

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 2nd September, 1908.

Mr. Kidd.

AUCKLAND HARBOUR BOARD LOAN AND EMPOWERING.

ANALYSIS.

Title.	10. Board may acquire lands with water-frontages, and deal with riparian rights.
Preamble.	11. Notice of intention to deal with riparian rights.
1. Short Title.	12. Effect of notice.
2. Power to borrow.	13. Compensation to be paid.
3. Rate of maximum interest.	14. Limit of time for claiming compensation.
4. Expenditure of money borrowed.	15. Compensation Court.
5. How moneys to be allocated.	16. Notice to be deposited.
6. Security for repayment of borrowed moneys.	17. Service of notice.
7. Sinking fund.	18. Power to sell lands.
8. Commissioners deemed body corporate. Vacancies.	19. Surrender of leases, and granting new leases. Schedules.
9. Provisions of Harbours Act, 1908, incorporated.	

A BILL INTITULED

AN ACT to authorise the Auckland Harbour Board to raise a Loan of One Million Pounds, and to extinguish Riparian Rights in the Harbour of Auckland, and to confer additional Leasing-powers. Title.

5 WHEREAS the Auckland Harbour Board (hereinafter termed the Board) is desirous of raising further moneys for the purpose of constructing the harbour-works specified in the *First* Schedule hereto, and for such purpose is desirous of borrowing a sum of one million pounds: And whereas it is desirable to empower the Board from time to time to acquire lands with water-frontage in the Auckland Harbour, and to extinguish riparian rights or rights of water-frontage appurtenant or belonging to lands abutting upon the Harbour of Auckland, and to determine and 15 cancel leases or licenses of land having access by water to the harbour, and to confer on the Board additional leasing-powers : Preamble.

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

20 1. This Act may be cited as the Auckland Harbour Board Loan and Empowering Act, 1908. Short Title.

2. It shall be lawful for the Board, from time to time as it may require, to borrow by debentures in the form or to the effect in the *Second* Schedule hereto, for a period of not exceeding 25 twenty years from the ~~time~~ *issue* thereof, the sum of one million pounds, at a rate of interest not exceeding four ~~pounds ten shillings~~ *and a half* per centum per annum. Power to borrow.

