

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives.  
15th November, 1932.*

*Hon. Mr. Hamilton.*

## OHAI RAILWAY BOARD.

[LOCAL BILL.]

### ANALYSIS.

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### A BILL INTITLED

AN ACT to make Provision for altering the Constitution and Powers of the Ohai Railway Board and for Matters incidental thereto. Title.

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

1. This Act may be cited as the Ohai Railway Board Act, 1932. Short Title.

10 2. In this Act— Interpretation.  
“ Board ” means the Ohai Railway Board :

“Coal-owner” means any person whose name appears for the time being on the coal-owners roll hereinafter referred to :

“District” means the Ohai Railway District :

“Elector” means any person whose name appears for the time being on the electors roll of any subdivision of the district : 5

“Existing overdraft” means the amount owing by the Board by way of overdraft on the day the power to borrow given by subsection *one* of section *eighteen* of this Act is exercised : 10

“Principal Act” means the Local Railways Act, 1914.

This Act to apply notwithstanding principal Act or other Acts.

3. (1) The provisions of this Act shall apply with respect to the Board, anything to the contrary in the principal Act or any other Act notwithstanding. 15

(2) Subject to the provisions of this Act, the principal Act shall apply to the Board.

Constitution of Board.

4. (1) Of the members of the Board three shall be elected by the coal-owners. 20

(2) The members of the Board shall be elected in the manner prescribed by the Local Elections and Polls Act, 1925, all the provisions of which Act shall, so far as they are not inconsistent with this Act, apply accordingly. 25

Power to combine subdivisions of district.

5. (1) The Governor-General may under the provisions of section two of the Local Railways Amendment Act, 1926, for the purposes of representation, combine any two or more subdivisions of the district created under that section, and may fix the number of members to be elected by the subdivisions so combined. 30

(2) The word “subdivision” where used in the following provisions of this Act shall be deemed to include any two or more subdivisions combined under subsection *one* of this section as though such subdivisions were one subdivision. 35

Electors roll and coal-owners roll.

6. The Clerk shall, not later than forty days before the day in any year appointed for the holding of a general election of members of the Board, cause to be prepared the following rolls :— 40

(a) An electors roll for each subdivision of the district, in the form in the Schedule hereto, containing the names arranged in alphabetical order of their surnames of all persons whose

names appear on the valuation roll of the subdivision as the occupiers of any rateable property within that subdivision.

5 (b) A roll (to be called the coal-owners roll) containing the names, similarly arranged, of every person, firm, company, society, or association (whether incorporated or not) carrying on the business of coal-mining within the district and using the Board's railway for the transportation of coal produced in such business.

10 7. (1) No person shall be entitled to have his name entered on the electors roll of more than one subdivision, but the name of any person who is the occupier of rateable property in more than one subdivision shall be placed on the roll of that subdivision only in which is situated the property occupied by him of the greatest value as shown by the valuation roll.

No person to be on two rolls.

20 (2) A coal-owner, notwithstanding that he is the occupier of rateable property within the district, shall not be entitled to have his name placed on the roll of any subdivision.

25 8. Forthwith on the preparation of the rolls of the subdivisions and the coal-owners roll, public notice shall be given that the same have been prepared and are open to public inspection under section twelve of the principal Act.

Public notice and inspection of rolls.

30 9. Sections seven to twelve of the principal Act shall (with the exception of paragraph (c) of subsection one of section eight) apply both to the electors roll of each subdivision and to the coal-owners roll as though such rolls were each an "electors list" or "electors roll" within the meaning of these words as used in the said sections, as the case may require.

Sections 7 to 12 of principal Act applied to rolls.

35 10. (1) Section twenty-four of the principal Act shall not apply with respect to any member of the Board.

Provisions as to members voting when interested or making contracts with Board.

40 (2) Paragraph (g) of subsection one of section five and paragraph (h) of subsection one of section sixteen of the principal Act respectively shall not apply to any person nominated for election as a member of the Board or to any member thereof, and in lieu thereof the following provision shall apply:—

“ Any person shall be incapable of being elected to be a member of the Board who is, and the office of a member of the Board shall become vacant if he is, concerned or interested (otherwise than as a member of an incorporated company in which there are more than twenty members and of which he is not the general manager) in any contract made by the Board, if the payment made or to be made by or on behalf of the Board in respect of any such contract or contracts exceeds ten pounds in the case of any contract, or twenty-five pounds altogether in any financial year, except in special cases to be previously approved by the Audit Office on the application of the Board. In any such special case the Audit Office may authorize the payment and receipt of such amount as it thinks fit, not exceeding in the aggregate fifty pounds in any financial year in respect of any contract or of two or more contracts :

“ Provided that an interest in any loan raised by the Board, whether on security or otherwise, or in any newspaper in which the Board inserts advertisements, or in any lease granted or agreed to be granted to or by the Board, shall not constitute a disqualification under this paragraph :

“ Provided further that no person shall be disqualified from being elected to be a member of the Board by virtue of his being interested or concerned in any contract made before his election, if before such election his obligation under such contract has been performed and the amount to be paid by or on behalf of the Board has been fixed ; and any payment made thereafter by or on behalf of the Board pursuant to such contract shall not operate to disqualify such person from continuing to hold office or be taken into account for the purpose of computing the amount that may lawfully be paid to him as a member of the Board in the same financial year in respect of any contract or contracts.”

