

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 30 September 1970.

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Mrs Tombleson

GISBORNE HARBOUR BOARD LOAN AND EMPOWERING

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to authorise the Gisborne Harbour Board to (*undertake certain harbour works and to borrow money for the purpose of the harbour works*) make and levy a special rate as security for a loan and to confer certain powers on that Board

Struck Out

WHEREAS the Gisborne Harbour Board in its development of the port is desirous of extending its legal powers to increase the internal and overseas trade of the Port of Gisborne now offering:

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

1. **Short Title**—This Act may be cited as the Gisborne Harbour Board Loan and Empowering Act 1970.

No. 59—2

Price 5c

2 *Gisborne Harbour Board Loan and Empowering*

2. Interpretation—In this Act, unless the context otherwise requires,—

“Board” means the Gisborne Harbour Board:

“Harbour district” means the Gisborne Harbour District as defined by the Gisborne Harbour Board Empowering Act 1952. 5

3. Special Act—This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950 and the Local Authorities Loans Act 1956.

Struck Out

4. Power to borrow and works authorised—(1) It shall be lawful for the Board from time to time as it may require to borrow, in addition to the sums authorised by any previous Acts, but, subject to the provisions of the Harbours Act 1950 and the Local Authorities Loans Act 1956, and this Act, such sum or sums not exceeding in the whole the sum of \$200,000. 10 15

(2) The money so borrowed shall be applied by the Board in the construction and carrying out, subject to the provisions of the Harbours Act 1950, of the harbour works and for the other purposes specified in the Schedule to this Act.

(3) The works specified in the said Schedule shall, for the purposes of the Harbours Act 1950, or any other Act, be deemed to be harbour works. 20

(4) The Board is hereby authorised, subject to the Harbours Act 1950, to construct and carry out such works.

5. Security for loan—The Board shall make and levy for securing repayment of the money to be borrowed and interest thereon under the authority of this Act a special rate not exceeding one-fiftieth of a cent in the dollar on the capital value of all rateable property in the harbour district. 25

New

5. Authority to make and levy a special rate—(1) If the Board is authorised under the Local Authorities Loans Act 1956 to borrow a sum not exceeding \$200,000 for the purposes specified in the Schedule to this Act and if the loan raised for those purposes is designated by the Local Authorities Loans Board as the loan to which this section applies, the Board may make and levy for securing repayment of the money to be borrowed and interest thereon a special rate not exceeding one-fiftieth of a cent in the dollar on the capital value of all rateable property in the harbour district. 30 35

New

(2) Nothing in this section or in any debentures or stock issued in respect of any such loan shall affect or prejudice the rights of the holders of any debentures or stock executed or issued by the Board before that loan is raised.

5A. **Returning Officer**—Where, pursuant to the proviso to subsection (1) of section 34 of the Local Authorities Loans Act 1956, the prior consent of the ratepayers of the harbour district is required to the raising of the loan referred to in section 5 of this Act, the Board shall appoint some person to be the Returning Officer for the purposes of the poll required to be taken on the proposal to raise the loan and the provisions of the Local Elections and Polls Act 1966 (including the provisions of subsections (2) to (5) of section 9 of that Act) shall apply accordingly with such modifications as are necessary.

5B. **Ratepayers roll**—The roll of ratepayers of the harbour district shall be the roll for the purposes of any such poll.

Struck Out

6. **Power to lease or sell**—(1) It shall be lawful for the Board, on completion of any of the works specified in the Schedule hereto to lease by private contract or otherwise the said works or any part thereof to a company or person having as the business the operating of any such works as is provided in the Schedule on such terms and conditions as are approved by the Board, but at a rental of not less than such amount as is sufficient to cover the annual payment or payments to be made, including interest, in respect of all money borrowed by the Board.

(2) It shall be lawful for the Board, subject to the terms of any lease or hire thereof, to sell by private contract or otherwise the said works or any part thereof to any such company or person upon such terms and conditions as are approved by the Board at a price which shall repay to the Board the total cost of erection thereof and the cost of raising and repaying the money herein authorised to be borrowed for the purpose of erection and installation less any capital repayments received on account thereof.

New

6. Power to sell, lease, or licence—(1) The Board, with the consent of the Minister of Marine and subject to such terms and conditions as he thinks fit, may sell, or grant by lease or licence the use or occupation of, any warehouses, buildings, stores, wharves, silos, yards, cranes, machines, plant, conveyors, equipment, and facilities erected, purchased, constructed, or provided by the Board as part of the works referred to in the Schedule to this Act and any land used in connection with any of those things to any person on such terms and conditions as may be agreed on. 5 10

(2) Nothing in paragraph (f) of section 173 of the Harbours Act 1950 or in sections 8 and 18 of the Public Bodies Leases Act 1969 shall apply in respect of any lease or licence granted pursuant to subsection (1) of this section. 15

Struck Out

7. Application of Harbours Act 1950 and Public Bodies Leases Act 1969—The powers of the Board as contained in section 173 of the Harbours Act 1950 are hereby extended by the provisions of this Act and sections 8 and 9 of the Public Bodies Leases Act 1969 shall not apply to the leasing by the Board of any of the land and works as provided in the Schedule hereto. 20

8. Prior securities not affected—Nothing in this Act or in any debentures or stock issued in pursuance thereof shall affect or prejudice the rights of the holders of any debentures or stock heretofore executed or issued by the Board pursuant to the provisions of any other Act. 25

New

8A. Gas storage and handling facilities—In its application to the Board paragraph (i) of section 173 of the Harbours Act 1950 shall be read as if there were inserted— 30

(a) After the word "oil" where it first appears, the words "or gas"; and

(b) After the word "description", the words "and liquefied gas". 35

8B. New Zealand Ports Authority Act not affected—Nothing in this Act shall limit the provisions of the New Zealand Ports Authority Act 1968. 40

SCHEDULE

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WORKS AND PURPOSES FOR WHICH MONEY MAY BE BORROWED

1. Capital dredging, reclamation and filling of land and the sea bed, site clearance, construction of containing walls, bunds, and drainage works, design, supervision, preliminary fees and expenses and loan raising expenses together with the power to refund out of loan money expenditure incurred prior to authority being obtained.

2. To erect or purchase buildings, stores, and silos together with ancillary plant and equipment with storage and conveyors with bulk handling facilities for farm products and other trade purposes and to hire and operate such plants.

3. Provision to construct tanks and pipes for the storage and conveyance of gas, natural or liquid, of any description, being an extension of the powers contained in paragraph (i) of section 173 of the Harbours Act 1950.

4. To construct such wharves and ancillary equipment as are required for fishing vessels in the Turanganui River portion of the Gisborne Harbour with access thereto by the construction of a gate through the existing harbour wall and by reclamation in order to provide for the full utilisation of the harbour.

New

PROPOSED WORKS

1. The erection or purchase of buildings, stores, and silos, and the provision of ancillary plant and equipment (including conveyors), for the bulk handling of farm products.

2. The construction of wharves in the Turanganui River portion of Gisborne Harbour for use by fishing vessels, the construction of a gate in the existing harbour wall to provide access to those wharves, and the provision of ancillary facilities and equipment for those wharves and that gate.