

Mr. Reid.

WAIPORI FALLS ELECTRICAL POWER.

[PRIVATE BILL.]

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A BILL INTITULED

AN ACT to enable the Waipori Falls Electric Power Company (Limited) to supply and use Electrical Energy for Lighting, Power, Heat, and other Purposes within the City of Dunedin and the Boroughs, Counties, and Districts adjacent thereto. Title.

WHEREAS a company has been incorporated under the provisions of "The Companies Act, 1882," and the amendments thereof, under the name of "The Waipori Falls Electric Power Company (Limited)," having amongst its objects the utilising the water of the Waipori River for the purpose of generating electricity, and supplying the same as motive power and for lighting and other purposes: And whereas it is expedient that provision should be made for authorising the said company to cross or pass over or along and open up streets, roads, railways, rivers, and bridges, and to enter upon lands within the Counties of Taieri, Bruce, Tuapeka, and Waikouaiti, the City of Dunedin, the Boroughs of Milton, Mosgiel, Green Island, South Dunedin, St. Kilda, Mornington, Roslyn, Maori Hill, North-east Valley, West Harbour, and Port Chalmers, and the Road Districts of Peninsula, Tomahawk, and Portobello, all in the Provincial District of Otago, and to place mains, distributing-lines, service lines, and telpherage lines either above or below ground, and to lay down and place pipes, conduits, and service pipes, and to erect pillars, towers, arches, and poles, and to make, construct, and do other works and things for producing, supplying, and using electrical energy for public and private purposes and for providing telpherage ways within the said counties, city, boroughs, and road districts, and to do all such other acts, deeds, matters, and things from time to time as are incidental or conducive to carrying out fully and effectually the objects of the said company: Preamble.

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

1. The Short Title of this Act is "The Waipori Falls Electrical Power Act, 1904." Short Title.

Interpretation.

2. In this Act, if not inconsistent with the context hereof, and unless there are words to exclude or restrict such meaning, the words and expressions following shall severally have the meanings hereinafter assigned to them, that is to say:—

“Electricity” means electricity or its translated form, electric current, or any like agency : 5

“Energy” means electrical energy, and for the purposes of this Act electrical energy shall be deemed to be an agency within the meaning of “electricity” as defined by this Act : 10

“The company” means the Waipori Falls Electric Power Company (Limited) and its successors, or the assigns or licensees of all or any of the company’s rights and powers under this Act :

“Public purposes” refers to the supply of electricity or its translated form to or in any street, road, or square, building or place, belonging to or subject to the control of a local or public authority, or any hall, public theatre, or building belonging to or subject to the control of any local or public authority, but shall not include any other purpose to which electricity or its translated form may be applied : 15 20

“Private purposes” refers to any purpose whatever to which electricity or its translated form may for the time being be applied, not being public purposes, but shall not include the transmission of any telegrams : 25

“Local authority” means local authority as defined in “The Interpretation Act, 1888” :

“Streets and roads” shall include any public or private street, and any public road, square, open space, highway, thoroughfare, bridge, culvert, or passage within the limits to be affected by the Act. 30

3. Subject and without prejudice to “The Electric Lines Act, 1884,” “The Counties Act, 1886,” and “The Municipal Corporations Act, 1900,” and any amendments thereof respectively, the company may supply and use energy for public and private purposes, for motive power, lighting, heat, and other purposes within the whole or any part or parts of the area of supply as defined by this Act ; and for the purposes aforesaid may cross or pass over or along and open up streets and roads, and cross over or under railways, rivers, and bridges, and place mains, telpherage lines, service lines, and distributing-mains either above or below ground, and lay down and place pipes, conduits, and service pipes, and erect pillars, towers, arches, and poles, and make, construct, and do all other necessary or proper works and things for supplying energy and providing telpherage ways within such area of supply or any part or parts thereof. 35 40 45

Power to supply and use electrical energy within area of supply and to execute necessary works.

4. The company may, for the purpose of the supply and use of electrical energy as by the *last preceding* section hereof authorised, from time to time whenever it may deem it advisable so to do, place transmission-lines, poles, towers, mains, distributing-lines, service lines, telpherage lines, and distributing-mains either above or below ground or upon or under any lands situate within the area of supply, and upon such lands lay down and place pipes, conduits, and service pipes, and erect pillars, arches, poles, and towers, and undertake, 50

The company may enter upon lands for the purpose of executing works.

make, construct, and do all other necessary or proper works and things for supplying and using electrical energy within such area of supply or any part or parts thereof; and for the purpose of executing the works by this section authorised the company and its workmen
 5 and others by its direction may enter upon and cross and recross any of the lands within the said area of supply either with or without horses and carts or vehicles:

Saving and excepting that with respect to all or any of the powers by this clause conferred upon the company, the same may
 10 be exercised on Crown property only upon the consent to such exercise being obtained from the Minister for Public Works, and on ecclesiastical property only upon consent to such exercise being obtained from the trustees or body in whom such ecclesiastical property is vested, and on corporation property only upon the consent
 15 to such exercise being obtained from the corporation owning such property, and on property held on trust for public or charitable purposes only upon the consent to such exercise being obtained from the trustees or body in whom such property is vested; and it is hereby declared that any such corporation, trustees, or body shall
 20 have power to give such consent:

Provided, however, that the company shall pay compensation to every person entitled thereto, as in section *five* of this Act provided, in respect of the exercise by the company of the powers conferred upon it by this section.

