

## New Zealand



### ANALYSIS

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1945, No. 36

AN ACT to establish a Department of State to be called Title.  
 the State Hydro-electric Department, to establish a  
 Rural Electrical Reticulation Council, and to define  
 their Functions; and for other Purposes.

[7th December, 1945

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 Electricity Act, 1945.

Interpretation.

2. In this Act, unless the context otherwise requires,—  
“ Council ” means the Rural Electrical Reticulation Council established under Part II of this Act:

“ Department ” means the State Hydro-electric Department established under this Act:

“ Electrical Supply Authority ” means any person or body licensed under Part XIII of the Public Works Act, 1928, or otherwise authorized to supply electrical energy, and, in respect of any supply of electricity undertaken by the Crown, includes the Crown.

“ Minister ” means the Minister for the time being charged with the administration of this Act.

See Reprint  
of Statutes,  
Vol. VII, p. 767

## PART I

### STATE HYDRO-ELECTRIC DEPARTMENT

Establishment  
of State  
Hydro-electric  
Department.

3. There is hereby established a Department of State to be known as the State Hydro-electric Department which, under the control of the Minister, shall be charged with the administration of the enactments specified in the Schedule hereto and with such other functions as may be lawfully conferred on it.

Officers of  
Department.

4. (1) There shall from time to time be appointed a General Manager of the Department (who shall be the administrative head of the Department) and such other officers as may be deemed necessary.

(2) The officer who, at the passing of this Act, holds office as the Chief Electrical Engineer of the Public Works Department shall, without further appointment, be deemed to have been duly appointed as General Manager.

(3) All other officers who, at the passing of this Act, hold permanent appointments as officers of the Hydro-electric Branch of the Public Works Department shall be deemed to have been duly appointed officers of the State Hydro-electric Department under this Act.

5. In any case where any of the enactments specified in the Schedule hereto authorizes the erection, construction, or provision of works by, for, or on behalf of the Minister, those works shall be erected, constructed, or provided in such manner as may be agreed upon between the Minister and the Minister of Works.

Construction of electrical works.

6. (1) Subject to the provisions of this Act and of any regulations made thereunder, where in any of the enactments specified in the Schedule hereto references are made to the Minister of Works, those references shall hereafter be read as references to the Minister for the time being charged with the administration of this Act.

Interpretation of certain references to Minister of Works and Chief Electrical Engineer.

(2) Where in the Auckland Electric-power Board Act, 1921-22, or in any other Act relative to the generation and supply of electricity which is not specified in the Schedule hereto, references are made to the Minister of Works, such references, in so far as they relate to the administration of the Act, shall hereafter be read as references to the Minister for the time being charged with the administration of this Act.

1921-22  
(Local),  
No. 17

(3) Subject to the provisions of this Act and of any regulations made thereunder, where in any enactments references are made to the Chief Electrical Engineer of the Public Works Department, those references shall hereafter be read as references to the General Manager.

(4) If any question arises as to whether any reference to the Minister of Works or to the Chief Electrical Engineer of the Public Works Department shall be read as a reference to the Minister for the time being charged with the administration of this Act or to the General Manager, it shall be determined by the Governor-General by regulations made under this Act.

(5) Section eleven of the State Supply of Electrical Energy Act, 1917, is hereby amended by omitting the words "Public Works Department" in subsection two, and substituting the words "State Hydro-electric Department".

See Reprint of Statutes, Vol. III, p. 93

## PART II

## RURAL ELECTRICAL RETICULATION

Rural  
Electrical  
Reticulation  
Council.

7. (1) There is hereby established for the purposes of this Act a Council to be called the Rural Electrical Reticulation Council.

(2) The Council shall consist of—

(a) The General Manager of the Department, who shall be the Chairman of the Council.

(b) One person, being an officer of the Department, to be appointed by the Minister.

(c) Three persons, to be appointed by the Minister on the recommendation of the Executive Committee of the Electric-power Boards and Supply Authorities Association of New Zealand, constituted under the Electric-power Boards and Supply Authorities Association Act, 1930, each of whom shall at the time of his appointment be an elected member of an electrical supply authority.

See Reprint  
of Statutes,  
Vol. III, p. 67

Remuneration  
and travelling-  
expenses.

8. The members of the Council who are not officers of the Department shall be paid such remuneration as may from time to time be fixed by the Minister of Finance, and such travelling allowances and expenses as may be prescribed by regulations made under this Act.

Term of  
office of  
Members of  
Council.

9. (1) Except as otherwise provided in this Act, every appointed member of the Council shall be appointed for a term of three years, but may from time to time be reappointed.

(2) Notwithstanding anything to the contrary in this Act, every appointed member of the Council, unless he sooner vacates his office, shall continue to hold office until his successor comes into office.

Extraordinary  
vacancies.

10. (1) Any appointed member of the Council may at any time be removed from office by the Minister for inefficiency, disability, insolvency, neglect of duty, or misconduct proved to the satisfaction of the Minister, or may at any time resign his office by writing addressed to the Minister.

