

# Waikato Electricity Authority Act 1988

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**An Act to make provision for the amalgamation of the Central Waikato Electric Power Board and the Electricity Division of the Hamilton City Council, for the organisation of electricity distribution in the power supply areas of those organisations and elsewhere, for the construction or purchase of works for the generation, transmission, supply, and sale of electrical power, for the holding of shares in a limited liability company, and for matters related thereto**

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

## **1 Short Title and commencement**

- (1) This Act may be cited as the Waikato Electricity Authority Act 1988.
- (2) Except as otherwise provided in this Act, this Act shall come into force on the day after the date on which it receives the Royal assent.

## **2 Interpretation**

In this Act, unless the context otherwise requires,—

“Authority” means the Waikato Electricity Authority constituted under this Act or any successor in law of the Waikato Electricity Authority:

“Audit Office” has the meaning assigned to it in section 14 of the Public Finance Act 1977:

“Board” means the Central Waikato Electric Power Board:

“Board of Directors” means the Board of Directors of an electricity company:

“Council” means the Hamilton City Council:

“Constituent territorial authorities” means the Councils of Waikato, Waipa, and Raglan Counties, Huntly and Ngaruawahia Boroughs, and Hamilton City:

“Elector” means a person qualified to be an elector of a district pursuant to section 13 of this Act:

“Electric line” or “line” 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 electricity, or for the consumption or application of electricity; 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; and also includes any electric line which is situated on the premises of any consumer of electricity, 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 or her control, whether or not the electric line is used, laid, or placed beyond the limits of the premises of the person who owns or controls the electric line, or of whose installation it forms part, or to whose installation it is connected, and whether or not the electric line is used pursuant to a licence under the Electricity Act 1968; but does not include the wire of any electric fence:

“Electric power board” means a Board as defined by section 2 of the Electric Power Boards Act 1925:

“Electricity company” means any company incorporated under the Companies Act 1955 which—

- (a) Is licensed under Part III of the Electricity Act 1968, or is otherwise authorised to supply electricity; and
- (b) In which not less than 51 percent of the equity share capital of the company is owned by the Authority:

“Equity share capital” means, in relation to a company, its issued share capital excluding any part thereof which, neither as respects dividends nor as respects capital, carries any right to participate beyond a specified amount in a distribution:

“Joint Committee” means—

- (a) In respect of the period commencing on the date of commencement of this section and ending with the 31st day of March 1989, all the persons who are for the time being members of the Board or members of the Energy Services Standing Committee of the Council:
- (b) On and after the 1st day of April 1989, all those persons who were, immediately before that date, members of the Board or members of the said Standing Committee:

“Minister” means the Minister of Energy:

“Public notice” means a notice published in a newspaper circulating generally in the district or districts of the territorial authority or territorial authorities to which the subject-matter of the notice relates; and “published” and “publicly notified” have corresponding meanings. A public notice setting out the object, purport, or general effect of a document shall in any case be sufficient notice of that document:

“Territorial authority” shall have the same meaning as in the Local Government Act 1974:

“Undertaking” means the light, power, and heat undertaking referred to in the Hamilton City Gasworks and Electricity Empowering Act 1952; but does not

include the assets of the Council relating to its gas undertaking as defined in section 3(3) of the Hamilton City Council (Gas) Empowering Act 1988.

## **Part I**

### **Waikato Electricity Authority**

#### **3 District of Authority**

For the purposes of this Act the district of the Authority shall be the combined supply districts of the Council and the Board, and any electric power district included in the district pursuant to section 4 of this Act.

#### **4 Inclusion of electric power district in Authority's district**

- (1) Subject to subsection (2) of this section, the Governor-General may, by Order in Council made on the advice of the Minister of Energy,—
  - (a) Declare any Electric Power Board to be abolished; and
  - (b) Include the electric power district of the abolished Board in the district of the Authority.
- (2) An Order in Council shall not be made under subsection (1) of this section unless both the Authority and the Electric Power Board proposed to be abolished have made a special order recommending that such an Order in Council be made.
- (3) Every Order in Council made under subsection (1) of this section shall specify the date on which it is to come into force.
- (4) On the date on which any such Order in Council comes into force, the provisions of sections 23(2) to (9), 26, and 27 of this Act shall apply as if references in those sections to the Central Waikato Electric Power Board were references to the Electric Power Board abolished by the Order in Council, and as if references in those sections to the date of commencement of those sections were references to the date on which the Order in Council comes into force.
- (5) By the same or any other Order in Council the Governor-General may make such provisions as are necessary or expedient in relation to the membership of the Authority, the distribution of membership of the Authority among the constituent districts of the enlarged district, and the date for the first election of members of the Authority in relation to the enlarged district.
- (6) The date fixed for the first election may be any date not later than the date of the next triennial general elections of members of local authorities, and any Order in Council under this section may provide that members of the Authority and the abolished Board, or such number of those members as may be determined in accordance with the Order in Council, shall, until members elected at the first election of the Authority of the enlarged district come into office, constitute the Authority of the enlarged district, subject to such conditions as may be prescribed in the Order in Council.

## **5 Constitution of Waikato Electricity Authority**

- (1) For the purposes of giving effect to the provisions of this Act there is hereby constituted an authority to be known as the Waikato Electricity Authority.
- (2) The Waikato Electricity Authority shall be a body corporate having, subject to the provisions of this Act, perpetual succession and a common seal with power to purchase, take, hold, and transfer property, real and personal, to sue and be sued in any Court, and to do and suffer all other acts and things which a body corporate may lawfully do and suffer.
- (3) Part II of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by inserting in its appropriate alphabetical order the following item:  
“The Waikato Electricity Authority  
1988, No. 7 (Local)—The Waikato Electricity Authority Act 1988.”
- (4) Part II of the First Schedule to the Local Authorities (Employment Protection) Act 1963 is hereby amended by inserting in its appropriate alphabetical order the following item:  
“The Waikato Electricity Authority  
1988, No. 7 (Local)—The Waikato Electricity Authority Act 1988.”
- (5) Part II of the First Schedule to the Local Authorities (Members’ Interests) Act 1968 is hereby amended by inserting in its appropriate alphabetical order the following item:  
“The Waikato Electricity Authority  
1988, No. 7 (Local)—The Waikato Electricity Authority Act 1988.”
- (6) Part III of the First Schedule to the Ombudsmen Act 1975 is hereby amended by inserting in its appropriate alphabetical order the following item:  
“The Waikato Electricity Authority and any electricity company as defined in section 2 of the Waikato Electricity Authority Act 1988.”
- (7) Part II of the First Schedule to the Local Government Official Information and Meetings Act 1987 is hereby amended by inserting in its appropriate alphabetical order the following item:  
“The Waikato Electricity Authority.”
- (8) This section shall come into force on the 1st day of April 1989.

