



ANALYSIS

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1989, No. 34

An Act to amend the Electric Power Boards Act 1925

[6 June 1989]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Electric Power Boards Amendment Act 1989, and shall be read together with and deemed part of the Electric Power Boards Act 1925 (hereinafter referred to as the principal Act).

2. Cancellation of 1989 triennial general election—Notwithstanding anything in the principal Act, no election of the representatives on an Electric Power Board of any constituent district or combined district shall be held in the period commencing with the date of the passing of this Act and ending with the close of the 30th day of June 1991.

3. Continuation in office of existing members—Notwithstanding anything in the principal Act or the Local Elections and Polls Act 1976, but subject to section 22 of the principal Act,—

- (a) Every person who is holding office on the date of the passing of this Act as a representative on an Electric Power Board of any constituent district or combined district shall, unless he or she sooner vacates office under section 22 of the principal Act, continue to hold office until the close of the 30th day of June 1991; and
- (b) The term of office of any member continued in office by paragraph (a) of this subsection shall, subject to section 22 of the principal Act, be deemed to expire with the close of the 30th day of June 1991.

4. Appointment to fill casual vacancies—

(1) Notwithstanding anything in subsection (1) or subsection (2) of section 23 of the principal Act, where a representative of any constituent district or combined district vacates his or her office on the Board at any time in the period commencing on the 1st day of January 1991 and ending with the close of the 30th day of June 1991, the vacancy shall not be filled if the Board so resolves.

(2) Section 23 of the principal Act shall apply, in relation to any vacancy in the office of a member continued in office by section 3 of this Act, as if, for subsections (1), (2), and (3) of section 23 of the principal Act, there were substituted the following subsections:

“(1) When a representative of any constituent district vacates his or her office on the Board through the operation of section 22 of this Act, the Board shall forthwith appoint some qualified person in his or her place as representative of that district and shall forthwith give public notice of that appointment.

“(2) When a representative of a combined district vacates his or her office on the Board through the operation of section 22 of this Act, the Board shall forthwith appoint some qualified person in his or her place as a representative of that district and shall forthwith give public notice of that appointment.

“(3) If an appointment under subsection (1) or subsection (2) of this section is not made within 2 months after the happening of the vacancy, the Governor-General may, by Warrant under his or her hand, make the required appointment.”

(3) Section 23 of the principal Act is hereby amended by repealing subsection (2A) (as inserted by section 2 (1) of the Electric Power Boards Amendment Act 1972).

(4) Section 23 (3) of the principal Act (as amended by section 2 (2) of the Electric Power Boards Amendment Act 1972) is

hereby amended by omitting the words “resolution, or agreement”.

(5) Section 2 of the Electric Power Boards Amendment Act 1972 is hereby consequentially amended by repealing subsections (1) and (2).

5. Salaries and allowances—(1) The principal Act is hereby amended by repealing section 43 (as substituted by section 39 (2) of the Local Government Amendment Act 1985 and as amended by section 15 (1) of the Local Government Amendment Act (No. 3) 1986), and substituting the following section:

“43. The salaries, allowances, travelling allowances, and travelling expenses of the members of the Board shall be determined and paid in accordance with Part IVc of the Local Government Act 1974.”

(2) The following enactments are hereby consequentially repealed:

- (a) So much of Part II of the Third Schedule to the Local Government Amendment Act 1985 as relates to the Electric Power Boards Act 1925:
- (b) So much of the Schedule to the Local Government Amendment Act (No. 3) 1986 as relates to the Electric Power Boards Act 1925.

Rotorua Area Electricity Authority

6. Rotorua Area Electricity Authority—Sections 2 to 4 of this Act shall, with all necessary modifications, apply in relation to the Rotorua Area Electricity Authority (which was constituted by an Order in Council made on the 9th day of August 1971 and published in the *Gazette* on the 12th day of August 1971 at page 1586 and which was continued as a body corporate by section 726 (3) (b) of the Local Government Act 1974) as if that Authority were an electric power board constituted under the Electric Power Boards Act 1925.

Auckland Electric Power Board

7. Cancellation of 1989 triennial general election—Notwithstanding anything in the Auckland Electric Power Board Act 1978, no election of the representatives on the Auckland Electric Power Board constituted under that Act of any constituent district shall be held in the period commencing with the date of the passing of this Act and ending with the close of the 30th day of June 1991.

8. Continuation in office of existing members of Auckland Electric Power Board—Notwithstanding anything in the Auckland Electric Power Board Act 1978 or the Local Elections and Polls Act 1976, but subject to section 15 of the Auckland Electric Power Board Act 1978,—

- (a) Every person who is holding office on the date of the passing of this Act as a representative on the Auckland Electric Power Board shall, unless he or she sooner vacates office under section 15 of the Auckland Electric Power Board Act 1978, continue to hold office until the close of the 30th day of June 1991; and
- (b) The term of office of any member continued in office by paragraph (a) of this section shall, subject to section 15 of the Auckland Electric Power Board Act 1978, be deemed to expire with the close of the 30th day of June 1991.

9. Filling of extraordinary vacancy—The Auckland Electric Power Board Act 1978 shall apply, in respect of the period beginning on the date of the passing of this Act and ending with the close of the 30th day of June 1991, as if, for section 16, there were substituted the following section:

“16. (1) Where, through the operation of section 15 of this Act or otherwise, an extraordinary vacancy occurs in the office of a member, and the Secretary whether by notice or otherwise, receives knowledge of that vacancy, he or she shall forthwith notify the Board and the Board shall, at its next ordinary meeting, or if that is not practicable at its next subsequent ordinary meeting, by resolution appoint a person to fill that vacancy and forthwith give public notice of that appointment.