Rate of maximum interest.	3. No money shall be borrowed under the authority of this Act which shall produce to the lender a higher rate of interest than four pounds ten shillings and a half per centum per annum.	
Expenditure of money borrowed.	4. The said sum of one million pounds, or so much thereof as may be required for the purpose, shall be applied and expended in the construction of the harbour-works specified in the <i>First</i> Schedule hereto: Provided that nothing in this Act <del>contained</del> shall authorise the construction of any breakwater, or reclamation, or any harbour-work except in conformity with the provisions of the Harbours Act Amendment Act, 1883 1908.	5
How moneys to be allocated.	5. All moneys borrowed under the authority of this Act shall be applied exclusively for the purposes <del>hereby authorised</del> specified in the said <i>First</i> Schedule: Provided that the Board may by resolution alter the allocation of the respective amounts among the works specified in the <i>First</i> Schedule.	10
Security for repayment of borrowed moneys.	6. Debentures issued under the authority of this Act, together with the interest payable in respect thereof, shall, subject to the existing charges thereon, be a charge on the lands and hereditaments mentioned in the <i>Third</i> Schedule hereto, and the present and future rents thereof and the dues chargeable and receivable by the Board in respect of the said lands and the harbour-works now or hereafter constructed thereon, and on the Auckland Harbour Fund as defined in <del>section one hundred and seventy one of the Harbours Act, 1878.</del>	15
Sinking fund.	7. For the purpose of providing for the repayment of the moneys hereby authorised to be borrowed the Board shall permanently appropriate and set apart as a sinking fund a sum equal to one pound per centum per annum on the aggregate amount of debentures which shall be issued under this Act, and the same shall be paid to Commissioners to be appointed for the purpose in accordance with the provisions in that behalf contained in the Harbours Act, 1878 1908.	20
Commissioners deemed body corporate.	8. (1.) Such Commissioners shall be deemed to be a body corporate, with a perpetual succession and a common seal, with power to do and suffer all things which bodies corporate may do and suffer, and with power for any two of such Commissioners to exercise the functions of the Corporation.	25
Vacancies.	(2.) All vacancies arising in the office of any Sinking-fund Commissioners, whether by death, mental incapacity, refusal to act, or otherwise howsoever, shall be filled up as they arise by new appointments to be made by the Board.	30
Provisions of Harbours Act, 1908, incorporated.	9. The provisions of the Harbours Act, 1878 1908, as to the raising and repayment of loans, the appointment, removal, and reappointment of Sinking-fund Commissioners, their powers and duties, the remedies of debenture-holders, and such further provisions of the last-mentioned Act as <del>shall be</del> are applicable for the protection of lenders of money to Harbour Boards shall, where not inconsistent with the provisions of this Act, be deemed to be incorporated herein.	35
Board may acquire lands with water-frontages and deal with riparian rights.	10. The Board may from time to time in manner hereinafter provided acquire lands, or any estate or interest therein, with water-frontage to the Harbour of Auckland, and may extinguish riparian rights or rights of water-frontage appurtenant or belonging to any land abutting upon the said Harbour, or may determine or cancel any leases or licenses under which the lessees or licensees are entitled to access by water to the foreshore, or to any lands adjacent to the said harbour.	40
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11. Whenever the Board proposes to acquire any land, or any estate or interest therein, as aforesaid, or to extinguish any riparian rights or rights of water-frontage, or to determine or cancel any leases or licenses as aforesaid, it shall cause a notice under ~~the~~ *its* common seal to be served upon the owners and occupiers of such land, or of the land in respect of which such rights, leases, or licenses exist, and upon any other person or persons having any estate or interest therein so far as they can be reasonably ascertained. Such notice shall define the land, right, property, estate, lease, license, or interest taken, extinguished, determined, or cancelled, as the case may be.
12. From and after the service of such notice upon the persons mentioned in section eleven *hereof* the right, property, estate, lease, license, or interest defined in such notice, or to the extent therein defined, shall be and become absolutely extinguished, determined, and cancelled, and, in the case of any land, shall be and become the property of and vested in the Board.
13. Every person having any estate or interest in any lands whereof the riparian rights, or rights of water-frontage appertaining or belonging thereto, ~~shall be~~ *are* extinguished in pursuance of the provisions of this Act, or having any estate or interest in any land, lease, or license taken, determined, or cancelled, shall be entitled to full compensation from the Board for such extinguishment, taking, determination, or cancellation.
14. No claim for compensation under this Act shall be made after a period of one year from the date of the notice aforesaid, and all right and title to any compensation shall, unless claim shall be made within such period, absolutely cease.
15. Every claim for compensation shall, in default of agreement as to the amount to be paid, be heard and determined by a Compensation Court to be constituted in accordance with the provisions of ~~Part III of~~ the Public Works Act, 19058, the provisions whereof shall, *mutatis mutandis*, apply to every claim for compensation under this Act.
16. The Board shall cause a copy of every notice as aforesaid to be deposited in the same manner as a copy of a Proclamation is required to be deposited by section twenty-four of the Public Works Act, 19058, and the provisions of ~~such~~ *that* section shall thenceforth apply in the same manner as if such notice were a Proclamation under the said Act.
17. Any notice required to be served upon any person pursuant to the provisions of this Act may be served—
- (a.) Personally :
  - (b.) By being posted as a prepaid registered letter in the Post-office at Auckland to such person at his last-known place of abode or business :
  - (c.) If such person is absent from ~~the Dominion~~ *New Zealand*, upon his attorney or agent :
  - (d.) If such person is not known or cannot after due inquiry be found by advertising the same in any newspaper published at and circulating in the City of Auckland.