## **6 Members of Authority**

- (1) The Authority shall have 8 members comprising—
  - (a) Five members to be elected by the electors within the district of the Hamilton City Council:
  - (b) One member to be elected by the electors within the district of the Waikato County Council:
  - (c) One member to be elected jointly by the electors within the districts of the Waipa County Council and the Ngaruawahia Borough Council:

- (d) One member to be elected jointly by the electors within the districts of the Raglan County Council and the Huntly Borough Council.
- (2) Notwithstanding the provisions of subsection (1) of this section, the first members of the Authority shall be the members of the Joint Committee who shall hold office as members of the Authority until—
  - (a) The first elected members of the Authority come into office following the 1989 triennial general elections of members of local authorities; or
  - (b) Sooner vacating office under this Act.
- (3) The members of the Authority to take office following the 1989 triennial general elections of members of local authorities shall be elected in the districts set out in subsection (1) of this section, and thereafter shall be appointed or elected in accordance with the provisions of this section.
- (4) The Local Elections and Polls Act 1976 shall, subject to the provisions of this Act, apply to the election of members of the Authority and the appointment of such members to fill an extraordinary vacancy.

#### **7 Review of membership of constituent districts**

Sections 43(1) to (8) and 44 of the Local Government Act 1974, with the necessary modifications, shall apply to and in respect of the Authority as if references in those sections to a regional council were references to the Authority, and as if references in those sections to a region were references to the district of the Authority.

#### **8 Chairman of Authority**

- (1) The Authority shall at its first meeting and each 12 months thereafter elect one of its members to be the Chairman of the Authority.
- (2) At every meeting for the election of a Chairman the Secretary of the Authority shall preside, and if the voting is equal shall determine the election by lot in such manner as the Authority directs.
- (3) The Chairman shall come into office on his or her election, and shall hold office until the election of a successor.
- (4) The Chairman may resign office by writing delivered to the Secretary of the Authority, and in such case, or in the case of the Chairman ceasing from any cause to be a member of the Authority, the office shall become vacant, and the Secretary of the Authority shall forthwith convene a meeting of the Authority for the election of a new Chairman.

#### **9 Deputy Chairman of Authority**

- (1) The Authority may at any time and from time to time appoint a Deputy Chairman who shall act as Chairman during the temporary absence or incapacity of the Chairman.

- (2) While so acting the Deputy Chairman may do all acts that the Chairman as such might do.
- (3) The fact that the Deputy Chairman exercises any power, duty, or function of the Chairman shall be sufficient evidence of his or her authority to do so; and no person shall be concerned to inquire whether any occasion has arisen requiring or authorising him or her to do so, or be affected by notice that no such occasion has arisen.

## **10 Meetings**

- (1) The Authority shall hold meetings at such times and places as it from time to time appoints.
- (2) The Chairman or the Secretary of the Authority shall give notice in writing to each of the members of the time and place appointed to hold each ordinary meeting and the members shall attend such meetings without further notice.
- (3) The Chairman shall preside as Chairman of every meeting of the Authority, committee, or subcommittee at which he or she is present or in his or her absence the Deputy Chairman shall be Chairman.
- (4) If neither the Chairman or Deputy Chairman is present at such meetings the members of the Authority, committee, or subcommittee present shall elect one of their number to preside at that meeting and he or she shall have and may exercise at that meeting all the functions of the Chairman.

## **11 Quorum of Authority and committees and voting at meetings**

- (1) A quorum of the Authority and of any committee of the Authority shall consist of half the members if the number of members is even and the majority of the members if the number is odd.
- (2) A meeting shall be duly constituted if a quorum is present, whether voting or not.
- (3) No business shall be transacted at any meeting of the Authority or of any committee unless a quorum of members is present during the whole of the time during which the business is transacted.
- (4) The Chairman or other person presiding at any meeting of the Authority or of any committee shall have a deliberative vote and, if the voting is equal, shall also have a casting vote.
- (5) Every question coming before the Authority or the committee shall be decided by open voting:  
Provided that the election of Chairman and Deputy Chairman shall take place in such manner as the Authority thinks fit.

## **12 Committees**

- (1) The Authority may from time to time appoint standing or special committees consisting of 2 or more or its members, and may refer to any such committee

any matters for consideration or enquiry or management or regulation, and may delegate to any such committee any of the powers and duties conferred or imposed upon the Authority by this Act except the power to borrow money, to make, amend, or revoke a bylaw, to execute a deed or contract otherwise than in accordance with section 4 of the Public Bodies Contracts Act 1959, or to institute an action.

- (2) The Authority may at any time and from time to time discharge, alter, continue, or reconstitute any committee, or discharge any member of the committee and appoint another member instead.
- (3) Every committee shall, unless discharged by the Authority, be deemed to be discharged on the coming into office of the members elected at the triennial general elections of members of local authorities next following the appointment of the committee.
- (4) Every such committee shall be subject in all things to the control of the Authority and shall carry out all directions, general or special, of the Authority given in relation to such committee or its affairs.
- (5) In this section the term “committee” includes a subcommittee.

### **13 Qualification of electors and members**

- (1) Every person who is registered as a parliamentary elector under the Electoral Act 1956 shall be qualified to be an elector of a district (being one of those districts of a territorial authority mentioned in section 6(1) of this Act) if the address in respect of which that person is registered as a parliamentary elector is within that district.
- (2) Subject to section 12(3) of the Local Elections and Polls Act 1976 and section 14 of this Act, every person who is a parliamentary elector shall be qualified to be elected or appointed as a member of the Authority.

### **14 Disqualification from election or appointment**

The following persons shall not be capable of being elected or appointed as a member of the Authority:

- (a) Any person who is disqualified from election or appointment by section 112 of the Local Elections and Polls Act 1976:
- (b) Any person who is convicted of any offence punishable by death or imprisonment for a term of 2 years or more, unless the person has obtained a pardon, or has served the sentence or otherwise suffered the penalty imposed:
- (c) Any person who is detained in a hospital under the Mental Health Act 1969.