(2) If any appointed member of the Council dies, or resigns, or is removed from office his office shall become vacant, and the vacancy shall be deemed to be an extraordinary vacancy.

(3) In case of any extraordinary vacancy the Minister may appoint some qualified person to be a member of the Council for the residue of the term for which the vacating member was appointed. Any such appointment shall be made in the same manner as the appointment of the vacating member.

(4) The powers of the Council shall not be affected by any vacancy in the membership thereof.

11. (1) In any case in which the Minister is satisfied that any member of the Council is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may appoint a deputy to act for that member during his incapacity, and any such deputy shall, while he acts as such, be deemed to be a member of the Council.

Deputies of  
Members.

(2) No such appointment of a deputy and no acts done by him as such shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

12. (1) The first meeting of the Council shall be held at such time and place as the Minister shall determine.

Meetings of  
Council.

(2) Subsequent meetings of the Council shall be held at such times and places as the Council or the Chairman may from time to time determine.

(3) The Chairman of the Council, or any three members thereof, may at any time call a special meeting of the Council.

(4) At all meetings of the Council three members shall form a quorum.

(5) The Chairman shall preside at all meetings of the Council at which he is present.

(6) In the absence of the Chairman from any meeting of the Council the members present shall appoint one of their number to be the Chairman of that meeting.

(7) At any meeting of the Council the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

(8) All questions before the Council shall be decided by a majority of the valid votes recorded thereon.

(9) In the absence from any meeting of the Council of a member who is an officer of the Department any other officer of the Department having authority to

act in his place during his absence may attend the meeting in his stead, and while so attending shall be deemed to be a member of the Council.

(10) Subject to the provisions of this Act and of any regulations made thereunder, the Council may regulate its procedure in such manner as it thinks fit.

Officers of  
Council.

**13.** There may from time to time be appointed as officers of the Public Service such officers as are necessary for the purpose of this Part of this Act.

Functions of  
Council.

**14.** (1) The functions of the Council shall be—

- (a) To control and administer the Rural Reticulation Fund hereinafter referred to:
- (b) To fix the rate of levy payable by Electrical Supply Authorities to the Fund:
- (c) To investigate claims for subsidies from the Fund and determine the amount of the subsidies and the terms and conditions (if any) upon and subject to which the subsidies may be granted:
- (d) To advise the Government in relation to any of the foregoing matters and as to any regulations that may be necessary for the proper administration of this Act.

(2) The Council shall have such other functions as are by this Act or by any other Act imposed upon it.

Rural  
Reticulation  
Fund.

**15.** (1) There is hereby established in the Public Account a Deposit Account to be called the Rural Reticulation Fund.

(2) There shall from time to time be paid into the Fund the proceeds of the levy referred to in the next succeeding section, and such other moneys as may from time to time be lawfully payable into the Fund.

Levy.

**16.** (1) Each Electrical Supply Authority shall within one month after the expiration of each financial year of the Electrical Supply Authority pay to the Public Account to the credit of the Rural Reticulation Fund a sum by way of levy, being such proportion of the gross revenues of the Electrical Supply Authority from the sales of electrical energy during that financial year as is determined pursuant to the next succeeding subsection.

(2) The proportion of the gross revenues payable by way of levy as aforesaid shall be a one-four-hundredth part thereof or such lesser proportion as may for the time being be fixed by the Council.

(3) The first payment to be made by each Electrical Supply Authority under this section shall be made within one month after the expiration of the financial year of the Electrical Supply Authority which first ends after the passing of this Act.

(4) If any Electrical Supply Authority fails to pay the amount of the levy properly payable by it under this section the amount thereof shall be recoverable in any Court of competent jurisdiction as a debt due to the Crown.

**17.** (1) There shall from time to time, without further appropriation than this section, be paid out of the Rural Reticulation Fund such sums as the Council shall direct to be paid by way of subsidies pursuant to the next succeeding section.

Moneys payable out of Fund.

(2) There shall from time to time be paid out of the Electric Supply Account, in accordance with the appropriation of Parliament, all salaries and allowances and other expenditure incurred in the administration of this Part of this Act, and the amounts so paid shall, without further authority than this section, be refunded to the Electric Supply Account out of the Rural Reticulation Fund.

**18.** (1) Subject to the provisions of this section, the Council may from time to time direct the payment to any Electrical Supply Authority of such sum as the Council may think fit by way of subsidy towards the annual cost of supplying electricity to any consumer or group of consumers in any sparsely populated area. Each such subsidy shall be granted in respect of the whole or a defined portion of an electric line serving an area or consumer.

Subsidies.

(2) Subsidies granted under this section shall not in any financial year of an Electrical Supply Authority exceed fifteen two-hundredths of the capital cost of the electric line or the portion of the electric line in respect of which they are granted, and no subsidy shall be granted in respect of the whole or any portion of

any electric line after the expiration of fifteen years from the date of the payment of the first subsidy hereunder in respect thereof.

