

New Zealand.



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1919, No. 2.—*Local and Personal.*

AN ACT to empower the Tauranga Harbour Board to borrow Title.  
 Money for the Construction of Harbour-works and Improve-  
 ment of the Tauranga Harbour. [29th October, 1919.]

WHEREAS the Tauranga Harbour Board is desirous of borrowing Preamble.  
 sufficient money to provide for the construction of harbour-works  
 and improvement of the Tauranga Harbour :

BE IT THEREFORE 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 Tauranga Harbour Board Short Title.  
 Empowering Act, 1919.

2. This Act shall be deemed to be a special Act within the Special Act.  
 meaning of the Harbours Act, 1908, which Act is hereby incor-  
 porated with this Act.

3. In this Act, if not inconsistent with the context,— Interpretation.  
 “Board” means the Tauranga Harbour Board :  
 “Harbour district” means the Tauranga Harbour District :  
 “Returning Officer” means the officer appointed by the  
 Board to conduct elections and polls within the harbour  
 district :  
 “Chairman” means the Chairman of the Board.

4. The Local Elections and Polls Act, 1908, shall apply to every Returning Officer.  
 poll taken under this Act, and the Board shall appoint some person  
 to be Returning Officer for the conduct of the poll hereinafter  
 authorized throughout the harbour district.

Power to borrow.

5. It shall be lawful for the Board to borrow from time to time such sum or sums of money as the Board deems fit, at a rate of interest not exceeding five and a half per centum per annum, but so that the total of the amounts so borrowed does not exceed one hundred and twenty-five thousand pounds; and the Board may borrow such sum or sums of money as aforesaid for such period or periods as it may think fit, and may renew or again borrow any or all of such sum or sums of money as they fall due for such further or other period or periods as the Board may think fit.

How money borrowed to be expended.

6. The moneys so borrowed shall be applied by the Board as to part thereof in providing such a capital sum as shall be required to pay and discharge all previously existing debentures issued by the Board as they mature or as the holders thereof are willing to accept payment, and as to the remaining part thereof in payment of the expenses of the poll hereinafter mentioned, and the preliminary expenses incurred in connection with the borrowing of the money so borrowed, and the first year's interest of the loan, and in the construction of such works as are defined by the word "harbour-works" as interpreted by the Harbours Act, 1908, and the Harbours Amendment Act, 1910, and also in the purchase, erection, and construction of all such tugs, dredges, cranes, sheds, quarries, equipment, plant, and works for the improvement of the Tauranga Harbour as are deemed necessary and proper by the Board for the purpose of the construction of such harbour-works, and for the safety, convenience, or reception of vessels resorting to the said harbour, and for the more convenient loading and unloading of such vessels, and for the safety and protection of any works constructed or proposed to be constructed by the Board, and for providing proper access to and from any such works.

Security for the loan.

7. The repayment of all moneys so borrowed, together with interest and sinking fund, shall be secured upon the land revenue receivable by the Board from any endowments, and upon the rents, profits, and dues chargeable and receivable by the Board, and upon the rate hereinafter mentioned to be made and levied under the authority of this Act.

Consent of ratepayers.

8. (1.) The Board shall not borrow any money under the authority of this Act except with the consent of the ratepayers of the harbour district ascertained in manner prescribed by the Local Bodies' Loans Act, 1913.

(2.) All the provisions of Part I of the Local Bodies' Loans Act, 1913, shall, save as by this Act expressly or impliedly modified, extend and apply to the loan hereby authorized and any renewal thereof; and the harbour district shall be deemed to be a district and the Board shall be deemed to be a local authority for the purposes of the said Act.

(3.) A sufficient statement of the proposal in the voting-paper shall be as follows:—

“ Proposal to borrow not exceeding in the aggregate pounds for the purposes defined in the Tauranga Harbour Board Empowering Act, 1919.”

(4.) For the purposes of this section the Valuer-General shall, whenever requested by the Chairman of the Board so to do, prepare

from the district rolls in force under the Valuation of Land Act, 1908, at the date of such request, in any borough, town district, or county or any part thereof comprised in the harbour district, a special roll setting forth the names of all persons whose names appear in the occupiers' column of such district valuation rolls respectively in respect of any land situated in the harbour district. Such special roll shall be signed by the Chairman or two members of the Board, and when so signed shall be the roll upon which the poll shall be taken.

(5.) Every person whose name appears on such special roll shall be entitled to one vote only.

(6.) If the total number of valid votes recorded in favour of the proposal is a majority of the total number of valid votes recorded at any poll the proposal shall be deemed to be carried.

9. If the proposal is declared to be carried, a special rate upon all rateable property in the harbour district for the purpose of providing the annual charges upon moneys to be borrowed under the authority of this Act may be made and levied by the Board in manner provided by law and in accordance with the provisions of the Rating Act, 1908. Special rate.

