or management of the electric works or in connection therewith in excess of the receipts therefrom, it shall be lawful for the Governor-General, at any time after the expiration of that year, to give three months' notice to the Board that he intends to permanently retain the electric works as Government property.

84. On the publication of an Order in Council, at any time after the expiration of the said three months, to the effect that possession has been taken as aforesaid and will be permanently retained by the Government the said electric works, and all plant, equipments, and appurtenances belonging thereto, shall, unless a satisfactory arrangement is in the meantime made between the Government and the Board, become and be absolutely vested in His Majesty without any conveyance or transfer whatsoever.

Works to be vested in His Majesty.

85. No stamp duty shall be chargeable upon or in respect of any contract entered into between the Governor-General in Council and any Board, nor between the Board and any other local authority, nor upon any debenture or coupon issued by a Board under this Act.

Exemptions from stamp duty.

86. Subject to the approval of the Governor-General in Council, the Boards of two or more contiguous electric-power districts constituted under this Act may link up their respective transmission-lines for greater security against interruption in the supply, or may amalgamate their undertakings, or make such other arrangements as such Boards may deem expedient.

Amalgamation of works by Boards of combined districts.

87. The provisions of section ninety-five of the Trustee Act, 1908, shall, both in respect of trusts heretofore and hereafter created, apply to all bonds, debentures, or other securities issued or to be issued by the Board, and forming the whole or any portion or portions of any loan which has been or may hereafter be raised by the Board under the authority of any enactment.

Trustee Act, 1908, to apply.

88. The Board may install motors, electric wires, electric lamps, and other fittings and equipment in public or private buildings, works, dwellings, and other places, and charge rent for the use thereof, or may accept payment therefor by instalments.

Board may install motors, electric wires, &c., in public or private buildings.

89. The Board out of any loan-moneys may pay—

- (a.) Any preliminary expenses incurred by ratepayers within the district in investigating proposed sources of power and in making surveys thereof, and in connection with the scheme for which loans was raised, notwithstanding that such expenses have been incurred before the proclamation of the district :

Authorizing payment of certain expenses out of loan-moneys.

Provided that no such expenses shall be paid unless the Auditor certifies them to be reasonable and incurred in good faith and to be for the benefit of the scheme :

- (b.) The interest or interest and sinking fund of the loan during the period of construction of any works for which the loan was raised.

90. The Board may purchase motors, fittings, machinery, and all other equipment for the use of electric energy as applied to industrial, domestic, and other purposes; and may sell either for cash or on terms, or lease, with or without purchasing clauses, such motors, fittings, machinery, and equipment to users of electric

Board may purchase and sell electric fittings and equipment.

power; and generally may do all things which in the judgment of the Board may promote the use of electric energy within the district.

Board may establish or assist other industries dependent on electric energy.

91. With the consent of the Governor-General in Council the Board may, within the district, establish or assist in the establishment of electro-chemical, electro-metallurgical, or other industries which may be dependent upon or more effectually prosecuted by the use of electric energy, and may do all things which it deems necessary to encourage such industries within the district.

Board may remove or cause to be removed any tree obstructing or interfering with works.

92. If the Board is of the opinion that any tree on land adjacent to its electric works is likely, by falling or otherwise, to obstruct or interfere with the efficient supply of power, the Board may cause notice to be given to the owner or occupier of such land to remove such tree; and in default of such removal the Board may cause the tree to be removed, but such owner or occupier may recover the amount of any cost or damage incurred or suffered by such removal.

Penalties for causing damage to electric works.

93. Every person who damages electric works, appliances, or conveniences erected, constructed, or used under this Act shall be liable for the amount of such damage, to be recovered by any person authorized in that behalf by the Board in any Court of competent jurisdiction, and, if such damage is done wilfully, shall be liable in addition to a fine not exceeding five hundred pounds.

Penalties for obstructing officers and workmen of Board.

94. Every person who wilfully obstructs any engineer, surveyor, overseer, workman, or other person in the performance of any duty, or in doing any work which he has lawful authority to do under or by virtue of the provisions of this Act, is liable to a fine not exceeding fifty pounds.

Recovery of fines.

95. All fines recoverable under the provisions of this Act, or any by-laws or regulations made thereunder, may be recovered in a summary way, and when recovered shall be the property of the Board.

Notice to be given of intention to commence actions.

96. (1.) No action shall be commenced against the Board or any member thereof, or other person acting under the authority, or in the execution or intended execution, or in pursuance of this Act, for any alleged irregularity, or trespass, or nuisance, or negligence, or for any act or omission whatever, until the expiry of one month after notice in writing specifying the cause of action, the Court in which the action is intended to be commenced, and the name and residence of the plaintiff and of his solicitor or agent in the matter has been given by the plaintiff to the defendant.

(2.) Every such action shall be commenced within six months next after the cause of action first arose, whether the cause of action is continuing or not.

Regulations.

97. The Governor-General may from time to time, by Order in Council, make regulations for effectually carrying out any of the provisions of this Act in respect whereof the Board is not by this Act empowered to make by-laws or regulations, and also providing for and regulating any matter in respect whereof any power, authority, or discretion is by this Act conferred on the Governor-General.

Protection of Board against claims by consumers.

98. No person who is a consumer of electric energy supplied by the Board shall have any claim against the Board in the event of any failure of the supply of any such energy through accident, drought, or other unavoidable cause.