

HARBOURS AMENDMENT BILL.

EXPLANATORY MEMORANDUM.

THE subject-matter of this Bill is already in force in the form of war regulations under the War Regulations Continuance Act, 1920. (See the regulations of 9th February, 1917, in paragraph (13) of the Second Schedule to the Act referred to, and also clause 5 of the regulations of 10th October, 1917, in paragraph (17) of the same Schedule.)

It is now proposed to repeal the War Regulations Continuance Act, 1920, and to revoke all regulations in force by virtue of that Act, and the War Regulations Repeal Bill has been introduced for that purpose.

It is thought by the Government, however, that certain provisions now in force as war regulations should, in the interests of the public, be continued in force, but not as war regulations, and the provisions of the present Bill are within that class.

In adapting the existing war regulations for the purposes of this Bill certain modifications of expression and of arrangement have been found necessary, but no material alteration has been made.

Hon. Mr. Cobbe.

HARBOURS AMENDMENT.

ANALYSIS.

Title.	
1. Short Title.	10. Controller and his assistants to have right of access to Government wharf at all times.
2. Interpretation.	11. Controller may make structural or other alterations to Government wharf.
3. Governor-General may declare any wharf to be a Government wharf.	12. Controller may give orders as to berthing, &c., of vessels at Government wharf.
4. Appointment of Controller and Assistant Controllers of Government wharf.	13. Offence to damage Government wharf.
5. Controller may employ labour for Government wharf.	14. Offences in respect of working of Government wharf and vessels lying thereat.
6. Controller may warn certain persons off Government wharf.	15. Offence to conspire to prevent, delay, or interfere with loading, &c., at Government wharf.
7. Offence for such persons to enter upon Government wharf.	16. Constable or Customs officer may search persons, &c., found on or about any wharf.
8. Controller may close Government wharf or part thereof.	17. Penalty for offences.
9. Permit necessary for lawful entry upon closed wharf.	

A BILL INTITULED

AN ACT to amend the Harbours Act, 1923.

Title.

BE IT 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 Harbours Amendment Act, 1934, and shall be read together with and deemed part of the Harbours Act, 1923 (hereinafter referred to as the principal Act).

Short Title.

See Reprint of Statutes, Vol. III, p. 568

No. 35—1.

Interpretation.

2. In this Act the term "wharf" has the same meaning as in the principal Act, and, in addition, includes any place belonging to or in the possession of or under the control of a Harbour Board, and also includes any public highway so far as it intersects or is contiguous to any wharf as defined by the principal Act. 5

Governor-General may declare any wharf to be a Government wharf.

3. The Governor-General may from time to time, by Order in Council published in the *Gazette*, declare any wharf to be a Government wharf within the meaning and for the purposes of this Act, with the distinguishing name given thereto by such Order and with the boundaries therein defined. Any such Order in Council may be in like manner revoked. 10

Appointment of Controller and Assistant Controllers of Government wharf.

4. (1) By the same or any other Order in Council published in the *Gazette* the Governor-General may from time to time appoint any person to be the Controller of such Government wharf, and may also appoint such other persons (if any) as he thinks necessary to be the Assistant Controllers of that wharf. All persons so appointed shall hold office during the pleasure of the Governor-General. 15

(2) Every such Assistant Controller shall, subject to the control and direction of the Controller, have the same powers, authorities, and functions as the Controller himself, and every reference in this Act to the Controller of a Government wharf shall be read as including a reference to any Assistant Controller accordingly. 20

Controller may employ labour for Government wharf.

5. The Controller of a Government wharf may from time to time employ all such wharf labourers and other persons as he considers necessary for the loading, unloading, and despatch of vessels at that wharf, and for the performance of any other duties incidental to any such operations, and may enter into such contracts as he thinks reasonable on behalf of the Crown for the payment of such persons at such rates as may be agreed on. 25

Controller may warn certain persons off Government wharf.

6. When the Controller of a Government wharf is satisfied that the conduct or character of any person is such that his liberty of access to that wharf is prejudicial to the effective use, control, or administration thereof, the Controller may, by order in writing (whether that person is then upon the wharf or not), warn him off that wharf. Every such order shall take effect as 30

soon as the making thereof has been brought in any manner to the knowledge of the person against whom it is made. Every such order may be revoked by the Controller by order in writing.