10. The special rate to be levied under the authority of this Act shall not exceed one penny in the pound upon the capital value of all rateable property in the Tauranga Borough and that portion of the Tauranga County situate and bounded on the south-east and south-west by the northern boundary of Whareroa Block, and thence by a line across the railway and the public road from such boundary to the ocean-beach, on the north-east by the ocean-beach, on the north-west by Mount Maunganui Domain, and on the west by Tauranga Harbour to the northern boundary of Whareroa Block (hereinafter referred to as the Mount portion of the Tauranga County); and shall not exceed three-farthings in the pound upon the capital value of all rateable property in the rest of the Tauranga County, Te Puke Town Board District, and Matata Riding of the County of Whakatane; and shall not exceed one-eighth of a penny in the pound in that portion of the Rotorua County defined in the Schedule hereto; and shall not exceed three-eighths of a penny in the pound in the remainder of the Rotorua County and the Rotorua Town District; and all rates levied by the Board shall be levied in the like proportions—that is to say, one and a third times as high a rate shall be levied within the Tauranga Borough and Mount portion of the Tauranga County as that within the rest of the Tauranga County, and the Te Puke Town Board District, and Matata Riding of the County of Whakatane; and eight times as high a rate shall be levied within the Tauranga Borough and Mount portion of the County of Tauranga as that within the portion of the Rotorua County defined in the Schedule; and two and two-thirds times as high a rate shall be levied within the Tauranga Borough and Mount portion of the County of Tauranga as that within the remainder of the Rotorua County and Rotorua Town District: Limitation of rate.

Provided that no rate shall be levied in the Rotorua Town District and Rotorua County until a railway shall be actually constructed and opened for traffic connecting the Town of Rotorua with the Main East Coast line eastward of Tauranga.

**Sinking fund.**

11. (1.) For the purpose of providing a sinking fund for the liquidation of the principal sum raised under the authority of this Act the Board shall in every year set aside a sum equal to ten or twenty shillings per centum (as the Board determines) on the amount of all unredeemed bonds, debentures, and other securities given under this Act previous to the then current year, and shall pay the same to Sinking Fund Commissioners to be appointed by the Board under the provisions of this Act.

(2.) Any moneys so paid to the said Commissioners may be either invested, together with the interest and profits accruing therefrom, in such securities as the Board may from time to time determine, or may be, as to the whole or any part thereof accumulated at any time, utilized for the purchase and redemption of any debentures issued under the authority of this Act for the time being outstanding.

(3.) The Board may also at any time appropriate any part of the Harbour Fund not appropriated for any special purpose and pay the same to the Commissioners hereinbefore mentioned, to be applied to the purposes mentioned in subsection two of this section.

(4.) The Board shall appoint two or more Commissioners for the purposes of this section mentioned.

**Estimate of revenue and expenditure.**

12. (1.) The Board shall in each year cause an estimate to be prepared, in such manner and according to such principle and method as the Board approves, of the anticipated revenue of the year (exclusive of any rate to be levied under this Act) and of the anticipated expenditure of the year (including the annual charges upon the moneys borrowed under the authority of this Act, but exclusive of capital expenditure on loan account), and shall upon such estimate determine the deficiency of such revenue to meet such expenditure.

(2.) The Board may direct the levy in each year of such part of the said special rate as is sufficient to provide for such deficiency.

(3.) The Board may for the purposes of such direction and levy adopt some convenient fraction of a penny, notwithstanding that the sum produced thereby may exceed such deficiency.

**Powers of Board.**

13. For the purpose of making, levying, and recovering the said rates the Board shall have and may exercise all the powers of making, levying, or recovering rates in the harbour district as are conferred on local authorities by the Rating Act, 1908, and for such purpose the said Rating Act is incorporated herewith.

**Rate or levy not to be invalidated.**

14. No rate or levy made under this Act shall be set aside or quashed by any proceeding in any Court or otherwise, and no defect in the same, or the making thereof, or in any direction for levy, shall be set up as a defence to any action which may be brought to recover the same.

## SCHEDULE

Schedule.

PORTIONS OF ROTORUA COUNTY LIMITED TO A RATE OF  $\frac{1}{3}$ D. AS A MAXIMUM RATE.

SUCH of the following blocks or portions of blocks as are within the Rotorua County, *i.e.* :—

Otanewainuku Survey District, Blocks XIV, XV, and XVI.

Rotorua Survey District, Blocks part II, III, IV, part VI, VII, VIII, part IX, part X, part XIII, and XIV.

Horocho Survey District, Blocks part I, II, part V, VI, VII, IX, X, XI, XII, XIII, XIV, and XV.

Ngautuku Survey District, Blocks part IV, part VI, IX, X, part VIII, part XIII, and XIV.

Te Atiamuri Survey District, Blocks part III and part IV.

Ngongotaha Survey District, Blocks part I, II, part IV, and part V.

Paeroa Survey District, Blocks I, II, III, IV, part V, part VI, VII, VIII, part XI, and part XII.

Tarawera Survey District, Blocks VIII, IX, X, XI, XII, XIII, XIV, XV, and XVI.

Ruawahia Survey District, Blocks I, II, V, VI, IX, X, XIII, and XIV.

Kaingaroa Survey District, Blocks I, II, V, VI, part IX, and part X.