

Hon. Mr. Fisher.

HARBOURS AMENDMENT.

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A BILL INTITULED

AN ACT to amend the Harbours Act, 1908.

Title.

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

- 5 1. (1.) This Act may be cited as the Harbours Amendment Act, 1914, and shall form part of and be read together with the Harbours Act, 1908 (hereinafter referred to as the principal Act). Short Title and commencement.
- (2.) This Act shall commence on the first day of April, nineteen hundred and *fifteen*.
- 10 2. (1.) No person shall be deemed to be a candidate at any election of members of a Harbour Board unless at the time of nomination he has deposited with the Returning Officer the sum of *three* pounds. Candidate to make deposit.
- (2.) If at the election the candidate does not poll one-eighth of 15 the votes polled by the successful candidate, or, as the case may be, by the successful candidate polling the fewest votes, the deposit shall be forfeited to the Harbour Fund, but otherwise, or if the candidate is elected without a poll, shall be returned to him.
- 20 3. Section thirty-eight of the principal Act is hereby amended by adding the following subsections:— Section 38 of principal Act amended.
- “(4.) During the absence of any officer of the Board by reason of illness, leave of absence, or other cause, the duties and powers of such officer may be performed and exercised by an acting officer to be

appointed by the Board either generally or for some occasion only, or by the Chairman temporarily :

“ Provided always that any such temporary appointment by the Chairman must be approved at the next ordinary meeting of the Board.

“(5.) A minute duly made and authenticated of the appointment of any such officer shall, as regards all persons having any business with the Board and acting in good faith, be deemed conclusive evidence of the validity of the appointment and of his authority to act as such, and shall relieve all persons having business as aforesaid from the necessity of making any inquiry in the matter.”

Struck out.

Payment of members.

4. Notwithstanding anything in section forty of the principal Act, a Board may, by resolution passed at a meeting at which all of its members are present, agree to pay any or all of its members a special allowance of one pound one shilling for each day's attendance at meetings of the Board, in addition to the reasonable expenses actually incurred in travelling to or from such meetings, or to or from any meeting of any committee of the Board, or on any business of the Board to which he is authorized by the Board to attend, and upon such resolution being passed payment shall be made accordingly.

Section 63 of principal Act amended.

5. Section sixty-three of the principal Act is hereby amended by adding to subsection one thereof the words “(including a reasonable charge for the storage of the goods by the Board after the expiration of the time allowed by its by-laws as aforesaid).”

Section 118 of principal Act amended.

6. Section one hundred and eighteen of the principal Act is hereby amended by adding the words “except for services rendered by the officers or servants of the Board.”

Section 142 of principal Act amended.

7. (1.) Section one hundred and forty-two of the principal Act is hereby amended by omitting the words “any road or street over,” and substituting the words “any road or street or main sewer over or through”; and by adding at the end of the section the words “or main sewer.”

(2.) Section forty-three of the Harbours Amendment Act, 1910, is hereby amended by inserting, after the words “road or street,” wherever they occur, the words “or main sewer.”

Section 147 of principal Act amended.

8. Section one hundred and forty-seven of the principal Act is hereby amended as follows :—

(a.) By adding at the end of paragraph (b) the words “or for the use or convenience of importers or exporters or of shipping owners or agents, or for any purpose connected with the harbour which the Board may determine”:

(b.) By omitting from the first proviso to paragraph (d) the words “three years,” and substituting the words “seven years.”

Section 163 of principal Act amended.

9. Section one hundred and sixty-three of the principal Act is hereby amended by omitting from paragraph (a) the words “by this or any special Act.”

Section 167 of principal Act amended.

10. (1.) Subsection two of section one hundred and sixty-seven of the principal Act is hereby repealed, and the following substituted in lieu thereof :—

“(2.) No money shall be drawn out of the bank except by authority of the Board; and all moneys shall be paid by the Board

in cash, or by cheque signed by the Chairman or by any two members of the Board appointed for that purpose, and countersigned by the Treasurer."

5 (2.) So much of the Fourth Schedule to the Harbours Amendment Act, 1910, as amends the said section one hundred and sixty-seven is hereby repealed. Repeal.

New.

10 10A. Section one hundred and eighty of the principal Act is hereby repealed, and the following substituted:— Section 180 of principal Act amended.

15 "180. (1.) The Board may, in anticipation of the income of its General Account, from time to time borrow moneys from the bank by way of overdraft, or from any corporation or person by way of temporary loan; but the total of the amounts so borrowed shall never at any time exceed the amount of the ordinary income of the General Account received during the previous financial year, exclusive of any moneys received by way of subsidies or special grant from the Government and of money borrowed and of separate or special rates.

20 " (2.) 'Overdraft' shall, for the purposes of this Act, be deemed to be money borrowed on any account, notwithstanding that money may be standing to the credit of any other account in the bank.

25 " (3.) The limit specified in this section shall not be interpreted to affect the right of any bank, or corporation, or person to be repaid out of the funds of the Board the moneys advanced by it or them to such Board; and no bank, or corporation, or person shall be concerned to inquire whether such limit is being or has been exceeded."

30 11. (1.) Section two hundred and five of the principal Act is hereby amended by inserting, after paragraph (f), the following paragraph:— Qualifications of harbourmasters and pilots.

"(ff.) Prescribing rules for determining the qualifications in respect of age, time of service, skill, character, and otherwise to be required of persons appointed as harbourmasters or appointed or licensed as pilots."

35 (2.) Paragraph (26) of section two hundred and seven of the principal Act is hereby repealed. Repeal.

New.

40 11A. Section two hundred and seven of the principal Act is hereby amended by omitting paragraph (8), and substituting the following paragraph:— Section 207 of principal Act amended.

