

HARBOURS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Harbours Act 1950.

Clause 1 relates to the Short Title and commencement.

Clause 2 extends provisions made in 1980 that confer upon the Minister the powers, functions, duties, and authorities of a Harbour Board in relation to harbours that are not within the jurisdiction of a Harbour Board. The amendment confers upon the Minister the rights, exemptions, and privileges of a Harbour Board also.

One effect of the amendment is that the Minister will have full exemption from liability for the negligence of pilots appointed or licensed by him in the same manner as Harbour Boards have that exemption under section 212 (6) of the Harbours Act 1950. *Clause 6* of the Bill deals with the extent of personal liability for negligence of a pilot appointed or licensed by the Minister.

Clause 3: The effect of this clause is to require separate disclosure and identification in the income and expenditure account of a Board of every grant of money or advance made under section 135B of the Harbours Act 1950 (as inserted by *clause 4* of this Bill).

Clause 4 confers upon Harbour Boards the power to make grants of money, advance loans, and grant leases to any organisation whose principal object is the recreation, enjoyment, education, instruction of the public, the improvement of public amenities, the promotion of public health and well-being, or the promotion of any form of culture.

The provision is similar to sections 596 (2) and (3) and 601 (5) (a) and (9) of the Local Government Act 1974 which give such powers to territorial authorities and regional and united councils.

Clause 5 amends sections 143A and 143B of the principal Act. The effect of the amendments is that Harbour Boards will no longer need the consent of the Ministers of Transport and Finance to subdivide land vested in them. Such consents will still be needed before any such land is sold.

Clause 6 imposes a prohibition on any pilot appointed or licensed by the Minister acting in respect of any harbour under the control of the Minister unless a bond of \$2,000 has been given to cover any liability he may incur for negligence. By virtue of section 214B of the principal Act, a pilot is not liable in negligence beyond the amount of the bond and the pilotage payable to him in respect of the voyage.

Clause 7 increases the membership of the Hawke's Bay Harbour Board from 12 to 13 members. It also varies the groups of electors who may elect the members. The changes are:

- (a) At present, the electors of the Mohaka Riding of Wairoa County are the only electors of Wairoa County who have the right to elect a member of the Board, and that right is to elect 3 members together with the electors of Hawke's Bay County and Havelock North Borough. The electors of Wairoa Borough do not at present have the right to elect any member of the Board.
- (b) Under the proposed provision the electors of Wairoa County whose qualifications are outside the Gisborne Harbour District and the electors of Wairoa Borough together will have the right to elect 1 member of the Board, and the electors of Hawke's Bay County and Havelock North Borough together will have the right to elect 3 members of the Board.
- (c) At present, the electors of Waipukurau District have the right to elect 2 members of the Board. One member is elected by the electors of the Waipukurau Riding, and the other by the electors of the Hatuma, Patangata, and Porangahau Ridings. Under the proposed provision the electors of Waipukurau District will have the right to elect 1 member of the Board.
- (d) Under the proposed provision the electors of Dannevirke County, Dannevirke Borough, Woodville County, and Woodville Borough together will have the right to elect 1 member of the Board. At present, those electors do not have the right to elect any member of the Board.

The rights of the electors of the Cities of Napier and Hastings and the Waipawa District to elect members of the Board are unchanged.

At present, the electors of the Akitio Riding of the Dannevirke County have the right, together with the electors of 5 counties and 6 boroughs, to elect 2 members of the Wellington Harbour Board. The clause removes the right of the electors of the Akitio Riding to elect members of the Wellington Harbour Board. Those electors will have the right, together with other electors as set out in paragraph (d) above, to elect 1 member of the Hawke's Bay Harbour Board.

Hon. Mr Gair

HARBOURS AMENDMENT

ANALYSIS

Title	
1. Short Title and commencement	5. Board may subdivide land without consent of Minister and Minister of Finance
2. Rights, exemptions, and privileges of Crown where no Harbour Board	6. Bonds in respect of pilots appointed by Minister
3. Matters to be disclosed separately in annual accounts	7. Hawke's Bay and Wellington Harbour Boards Schedule
4. Board may make grants to organisations for general public benefit	

A BILL INTITULED

An Act to amend the Harbours Act 1950

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

- 5 **1. Short Title and commencement**—(1) This Act may be cited as the Harbours Amendment Act 1982, and shall be read together with and deemed part of the Harbours Act 1950* (hereinafter referred to as the principal Act).
(2) This Act shall come into force on the 28th day after the
10 date on which it receives the Governor-General's assent.