**15 Vacation of office by member**

- (1) The office of a member of the Authority shall become vacant, and the vacancy shall be an extraordinary vacancy, if the member—
  - (a) Dies; or
  - (b) Resigns the office by writing under the member's hand delivered to the Secretary of the Authority; or
  - (c) Is detained in a hospital under the Mental Health Act 1969; or
  - (d) Is convicted of any offence punishable by death or imprisonment for a term of 2 years or more; or
  - (e) Is absent without leave from 4 consecutive meetings of the Authority.
- (2) In any case to which subsection (1)(d) of this section applies—
  - (a) The disqualification shall not take effect until the expiration of the time for appealing against conviction and, in the event of an appeal against conviction, until the appeal is determined; and
  - (b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.
- (3) If any person does any act as a member after the person's office has become vacant under this section (other than under subsection (1)(c) of this section) or while on leave of absence under subsection (2) of this section, the person commits an offence and shall be liable on summary conviction to a fine not exceeding \$100.

**16 Filling of extraordinary vacancies**

Every extraordinary vacancy created under section 15 of this Act shall be an extraordinary vacancy to which sections 50 and 51 of the Local Elections and Polls Act 1976 shall apply.

**17 Rules of procedure**

The Authority may, subject to the provisions of this Act, make bylaws or pass resolutions—

- (a) Regulating proceedings of the Authority and of committees and subcommittees, and the conduct of meetings:
- (b) Prescribing the time and manner of holding meetings, and regulating the business which may be transacted:
- (c) Directing notices of meeting to be given and prescribing the form, mode, and time of service thereof:
- (d) Regulating debates:
- (e) Prescribing the manner and conditions of altering resolutions:

- (f) Providing for the custody of documents and regulating the custody and use, and the mode and form of attestation of, the common seal:
- (g) Prescribing the duties of officers and employees:
- (h) Prescribing the form and manner of keeping and authenticating minutes:
- (i) Prescribing forms of and in connection with any proceedings:
- (j) Providing for anything incidental to any of the above matters.

## **18 Officers**

- (1) The Authority may from time to time appoint a Secretary and such other persons to be members of its staff as it thinks necessary to assist in the performance of its functions and the exercise of its powers and, subject to any other Act, may pay such persons such salaries or wages and such allowances (including allowances and travelling expenses whilst travelling on the business of the Authority) and in respect of their attendance at any conference or meeting or any course of study or training that in the opinion of the Authority will render them better fitted to carry out their duties, out of the current funds of the Authority as it thinks fit.
- (2) One person may hold 2 or more of such offices.

## **19 Salaried staff positions**

All salaried staff positions created by the Authority and all vacancies in those staff positions occurring under the Authority may be publicly advertised and shall be notified among the staff.

## **20 Remuneration, etc., of members of Authority**

Sections 214 and 214a to 214m of the Local Government Act 1974 shall apply to members of the Authority as if the Authority were an electric power board.

## **21 General powers**

- (1) Subject to section 20 of the Electricity Act 1968, the Authority shall have the general powers to undertake, organise, and operate electricity distribution and sale of electrical power in the district upon such terms and conditions as it considers appropriate.
- (2) Except as expressly otherwise provided for or varied in this Act but subject to section 20 of the Electricity Act 1968, the Authority shall have all the powers and functions of—
  - (a) A Board constituted under the Electric Power Boards Act 1925; and
  - (b) An Electrical Supply Authority licensed under the Electricity Act 1968:

Provided that an electricity company may, within the district of the Authority, carry out the function of the construction, purchase, and operation of works for the generation, transmission, and supply of electric power.

- (3) All the powers and functions referred to in subsection (2) of this section shall be in addition to and not in substitution for any powers and functions conferred on the Authority by this Act:

Provided that where any inconsistency or conflict occurs between the provisions of this Act and the provisions of the other Acts referred to in this section, the provisions of this Act shall prevail.

- (4) The Authority shall have the power, on such terms as it thinks fit, to—
- (a) Establish or promote any company; and
  - (b) Subscribe for, purchase, acquire, hold, sell, transfer, or dispose of shares of any kind or description in any company (whether established before or after the commencement of this Act)—

which carries on or which the Authority intends will carry on the business of the generation, transmission, supply, or sale of electric power within the district of the Authority; and the Authority shall further have power to exercise all of the rights, powers, and privileges of a shareholder in any such company:

Provided that the Authority shall not sell, transfer, or dispose of any such shares except to a local authority as defined in section 2(1) of the Local Government Act 1974.

- (5) Notwithstanding the provisions of any other Act, the Authority may by resolution from time to time transfer, sell, lend, lease, or otherwise make available any of its real or personal property on such terms as it thinks fit to any electricity company.
- (6) The Authority may from time to time advance money on loan, either secured or unsecured, and on such terms as it thinks fit to any electricity company.
- (7) The Authority may from time to time guarantee the payment of all principal and interest and the performance of all obligations by any electricity company in respect of loans made from time to time by any person or company to any electricity company.
- (8) The Authority may from time to time enter into and execute agreements, contracts, deeds, and other instruments for the purposes of this section, and do all other things that are reasonably necessary for those purposes.

## **22 Tariffs**

Notwithstanding the provisions of regulation 30 of the Electrical Supply Regulations 1984, the Authority and any electricity company is empowered to apply differential tariffs for an introductory period to be determined by the Authority, such period not to exceed 5 years.

