

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 15 April 1983

Words struck out 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 single rule, or with single rule before first line and after last line.

Hon. Mr Gair

HARBOURS AMENDMENT

ANALYSIS

Title	5. Board may subdivide land without consent of Minister and Minister of Finance
1. Short Title and commencement	6. Bonds in respect of pilots appointed by Minister
2. Rights, exemptions, and privileges of Crown where no Harbour Board	7. Hawke's Bay and Wellington Harbour Boards
3. Matters to be disclosed separately in annual accounts	Schedule
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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) 1983**, and shall be read together with and deemed part of the Harbours Act 1950* (hereinafter referred to as the principal Act).

Struck Out

- 10 (2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

- 15 **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 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.

“(2) The Public Bodies Leases Act 1969 shall not apply to any tenancy or lease granted under this section.” 25

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
15 6 of this Act, unless there is for the time being in force a bond 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 Schedule to this
25 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).

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.