

New Parliament.

Hon. Mr. Tole.

AUCKLAND HARBOUR BOARD.

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A BILL INTITULED

AN ACT to reconstitute the Auckland Harbour Board.

itle.

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

5 1. The Short Title of this Act is "The Auckland Harbour Board Act, 1884."

Short Title.

10 2. This Act shall be and be deemed to be a special Act within the meaning of "The Harbours Act, 1878," which Act, and all the Acts amending the same, shall be incorporated with this Act so far as the provisions thereof are not inconsistent herewith or repugnant hereto.

Harbours Act, 1878, incorporated.

15 3. In this Act, if not inconsistent with the context,—
"The Board" means the Auckland Harbour Board;
"The said Act" means "The Harbours Act, 1878," and all Acts amending the same:

Interpretation.

"Chamber of Commerce" means the present association in the City of Auckland known as the Auckland Chamber of Commerce:

20 "Local body" and "district" have respectively the meanings assigned to them by "The Regulation of Local Elections Act, 1876."

Board constituted.

4. The Auckland Harbour Board (hereinbefore called "the Board") shall be and be deemed to be a Harbour Board constituted under "The Harbours Act, 1878," and this Act.

Term of office of present members.

5. The members of the Board at the time this Act comes into operation shall continue to hold office until the second Monday in the month of February, in the year one thousand eight hundred and eighty-five, on which day they shall go out of office. 5

Constitution of Board.

6. The Board shall, from and after the second Monday in the month of February, in the year one thousand eight hundred and eighty-five, consist of members, of whom five shall form a quorum, and such members shall be respectively appointed or elected as follows:— 10

Two members shall be appointed by the Governor;

Four members shall be elected by the ratepayers of the Borough of the City of Auckland; 15

One member shall be elected by the ratepayers of the Borough Council of the Borough of Parnell;

One member shall be elected by the ratepayers for the time being within the area now known as the Devonport Road District; 20

One member shall be elected by the ratepayers for the time being within the area now known as the Northcote and Birkenhead Road Districts;

One member shall be appointed by the Auckland Chamber of Commerce; 25

Two members shall be elected by the ratepayers of the Borough Council of the Borough of Onehunga;

Four members shall be elected by and out of the persons who shall respectively have paid to the Board the sum of five pounds or upwards of harbour dues during the year ending the fifteenth day of January preceding such election, and the persons whose names shall, on the fifteenth day of January preceding such election, appear on the register-book for shipping at the Customhouse at Auckland as the owners or part owners of any vessel of twenty-five tons measurement or upwards. 30 35

Members appointed by Governor.

7. On the second Monday in the month of February in every second year the Governor shall appoint two persons to be members of the Board, who shall hold office from the date of their appointment until the appointment of their successors. The first of such appointments shall be made on the second Monday in the month of February, one thousand eight hundred and eighty-five. 40

Elective members.

8. The first election or appointment of the elective members shall be held on the second Monday in February, one thousand eight hundred and eighty-five, and such members shall come into office on their election or appointment, and shall hold office from the time of their election or appointment until the election or appointment of their successors. 45

Evidence of appointment of members.

9. A certificate under the hand of the Chairman of the Chamber of Commerce that any person named therein has been appointed a member of the Board shall be conclusive evidence of the appointment of such person as a member of the Board by the Chamber of Commerce. 50

10. The Board shall appoint a Returning Officer, who shall hold office during the pleasure of the Board, and such Returning Officer shall conduct the election of such elective members of the Board as are required to be elected or appointed other than by any local body or the Chamber of Commerce under the provisions of "The Regulation of Local Elections Act, 1876." The ratepayers' roll in force for the time being in any district upon which elections of members of a local body are held shall be the roll to be used in such district for elections held under this Act, and the respective legal custodians of such rolls shall on demand furnish the Returning Officer of the Board with an office copy of the respective rolls aforesaid. Such allowance shall be paid out of the Harbour Fund to the said Returning Officer as the Board shall think reasonable.

Board to appoint Returning Officer.

Ratepayers' roll to be used.

Returning Officer to be paid.

11. Every member of the Board shall be resident in the Provincial District of Auckland, and no person shall be a member of the Board representing a borough or district who is not a ratepayer of the borough or district for which he is elected or represents; and every member of the said Board who shall cease to be a ratepayer for the borough or district which he represents, or who shall cease to reside in the Provincial District of Auckland, shall cease to be a member of the Board.