## **23 Abolition of Board and transfer of assets, etc. to Authority**

- (1) The Central Waikato Electric Power Board is hereby abolished.
- (2) On the date of commencement of this section—

- (a) All real and personal property belonging to or vested in the Board shall become vested in the Authority subject to all encumbrances, liens, and other interests to which it is subject on the date of such commencement:
  - (b) All money payable to the Board shall become payable to the Authority:
  - (c) All liabilities, contracts, and engagements, and rights, authorities, and duties of any nature whatever, of the Board shall become liabilities, contracts, engagements, rights, and authorities of the Authority.
- (3) Subject to subsection (5) of this section, the District Land Registrar, on receiving a written request from the Authority under its seal, incorporating a reference to this section, and on payment of the prescribed fee, shall make such entries in his or her registers and on any outstanding documents of title and generally do all such things as may be necessary to give effect to the provisions of subsection (1) of this section in respect of land and interests in land specified in the request.
- (4) All references to the Board in any security or other document whatever which is subsisting immediately before the date of commencement of this section, or in any notice or other communication served, given, or sent before, on, or after that date in relation to any such security or other document shall, unless the context otherwise requires, be read as references to the Authority.
- (5) No Registrar of Deeds or District Land Registrar or any other person charged with the keeping of any books or registers shall be obliged, solely by the provisions of this section, to change the name of the Board to that of the Authority in his or her books or registers or in any document in his or her charge; but the presentation to any such Registrar or other person of any instrument—
  - (a) Executed or purporting to be executed by the Authority; and
  - (b) Relating to any property held, immediately before the commencement of this section, by the Board; and
  - (c) Containing a recital that the property has become vested in the Authority by virtue of this section—shall, in the absence of proof to the contrary, be sufficient evidence that the property is vested in the Authority.
- (6) Except as provided in subsections (3) and (5) of this section, nothing in this section shall derogate from the provisions of the Land Transfer Act 1952.
- (7) Section 37f of the Local Government Act 1974 shall apply in respect of the transfer of the Board's functions to the Authority as if this Act were an instrument giving effect to a proposal in a final reorganisation scheme.
- (8) Subsection (9) of this section shall apply to—
  - (a) Any action, arbitration, or proceeding or cause of action, arbitration, or proceeding which immediately before the date of commencement of this section was pending or existing by, against, or in favour of the Board:

- (b) Any cause of action, arbitration, or proceeding by, against, or in favour of the Board arising on or after the date of commencement of this section but arising out of a contract made by the Board before that date or in respect of anything done or omitted to be done by the Board or any other person before that date.
- (9) Any action, arbitration, or proceeding and any cause of action, arbitration, or proceeding to which this subsection applies shall not abate or be discontinued or be in any way prejudicially affected by reason of the provisions of this Act, but the same may be prosecuted and, without amendment of any writ, pleading, or other document, continued and enforced by, against, or in favour of the Authority in its own name as and when it might have been prosecuted, continued, and enforced by, against, or in favour of the Board if this Act had not been passed.
- (10) The Central Waikato Electric-power Board Empowering Act 1947 is hereby repealed.
- (11) This section shall come into force on the 1st day of April 1989.

#### **24 Transfer of Council's electricity activity to Authority**

- (1) On the date of commencement of this section—
  - (a) The electricity activity of the undertaking shall cease to exist and the Authority shall take over as a going concern the fixed assets of that electricity activity and such of the current assets and liabilities as may be agreed upon between the Authority and the Council:
  - (b) The Authority shall be entitled to exercise all the powers, authorities, and discretions vested in the Council in relation to the electricity activity of the undertaking:
  - (c) The Authority shall be entitled to the use and benefit of any easements in favour of the Council in relation to the electricity activity of the undertaking and of any local purpose reserve for electricity purposes vested in the Council:
  - (d) Notwithstanding the provisions of any other Act, such real and personal property belonging to or vested in the Council in relation to the electricity activity of the undertaking as the Council and the Authority agree should be transferred to the Authority may be so transferred:
  - (e) All money payable to the Council in relation to the electricity activity of the undertaking shall become payable to the Authority:
  - (f) All liabilities, contracts, and engagements, and rights, authorities, and duties of any nature whatever, of the Council in relation to the electricity activity of the undertaking shall become liabilities, contracts, engagements, rights, and authorities of the Authority.
- (2) All references to the Council in relation to the electricity activity of the undertaking in any security or other document whatever which is subsisting

immediately before the date of commencement of this section, or in any notice or other communication served, given, or sent before, on, or after that date in relation to any such security or other document shall, unless the context otherwise requires, be read as references to the Authority.

- (3) Subsection (4) of this section shall apply to—
- (a) Any action, arbitration, or proceeding or cause of action, arbitration, or proceeding which immediately before the date of commencement of this section was pending or existing by, against, or in favour of, the Council in relation to the electricity activity of the undertaking:
  - (b) Any cause of action, arbitration, or proceeding by, against, or in favour of the Council in relation to the electricity activity of the undertaking arising on or after the date of commencement of this section but arising out of a contract made by the Council before that date or in respect of anything done or omitted to be done by the Council or any other person before that date.
- (4) Any action, arbitration, or proceeding and any cause of action, arbitration, or proceeding to which this subsection applies shall not abate or be discontinued or be in any way prejudicially affected by reason of the provisions of this Act, but the same may be prosecuted and, without amendment of any writ, pleading, or other document, continued and enforced by, against, or in favour of the Authority in its own name as and when it might have been prosecuted, continued, and enforced by, against, or in favour of the Council if this Act had not been passed.
- (5) This section shall come into force on the 1st day of April 1989.

## **25 Exemption from stamp duty**

No stamp duty shall be payable under the Stamp and Cheque Duties Act 1971 in respect of any instrument of conveyance of property from the Council to the Authority or from the Authority to an electricity company executed before the 1st day of April 1990.

## **26 Authority may direct that money is payable to electricity company, etc.**

The Authority may, by notice in the *Gazette*, direct that—

- (a) All or any money payable to the Authority; and
- (b) All or any liabilities, contracts, engagements, rights, authorities, and duties vested in or imposed on the Authority—

pursuant to section 23 or section 24 of this Act shall be money payable to, or liabilities, contracts, engagements, rights, authorities, and duties vested in or imposed on, any electricity company specified in the notice.

**27 Licences under Electricity Act 1968 transferred to Authority**

- (1) All licences under the Electricity Act 1968 held, immediately before the date of commencement of this section, by the Board and the Council shall on that commencement be deemed to be held by the Authority.
- (2) The Authority may by resolution delegate to an electricity company the rights conferred on the Authority by any licence to which subsection (1) of this section applies.
- (3) This section shall come into force on the 1st day of April 1989.

