

537.

Hon. Mr. Cadman.

OHINEMURI COUNTY ELECTRIC POWER AND LIGHTING.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to authorise the Chairman, Councillors, and Inhabitants of the County of Ohinemuri to contract with Persons or a Company for the Construction, Maintenance, and Working of an Electrical Installation for supplying Electrical Energy for Public and Private Purposes within the County of Ohinemuri.

Title.

WHEREAS it is expedient that power should be given to the Chairman, Councillors, and Inhabitants of the County of Ohinemuri to contract with any persons or a company for the construction, maintenance, and working of an electrical installation for supplying electrical energy for public and private purposes within the said county:

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 Ohinemuri County Electric Power and Lighting Act, 1899.”

Short Title.

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,—

Interpretation.

The expression “electricity” means electricity, electric current, or any like agency:

The expression “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:

The expression “public purpose” refers to the supply of electricity to or in any street or any place belonging to or subject to the control of a local authority, or any hall, public theatre, or building belonging to or subject to the control of any public authority, but shall not include any other purpose to which electricity may be applied:

The expression "private purpose" refers to any purpose whatever to which electricity may for the time being be applicable, not being public purposes, but shall not include the transmission of any telegram.

Board of Control and its powers.

3. There shall be a Board of Control for the purposes of this Act, which shall consist of the Governor in Council. 5

The Board of Control may appoint such officers and make such by-laws for their own guidance as they shall think proper; they may also make such rules and regulations for the control of any persons or company contracting with the said Chairman, Councillors, and Inhabitants as aforesaid, in the interests of the public safety, as they may think expedient for securing the safety of the public from personal injury, or from fire or otherwise, and may from time to time amend or repeal such regulations; and any such regulations so made or amended by the Board of Control shall, from the date and issue thereof, have the same effect in every respect as though they had been originally inserted in this Act; and every regulation so repealed shall from and after the date thereof be repealed accordingly, but such repeal shall not affect any liability or penalty incurred in respect thereof prior to the date of such repeal, or any proceeding or remedy which might have been had in relation thereto. 10 15 20

The Board of Control may from time to time delegate all or any of the powers vested in the Board by this Act to the Electric Telegraph Commissioner, or to such other person as the Board of Control shall think fit. 25

Empowering company to supply electricity.

4. Subject and without prejudice to "The Electric Lines Act, 1884," "The Counties Act, 1886," and "The Counties Act Amendment Act, 1887," the Chairman, Councillors, and Inhabitants of the Ohinemuri County may contract with any persons or company for the construction, maintenance, and working of an electrical installation for supplying electrical energy for public and private purposes within the said county, and may for such purpose grant to the persons or company with whom or with which it shall contract as aforesaid power to break up or cross over streets, roads, rivers, and bridges, and place mains, service-lines, distributing mains, and wires either above or below ground, and over or under streets and roads, and lay down and place pipes, conduits, and service-pipes, and erect pillars, arches, and poles in and upon streets, roads, bridges, and other places, and make, construct, and do other works and things for supplying energy within such area of supply, or any part thereof, upon such terms and conditions, for such period not exceeding forty-two years, and subject to such regulations and provisions, as may be agreed upon between the contracting parties; and, subject as aforesaid, may grant to the said persons or company all the aforesaid privileges and powers in, under, over, and upon all and every "mining privilege" in the said county as defined by "The Mining Act, 1898," or any agricultural lease or occupation license, but not in or upon any machine-, residence-, or business-site. 30 35 40 45

Agreement to be referred to rate-payers.

5. A copy of every agreement made between the Chairman, Councillors, and Inhabitants of the Ohinemuri County, and any persons or company as aforesaid, shall be deposited at the office of the said County Council, and also at the post-offices of Karangahake, Waihi, and Waitekauri; and notice that such agreement has been 50

previously made, and that a copy thereof is open for inspection, shall be advertised in some newspaper published in the said county, or in the City of Auckland, at least once in each of four successive weeks after such deposit.

5 The Chairman of the said Ohinemuri County shall call a meeting of the ratepayers of the said Council, for a day not less than ten days after the last publication of such advertisement, to consider such agreement, and, if present, shall preside at such meeting. If the Chairman of the said county be not present, then a chairman of the
10 meeting may be appointed at the meeting.

A copy of such agreement shall be produced at such meeting, and the terms thereof may be then discussed and considered. Any amendments or alterations in such agreement suggested at such meeting may, if the Chairman, Councillors, and Inhabitants of the
15 said county and the company agree thereto, be made, and the agreement so amended or altered shall be deemed to be the same agreement as that originally deposited and advertised.

After such meeting, and on such day as the Chairman of the said county shall appoint, a poll of the ratepayers shall be held, at
20 which the question shall be submitted whether such agreement shall be confirmed.

Such poll shall be taken and held in the manner provided by section one hundred and ninety-six of "The Counties Act, 1886." If a majority of the votes polled shall be in favour of confirming such
25 agreement, then such agreement shall be valid and effectual as from the day of the declaration of such poll; and if a majority of the votes polled shall be against the confirmation of such agreement, then such agreement shall be null and void.

Such poll shall be taken at Paeroa, Karangahake, Waihi, and
30 Waitekauri.

6. The persons or company contracting with the said Council as aforesaid shall not be entitled to exercise any of the powers hereby conferred until such agreement is confirmed. If such agreement is not entered into and confirmed within one year from the date hereof
35 the powers and authorities hereby conferred shall cease.

If agreement not made within one year, powers hereby conferred shall cease.

7. In any contract made by the Chairman, Councillors, and Inhabitants of the Ohinemuri County under the provisions of this Act there shall be an express provision entitling it, at the expiration of the term mentioned therein, or earlier if the parties to the said
40 contract shall think fit, to purchase the installation and works erected in pursuance thereof at a price, in case the said County Council and other contracting party shall not agree, to be ascertained by arbitration, in such manner and upon such conditions as shall be set forth in the contract (in which provisions for that purpose shall be inserted).

Council to have power to purchase installation and works.

45 But in no case shall the Chairman, Councillors, and Inhabitants of the Ohinemuri County contract to pay or pay, nor shall there be included in the price to be ascertained as aforesaid, any sum for goodwill. And any contract or undertaking on the part of the Chairman, Councillors, and Inhabitants of the Ohinemuri County contrary to the
50 last-mentioned provision shall be null and void to all intents and purposes whatsoever.