Qualification of members of Board.

11. (1) Subject to the provisions of subsection one of section five of the principal Act as modified by the *last preceding* section, every person whose name appears on the electors roll of any subdivision is qualified to be elected a member of the Board by the electors of that subdivision.

(2) A candidate for election as a member of the Board by the coal-owners shall be nominated by two

coal-owners in the manner prescribed by section eight of the Local Elections and Polls Act, 1925.

(3) No person shall be entitled to be elected a member of the Board by the coal-owners unless—

- 5 (a) His name appears on the coal-owners roll ; or
- (b) There is lodged with his nomination-paper a certificate signed by all the partners in a firm or all the members of an unincorporated society or association of persons whose name appears on the coal-owners roll, or by the secretary of an incorporated company or other body corporate whose name so appears, that such person is a member of such firm, society, or association, or a director of such incorporated company or body corporate, as the case may be.

15 12. No elector or coal-owner shall have more than one vote, except as provided by subsection four of section thirteen of the Local Elections and Polls Amendment Act, 1926. Votes of electors and coal-owners.

20 13. The first general election of members of the Board held after the passing of this Act shall be held on a day to be fixed by the Governor-General, and on the same day in every third year thereafter a fresh general election of members shall be held. Date of elections.

25 14. If for any reason the required number of members is not elected at any election the Governor-General may by Warrant under his hand appoint such qualified person or persons as he thinks fit to be members of the Board in lieu of the member or members who ought to have been elected; and every person so appointed shall hold office in all respects as if he had been duly elected a member of the Board. In default of election Governor-General may appoint members.

30 15. At the first meeting of the Board subsequent to the first general election of members of the Board held after the passing of this Act and thereafter at its annual meeting the Board shall elect one of its members to be Chairman of the Board. Election of Chairman.

35 16. The first ordinary meeting after a general election of members and the first ordinary meeting held in the same month in each of the two following years thereafter shall be the annual meeting of the Board. Annual meetings.

40 17. After the repayment of all loans heretofore raised by it no rate shall be made or levied by the Board. Abolition of power to rate.

Extension of  
power to  
borrow.

18. (1) The Board may by resolution and without taking the steps described in sections nine to thirteen of the Local Bodies' Loans Act, 1926, but subject to the provisions of the Local Government Loans Board Act, 1926, borrow either from its bankers by way of overdraft or from any other source or from both such an amount as shall be necessary— 5

(a) To repay the special loan raised by the Board and referred to in section *nineteen* hereof, after allowing for the amount of any sinking fund available for the partial repayment of such loan ; and 10

(b) To repay the Board's existing overdraft :

Provided that the total amount borrowed by the Board under this subsection shall not exceed *thirty-one thousand* pounds. 15

(2) Section thirty-two of the Finance Act, 1927 (No. 2), shall apply to the Board.

(3) For the purpose of securing any amount borrowed under this section from its bankers by way of overdraft the Board may create a series of debentures of an aggregate amount not exceeding the total amount agreed to be lent by its bankers, and may hypothecate such debentures to its bankers. 20

(4) For the purpose of securing any moneys borrowed from any source or sources other than its bankers by way of overdraft the Board may issue a series of debentures. 25

(5) Any debentures created or issued by the Board under this section may create a charge on the whole or any part or parts of the Board's undertaking, assets, and revenues, and shall be in the form prescribed by section twenty-seven of the Local Bodies' Loans Act, 1926 ; and the provisions of sections forty-eight to fifty-eight of such Act shall apply to such debentures. 30

Existing special  
loan to be  
repaid.

19. The Board shall on or before the twenty-eighth day of February, nineteen hundred and thirty-three, repay the loan raised by the Board and known as the Ohai Railway Board Debenture Loan of £30,000. 35

Exclusion of  
certain  
provisions of  
principal Act.

20. Subsection two of section five, subsections one, two, and four of section six, sections thirteen and fourteen, sections forty to forty-four, and subsection three of section twenty-five of the principal Act, and subsection four of section two of the Local Railways Amendment Act, 1926, shall not apply to or in relation to the Board. 40

**21.** Upon the Board exercising any power to borrow given by this Act the power given by section sixty-five of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1922, shall cease to be exercised 5 by the Board.

Abolition of existing extension of power to borrow.

**SCHEDULE.**

Schedule.

**ELECTORS ROLL OF SUBDIVISION.**

Number in Valuation Roll.	Name and Address of Elector.