“(2) The person to be appointed under subsection (1) of this section shall, subject to sections 7 and 9 of this Act, be that candidate who, of the unsuccessful candidates at the immediately preceding general election of members of the Board—

“(a) Received the highest number of votes; and

“(b) Is prepared to accept appointment.

“(3) In the event that no unsuccessful candidate at the immediately preceding general election of members of the Board is prepared to accept appointment under subsection (1) of this section, the Board shall appoint some other suitably qualified person.

“(4) If an appointment is not made under subsection (1) of this section within 2 months after the happening of the vacancy, the Governor-General may, by Warrant under his or her hand, fill the vacancy by appointing a suitably qualified person as a member of the Board.

“(5) Every member appointed under this section shall be appointed for the residue of the term of his or her predecessor.”

10. Salaries and allowances—(1) The Auckland Electric Power Board Act 1978 is hereby amended by repealing section 36 (as substituted by section 39 (2) of the Local Government Amendment Act 1985 and as amended by section 15 (1) of the Local Government Amendment Act (No. 3) 1986), and substituting the following section:

“36. The salaries, allowances, travelling allowances, and travelling expenses of the members of the Board shall be determined and paid in accordance with Part IVc of the Local Government Act 1974.”

(2) The following enactments are hereby consequentially repealed:

- (a) So much of Part II of the Third Schedule to the Local Government Amendment Act 1985 as relates to the Auckland Electric Power Board Act 1978:
- (b) So much of the Schedule to the Local Government Amendment Act (No. 3) 1986 as relates to the Auckland Electric Power Board Act 1978.

Waikato Electricity Authority

11. Joint Committee—Section 2 of the Waikato Electricity Authority Act 1988 is hereby amended by repealing paragraph (b) of the definition of the term “Joint Committee”, and substituting the following paragraph:

- “(b) In respect of the period commencing on the 1st day of April 1989 and ending with the close of the 30th day of June 1991, all the persons who are for the time being members of the Board or members of the Energy Services Standing Committee of the Council.”.

12. Members of Authority—(1) Section 6 of the Waikato Electricity Authority Act 1988 is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) Notwithstanding the provisions of subsection (1) of this section the Authority shall, until the close of the 30th day of

June 1991, comprise the members of the Joint Committee who, subject to the provisions of this Act, shall hold office both as members of the Joint Committee and as members of the Authority.”

(2) Section 6 (3) of the Waikato Electricity Authority Act 1988 is hereby amended by omitting the words “1989 triennial general elections of members of local authorities”, and substituting the words “30th day of June 1991”.

(3) Section 6 (4) of the Waikato Electricity Authority Act 1988 is hereby amended by omitting the words “and the appointment of such members to fill an extraordinary vacancy”.

13. Cancellation of 1989 triennial general election—Notwithstanding anything in the Waikato Electricity Authority Act 1988, no election of members of the Waikato Electricity Authority constituted under that Act shall be held in the period commencing with the date of the passing of this Act and ending with the close of the 30th day of June 1991.

14. Continuation in office of existing members of Waikato Electricity Authority—Notwithstanding anything in the Waikato Electricity Authority Act 1988 or the Local Elections and Polls Act 1976,—

- (a) Every person who, by virtue of being a member of the Central Waikato Electric Power Board, is holding office on the date of the passing of this Act both as a member of the Joint Committee (as defined in section 2 of the Waikato Electricity Authority Act 1988) and as a member of the Waikato Electricity Authority shall, unless he or she sooner vacates office under section 15 of the Waikato Electricity Authority Act 1988, continue to hold office both as a member of the Joint Committee (as so defined) and as a member of the Waikato Electricity Authority until the close of the 30th day of June 1991; and
- (b) Every person who, by virtue of being a member of the Energy Services Standing Committee of the Hamilton City Council, is holding office on the date of the passing of this Act both as a member of the Joint Committee (as defined in section 2 of the Waikato Electricity Authority Act 1988) and as a member of the Waikato Electricity Authority shall, unless he or she sooner ceases to be a member of that Energy Services Standing Committee or sooner

vacates office under section 15 of the Waikato Electricity Authority Act 1988, vacate office both as a member of the Joint Committee (as so defined) and as a member of the Waikato Electricity Authority on the date on which, following the 1989 triennial general elections of members of local authorities, he or she vacates office, in accordance with section 7 of the Local Elections and Polls Act 1976, as a member of the Hamilton City Council; and

- (c) Every person who, following the 1989 triennial general elections of members of local authorities, becomes a member of the Energy Services Standing Committee of the Hamilton City Council at any time before the 30th day of June 1991 shall become both a member of the Joint Committee (as defined in section 2 of the Waikato Electricity Authority Act 1988) and a member of the Waikato Electricity Authority and shall, unless he or she sooner ceases to be a member of that Energy Services Standing Committee or sooner vacates office under section 15 of the Waikato Electricity Authority Act 1988, continue in office both as a member of the Joint Committee (as so defined) and as a member of the Waikato Electricity Authority until the close of the 30th day of June 1991; and
- (d) The term of office of any member continued in office by paragraph (a) of this subsection shall, subject to section 15 of the Waikato Electricity Authority Act 1988, be deemed to expire with the close of the 30th day of June 1991.

15. Filling of extraordinary vacancies—Section 16 of the Waikato Electricity Authority Act 1988 shall not apply in relation to any vacancy created under section 15 of that Act at any time in the period commencing on the passing of this Act and ending with the close of the 30th day of June 1991.

This Act is administered in the Ministry of Energy.