**28 Compensation**

- (1) The Council shall be paid compensation by the Authority of \$2,400,000 on the 1st day of April 1989 for—
  - (a) Computer facilities; and
  - (b) Vehicles; and
  - (c) Occupation of the administration building; and
  - (d) Land and buildings; and
  - (e) Furniture and fittings.
- (2) In addition to the payment of \$2,400,000, the Authority shall pay to the Council all goods and services tax which is payable by the Council in respect of the supply of those items.
- (3) The Authority shall have the right to have the Council provide for a term of 1 year—
  - (a) Computer facilities; and
  - (b) The 3rd floor of the administration building of the Council in Garden Place, Hamilton; and
  - (c) The property of the Council at Hillsborough Terrace, Hamilton; and
  - (d) The property of the Council at Clarence Street, Hamilton.

**29 Appropriation of funds**

The Authority shall have no power (except as provided by section 28 of this Act) to distribute or appropriate funds or profits from its undertaking or from its shareholding in any company to its constituent territorial authorities for the general purposes of those authorities, but may otherwise distribute its funds or profits pursuant to a resolution of the Authority to its constituent territorial authorities for specific projects of a regional or community nature.

**30 Special orders**

Section 113 of the Local Government Act 1974, with the necessary modifications, shall apply to every special order proposed to be made by the Authority

as if references in that section to a council and a territorial authority were references to the Authority.

### **31 Banking and investment of money**

- (1) All money belonging to the Authority shall, within 3 days after it has come into the hands of the Treasurer, be paid into an account or accounts of the Authority at such bank or banks as the Authority from time to time appoints.
- (2) All money shall be paid by the Authority in cash, or by cheque signed by the Treasurer or the Acting Treasurer, or any other officer of the Authority whom the Authority, by resolution, from time to time appoints for the purpose of signing cheques, and countersigned in each case by any member of the Authority whom the Authority from time to time authorises to sign cheques:  
Provided that it shall be lawful for any money to be paid by the Authority by cheque signed as aforesaid and countersigned by any officer of the Authority whom the Authority, by resolution, from time to time appoints for that purpose.
- (3) Every payment of money by the Authority shall be authorised by a prior resolution of the Authority or of a committee thereof to which the power to authorise any payment has been delegated, or shall be submitted to the Authority or such committee for authorisation at the next ordinary meeting of the Authority or committee, as the case may be.
- (4) The Authority may, in any case where it is deemed advisable that any sum of money at credit of any account should be placed on deposit at interest, deposit that sum of money with any bank approved by the Authority or otherwise invest that sum of money in such manner as the Authority in its sole discretion thinks fit.
- (5) Notwithstanding anything in subsection (2) of this section, it shall be lawful, with the prior consent in writing of the Audit Office and subject to such conditions as the Audit Office prescribes, for any money to be paid by the Authority by cheque bearing a facsimile of the signature of the Treasurer, or of the signatures of the Treasurer or Acting Treasurer, and of any person authorised pursuant to the provisions of this section to countersign cheques, and every cheque bearing such a facsimile shall be deemed to have been duly signed and countersigned in accordance with the provisions of this section.

### **32 Reserve for replacement and renewals**

- (1) The Authority may from time to time set aside out of its general revenue any money to form a fund or funds for the purpose of replacing or renewing its plant, machinery, and other depreciable assets of a similar nature, or any part or parts thereof, which may from time to time become obsolete or incapable from any other cause of further usefulness in connection with the Authority's undertaking.

- (2) The Authority shall pay all money so set aside into a separate bank account or accounts and may invest any part of it in such manner as the Authority in its sole discretion thinks fit.

### **33 Superannuation and other benefits for employees**

- (1) The Authority shall be deemed to be a local authority for the purposes of the National Provident Fund Act 1950 and section 6 of the Finance Act (No. 2) 1941.
- (2) The Authority may from time to time pay by way of subsidy such sums as it thinks fit to the funds of any sickness, death, or funeral benefit society, or other like institutions established by its employees or any section of them for the benefit of its employees.

### **34 Borrowing powers**

In addition to any other borrowing powers it may have, the Authority may from time to time, pursuant to the Local Authorities Loans Act 1956, borrow by way of special loans such sums of money as are necessary for carrying out the purposes of this Act.

### **35 Security for loans**

Every loan raised or deemed to have been raised by the Authority may be secured by the Authority pledging as security therefor, subject to the provisions of the Local Authorities Loans Act 1956, all revenues received or receivable by the Authority in respect of the undertaking, service, or activity in respect of which the loan was raised or deemed to have been raised which the Authority may legally purchase as security.

### **36 Roll of electors for polls**

- (1) For the purpose of any poll of electors to be taken by the Authority, the rolls of the electors of the districts of the constituent territorial authorities taken together, or so much of those rolls as relates to land within the district of the Authority or any defined portion of that district, as the case may be, shall be deemed to be the roll of the electors of the district or such defined portion.
- (2) It shall be the duty of the principal administrative officer of the constituent territorial authorities, whenever requested so to do by the Authority, to supply to the Authority a certified roll of the electors of the district of such territorial authority or of any defined portion of the district, together with as many copies of the roll as the Authority may require.
- (3) The cost of preparing any roll of electors of the district of a constituent authority or defined portion of the district for the purposes of this section and of supplying copies of the roll shall be paid by the Authority.

**37 Voting on proposal to borrow money**

- (1) At any poll taken on a proposal of the Authority to borrow money, only those persons whose names appear on the roll of electors shall be entitled to vote, and every such elector shall have 1 vote only.
- (2) At any such poll the vote of any elector may be recorded at any polling place within the district of the constituent authority in respect of which the person is an elector, or at any other polling place that is specially appointed as a polling place at which may be recorded the votes of electors irrespective of the district of the constituent authority in respect of which the person is an elector.

**38 Estimated expenditure and income of Authority**

- (1) The Authority shall, during the month of April in every year or as soon thereafter as is practicable, make an estimate showing the estimated income and expenditure of the Authority for the ensuing financial year.
- (2) In this section, the term “expenditure” includes any deficiency in the revenues of the Authority during the preceding or any former financial year, but does not include capital expenditure; and the term “income” includes money in the hands of the Authority at the commencement of the financial year but does not include capital money borrowed under the authority of this Act.
- (3) On being approved by the Authority, the estimates (or a summary of them) shall be publicly notified within the district of the Authority:

Provided that, instead of publicly notifying the estimates or a summary of them, the Authority may give public notice that the estimates are available for public inspection during ordinary office hours at the office of the Authority; and the estimates shall be available for inspection accordingly.