Notice of intention to deal with riparian rights.

Effect of notice.

Compensation to be paid.

Limit of time for claiming compensation.

Compensation Courts.

Notice to be deposited.

Service of notice.

Power to sell lands.

18. The Board may from time to time sell and dispose of any lands acquired by it under the provisions of this Act at such prices and upon such terms and conditions as it may think fit.

Surrender of leases, and granting new leases.

19. The Board may in any case in which it shall considers it necessary for the furtherance of any scheme for public improvements now or hereafter agreed upon by the Board and the Corporation of the Mayor, Councillors, and citizens of the City of Auckland, upon such terms as it may think fit, from time to time accept surrenders ~~of any lands leased by it or any part thereof, of any lease granted by it,~~ *whether with respect to the whole or to any part of the land comprised in the lease,* and may, without offering the same by public auction or public tender, grant to ~~any~~ the lessees new leases of the surrendered areas or any part thereof together with any land of the Board contiguous thereto.

Schedules.

## SCHEDULES.

## FIRST SCHEDULE.

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1. Eastern breakwater	150,000
2. Quay eastward of Freezing Company's reclamation extending to King's Drive	63,000
3. Four sheds on north and east sides of proposed reclamation	23,000
4. Eastern Railway Wharf, 200 ft. long	144,000
5. Four sheds on Eastern Railway Wharf	17,000
6. Railway-lines one side of wharf	2,000
7. Reclamation of 20 acres eastern	35,000
8. Jetty No. 4 (Northern Company) and sheds	40,000
9. Construction and completion of Queen Street Wharf, second contract	91,000
10. Sheds on Queen Street Wharf	40,000
11. Cranes (electric) and rails, for Queen Street and Railway Wharves	50,000
12. Water and gas pipes	2,000
13. Freeman's Bay wall, northern six berths	30,000
14. Freeman's Bay wall, western and boat-builders' slips	10,000
15. Freeman's Bay reclamation (67 acres)	43,000
16. Birkenhead Wharf, with counterpoise stage	9,000
17. Jetty at Calliope Dock	6,000
18. Steam-tug	13,500
19. Ferry offices and buildings	50,000
20. Floating crane	30,000
21. Dredging appliances	58,000
22. Hopper punts	16,000
23. Contingencies	77,500
	£1,000,000

SECOND SCHEDULE.

THE AUCKLAND HARBOUR BOARD LOAN, 1908, OF £1,000,000.

No. . . . . Debenture for £ . . . . . Payable in . . . . .  
ISSUED by the Auckland Harbour Board under an Act of the General Assembly of  
New Zealand intituled the Auckland Harbour Board Loan and Empowering Act,  
1908. Secured on certain lands and the Harbour Fund named in the said Act.

N.B.—The holder of this debenture has no claim in respect thereof on the public  
revenue of New Zealand or the General Government thereof.

On presentation of this debenture at . . . . . on or after the . . . . . day  
of . . . . ., 190 . . . . ., the bearer thereof will be entitled to receive £ . . . . ., and in  
the meantime interest thereon at the rate of . . . . . by half-yearly payments  
payable at . . . . .

Interest on this debenture will cease after the day when the payment falls due,  
unless default be made in payment.

Issued under the seal of the Auckland Harbour Board.

. . . . ., Chairman of the Board.

. . . . ., Treasurer of the Board.

THIRD SCHEDULE.

ALL allotments, parcels of lands, and hereditaments which are now or which may  
at any time hereafter become vested in the Auckland Harbour Board, and which  
may be declared by the said Board by deed under its common seal to be subject to  
the provisions of this Act, subject, nevertheless, and without prejudice to any leases,  
~~and~~ tenancies, or *encumbrances* which have been created and are now subsisting over  
portions of the said lands in this Schedule mentioned.

By Authority : JOHN MACKAY, Government Printer, Wellington.—1908.