

New Zealand.

ANALYSIS.

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1913, No. 18.—*Local and Personal.*

Title.

AN ACT to constitute the Wanganui Harbour District, and to confer certain Powers on the Wanganui Harbour Board.

[7th November, 1913.]

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

Short Title.

1. This Act may be cited as the Wanganui Harbour District and Empowering Act, 1913.

Special Act.

2. This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1908, and the amendments thereof, which accordingly are incorporated herewith.

Interpretation.

3. In this Act, if not inconsistent with the context,—

“The Board” means the Wanganui Harbour Board:

“The Chairman” means the Chairman of the Wanganui Harbour Board for the time being:

“The Wanganui Combined District” means and includes the areas comprised in the Borough of Wanganui and the Town Districts of Gonville and Castlecliff:

“The district” means the Wanganui Harbour District as constituted by section four of this Act:

“Harbour-works” means harbour-works as that expression is defined in the Harbours Amendment Act, 1910.

Harbour district constituted.

4. The Wanganui Harbour District is hereby constituted for the purpose of this Act, and such district shall comprise the area described in the Schedule hereto.

5. It shall be lawful for the Board, subject to the provisions of the Harbours Act, 1908, and its amendments, to construct such harbour-works as the Board may from time to time consider necessary or advisable for the requirements of or for improvements in the Harbour of Wanganui, and also to erect and construct all such cranes, sheds, and works for the improvements of the said harbour as are judged necessary by the Board for the safety, convenience, or reception of vessels resorting to the said harbour, and for the more convenient loading and unloading of such vessels, or 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 such works, and for the purposes thereof to purchase or lease and open up quarries and work the same, and provide all necessary means for the conveyance of the output of such quarries to any part of the Harbour of Wanganui or lands adjacent thereto under the control of the Board.

Power to construct works.

6. The Board shall have power to borrow, subject to the provisions of the Harbours Act, 1908, and to the provisions of this Act, in addition to any sum it is by any other Act in force authorized to borrow, any sum not exceeding one hundred and fifty thousand pounds, to be applied in or about the construction and carrying-out of the works mentioned in section five of this Act, and also the costs and expenses of and incidental to this Act or incurred in connection with the borrowing of any money so borrowed, and the first year's interest and sinking fund on any amount so borrowed during the construction of the works for which the loan is raised, and also the amount (if any) owing by the Board on bank overdraft at the time when such loan is raised.

Power to borrow.

7. No money shall be borrowed under the authority of this Act which shall produce to the lender a higher rate of interest than five pounds per centum per annum.

Interest.

8. (1.) The Board shall not borrow any money under the authority of this Act except with the consent of the ratepayers of the district ascertained in manner prescribed by the Local Bodies' Loans Act, 1908.

Consent of ratepayers required.

(2.) All the provisions of Part I of the said Act shall, save as by this Act expressly or impliedly modified, extend and apply to the loan hereby authorized, and the 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.) 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 valuation 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 lands 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.

Ratepayers rolls.

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

Result of poll.

(5.) 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.

Sinking fund.

9. (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 out of the revenue of the Board a sum equal to ten shillings per centum 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 in this section mentioned.

Estimate of revenue
and expenditure,
and amount of rate.

10. (1.) The Board shall in each year cause an estimate to be prepared, in such manner and according to such 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 and sinking-fund payments 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 (if any) of revenue required to meet such expenditure.

(2.) The Board shall make and levy in each year such rate as it deems sufficient to provide such deficiency, such rate to be levied on all rateable property within the district according to its rateable value based upon the capital value as appearing in the district valuation rolls prepared by the Valuer-General in accordance with the Valuation of Land Act, 1908, and for the time being in force in the several boroughs, counties, and town districts included in the district.

Differential rate.

(3.) The rate to be levied under this Act on the rateable property in the Wanganui Combined District shall be double the rate to be levied on the rateable property in the rest of the district.

Rate not to be
questioned.

11. No rate 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 shall be set up as a defence to any action which may be brought to recover the same.

Differential dues
may be levied.

12. Notwithstanding any provision contained in the Harbours Act, 1908, or any amendment thereof, it shall be lawful for the

Board, after the expenditure of not less than one hundred thousand pounds of the moneys which the Board is by this Act authorized to borrow, to make and levy—

(a.) Harbour dues to be charged and collected in respect of goods produced or manufactured upon such part or parts of the lands outside the harbour district as the Board may from time to time direct, in excess of the dues to be made and levied in respect of the same goods if produced or manufactured within the harbour district, and so that such excess dues may, if the Board so determines, vary in amount in respect of various parts of the lands outside the harbour district; also,

(b.) Harbour dues to be charged and collected in respect of goods landed at the Port of Wanganui and thence despatched to such place or places outside the harbour district as the Board may from time to time direct, without being first warehoused inside such district, in excess of the dues to be made and levied in respect of the same goods if the same were being despatched to a place inside the said district as their final destination or were being warehoused inside the said district before being despatched outside the said district, and so that such excess dues may, if the Board so determines, vary in amount in respect of the various parts of the lands outside the harbour district.