(3) Any subsidy granted under this section may be granted upon and subject to such terms and conditions as the Council thinks fit, and if an Electrical Supply Authority accepts the subsidy upon and subject to those terms and conditions it shall be deemed to have contracted with the Council to observe the terms and conditions and shall be liable for a breach thereof accordingly notwithstanding any enactment or rule of law to the contrary.

Appointment  
of persons  
to report  
on matters.

**19.** The Council may at any time if it thinks fit appoint any person or persons to inquire into and report on any matter within the functions of the Council.

Contracts by  
Council.

**20.** (1) All contracts made by the Council shall be made on behalf of His Majesty the King.

(2) Every contract made by the Council shall be signed by two members of the Council on behalf of and by direction of the Council.

(3) Every contract purporting to have been executed in accordance with the provisions of this section shall, in the absence of proof to the contrary, be deemed for all purposes to have been duly executed.

Annual report  
and accounts  
to be presented  
to Parliament.

**21.** (1) The Minister shall in the month of June or as soon thereafter as practicable cause to be prepared a report on the operations of the Council, and a statement of accounts, for the year ended the thirty-first day of March then last past.

(2) The report and statement of accounts shall be laid before Parliament within one month after they have been received by the Minister if Parliament is then sitting or, if Parliament is not sitting, then within one month after the commencement of the next ensuing session.

### PART III

#### GENERAL

Regulations.

**22.** The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

**23.** Section three hundred and nineteen of the Public Works Act, 1928, is hereby amended by adding to subsection two the following paragraphs:—

Extending power to make regulations relating to electricity.

“(e) Defining what may be deemed a dangerous electric line or work for the purposes of any regulations hereunder:

See Reprint of Statutes, Vol. VII, p. 772

“(f) Authorizing and controlling the inspection and testing of materials, appliances, apparatus, and accessories intended to be used in the construction, maintenance, or use of electric lines or works or in the application of electrical energy, and prohibiting the manufacture and sale of any appliances, apparatus, and accessories which do not satisfy any prescribed tests, or the use of which may be dangerous to persons or property, or which do not comply with the requirements of any regulations hereunder:

“(g) Prescribing fees to be paid in connection with any inspection or testing authorized by any regulations hereunder.”

**24.** (1) Section three hundred and nineteen of the Public Works Act, 1928, is hereby further amended by repealing subsection three, and substituting the following subsection:—

Definition of “electric line or work”.

“(3) For the purposes of this section ‘electric line’ or ‘line’ or ‘electric line or work’ means any wire or wires or other conductor, instrument, apparatus, device, or means used or intended to be used or reasonably capable of being used for transmitting, distributing, or otherwise conducting electrical energy, or for the consumption or application of electrical energy; and includes any insulator, casing, tube, pole, or support, or any other thing, whether of similar kind or not, connected with or used for the purposes of an electric line or work.”

(2) Section three hundred and twenty of the Public Works Act, 1928, is hereby amended by omitting the words “any electric line which is used for telegraph, telephone, or wireless telegraphy purposes”, and substituting the words “any electric line as defined in section one hundred and forty-six of the Post and Telegraph Act, 1928,”.

Ibid., Vol. VI, p. 910

Offence to bring anything within prohibited relationship to an electric line.

25. (1) Where by virtue of any Act, regulation, or by-law (whether passed or made before or after the passing of this Act) it is an offence in any circumstances to erect or place an electric line in a specified relationship to any other thing, it shall be an offence in the same circumstances to erect or place any such thing in the specified relationship to an electric line.

(2) The penalty for an offence against this section shall be the same as the penalty provided by the Act, regulation, or by-law for the offence created thereby, unless, in the opinion of the Court by which the offender is convicted, the penalty is not appropriate, in which case, as well as in any case where no penalty is provided by the Act, regulation, or by-law, the penalty for an offence against this section shall be a fine of one hundred pounds.

Schedule.

### SCHEDULE

#### ENACTMENTS TO BE ADMINISTERED BY STATE HYDRO-ELECTRIC DEPARTMENT

1915, No. 65—

The Lake Coleridge Water-power Act, 1915 (Reprint of Statutes, Vol. III, p. 88).

1917, No. 22—

The State Supply of Electrical Energy Act, 1917 (Reprint of Statutes, Vol. III, p. 89).

1925, No. 23—

The Electrical Wiremen's Registration Act, 1925 (Reprint of Statutes, Vol. III, p. 73).

1925, No. 38—

The Electric-power Boards Act, 1925 (Reprint of Statutes, Vol. III, p. 4).

1928, No. 21—

The Public Works Act, 1928, Part XIII (except section 323), (Reprint of Statutes, Vol. VII, p. 767).

1930, No. 42—

The Electric-power Boards and Supply Authorities Association Act, 1930 (Reprint of Statutes, Vol. III, p. 67).

1936, No. 25—

The Southland Electric-power Supply Act, 1936.