



ANALYSIS

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1981, No. 4—*Local*

An Act to amend the Auckland Electric Power Board Act 1978

[6 October 1981

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

1. Short Title—This Act may be cited as the Auckland Electric Power Board Amendment Act 1981, and shall be read together with and deemed part of the Auckland Electric Power Board Act 1978 (hereinafter referred to as the principal Act).

2. Change to Energy Board—Section 5 of the principal Act is hereby amended by adding the following subsections:

“(2) Where the Board or a proposed amalgamation of the Board with any other electric power board is supplying or is about to supply gas or substantial forms of other energy,

as well as electricity, over all or a large part of any region constituted under Part II of the Local Government Act 1974, the Minister may consent to the Board or the proposed new body taking the name of The [*Name of Board*] Energy Board.

“(3) Where the Minister has issued a consent under subsection (2) of this section to the Board to change its name to an energy board, unless the context otherwise requires, every reference in any enactment or in any regulation, rule, order, agreement, deed, instrument, application, notice, licence, or document whatsoever to the Board shall be read as a reference to that energy board, and every reference to the district shall be read as a reference to the energy district of that energy board.

“(4) Notwithstanding that the name of the Board has been changed to an energy board and the name of the district changed to an energy district, the Board shall continue to be the Auckland Electric Power Board within the meaning of this Act, and the district shall continue to be the Auckland Electric Power District within the meaning of this Act.”

3. Remuneration of Chairman and Deputy Chairman—Section 23 of the principal Act (as substituted by section 2 of the Auckland Electric Power Board Amendment Act 1979) is hereby amended by adding the following subsection:

“(2) The Deputy Chairman may be paid, in addition to any amount payable to him under section 36 of this Act, such annual allowance, not exceeding 10 percent of the amount that may be paid to the Chairman, out of the funds of the Board as the Board from time to time fixes.”

4. Notice to be given of extraordinary business—Section 31 of the principal Act is hereby amended by adding the following subsection:

“(3) Extraordinary business shall be deemed to include any resolution affecting or likely to affect the continued existence of the Board.”

5. Board may insure members against personal accident while engaged in duties—The principal Act is hereby further amended by inserting, after section 36, the following section:

“36A. The Board may from time to time enter into contracts of insurance insuring members of the Board against loss from personal accident arising out of, and in the course of, the

exercise of their powers or duties as members of the Board and pay the premiums payable in respect of such contracts.”

6. Liability of local authority for failing to collect rates—Section 52 of the principal Act is hereby amended by omitting the words “section 43”, and substituting the words “section 51”.

7. Balance sheets and audit—Section 59 (1) of the principal Act is hereby amended by repealing paragraph (a).

8. General powers of Board with respect to electric works—Section 67 of the principal Act is hereby amended by inserting, after paragraph (p), the following paragraph:

“(pa) May provide public amenities in connection with any projected works at a cost not exceeding 1 per cent of the estimated capital cost of those works, or in connection with existing works within limits determined from time to time by the Minister in conjunction with the Minister of Finance.”

9. Powers of Board with respect to private land—(1) Section 68 (b) of the principal Act is hereby amended by inserting, after the words “any such land”, the words “or lay cables under it”.

(2) The said section 68 (b) is hereby further amended by repealing the proviso, and substituting the following proviso:

“Provided that nothing in this section—

“(c) Shall abrogate the right of the owner or occupier to have all the rights to compensation given by section 76 of this Act:

“(d) Shall authorise the laying of cables under land appurtenant to any dwellinghouse or to any improvement ancillary thereto for the purpose of supplying electric power without—

“(i) The written permission of the owner thereof; or

“(ii) The Board acquiring such part of the land as is necessary for its requirements or an easement over such part.”

