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This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and having this day passed as now printed is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council,
16th July, 1886.

Hon. Mr. Reynolds.

HARBOURS ACT AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Certain Harbour Boards dissolved, and certain Acts repealed.</p> <p>3. Powers, &c., of Board to vest in the Governor in Council or Governor.</p> <p>4. Lands and property of Board to vest in the Queen.</p> <p>5. Lands and property held in trust to be subject to same trusts.</p> <p>6. Contracts, debts, and liabilities of Board to belong and attach to the Queen.</p> <p>7. Dissolution of a Board not to affect the rights of creditors.</p> <p>8. Repeal of section 172 of "The Harbours Act, 1878." "Harbour Fund Account" to be kept.</p> <p>9. Application of the fund.</p> <p>10. Accounts to be kept by Harbour Boards. The General Account. The Special Fund Accounts. The Interest Accounts. The Sinking Fund Accounts.</p> <p>11. Transfers from General Account to other accounts may be made in certain cases.</p>	<p>12. Penalty for illegal borrowing or expenditure.</p> <p>13. Auditor shall institute proceedings. Costs.</p> <p>14. Audit Office to have certain powers in relation to harbour accounts.</p> <p>15. Boards empowered to expend money in providing and maintaining tugs and other vessels.</p> <p>16. Power not to authorize carrying cargo and passengers except in certain cases.</p> <p>17. No rate to be levied upon the Crown under "The Crown and Native Lands Rating Act, 1882."</p> <p>18. Local body authorized to spend part of local fund in harbour works in certain cases.</p> <p>19. Local body to have all powers and liabilities in respect of harbour works which it has in respect of ordinary works.</p> <p>20. Harbour Boards to be deemed local governing bodies.</p> <p>21. Member of Harbour Board shall only be paid travelling expenses.</p> <p>22. Westport and Greymouth breakwaters to be deemed constructed under special Act.</p>
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A BILL INTITULED

AN ACT to amend "The Harbours Act, 1878," and provide for the Title.
Dissolution of certain Harbour Boards.

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

1. The Short Title of this Act is "The Harbours Act Short Title.
Amendment Act, 1886," and it shall come into operation on the first day of August, one thousand eight hundred and eighty-six.

10 2. On the date when this Act comes into operation the several Certain Harbour
Harbour Boards mentioned in the Schedule to this Act shall be and Boards dissolved,
the same are hereby respectively dissolved. and certain Acts
repealed.

On the date aforesaid the several Acts mentioned in the said Schedule shall be and the same are hereby repealed.

15 3. All powers, duties, authorities, and functions which, imme- Powers, &c., of
diately before the date of the dissolution of a Board by virtue Board to vest in
of this Act were vested in or could be exercised or performed the Governor in
by such dissolved Board, shall, from and after the date of such Council or Governor.

dissolution, vest in and be exercised and performed by the Governor in Council, or the Governor, as the case may require, in accordance with the provisions of "The Harbours Act, 1878," and to the same extent and in the same manner as if a Harbour Board had never existed at such port or place.

Lands and property of Board to vest in the Queen.

4. All lands, tenements, goods, chattels, moneys, securities for money, and anything in action, and all real and personal property whatever, and all rights and interests therein, which immediately before the date of the dissolution of a Board by virtue of this Act were the property of or vested in or belonged to such Board, or to any person or persons on behalf of such Board, shall, on the date of the dissolution thereof, vest in Her Majesty the Queen for the same estate and interest as the Board had therein respectively.

Lands and property held in trust to be subject to same trusts.

5. If any lands or other property shall be held in trust by or on behalf of any such Board, such lands or other property shall vest in Her Majesty the Queen, subject to the same trusts and for the same uses and purposes as the same were theretofore held by or vested in the Board, or any person or persons on its behalf.

Contracts, debts, and liabilities of Board to belong and attach to the Queen.