- 2. Rights, exemptions, and privileges of Crown where no Harbour Board**—Section 6 of the principal Act (as substituted by section 2 (1) of the Harbours Amendment Act 1980) is hereby amended by inserting in subsection (1), and
15 in subsection (4), after the word "duties," in each case, the words "rights, exemptions, privileges,".

*R.S. Vol. 2, p. 551
Amendments: 1980, No. 54; 1981, No. 72

3. Matters to be disclosed separately in annual accounts—Section 55 of the principal Act (as substituted by section 3 (1) of the Harbours Amendment Act 1980) is hereby amended by inserting, before the word “shall”, the words “and every grant of money or advance made under section 135B of this Act,”. 5

4. Board may make grants to organisations for general public benefit—The principal Act is hereby amended by inserting, after section 135A (as inserted by section 6 of the Harbours Amendment Act 1959), the following section: 10

“135B. (1) The Board may, having due regard to its financial circumstances, make grants of money, or make advances on such terms and conditions as it thinks fit (including, if the Board thinks fit, a condition that the advance is to be free of interest), or grant leases of land at such rental and for such term and on such conditions as it thinks fit, to any organisation, group, or body of persons (whether incorporated or not) whose object or principal object is— 15

“(a) The recreation, enjoyment, education, instruction of the public, or the improvement or development of public amenities; or 20

“(b) Generally any purpose of public health or well-being; or

“(c) The promotion of any form of culture. 25

“(2) The Public Bodies Leases Act 1969 shall not apply to any tenancy or lease granted under this section.”

5. Board may subdivide land without consent of Minister and Minister of Finance—(1) Section 143A (1) of the principal Act (as enacted by section 26 (1) of the Harbours Amendment Act 1977) is hereby amended by omitting the words “in sections 143B and 143C”, and substituting the words “in section 143C”. 30

(2) Section 143A (1) of the principal Act (as so enacted) is hereby amended by omitting from paragraph (d) the words “to the said sections 143B and 143C”, and substituting the words “section 143C of this Act”. 35

(3) Section 143B of the principal Act (as enacted by section 26 (1) of the Harbours Amendment Act 1977) is hereby amended by omitting from subsection (1) the words “Subject to section 143A of this Act,”. 40

(4) Section 143B of the principal Act (as so enacted) is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) The powers conferred by this section are in addition to and not in substitution for or derogation of any powers in the same behalf conferred on a Board by this Act or any other enactment, or by any instrument or Court.”

5 **6. Bonds in respect of pilots appointed by Minister—**

(1) Section 214A of the principal Act (as enacted by section 10 (1) of the Harbours Amendment Act 1959) is hereby amended by inserting, after subsection (1), the following subsection:

10 “(1A) No pilot appointed or licensed by the Minister shall act as such in relation to any harbour over which the Minister has the powers, functions, duties, rights, exemptions, privileges, and authorities of a Harbour Board under section 6 of this Act, unless there is for the time being in force a bond
15 to the Minister in the sum of \$2,000 given by a surety or sureties approved by the Minister, and conditioned to secure the liability of the pilot for any neglect or want of skill.”

(2) Subsections (3) and (5) of section 214A of the principal Act (as so enacted) are hereby amended by inserting, after the
20 word “Board” in each case, the words “or the Minister”.

7. Hawke’s Bay and Wellington Harbour Boards—

(1) The First Schedule to the principal Act is hereby amended by omitting the item relating to the Hawke’s Bay Harbour Board, and substituting the item set out in the
25 Schedule to this Act.

(2) The First Schedule to the principal Act is hereby amended by omitting from the second column of the item relating to the Wellington Harbour Board the words “and of the Akitio Riding of the Dannevirke County”.

30 (3) Section 2 (3) of the Hawke’s Bay Harbour Board Act 1974 is hereby consequentially repealed.

(4) The following regulations are hereby revoked:

- (a) Regulation 5 of the Harbour Boards Representation Order 1977 (S.R. 1977/207);
 - 35 (b) Regulation 5 of the Harbour Boards Representation Order 1980 (S.R. 1980/168).
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Section 7

SCHEDULE

Boards, and Number of Members	By Whom Members Elected
Hawke's Bay Harbour Board. Thirteen members	4 by the electors of the City of Napier; 2 by the electors of the City of Hastings; 3 by the electors of the Hawke's Bay County and Havelock North Borough; 1 by the electors of the Wairoa Borough and the electors of Wairoa County whose qualifications are not within the Gisborne Harbour District as defined in section 4 (1) of the Gisborne Harbour Board Empowering Act 1952; 1 by the electors of the Waipawa District; 1 by the electors of the Waipukurau District; 1 by the electors of the Dannevirke County, Dannevirke Borough, Woodville County, and Woodville Borough.