10. New sections relating to supply of gas—The principal Act is hereby further amended by inserting, after section 99A, the following sections:

“99B. Board may supply gas—(1) For the purpose of this section and sections 99c and 99D of this Act—

“‘Compressed natural gas’ means natural gas contained in pressure vessels or in containers at a pressure, in each case, greater than 200 kilopascals gauge:

“‘Gas’ means manufactured gas, natural gas, compressed natural gas, and liquefied petroleum gas:

“‘Liquefied petroleum gas’ means propane, propylene, butane, butylene, or iso-butane supplied in containers; and includes any mixture consisting wholly or principally of any such substances supplied in such containers, whether or not the mixture contains any other hydrocarbon:

“‘Natural gas’ means any naturally occurring hydrocarbon in a gaseous state or any mixture of any such hydrocarbons, together with any naturally associated non-hydrocarbon; and includes any such substance both before and after it has been subjected to any treatment or process for purification, separation of constituents, liquefaction, or other purpose.

“(2) Subject to any other provision of this Act and any other enactment—

“(a) The Board may, with the consent of the Governor-General given by Order in Council under section 20B of the Gas Industry Act 1958, and subject to any conditions specified in that order, supply piped manufactured or natural gas to the inhabitants of the district:

“(b) The Board may, with the consent of the Governor-General given by Order in Council, subject to any conditions specified in that order, supply compressed natural gas or liquefied petroleum gas within the district:

“Provided that the consent of the Governor-General shall not be given unless in his opinion an adequate supply of compressed natural gas or, as the case may be, liquefied petroleum gas is not available in the district and will not be available in the district within a reasonable period from any other person carrying on or about to commence to carry on business within the district:

“Provided also that the consent of the Governor-General shall not be required to the establishment of works by the Board, either alone or jointly with

one or more other electric power boards, for the supply of compressed natural gas for use by the Board, or, as the case may be, for use by the Board and the other electric power boards, and not for supply to the public.

“99c. Gas reticulation—(1) Where the Board is for the time being supplying piped gas to the inhabitants of the district it—

“(a) Shall, upon the written application of the owner or occupier of any land on which there is a building that is within 100 metres of any main gas pipe of adequate capacity; and

“(b) May, upon the written application of the owner or occupier of any other land,—

install such service pipes, fittings, and gas meters as are necessary to supply the building or land, as the case may be, with such gas and to measure the quantity consumed.

“(2) In any case to which subsection (1) of this section applies, the Board may, if it thinks fit,—

“(a) Lay at its own cost such service pipes as may be necessary from the main gas pipe to the boundary of the premises of the applicant, or, where the cost does not exceed \$400 (or such greater amount as the Minister fixes from time to time by notice in the *Gazette*), from the main gas pipe to the gas meter on the premises of the applicant; or

“(b) Require the applicant to pay the cost of the same—but all service pipes on the premises and all fittings on the premises shall be paid for by the applicant.

“(3) The Board may, in its discretion, either require the applicant to pay the cost of any gas meter or install the same at its own cost and charge such rent therefor as may be prescribed by bylaws in that behalf.

“(4) The Board may, before commencing any work authorised by this section, require the applicant to deposit a sum equal to the estimated cost thereof, or the portion thereof payable by the applicant, as the case may be.

“(5) In any such case the Board and the applicant may agree in writing that any money payable under this section to the Board shall be payable by such instalments as the Board thinks fit, with interest.

“99d. Application of other provisions of Act to supply of gas—The provisions of this Act, as far as they are applicable,

and with any necessary modifications, shall apply to the purchase, acquisition, construction, and carrying on of any gas undertaking, the distribution, supply, and sale of gas, and the conduct of any business incidental thereto by the Board under this Act to the same extent as those provisions apply with respect to the electric works and undertakings of the Board, and the gas undertakings shall be deemed to form part of the undertaking of the Board.”

11. Board may guarantee advances to employees for housing purposes—Section 109 (6) of the principal Act is hereby amended by omitting the word “and” where it first occurs, and substituting the word “an”.