6. All contracts, debts, liabilities, and engagements existing immediately before the date of the dissolution of any Board hereunder, and all actions, suits, proceedings, and things begun and not completed at the date of the dissolution of any Board hereunder, shall belong and attach to and be enforced by and against Her Majesty the Queen.

Dissolution of a Board not to affect the rights of creditors.

7. The dissolution of a Board hereunder shall not affect the rights of the holder of any debenture or other creditor of the Board, or in any way alter the security of any loan raised by the Board upon any security authorized by law; but such loan shall remain a charge on the property or security affected; and Her Majesty may continue to levy and recover any rates forming the whole or part of such security as if the Board had not been dissolved.

Repeal of section 172 of "The Harbours Act, 1878," "Harbour Fund Account" to be kept.

8. The one hundred and seventy-second section of "The Harbours Act, 1878," is hereby repealed, and in lieu thereof it is enacted: All moneys arising from any of the sources mentioned in the said Act, or that may be received by way of loan, under the said Act or a special Act, shall be paid into an account at such bank as the Board may from time to time determine, to an account to be called "the Harbour Fund Account."

Application of the fund.

9. Such fund shall be applied by the Board in payment of all charges and expenses incurred in carrying "The Harbours Act, 1878," into execution, and in doing and performing all acts and things which the Board are by the said Act or this Act or any other Act empowered or required to do, execute, or perform.

Accounts to be kept by Harbour Boards.

10. The accounts of the Harbour Fund shall hereafter be kept under the several heads as follow:—

The General Account.

(1.) The General Account, which shall be credited with all moneys received which are not hereby required to be carried into any other account, and shall be charged with all the ordinary expenditure of the Board, and with any advances the Board thinks fit to make to the other accounts:

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- 5 (2.) The Special Fund Accounts, each of which severally shall be credited with all moneys raised by loan for a special purpose, or received for harbour improvement rates, or for any special purpose, and charged with the costs and charges of raising such loan, or the levying and collection of such rates or otherwise, and with the expenditure on account of any such purpose :
- 10 (3.) The Interest Accounts, in which the account of the interest payable on each loan shall be credited with all moneys received on account of special rates (if any), or transferred from the general account to provide for such interest, and shall be charged with the interest paid on such loan :
- 15 (4.) The Sinking Fund Accounts, in which an account for each separate loan shall be credited with the sums provided for the repayment of such loan, either by way of sinking fund, comprising the interest and profits on the investments of such sinking fund, or by way of periodical drawings and repayments of debentures, and shall be charged with all moneys invested or paid in repayment of such debentures.
- 20 11. If the balance in any of the said accounts, other than the General Account, is at any time insufficient to meet the lawful charges thereon, the Board may transfer such sums as may be necessary from the General Account, to meet the same, and may at any time repay any such advance out of any excess in the receipts over the liabilities
- 25 of any such account ; but it shall not be lawful to make any transfer from any one to any other of the accounts above mentioned, except as in this Act provided.
- 30 12. If any Harbour Board at any time,—
- (1.) Borrows any money or issues any debentures in excess of or otherwise than in accordance with the provisions of any Act in that behalf ; or
- (2.) Borrows under any such Act or otherwise any moneys which the Board is not legally bound to repay ; or
- 35 (3.) Permits any money so borrowed to be expended in any manner or for any purpose other than that for which it was borrowed and ought to be expended ;
- every member of such Board who consents thereto shall, for every such offence, be liable to a penalty of not exceeding *one hundred* pounds, to be recovered with full costs of suit in any Court of competent jurisdiction.
- 40 13. It shall be the duty of the Comptroller and Auditor-General to institute the necessary proceedings against every member of the Harbour Board liable to pay any such penalty.
- All costs incurred by the Comptroller and Auditor-General in
- 45 any such proceedings shall be paid out of the Harbour Fund, and all moneys recovered for penalties and costs shall be deemed to be part of such Harbour Fund, and paid over accordingly.
- 50 14. Sections thirty-one and thirty-two of "The Public Revenues Act, 1878," shall be deemed to apply to, and include accounts of, Harbour Boards, and the Audit Office shall have the same powers in

The Special Fund Accounts.