Qualification of members.

12. The Collector of Customs at the Port of Auckland shall, on the fifteenth day of January next, and thereafter on the fifteenth day of January in each year preceding a general election of elective members of the Board, furnish to the Secretary of the Board an alphabetical list of all persons whose names shall then appear on the register-book as owners or part owners of vessels of a registered tonnage of twenty-five tons and upwards.

List of owners of vessels to be furnished by Collector.

13. The Secretary of the Board shall, on the fifteenth day of January, one thousand eight hundred and eighty-five, and thereafter on the fifteenth day of January in each year preceding a general election of elective members of the Board, prepare an alphabetical list of all persons who shall in the twelve preceding months have paid the sum of five pounds and above that sum for harbour dues.

List of payers of harbour dues to be prepared by Secretary.

14. The lists aforesaid prepared by the Collector of Customs and the Secretary of the Board shall together be the roll for the election of persons to serve as members by the payers of dues and the owners of vessels, and such roll shall continue in force until the fifteenth day of January preceding the next general election of elective members of the Board.

Lists to be roll for elections by payers of dues and owners of vessels.

15. Notwithstanding the provisions of section fifty-one of the said Act to the contrary, the Board may, out of the Harbour Fund, from time to time make such allowance to the Chairman by way of salary as the Board shall think fit; but such allowance shall not be less than at the rate of two hundred and fifty pounds per annum, nor more than five hundred pounds per annum, and shall be payable monthly for such time only as he shall hold office.

Chairman's salary.

16. The holder of any pilotage-exemption certificate, granted under the provisions of the said Act, or "The Marine Act, 1867," or "The Marine Act, 1870," in respect of the Auckland Harbour, shall, upon application, be entitled to receive in exchange for the same from the Board, and free of charge, a pilotage-exemption cer-

Pilot-exemption certificate may be exchanged.

tificate under "The Harbours Act Amendment Act, 1883," subject to the provisions thereof for vessels of the tonnage of those specified in such first-named certificate, or of any indorsement thereon.

Pilotage dues payable to Treasurer.

17. All pilotage rates or dues leviable under the authority of the said Act shall be payable to the Treasurer of the Board at the office of the Board.

Dues to be paid or security given before clearance of ship.

18. The Collector of Customs shall not give any clearance outwards of any ship liable to payment of dues until the master of such ship produces to him a receipt in full from the Board for payment of all dues payable in respect of the said ship, or, if there is any difference as to the dues payable, until such Collector of Customs is satisfied that sufficient security has been given for the payment of the dues when ascertained, or of the expenses arising from non-payment thereof.

Board may lease lands.

19. Notwithstanding anything in the said Act contained, it shall be lawful for the Board to lease town land or lands used for building purposes, for any term not exceeding fifty years, at such annual rent as the Board shall think fit, without reserving in the lease of such lands an increased annual rent for the period beyond the first twenty-one years.

Board may accept surrender of lease, and may transfer lease.

20. The Board may, if considered advisable, accept the surrender of any lease, and also, with the consent of any lessee of the Board, his executors, administrators, or assigns, and every person having any interest under any such lessee, give any sub-lessee, for the whole of the unexpired term, or assignee, a lease direct from the Board for the whole or any portion of such lessee's land, and may release the original lessee from all liability in respect of the covenants contained in the original lease in so far as such covenants extend to the land held by the sub-lessee or assignee, upon such terms and conditions as to the said Board may seem reasonable: Provided that the rent payable to the Board be not lessened, nor the term for which the original lease was granted be extended thereby; and such new lease shall only be granted upon the same or like conditions and stipulations as contained or implied in the original lease.

Proviso.

Board may pay lessee value of buildings erected.

21. It shall be lawful for the Board, in respect of any lands vested in it hereafter to be leased, to agree with any lessee or assignee for the payment by the Board, at the end of any lease, of such value, or a portion of the value, of any building to be erected upon the lands leased as the Board may deem advisable.

Condition of lease.

22. Every lease granted by the Board shall be by deed, and every lessee shall execute a counterpart thereof, and every such lease shall contain a condition for re-entry on non-payment of the rent for a period of more than twenty-eight days after it becomes due, and such other covenants and conditions as the Board may deem expedient.

Part of Second Schedule of said Act repealed.

23. So much of the Second Schedule of the said Act as relates to the number, nomination, or appointment, succession to office, and election of the members of the Board is hereby repealed.