**39 Books of account**

- (1) The Authority shall cause books to be provided and keep a true and accurate account to be entered therein of sums of money received and paid under the authority of this Act for the several purposes for which sums of money have been received and paid.
- (2) Such books shall at all reasonable times be open to the inspection of any member of the Authority or of any constituent Council who may take copies of or extracts of the same.
- (3) The Audit Office shall be the auditor of the Authority and shall have the same duties and powers in respect of moneys and accounts of the Authority and of every person dealing therewith as if the Authority were a local authority within the meaning of the Public Finance Act 1977.
- (4) Subject to the Electric Power Boards Accounting Regulations 1977, the Authority shall keep such accounts and in such manner as may be prescribed by the Audit Office. The Authority shall be deemed not to be an electric power board for the purposes of the Electric Power Boards Accounting Regulations

1977 if the function of the supply of electricity in its district is carried on by an electricity company.

#### **40 Transition period**

During the period commencing on the date of commencement of this section and ending with the 31st day of March 1989—

- (a) The Joint Committee shall be empowered to take such steps and appoint such officers as are considered necessary or appropriate to enable the Authority to commence operations when constituted.
- (b) Any costs incurred during that period shall be shared by the Board and the Council in the ratio of 3 to 1, respectively.

## **Part II Powers of Electricity Company**

#### **41 Commencement of this Part**

This Part of this Act shall come into force on the 1st day of April 1989.

#### **42 Principal objective to be successful business**

The principal objective of an electricity company shall be to operate a successful business.

#### **43 Directors and their role**

The directors of an electricity company shall be persons who, in the opinion of those appointing them, have—

- (a) Business acumen; and
- (b) Sufficient time to devote to the affairs of the company; and
- (c) The expertise to enable them to operate effectively to assist the electricity company to achieve its principal objective.

#### **44 Statement of corporate intent**

- (1) The Board of Directors shall deliver to the Authority a draft statement of corporate intent not later than 1 month after the commencement of each financial year of the electricity company.
- (2) Each statement of corporate intent shall specify for the group comprising the electricity company and its subsidiaries (if any), and in respect of the financial year in which it is delivered and each of the following 2 financial years, the following information:
  - (a) The objectives of the group:
  - (b) The nature and scope of the activities to be undertaken:

- (c) The ratio of consolidated shareholders' funds to total assets, and definitions of those terms:
  - (d) The accounting policies:
  - (e) The performance targets and other measures by which the performance of the group may be judged in relation to its objectives:
  - (f) An estimate of the amount or proportion of accumulated profits and capital reserves that is intended to be distributed to the Authority:
  - (g) The kind of information to be provided to the Authority by the electricity company during the course of those financial years, including the information to be included in each half-yearly report:
  - (h) The procedures to be followed before any member of the group subscribes for, purchases, or otherwise acquires shares in any company or other organisation:
  - (i) Such other matters as are agreed by the Authority and the Board of Directors.
- (3) The Board of Directors shall consider any comments on the draft statement of corporate intent that are made to it within 2 months after the commencement of the financial year by the Authority, and shall deliver the completed statement of corporate intent to the Authority within 3 months after the commencement of the financial year.
- (4) A statement of corporate intent for an electricity company may be modified at any time by written notice from the Board of Directors to the Authority, so long as the Board of Directors has first given written notice to the Authority of the proposed modification and considered any comments made thereon by the Authority within 1 month after the date on which that notice was given.

#### **45 Annual report, accounts, and dividend**

- (1) Within 3 months after the end of each financial year of an electricity company, the Board of Directors shall deliver to the Authority—
- (a) A report of the operations of the electricity company and those of its subsidiaries during that financial year; and
  - (b) Audited consolidated financial statements for that financial year consisting of statements of financial position, profit and loss, changes in financial position, and such other statements as may be necessary to show the financial position of the electricity company and its subsidiaries and the financial results of their operations during that financial year; and
  - (c) The auditor's report on those financial statements.
- (2) Every report under subsection (1)(a) of this section shall—
- (a) Contain such information as is necessary to enable an informed assessment of the operations of the electricity company and its subsidiaries,

including a comparison of the performance of the electricity company and subsidiaries with the relevant statement of corporate intent; and

- (b) State the dividend payable to the Authority by the electricity company for the financial year to which the report relates.

#### **46 Half-yearly reports**

- (1) Within 2 months after the end of the first half of each financial year of an electricity company, the Board of Directors shall deliver to the Authority a report of its operations during that half year.
- (2) Each report required by this section shall include the information required for the statement of corporate intent to be included therein.

#### **47 Other information**

- (1) Subject to subsection (2) of this section, the Board of Directors shall supply to the Authority such information relating to the affairs of the electricity company or any of its subsidiaries as the Authority from time to time requests after consultation with the Board of Directors (whether or not the information is of a kind referred to in the statement of corporate intent).
- (2) The Board of Directors shall not be obliged by subsection (1) of this section to supply to the Authority any information on an individual employee or customer of the electricity company or of any subsidiary thereof, or any other person, if the information supplied would enable the identification of the person concerned.

#### **48 Audit Office to be auditor of electricity company**

- (1) Notwithstanding sections 163 to 165 of the Companies Act 1955, the Audit Office shall be the auditor of any electricity company, and of every subsidiary of an electricity company, and for the purposes of that Act shall have and may exercise the functions, duties, and powers of an auditor appointed under that Act and all such powers as it has under the Public Finance Act 1977 in respect of public money and public stores.
- (2) Every electricity company shall pay to the Audit Office for carrying out its duties and functions under this section fees at such rates as may be prescribed from time to time by the Minister of Finance.
- (3) Without limiting the provisions of this section, the Board of Directors of an electricity company may, after consultation with the Audit Office and if the Authority so approves, appoint a person or firm that is qualified for appointment as an auditor of a company to be an additional auditor of the electricity company or any subsidiary of it.

#### **49 Protection from disclosure of sensitive information**

Nothing in this Act shall be construed as requiring the inclusion in any statement of corporate intent, annual report, financial statements, or half-yearly

report referred to in this Part of this Act, of any information that could properly be withheld if a request for that information were made to a local authority under the Local Government Official Information and Meetings Act 1987.

