

PUBLIC WORKS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Public Works Act 1928.

Clause 2 amends section 31 of the Finance Act (No. 3) 1944, which provides for agreements between local authorities and the Crown in respect of works or schemes of construction such as water supply, sewerage, or drainage works generally to serve several districts. In some cases of this nature the local authorities' share of the cost is apportioned between them on the basis of a flat rate (for a sewer or water rate, per connection) payable over a period of years. This clause gives power in such cases for each local authority, if it wishes, to pass the charge over to its residents in that form. Under the existing subsection (8) of section 31, the local authority already has power to meet the charge by a rate based on valuation.

Clause 3 gives express statutory authority for the long standing practice of the Ministry of Works of making advances to contractors to facilitate the provision of plant, equipment, and supplies on contract works.

Clause 4 corrects an error in section 9 (3) of the Public Works Amendment Act 1956, which relates to objections to declarations of limited traffic roads and streets.

Electric Lines

Clause 5: Subclause (1) gives power to make regulations prescribing clearances for mobile cranes and similar devices from power lines. *Subclause (2)* rewrites section 319 (3) of the principal Act so as to bring that section into line with section 320, as redrafted by *clause 6*.

Clause 6 exempts from licensing all electric lines confined to the premises of the owner, whether the source of power is on the premises or elsewhere. Wiring permits will still be necessary in respect of such lines and they will still be subject to inspection and approval. In practice there has been no licensing in most of these cases for many years.

Clause 7 provides for certain consequential repeals, and also for the repeal of section 321 of the principal Act which relates to the grant of Minister's permits in respect of electric lines in certain cases.

Hon. Mr Watt

PUBLIC WORKS AMENDMENT

ANALYSIS

Title	4. Limited traffic roads and streets
1. Short Title	<i>Electric Lines</i>
2. Uniform charges instead of rates to meet cost of works	5. Electric lines
3. Advances for purchase of plant and equipment	6. Exceptions
	7. Repeals

A BILL INTITULED

An Act to amend the Public Works Act 1928

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

1. **Short Title**—This Act may be cited as the Public Works Amendment Act 1958, and shall be read together with and deemed part of the Public Works Act 1928 (hereinafter referred to as the principal Act).
- 10 2. **Uniform charges instead of rates to meet cost of works**—
Section 31 of the Finance Act (No. 3) 1944 is hereby amended by inserting, after subsection eight, the following subsection:
“(8A) For the purpose of providing any of the money to
15 be paid or expended by any local authority under an agree-
ment entered into under this section, the local authority may,
where the agreement so provides, instead of or in addition to

making and levying a rate, charge fees annually according to a uniform scale for service given or available, or for works undertaken or provided that are of approximately uniform benefit to all land in the area affected, which fees shall be charged upon all land served or benefited or capable of being served or benefited by or from the work or scheme to which the agreement relates. The scale may provide for separate charges for availability if not used, for connection, for quantity, and for each installation or class of installations on the premises served by or from the work or scheme or for each piece of land in any area where all land benefits approximately uniformly from the work or scheme; and in the case of any sewerage or drainage work or scheme the charge may be according to the nature of matter received from the premises and treatment required to make it conformable with matter received from other places; and different scales and different uniform fees may be charged under this section in different areas and according to comparable or different circumstances. The proceeds of any such annual fee shall be available to meet the local authority's liabilities in respect of, or expenditure upon, or contribution to, construction, maintenance, and operation of the service, work, or scheme, and charges for interest and sinking fund."

3. Advances for purchase of plant and equipment—(1) Any authority to expend public money on or in relation to a Government work within the meaning of the Public Works Act 1928 shall be deemed to include the power to make advances to any person for the purchase of any machinery, plant, appliance, or equipment which is necessary or desirable either for the better prosecution of that work or for the provision of necessary supplies for that work.

(2) Any advance under this section may be made upon such security and subject to such conditions as the Minister in charge of the Department for the time being having control of the work thinks fit.

(3) The last-mentioned Minister may, for the purposes of this section, in the name and on behalf of Her Majesty, make and enforce such contracts and execute such instruments as he thinks fit.

4. **Limited traffic roads and streets**—Subsection three of section nine of the Public Works Amendment Act 1956 is hereby amended by omitting the words “such declaration”, and substituting the words “such objection”.

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Electric Lines

5. **Electric lines**—(1) Section three hundred and nineteen of the principal Act is hereby amended by adding to paragraph (f) of subsection two, as enacted by subsection one of section six of the Electricity Amendment Act 1948, the following subparagraph:

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“(iv) Authorising, controlling, restricting, prescribing conditions in respect of, and where necessary prohibiting, the construction, installation, use, management, operation, maintenance, transportation, and movement of any structure, device, thing, or substance, whether fixed or movable and whether permanent or temporary, in the vicinity of any electric line or work or where any electric line or work may affect or be affected by the structure, device, thing, or substance.”

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(2) Section three hundred and nineteen of the principal Act is hereby further amended by repealing subsection three, as enacted by subsection one of section twenty-four of the Electricity Act 1945 and amended by subsection three of section six of the Electricity Amendment Act 1948, and substituting the following subsection:

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“(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; and, for the purposes of subsection two of this section, also includes any such wire or other conductor, instrument, apparatus, device, means, insulator, casing, tube, pole, support, or thing which is situated on the premises of any con-

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sumer of electrical energy, or which forms part of any such consumer's installation, or is connected thereto, or which is the property of any such consumer or under his control, whether or not the electric line or work is used, laid, or placed beyond the limits of the premises of the person who owns or controls the electric line or work, or of whose installation it forms part, or to whose installation it is connected, and whether or not the electric line or work is used pursuant to a licence under this section." 5

6. Exceptions—The principal Act is hereby amended by repealing section three hundred and twenty, and substituting the following section: 10

"320. Section three hundred and nineteen of this Act shall not apply to any electric line as defined in section one hundred and forty-six of the Post and Telegraph Act 1928, nor to any electric line used for the transmission of power for electric-tramway purposes under the authority of an authorising order issued under the Tramways Act 1908, nor to any electric line which is not laid or placed, or is not intended to be used, laid, or placed, beyond the limits of the premises of the person who owns or controls the line, or of whose installation it forms part, or to whose installation it is connected: 20

"Provided that subsections two, three, and four of section three hundred and nineteen of this Act shall apply to any electric line of the last-mentioned nature." 25

7. Repeals—The following enactments are hereby repealed:

- (a) Section three hundred and twenty-one of the principal Act:
- (b) Section twenty-four of the Electricity Act 1945:
- (c) Subsections three and five of section six of the Electricity Amendment Act 1948. 30