



ANALYSIS

<p>Title</p> <ol style="list-style-type: none"> 1. Short Title 2. Interpretation 3. Electricity Advisory Council 4. Chairman of Council 5. Term of office of members of Council 6. Deputies of members 7. Extraordinary vacancies 8. Meetings of Council 9. Committees 	<ol style="list-style-type: none"> 10. Fees and travelling allowances 11. Functions of Council 12. Duties of Council 13. Council may act as a Commission of Inquiry 14. Information and assistance to be provided 15. Annual and other reports 16. Administrative services 17. Expenses to be met from Electric Supply Account
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1962, No. 124

An Act to establish an Electricity Advisory Council and to define its powers and functions [14 December 1962]

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 Electricity Advisory Council Act 1962.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Council” means the Electricity Advisory Council established under this Act:

“Department” means the New Zealand Electricity Department:

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

“Minister” means the Minister of Electricity.

3. Electricity Advisory Council—(1) There is hereby established for the purposes of this Act a Council, to be called the Electricity Advisory Council.

(2) The Council shall consist of three members who shall be appointed by the Governor-General.

(3) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the Public Service Act 1912 or the Superannuation Act 1956 by reason of his being a member of the Council.

4. Chairman of Council—(1) One member of the Council shall be appointed by the Governor-General, on the recommendation of the Minister, as the Chairman of the Council.

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

5. Term of office of members of Council—(1) Except as otherwise provided in this Act, every member of the Council shall be appointed for a term of three years but may be reappointed.

(2) Notwithstanding anything to the contrary in this Act, every member of the Council, unless he sooner vacates his office under section 7 of this Act, shall continue in office until his successor comes into office.

(3) With respect to the first members of the Council, other than the Chairman, the following provisions shall apply:

(a) One shall retire at the end of one year from the date of their appointment and the other shall retire at the end of two years from that date:

(b) The member first to retire shall be determined by agreement of the two members and, failing agreement, the member then to retire shall be determined by lot.

6. Deputies of members—(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.

(2) In the case of the incapacity of the Chairman his deputy may or may not be one of the other members, and if the deputy of the Chairman is one of the other members some other person may be appointed to act as the deputy of that member.

(3) Any deputy appointed under this section shall, while he acts as such, be deemed to be a member of the Council.

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

7. Extraordinary vacancies—(1) Any member of the Council may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General, or may at any time resign his office by writing addressed to the Minister.

(2) If any member of the Council dies, or resigns, or is removed from office, the Governor-General may, on the recommendation of the Minister, appoint a fit person to fill the vacancy for the residue of the term for which the vacating member was appointed.

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

8. Meetings of Council—(1) The first meeting of the Council shall be held on a day to be appointed in that behalf by the Minister.

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

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

(4) At all meetings of the Council the quorum necessary for the transaction of business shall be two members.

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

(6) In the absence of the Chairman or his deputy from any meeting, the members present shall elect one of their number to preside at that meeting.

(7) All questions arising at any meeting shall be decided by a majority of the valid votes recorded thereon.

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

9. Committees—The Council may from time to time appoint competent persons, whether members of the Council or not, to be a committee or committees to advise or assist the Council on any matters referred to them by the Council.

10. Fees and travelling allowances—(1) The Council is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to the members of the Council and there may be paid to the members of any committee appointed by the Council remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

11. Functions of Council—The principal functions of the Council shall be—

- (a) To report to the Minister from time to time on the progress achieved in providing means for the generation of electricity, to the extent that the amount of any such generation has been determined by the New Zealand Government, and in providing means for the distribution of that electricity:
- (b) To make recommendations to the Minister from time to time relating to the measures that should, in its opinion, be taken to ensure—
 - (i) The best and most economical means of maintaining and coordinating the generation and the supply of electricity:
 - (ii) A simplified and equitable method of charging for electricity so as to avoid wide variations in charges for electricity for comparable types of supply:
 - (iii) The effective coordination of the distribution systems of supply authorities and of the areas of supply of any such authorities:
 - (iv) The promotion of safety and training in all branches of the electrical industry and in the use of electricity and electrical equipment:
- (c) To make reports and recommendations to the Minister in respect of such other matters relating to the purposes of this Act as may from time to time be referred to it by the Minister.

12. Duties of Council—(1) The Council shall each year—

- (a) Compile a review showing the progress made in meeting the demand for electricity in New Zealand:
- (b) Compile a review showing the progress made towards the realisation of the objects in respect of which recommendations have been made under section 11 of this Act.

(2) Within twelve months after the approval of any long-term programme of capital works, including any material alteration in any existing programme, the Council shall compile a review of the effect of that programme.

(3) Every review compiled under this section shall be forwarded to the Minister as soon as practicable after its completion.

13. Council may act as a Commission of Inquiry—For the purpose of enabling it to exercise its functions or powers under this Act, the Council shall, with the consent of the Minister given in specified cases, have all the powers of a Commission under the Commissions of Inquiry Act 1908, and the provisions of that Act shall apply accordingly.

14. Information and assistance to be provided—Any information or assistance which is required by the Council for the purpose of enabling it to exercise its functions or powers, and which is available or can reasonably be made available from any Government Department, shall, with the consent of the Minister concerned, be provided to the Council, and, where any such information or assistance can reasonably be made available from a local authority, it shall not be unreasonably withheld from the Council by the local authority.

15. Annual and other reports—(1) As soon as practicable after the end of each financial year the Council shall furnish to the Minister a report of its operations, investigations, and recommendations during that year, including copies of any reviews compiled under section 12 of this Act during that year.

(2) A copy of the report shall be laid before Parliament after its receipt by the Minister if Parliament is then sitting and otherwise within twenty-eight days after Parliament reassembles.

16. Administrative services—The Department shall provide such administrative services as the Council deems necessary for the efficient carrying out of its functions under this Act.

17. Expenses to be met from Electric Supply Account—All salaries, fees, allowances, and other expenditure payable or incurred under or in the administration of this Act shall be payable out of the Electric Supply Account.

This Act is administered in the New Zealand Electricity Department.
