

**Reprint
as at 15 October 1999**



**South Taranaki District Council
(Egmont Electricity Limited Sale
Proceeds) Act 1999**

Local Act 1999 No 5
Date of assent 14 October 1999
Commencement 14 October 1999

Contents

	Page
Title	2
Preamble	2
1 Short Title	3
2 Interpretation	3
3 Fund to be applied for benefit of South Taranaki District	4
4 Council to comply with law and enactments in respect of fund	4
5 No trusteeship	4

**An Act to require the South Taranaki District Council and its
successors to apply the funds from the sale of the Council's shares
in Egmont Electricity Limited only for purposes primarily**

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

benefiting the residents and ratepayers of the South Taranaki District as constituted on the commencement of this Act

Preamble

Whereas—

- A On 1 October 1993 the undertaking of the Egmont Electric Power Board vested in Egmont Electricity Limited and all shares in Egmont Electricity Limited held by the Egmont Electric Power Board vested in the South Taranaki District Council; and the vesting of the shares in the Council occurred as a result of the operation of sections 29 (establishment plan not to be approved unless share allocation plan endorsed) and 30 (allocation of shares where share allocation plan not endorsed) of the Energy Companies Act 1992:
- B On 23 April 1997 the South Taranaki District Council, after receiving an irrevocable offer from Powerco Limited to buy the Council's shares in Egmont Electricity Limited, resolved to accept the offer in principle and to undertake, under section 88 of the Energy Companies Act 1992 and section 716A of the Local Government Act 1974, consultation as to whether it should sell its shares to Powerco Limited:
- C On 19 June 1997, after the special consultative procedure was completed, the South Taranaki District Council resolved to sell its shares in Egmont Electricity Limited to Powerco Limited:
- D The Council considered it desirable to replace its shares in Egmont Electricity Limited with an asset thought to be safer and to give a better return to the residents and ratepayers of the South Taranaki District:
- E On 26 August 1997 settlement of the sale took place after determination of a judicial review application in the High Court:
- F The net proceeds from the sale of the South Taranaki District Council's shares available for investment as at 26 August 1997 amounted to \$88,731,652:
- G The money available for investment from the sale of the Council's shares is not subject to any trusts or other equitable obligations:

- H The South Taranaki District Council has included the money available for investment in an investment fund called the Long Term Capital Fund; and, by resolution dated 26 June 1998, the Council resolved to invest the Long Term Capital Fund in accordance with the Council's long term financial strategy and investment policy, and the Local Government Act 1974:
- I The South Taranaki District Council recognises a connection between the residents and ratepayers of the current South Taranaki District and the investment arising from the sale of the Council's shares; and, consequently, the Council now considers it desirable that the investment arising from the sale of the Council's shares is managed or applied only for purposes primarily benefiting the residents and ratepayers of the South Taranaki District as constituted on the commencement of this Act:
- J It is desirable to ensure, by way of enactment, that the net proceeds from the sale of the Council's shares in Egmont Electricity Limited are managed and applied only for purposes primarily benefiting the residents and ratepayers of the South Taranaki District as constituted on the commencement of this Act.

1 Short Title

This Act may be cited as the South Taranaki District Council (Egmont Electricity Limited Sale Proceeds) Act 1999.

2 Interpretation

In this Act, unless the context otherwise requires,—

Council means the South Taranaki District Council; and includes its legal successors

fund means—

- (a) the money available for investment from the sale of the Council's shares in Egmont Electricity Limited which, as at 26 August 1997, amounted to the sum of \$88,731,652; and
- (b) any accumulations of capital and income on that sum

South Taranaki District means the South Taranaki District as it was constituted on 1 November 1989 by clause 74 of the

Local Government (Taranaki Region) Reorganisation Order
1989.

3 Fund to be applied for benefit of South Taranaki District

- (1) Subject to subsection (2), the fund, any part of the fund, and income earned from the investment of the fund must be managed or applied only for purposes that the Council considers, on reasonable grounds, are primarily for the benefit of the residents and ratepayers of the South Taranaki District.
- (2) Despite section 247B of the Local Government Act 1974, neither the fund nor any part of the fund may be applied to any work outside the South Taranaki District.

4 Council to comply with law and enactments in respect of fund

Except as provided in section 3, this Act does not affect the Council's obligations to manage, account for, or apply the fund in accordance with the law, the Local Government Act 1974, and any other enactment.

5 No trusteeship

This Act does not constitute the Council a trustee of the fund.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the South Taranaki District Council (Egmont Electricity Limited Sale Proceeds) Act 1999. The reprint incorporates all the amendments to the Act as at 15 October 1999, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