#### **50 Employment deemed to be continuous**

Where any person who is an employee of the Board or the Council or the Authority becomes an employee of an electricity company pursuant to or as contemplated by any agreement between the Board or the Council or the Authority and the electricity company—

- (a) For the purposes of every enactment, law, award, determination, contract, and agreement relating to the employment of each such employee, the contract of employment of that employee shall be deemed to have been unbroken and the period of service with the Board or the Council or the Authority, as the case may be, shall be deemed to have been a period of service with the electricity company:
- (b) The terms and conditions of employment of each such employee shall, until varied, be identical with the terms and conditions of that employee's employment with the Board or the Council or the Authority, as the case may be, immediately before that employment ceases:
- (c) No such employee shall be entitled to receive any payment or other benefit by reason of that employee ceasing to be an employee of the Board or the Council or the Authority, as the case may be.

#### **51 Powers of entry for survey and investigation purposes**

- (1) Where an electricity company wishes to undertake a survey or other investigation on any land for the purpose of gathering information necessary for any application for any right, consent, or permit, or for the preparation of any report, required for any proposed development, the electricity company may, upon giving the owner and occupier of the land not less than 10 working days' notice of its intention to do so, apply to the District Court for an order under this section.
- (2) On being satisfied that the proposed survey or investigation is necessary for the purposes of the proposed development, that the proposed development may properly be undertaken by the electricity company, and that the electricity company has taken all reasonable steps to negotiate an agreement for entry, the Court may make an order authorising the electricity company to—
  - (a) Enter and re-enter the land at reasonable times, with or without such assistants, aircraft, boats, vehicles, appliances, machinery, and equipment as are reasonably necessary for making any kind of survey or investigation:
  - (b) Dig and bore into the land and remove samples of it.
- (3) Every order made under this section shall specify—

- (a) How and when entry is to be made; and
  - (b) The specific powers intended to be exercised; and
  - (c) Such other conditions as the Court thinks fit to impose.
- (4) Before exercising any powers authorised by an order made under this section, the electricity company shall serve the order on the owner and occupier of the land to which the order relates.
- (5) Every officer, employee, or agent of the electricity company acting pursuant to an order made under this section shall have with him or her and shall produce on initial entry and if required to do so, evidence of his or her authority and identity.

## **52 Rights of entry in respect of existing lines**

- (1) In this section, “existing line” means any electric line wholly or partly in existence, or work on the construction, erection, or laying of which commenced before the 1st day of April 1989; but does not include any electric line that, after that date, has been altered or moved or added to in such a way as to substantially alter its character or location.
- (2) A certificate under the seal of an electricity company that any specified electric line is an existing line shall be admissible in evidence in any proceedings and, in the absence of proof to the contrary, shall constitute proof of that statement.
- (3) Subject to subsection (4) of this section, an electricity company may enter upon land (including land owned by the Crown) for the purpose of gaining access to any existing electric line owned by the Authority or electricity company and may perform any act or operation necessary for the purpose of inspecting, maintaining, or repairing any such line.
- (4) The power to enter upon land conferred by subsection (3) of this section shall be subject to the following conditions:
- (a) Entry to the land shall only be made by an officer, employee, or agent of the electricity company authorised by it in writing:
  - (b) Reasonable notice of the intention to enter shall be given:
  - (c) Entry shall be made at reasonable times:
  - (d) The person entering shall carry with him or her and shall produce on initial entry and if required to do so, evidence of his or her authority and identity.

## **53 Rights of entry in circumstances of probable danger to life or property**

- (1) In circumstances of probable danger to life or property, an electricity company may enter upon land (including land owned by the Crown) for the purpose of gaining access to any works or electric lines owned by the Authority or electricity company and may perform any act or operation necessary for the purposes of removing the danger.

- (2) Every officer, employee, or agent of an electricity company entering under subsection (1) of this section shall carry evidence of his or her authority or identity, or be working under the immediate control of a person holding evidence of that person's authority or identity, which shall be produced if requested.
- (3) As soon as practicable after any entry is made under subsection (1) of this section, the electricity company shall advise the occupier of the land, in writing, of the entry and the reasons for it.

#### **54 Rights of entry in respect of construction, etc., of electric lines**

- (1) Where an electricity company wishes to enter upon any land (including land owned by the Crown) for the purpose of constructing, erecting, laying, inspecting, maintaining, or repairing any electric line, the electricity company may, upon giving the owner and occupier of the land not less than 10 working days' notice of its intention to do so, apply to the District Court for an order under this section.
- (2) On being satisfied that the construction, erection, laying, inspection, maintenance, or repair of any electric line is necessary for the purposes of the supply of electricity, and that the electricity company has taken all reasonable steps to negotiate an agreement for entry, the Court may make an order authorising the electricity company to—
  - (a) Enter and re-enter the land at reasonable times, with or without such assistants, aircraft, boats, vehicles, appliances, machinery, and equipment as are reasonably necessary for the construction, erection, laying, inspection, maintenance, or repair of the line:
  - (b) Perform such work as may be reasonably necessary to construct, erect, lay, inspect, maintain, or repair the line.
- (3) Every order under this section shall specify—
  - (a) How and when entry is to be made; and
  - (b) The specific powers intended to be exercised; and
  - (c) Such other conditions as the Court thinks fit to impose.
- (4) Before exercising any powers authorised by an order made under this section, the electricity company shall serve the order on the owner and occupier of the land to which the order relates.
- (5) Every officer, employee, or agent of an electricity company acting pursuant to an order made under this section shall have with him or her and shall produce on initial entry and if required to do so, evidence of his or her authority and identity.

#### **55 Removal of trees, etc.**

- (1) Where any tree, shrub, or plant on any land or road injures, prejudices, or obstructs any electric line, or interferes with or is likely to interfere with any electric line, the electricity company utilising the line may request the owner or

occupier of the land, or local authority or other body or person having control of the road, to remove or trim any such tree, shrub, or plant.

- (2) Where the owner, occupier, local authority, or other body or person fails to comply with any request made under subsection (1) of this section, the electricity company utilising the line may, upon giving such owner, occupier, local authority, or other body or person not less than 10 working days' notice of its intention to do so, apply to the District Court for an order authorising the electricity company to remove or trim the tree, shrub, or plant in respect of which the request was made, and the Court, on being satisfied that subsection (1) of this section applies to the tree, shrub, or plant, may make such an order on such terms and conditions (including those relating to notice and time of removal or trimming) as the Court thinks fit.
- (3) Where an electricity company removes or trims a tree, shrub, or plant on any land or road under the authority of an order made under subsection (2) of this section, the owner, occupier, local authority, or other body or person to whom notice of the application under that subsection was given shall be liable for the reasonable cost of the work of the electricity company.