5 **7.** If after any person has been so warned off a Government wharf, and while the order remains in force, such person enters or remains upon that wharf, or loiters in the vicinity of any entrance thereto, he shall be guilty of an offence against this Act, and shall be liable
10 accordingly.

Offence for such persons to enter upon Government wharf.

8. The Controller of a Government wharf, if satisfied that such a course is advisable for the effective use, control, or administration thereof, may by order close that wharf or any part thereof specified in the order.

Controller may close Government wharf or part thereof.

15 Every such order shall take effect when a notification thereof has been published in a newspaper circulating in the district in which the wharf is situated, or has been publicly exhibited upon the wharf or upon the part of it so closed. Every such order may be revoked
20 by the Controller in like manner.

9. (1) So long as any such order closing a Government wharf or any part thereof remains in force, no person shall enter upon that wharf or upon that part thereof, as the case may be, except in pursuance of a
25 permit issued by the Controller of the wharf or by his authority, and no person shall loiter in the vicinity of any entrance to the closed wharf or of the closed part thereof, as the case may be.

Permit necessary for lawful entry upon closed wharf.

(2) Nothing in this section shall apply so as to
30 prohibit the entrance of—

- (a) Any person in the employment of the Crown;
(b) Any person employed as a member of the permanent staff of a Harbour Board by which the wharf is owned;
35 (c) Any seaman or passenger belonging to any ship lying at or in the vicinity of the closed wharf or the closed part thereof, as the case may be.

10. The Controller of a Government wharf, and every person acting in aid of him, shall have at all
40 times a right of access to that wharf and to every part thereof, and to every ship lying thereat.

Controller and his assistants to have right of access to Government wharf at all times.

Controller may make structural or other alterations to Government wharf.

11. The Controller of a Government wharf may make thereon any structural or other alterations which he deems necessary for the effective enforcement of this Act or the proper use, control, or administration of the wharf.

5

Controller may give orders as to berthing, &c., of vessels at Government wharf.

12. The Controller of a Government wharf may give such orders as he thinks necessary as to the berthing, loading, unloading, or despatch of any ship lying at or in the vicinity of that wharf. Disobedience to any such order shall be an offence against this Act.

10

Offence to damage Government wharf.

13. Every person who does wilful damage to a Government wharf, or to any building or structure situated thereon, or to any goods, machinery, plant, or other property being thereon or on any ship lying thereat, or in the vicinity thereof, shall be guilty of an offence against this Act, and shall be liable accordingly.

15

Offences in respect of working of Government wharf and vessels lying thereat.

14. Every person who incites any other person to refuse or fail to offer or render service or effective service as a wharf labourer on any Government wharf, or who does any act, or publishes (whether to any person or persons or to the public at large) any utterance, intended or calculated to interfere with the effective use, control, or administration of a Government wharf, or with the proper loading, unloading, or despatch of any vessel lying at or in the vicinity of a Government wharf, shall be guilty of an offence against this Act, and shall be liable accordingly.

20

25

Offence to conspire to prevent, delay, or interfere with loading, &c., at Government wharf.

15. Every person who conspires with any other person to prevent, delay, or otherwise interfere with the proper loading, unloading, or despatch of any vessel, whether lying at a Government wharf or not, or who does any Act or publishes (whether to any person or persons, or to the public at large) any utterance intended to prevent, delay, or otherwise interfere with the proper loading, unloading, or despatch of any vessel, whether lying at a Government wharf or not, shall be guilty of an offence against this Act, and shall be liable accordingly.

30

35

Constable or Customs officer may search persons, &c., found on or about any wharf.

16. (1) Any constable or officer of Customs may search and detain for the purpose of search any person, conveyance, package, or receptacle of any description found on or about any wharf or ship, and may for this purpose enter upon any wharf or ship.

40

(2) Every person who resists, obstructs, or deceives any constable or officer of Customs in the exercise of the right of search or detention conferred by this section shall be guilty of an offence against this Act and shall
5 be liable accordingly.

(3) The powers conferred by this section may be exercised in respect of any wharf, whether or not the same has been declared a Government wharf within the meaning of this Act.

10 17. Every person who commits an offence against this Act shall be liable on summary conviction before a Magistrate to imprisonment for *three* months or to a fine of *one hundred* pounds. Penalty for offences.