The Interest Accounts.

The Sinking Fund Accounts.

Transfers from General Account to other accounts may be made in certain cases.

Penalty for illegal borrowing or expenditure.

Audit or shall institute proceedings.

Costs.

Audit Office to have certain powers in relation to harbour accounts.

relation to such accounts as it has in respect of accounts relating to the receipt, custody, or expenditure of public moneys under the said Act.

Boards empowered to expend money in providing and maintaining tugs and other vessels.

15. Every Harbour Board shall be deemed to have had and shall hereafter have power to expend from time to time any portion of the Harbour Fund applicable to the general purposes of the Board in purchasing or acquiring, maintaining, and working a steam or other vessel requisite for towing ships or vessels in or out of the harbour under its control, and also such boats, barges, and other appliances as may be necessary for the use and service of the harbour, and the safety and convenience of shipping resorting thereto. 5 10

Power not to authorize carrying cargo and passengers except in certain cases.

16. The power contained in *the last preceding* section shall not authorize the purchase, acquisition, or working of any ship or vessel for carrying cargo or passengers; but nothing herein shall be deemed to prevent a vessel belonging to a Harbour Board from carrying passengers or cargo to and from any open roadstead within the jurisdiction of such Board. 15

No rate to be levied upon the Crown under "The Crown and Native Lands Rating Act, 1882."

17. Notwithstanding anything contained in any Act of the General Assembly, whether general or special, no special or other rate which forms the whole or any part of the security for any loan that may be hereafter raised by a Harbour Board under any such Act shall be leviable upon or be paid by or on behalf of the Crown, in respect of any Crown lands, under the provisions of "The Crown and Native Lands Rating Act, 1882," or any amendment thereof. 20

Local body authorized to spend part of local fund in harbour works in certain cases.

18. In any case where a local governing body has been or shall be authorized by Order in Council issued under "The Harbours Act, 1878," or any amendment thereof, to construct harbour works as therein provided it shall be lawful for such body to use and expend any part of the local fund under its control in construction of any work so authorized or in the maintenance or repair of any such work or any part thereof: 25 30

Provided that nothing herein shall empower any such body to use and expend any money borrowed for the purposes of any particular work to be applied as aforesaid, unless the same has been expressly sanctioned by the ratepayers before the money was so borrowed. 35

Local body to have all powers and liabilities in respect of harbour works which it has in respect of ordinary works.

19. Every power or authority which any such local governing body has or could exercise in respect of any public work within its ordinary powers may in like manner be exercised in respect of any harbour work so authorized as aforesaid; and every liability which such body would be liable to in respect of any public work as aforesaid shall also attach in respect of any such harbour work. 40

Harbour Boards to be deemed local governing bodies.

20. For the purposes of section fourteen of "The Harbours Act, 1878," a Harbour Board shall be deemed to be a local governing body.

Member of Harbour Board shall only be paid travelling expenses.

21. From and after the first day of January next after the passing of this Act no member of any Harbour Board shall be paid any remuneration for his services as a member of such Board, nor in respect of his attendance at any meetings thereof, but he may be paid the amount of expenses actually incurred in travelling to or from any such meeting.

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22. The construction of breakwaters at Westport and Greymouth by the respective Harbour Boards at those ports, and all acts and things in relation to such construction, shall be deemed to have been authorized under a special Act as from the sixth day of November, 5 one thousand eight hundred and eighty-four.

Westport and Greymouth breakwaters to be deemed constructed under special Act.

SCHEDULE.

The Milford Harbour Board Act, 1878.
The Nelson Harbour Board Act, 1878.

The Castlepoint Harbour Board.
The Foxton Harbour Board.
The Kakanui Harbour Board.
The Moeraki Harbour Board.
The Harbour Board of the Port of Whangarei.