And for the purpose of the assessment or collection of such excess dues the Board may require from the persons for or on whose behalf any goods may be shipped or landed statutory declarations under the Justices of the Peace Act, 1908, to be made before a Justice of the Peace, stating specifically where such goods were produced or manufactured, and the owners, shippers, and consignees thereof, and their places of abode, and the places to which it is intended to despatch any goods landed at the Port of Wanganui.

13. (1.) The provisions of the Harbours Amendment Act, 1910, whereby it is provided that two members of the Wanganui Harbour Board shall be elected by the electors of the County of Wanganui and two members by the electors of the County of Waitotara are hereby repealed.

Constitution of
Wanganui Harbour
Board.

(2.) Two members of the Wanganui Harbour Board shall be elected by those of the electors of the Counties of Wanganui and Waimarino whose qualifications are within the Wanganui Harbour District constituted by this Act, but until such members shall be elected the members of the Board at present elected by the electors of the County of Wanganui shall continue to hold office.

(3.) Two members of the Wanganui Harbour Board shall be elected by those of the electors of the County of Waitotara whose qualifications are within the Wanganui Harbour District constituted by this Act, but until such members shall be elected the members of the Board at present elected by the electors of the County of Waitotara shall continue to hold office.

(4.) The first election of members of the Board in accordance with subsections two and three hereof shall be held on such day or days as the Governor by Order in Council appoints, and by the same or by any subsequent Order in Council the Governor may make such provisions as he deems necessary for the purpose of such election or elections.

(5.) If such first election shall be held prior to the last Wednesday in the month of April in the year nineteen hundred and fourteen, then it shall not be necessary to hold elections of members of the said Board on the said last Wednesday in the month of April in the year nineteen hundred and fourteen as provided by the Harbours Amendment Act, 1910, but the members of the Board elected at such first elections shall continue to hold office as if they had been re-elected on the said last Wednesday in the month of April in the year nineteen hundred and fourteen.

(6.) The entity of the corporation of the Wanganui Harbour Board shall not be affected by any such alterations as aforesaid.

Schedule.

SCHEDULE.

ALL that area in the Wellington Land District bounded by a line commencing at a point on high-water mark of Cook Strait opposite the south-western corner of Section No. 66, Block XIII, Nukumarū Survey District; thence to and along the north-western boundary of that section and Section No. 65, and along the south-western boundary of Section No. 44 to Russell Road; thence along the eastern side of Russell Road to Great North-western Road, across and along the northern side of the last-mentioned road to Oruakainoa Road, along the eastern side of that road and the southern side of Upper Pakaraka Road to a point in line with the south-eastern boundary of Section No. 18, Block IX, Nukumarū Survey District; thence across the said road and along the south-eastern and north-eastern boundaries of the said Section No. 18, and the north-eastern boundaries of Sections Nos. 19, 20, and 21, to Section No. 3, Block IX aforesaid; thence along the south-eastern and north-eastern boundaries of the last-mentioned section and the north-eastern boundary of Section No. 1, Block XIII, Wairoa Survey District, to the Waitotara River; thence along the south-western and western boundaries of Patea County as described in the *New Zealand Gazette* No. 85, of the 23rd October, 1902, to the south-eastern boundary-line of the Taranaki Land District, and along that boundary-line to the Wanganui River; thence across and along the left bank of that river to Block VII, Rarete Survey District; thence along the southern boundaries of Blocks VII and VIII and the eastern boundaries of Blocks XI and XIV, Rarete Survey District, to the northern boundary of Tauakira Survey District; thence along the northern boundary of the said Tauakira Survey District to the north-eastern corner of Section No. 3, Block VIII, Tauakira Survey District; thence along the northern and western boundaries of that section to the Matahiwi-Ohotu Road; thence across that road and along its south-eastern side to Section No. 2, Block VIII, Tauakira Survey District; thence along the south-western boundary of that section, Sections Nos. 4 and 3, Block I, Ngamatea Survey District, Section No. 1, Block IX, and the southern boundary of the last-mentioned section to the Mangawhero River; thence across that river and along its left bank to Block VI, Ngamatea Survey District; thence along the southern boundaries of Blocks VI and VII to the Wangaehu River; thence along the right bank of that river to the sea; and thence along high-water mark of the sea to the place of commencement.