25 5. Every person having any estate or interest in any lands situate within the area of supply upon or under which the company may have exercised any of the powers conferred upon it by section *four* of this Act shall be entitled to such compensation as may be either agreed upon between the company and such person, or
 30 awarded by the Compensation Court as hereinafter provided, in respect of any such lands injuriously affected by reason of the exercise of the said powers conferred by section *four* hereof.

Owners of lands entered upon entitled to compensation.

6. The Magistrate's Court at Dunedin shall be the Compensation Court for the purpose of this Act, and any claims for compensation may be made to the Magistrate for the time being of such
 35 Court, and filed in the office of the said Court at Dunedin; and for the purpose of the making and hearing of such claim the provisions of sections thirty-six to forty-eight inclusive and of sections sixty-one to sixty-seven inclusive of "The Public Works Act, 1894," shall (subject to such modifications
 40 as may be necessary to make the same applicable to proceedings under this Act) apply and be read as part of this Act; and for the purpose of the making of the award of compensation the provisions of sections sixty-nine, seventy, subsection one of section seventy,
 45 sections seventy-one, seventy-three, seventy-four, seventy-five, and seventy-six of "The Public Works Act, 1894," shall (subject to such modifications as may be necessary to make the same applicable to proceedings under this Act) apply and be read as part of this Act.

Magistrate's Court to assess compensation in accordance with the provisions of "The Public Works Act, 1894."

7. In determining the amount of compensation to be awarded,
 50 the Court shall take into account severally the extent to which any lands situate within the area of supply, and through or upon which any of the works authorised by section *four* hereof are carried out, are or are likely to be injuriously affected by the carrying-out or the nature of such works; and shall also take into account, by way of

How compensation to be assessed.

deduction from the amount of compensation to be awarded, any increase in the value of any of the aforesaid lands caused or likely to be caused by, and any benefits or conveniences derived or likely to be derived from, the exercise of all or any of the powers conferred upon the company by this Act.

Company to make
by-laws subject to
Governor's consent.

8. The company may from time to time, but subject to the consent thereto of the Governor by Order in Council, make, and from time to time (but subject to the like consent) vary, annul, or revoke, by-laws for the proper management and protection of the company's electrical works, property, plant, concerns, and business, and for the carrying-out to the best advantage of the electrical projects and objects of the company, and by such by-laws may impose a penalty not exceeding *five* pounds (to be recovered in a summary way) for any breach thereof: Provided that such by-laws shall not be repugnant to this Act, "The Electric Lines Act, 1884," "The Municipal Corporations Act, 1900," or any county Act of the General Assembly, or any amendment thereof respectively, or to any by-law or regulation which may now or hereafter be made under any such Acts or amendments as aforesaid.

By-laws sealed by
company to be
evidence.

9. A copy of any such by-law, sealed with the seal of the company, shall be received as evidence of the same having been duly made, unless the contrary be proved.

Area of supply
defined.

10. The area of supply shall be all that area of land situated within the Provincial District of Otago and comprising the Counties of Taieri, Bruce, Tuapeka, and Waikouaiti, the City of Dunedin, the Boroughs of Milton, Mosgiel, Green Island, Caversham, South Dunedin, St. Kilda, Mornington, Roslyn, Maori Hill, North-east Valley, West Harbour, and Port Chalmers, and the Road Districts of Peninsula, Tomahawk, and Portobello, as the same counties, city, boroughs, and road districts are at present constituted; and such area of supply shall also include any future extended area of the said counties, city, boroughs, and road districts, and the area or any future area comprised in any such counties, city, boroughs, and road districts as constituted upon any amalgamation of the same or any of them, or in any exclusion from any of such respective counties, city, boroughs, and road districts, or any part of its area and inclusion thereof in any other of them the said counties, city, boroughs, or road districts respectively.

Date of erection of
works and
commencement
of supply.

11. The company shall, within a period of six months after the coming into force of this Act, proceed to erect the necessary plant to generate electrical energy within the meaning of this Act, and commence to deliver the same within one year from the coming into force of this Act.

Agreements not
affected.

12. Notwithstanding anything to the contrary in this Act contained, the powers and authorities expressed by this Act and the exercise thereof shall be subject to the terms, stipulations, and conditions contained in any contract already or hereafter entered into between the company and any local authority with reference to the construction, doing, and maintenance of the works, matters, and things hereby authorised; and all such terms, stipulations, and conditions shall be faithfully observed and performed by the company.