#### **56 Removal of trees, etc., in emergency**

- (1) Where there is imminent danger to or serious interference with any electric line arising from any tree, shrub, or plant on any land or road, the electricity company may, on giving such oral notice to the occupier of the land or local authority or other body or person having control of the road as may be possible in the circumstances, enter upon the land or road where the tree, shrub, or plant is rooted or overhangs and there do such work in respect of the tree, shrub, or plant as is necessary and sufficient to remove the imminent danger or serious interference.
- (2) Every officer, employee, or agent of an electricity company entering under subsection (1) of this section shall carry evidence of his or her authority and identity, or be working under the immediate control of a person holding evidence of that person's authority and identity, which shall be produced if requested.
- (3) Where an electricity company removes or trims a tree, shrub, or plant on any land or road, under the authority of subsection (1) of this section, the occupier of the land or local authority or other body or person having control of the road, as the case may be, shall be liable for the reasonable cost of the work of the electricity company.

#### **57 Construction or repairing of lines on roads**

- (1) Except as provided in subsection (2) of this section and subject to section 58 of this Act, an electricity company may from time to time construct, place, and maintain electric lines in, on, along, over, across, or under any road; and for any of those purposes may open or break up any road, and alter the position

thereunder of any pipe (not being a main) for the supply of water or gas; and may alter, repair, or remove any such lines or any part thereof.

- (2) An electricity company shall not exercise the powers conferred by subsection (1) of this section otherwise than in accordance with such reasonable conditions as the local authority or other body or person having control of that road may prescribe.

### **58 Notice to be given before alteration to lines or works on road**

- (1) Except as provided in subsection (3) of this section, before an electricity company proceeds to open or break up any road, the electricity company shall give to the local authority or other body or person having control of the road at least 7 days' written notice of the intention to undertake the work or such lesser period of notice as may be agreed by that local authority or other body or person.
- (2) Every such notice shall specify the location of the proposed work, the nature of the work to be undertaken, and the reasons for it.
- (3) Where any such work is rendered urgent and necessary by any defective equipment, or other emergency, the electricity company shall be excused from complying with the requirements of subsection (1) of this section before commencing the work, but shall give the information required by subsection (2) of this section as soon as practicable thereafter.

### **59 Offence for failure to comply with section 57 or section 58**

An electricity company which fails to comply with section 57 or section 58 of this Act commits an offence against this Act and is liable on summary conviction to a fine not exceeding \$10,000.

### **60 Appeals in relation to conditions imposed**

- (1) Subject to subsection (2) of this section, the electricity company shall have a right of appeal to the District Court against any or all of the conditions imposed pursuant to section 57(2) of this Act by the local authority or other body or person having control of the road.
- (2) Every such appeal shall be made by giving notice of appeal within 20 working days after the date of notification of the conditions imposed or within such further time as the Court may allow.
- (3) In its determination of any appeal the District Court may confirm or modify or cancel any or all of the conditions imposed.

### **61 Alteration to line on road**

Where an alteration to a line or work on a road, so as to afford access to land or the reasonable use of land, is desired by the owner of the land or some other person, the electricity company may require the person making the request to pay the cost of the alteration.

**62 Lines not to interfere with public traffic**

- (1) Where an electricity company places any line across or along any road, it shall not place the wires of the line so low as to interfere with the lawful traffic along the road.
- (2) Where an electricity company places any line over or under any navigable waters, it shall not so place it as to interfere with the navigation of the waters.
- (3) An electricity company, in maintaining, repairing, altering, or removing any line of a kind referred to in subsection (1) or subsection (2) of this section, shall cause no unnecessary or avoidable interference to the traffic along, or to the lawful use of, any road or navigable waters.

**63 Compensation for injurious affection**

In the exercise of the powers conferred on it under this Part of this Act, an electricity company shall do as little damage as reasonably possible; and every person having any estate or interest in land entered upon for the purposes of this Part of this Act, or injuriously affected thereby, or suffering any damage from the exercise of any of the said powers, shall be entitled to full compensation, the amount of the compensation to be as agreed upon between the electricity company and the person concerned or, failing agreement, to be determined in the manner provided for by the Public Works Act 1981.

**64 Protection of existing works**

Any existing works or existing lines fixed to or installed over or under any land that is not owned by the Authority, or by the electricity company which owns the works or lines, shall be deemed to be lawfully fixed or installed and shall continue to be fixed or installed until the Authority or the electricity company otherwise decides; and no person other than the Authority or the electricity company shall have any interest in any such works by reason only of having an interest in the land.

**65 Electricity company may unite with local authorities in respect of works and use of plant, etc.**

- (1) An electricity company may unite with any local authority (as defined in section 2(1) of the Local Government Act 1974) in—
  - (a) The execution and maintenance of any works; and
  - (b) The purchase, hire, operation, or maintenance of plant, machinery, and equipment—

on such terms and conditions as may be agreed; and for that purpose the electricity company and any one or more of such local authorities may enter into contracts between themselves or between one or more of them (on behalf of all of them) with any other body or person.

- (2) For the purposes of this section any such local authority may enter into any contract of a type referred to in this section with an electricity company.

**66 Electricity company may link up transmission lines with lines outside district**

Any electricity company may agree with the Electric Power Board or other body responsible for the transmission of electricity in any area adjacent to the district of the Authority to link up their respective transmission lines for greater security against interruption in the supply of electricity.

**67 Amending Local Government Act 1974**

- (1) Section 26(3)(b) of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977) is hereby amended by adding the following subparagraph:

“(vi) In relation to the Waikato Electricity Authority, means the Minister of Energy.”

- (2) Part III of the First Schedule to the Local Government Act 1974 (as substituted by section 2(1) of the Local Government Amendment Act 1976) is hereby amended by inserting in its appropriate alphabetical order the following item:

“The Waikato Electricity Authority  
1988, No. 7 (Local)—The Waikato Electricity Authority Act 1988.”

- (3) The First Schedule to the Local Government Amendment Act (No. 3) 1988 is hereby amended by inserting in clause 18, after the words “Rotorua Area Electricity Authority),”, the words “the Waikato Electricity Authority,”.