"(8.) Regulate the use of cranes, weighing and other machines, weights and measures, conveniences or appliances, and all buildings and works belonging to the Board, and fix charges and set out the terms upon which the same may be used."

45 12. Section two hundred and seven of the principal Act is hereby amended by inserting, after the word "copy" in paragraph (30), the words "or copies." Section 207 of principal Act amended.

50 13. Section two hundred and twenty-two of the principal Act is hereby amended by inserting, after the word "Customs," the words "officers of the Department of Agriculture, Industries, and Commerce." Section 222 of principal Act amended.

14. (1.) Section thirteen of the Harbours Amendment Act, 1910, is hereby amended by omitting subsection four, and substituting the following subsection:— Section 13 of Amendment Act, 1910, amended.

~~“(4) Where such dues have been paid by one or more persons jointly, only one of such persons shall be entitled to vote in respect of such payment.”~~

~~(2.) The said section thirteen is hereby further amended by emitting the words “of any ship registered,” and substituting the words “of any British ship registered”; and by inserting, after subsection five, the following subsections:—~~

~~“(5A.) Any person acting under a power of attorney executed by a person entitled to vote under this section shall be entitled to vote on behalf of that person on producing to the officer in charge of the polling-booth satisfactory proof of his identity and authority in such manner as may be prescribed by regulations.”~~

~~“(5B.) Any firm one of whose members is entitled to vote pursuant to subsection four of this section may, if no member of the firm is resident at the place where the election is to be held, appoint, by writing under the firm’s name, some person to vote at such election in respect of the payment of dues or the ownership of any ship by the firm, as the case may be.”~~

~~“(5C.) Any person entitled to vote at any such election on behalf of any other person or a body corporate shall not thereby be debarred from exercising any right to vote to which he may be entitled in his own behalf.”~~

Struck out.

Section 14 of
Amendment Act,
1910, amended.

15. Section fourteen of the Harbours Amendment Act, 1910, is hereby amended by adding to subsection one thereof the following proviso:—

“Provided that where an election under this Act is held simultaneously with an election of the members of a local authority, as aforesaid, the Harbour Board shall not be required to pay in respect of the cost of the election a sum in excess of the actual cost of advertising and printing in connection with the Harbour Board election (exclusive of the cost of printing the roll) together with an additional amount equal to ten per centum of the actual expenses incurred by the local authority in conducting its own and the Harbour Board elections, exclusive of the cost of advertising and printing.”

New.

Section 125 of
Harbours
Amendment Act,
1910, amended.

15A. Section twenty-five of the Harbours Amendment Act, 1910, is hereby amended by adding the following subsections:—

“(5.) The Board may at any time hold a special meeting, to be called either on a resolution of the Board or on a requisition in writing delivered to the Board, and signed by the Chairman or by any three members, specifying the day for which such special meeting is to be called.”

“(6.) Every notice of a special meeting shall be in writing under the hand of the Secretary, and shall be sent to each member four clear days at least before such meeting.”

“(7.) In the case of extraordinary business to be brought before an ordinary meeting, or of a special meeting, or of a proposal to alter or revoke a resolution, the notice of the meeting shall set forth the business to be brought before the meeting.”

16. Section twenty-six of the Harbours Amendment Act, 1910, is hereby amended by inserting in subsection one, after the words "powers and duties by," the words "the principal Act or."

Section 26 of Amendment Act, 1910, amended.

17. Section forty-two of the Harbours Amendment Act, 1910, is hereby amended by inserting in subsection one, after the words "local authority," the words "or Harbour Board."

Section 42 of Amendment Act, 1910, amended.

18. (1.) Where the foreshore ~~whether within~~ *outside* the limits of a harbour ~~or not~~ is not vested in any Harbour Board or other local authority, the Governor may, by Order in Council, grant, for a period not exceeding twenty-one years, the control of such part or parts thereof as he thinks fit to any local authority, Domain Board, or persons acting as trustees for the inhabitants of the locality, upon such conditions as may be prescribed in the Order.

Governor may vest control of foreshore in local authority.

(2.) The local authority, Board, or persons to whom the control of foreshore is so granted may make such by-laws as are necessary for the preservation and control of the foreshore.

(3.) The said local authority, Board, or persons may, subject to the provisions of section one hundred and fifty of the principal Act, erect baths and bathhouses on the foreshore, the control of which has been so granted to them, and may make by-laws regulating the use thereof and fixing the charges for such use.

19. The Governor may, by Order in Council, authorize any local authority, whose district borders on any foreshore, to make by-laws for the proper conduct of persons bathing in the vicinity of such foreshore, and may empower the local authority to delegate the right to make such by-laws to any ~~surf-bathing~~ club or association *having for its object or one of its objects the promotion of life-saving, bathing, surf-bathing, or swimming.*

Control of bathing on certain foreshores.

20. By-laws made under the *two last preceding* sections (other than by-laws made by a local authority) shall not have effect unless and until approved in writing by the Minister.

By-laws to be approved by Minister.

21. (1.) Notwithstanding anything in section fifty-one or section fifty-two of the Harbours Amendment Act, 1910, the annual statements and accounts required to be made by the said section fifty-one shall, in the cases of the Westport Harbour Board and the Greymouth Harbour Board, be made in respect of the period of twelve months ending on the thirty-first day of March in each year, and the said statements and accounts shall be produced at a meeting of the said Boards respectively to be held during the first week in May in each year, or at some adjournment thereof.

Sections 51 and 52 of Amendment Act, 1910, modified in respect to Westport and Greymouth Harbour Boards.

(2.) Except as otherwise provided in this section, the provisions of the said sections shall, *mutatis mutandis*, apply to the Harbour Boards hereinbefore referred to.