

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE.]

House of Representatives, 1st November, 1910.

Hon. Mr. Millar.

HARBOURS AMENDMENT (No. 2).

ANALYSIS.

Title.

1. Short Title and commencement.
2. Interpretation. Section 5 of principal Act amended.

Harbour Boards.

3. Constitution of Harbour Boards.
4. Existing Boards.
5. Duration of office of non-elective members.
6. Election of members by electors of any local governing body.
7. Election of members by electors of local governing bodies jointly.
8. Date of general elections.
9. Date of first election.
10. Voting-papers at simultaneous elections.
11. On failure of district to elect, Governor may appoint representatives.
12. Alteration of representation by reason of creation, abolition, &c., of districts.
13. Election of members by shipowners and payers of dues.
14. Costs of elections.
15. Term of office.
16. Qualifications of representatives.
17. Vacation of office by member of Board.
18. On vacation of office, local authority or Governor to make appointment.
19. Board may act notwithstanding irregularities in election, &c.
20. In certain cases local authority to be Harbour Board.
21. First meeting of Board. Annual meeting and election of Chairman.
22. Chairman to preside at meetings.
23. Annual allowance to Chairman.
24. Deputy Chairman.
25. Meetings.
26. Appointment, &c., of committees.
27. Repeals.

Loading and Discharging.

28. Section 61 of principal Act amended.
29. Section 63 of principal Act amended.

Pilots and Pilotage.

30. Appointment of pilots. Repeal.
31. Pilotage-exemption certificates.
32. Pilotage-rates exemption certificates.
33. Application of pilotage rates.
34. Unauthorised person not to act as pilot.
35. Receiving or offering improper rate of pilotage. Repeal.

Harbour Dues.

36. Credit may be given for harbour dues.
37. Section 108 of principal Act amended.

Reserves and Endowments.

38. Leasing-powers of Harbour Boards. Repeal.

Foreshores and Reclamations.

39. Lease of foreshores in certain cases.
40. Revocation of license for use of foreshore.
41. Resumption of leased land in certain cases.
42. Reclamations, &c., to be authorised by special Act or Order in Council. Repeal.
43. Section 142 of principal Act amended.
44. Section 143 of principal Act amended.

Harbour-works.

45. Section 147 of principal Act amended.
46. Land reclaimed under special order to vest in Board.
47. Vesting of land on closing of street.

Harbour Fund.

48. Payment of fines.
49. When fines paid in stamps, Minister of Finance to make payment out of Consolidated Fund.
50. Board not to levy rates beyond its own district.
51. Annual balance-sheet. Repeal.
52. Accounts to be produced at annual meeting. Abstract of accounts to be published. Repeals.

Harbour By-laws.

53. Section 207 of principal Act amended.
54. Surveyed ship entitled to ply for hire in harbours.

General.

55. Control of harbours on regatta-days, &c.
56. Removal of stone, &c., from foreshore.
57. Polluting harbour with sawdust, &c.
58. Services rendered by Board.
59. Section 123 of the Public Works Act extended.
60. Authority to construct tramways.
61. Gazette to be evidence of Proclamations, &c.
62. Power of Harbourmaster, &c., to enter ship.
63. Authentication of documents.
64. Settlement of disputes between Board and local authority.
65. Power to validate proceedings, &c.
66. Third Schedule to principal Act amended.
67. Miscellaneous amendments of principal Act. Schedules.

A BILL INTITULED

Title.

AN ACT to amend the Harbours Act, 1908.

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

Short Title and commencement.

1. (1.) This Act may be cited as the Harbours Amendment Act, 1910, and it shall form part of and be read together with the Harbours Act, 1908 (hereinafter referred to as the principal Act).

(2.) This Act shall commence on the first day of January, nineteen hundred and *eleven*.

Interpretation.

2. (1.) In this Act and in the principal Act, if not inconsistent with the context,—

“Collector of dues” includes any person whose duty it is to collect harbour dues on behalf of a Harbour Board :

“Elective members” of a Board includes all the members of a Board other than those who are appointed by the Governor :

“Harbour-works” includes generally any works for the improvement, protection, management, or utilisation of a harbour ; and in particular, but without limiting the general import of the term, includes any basin, graving-dock, slip, dock, pier, quay, wharf, jetty, bridge, viaduct, breakwater, embankment, or dam, or any reclamation of land from the sea, navigable lake or river, or any excavation, deepening, dredging, or widening of any channel, basin, or other part of a harbour, whether complete or incomplete, in the sea, or in, on, or near the shore of the sea, or of any creek, bay, or arm thereof, or of any navigable river flowing thereinto, and all buildings thereon, and plant and machinery used in connection with any harbour-works.

Section 5 of principal Act amended.

(2.) Section five of the principal Act is hereby amended by omitting the definition of “harbour-works.”

Harbour Boards.

Constitution of Harbour Boards.

3. (1.) Every Harbour Board hereafter constituted shall be constituted by an Act of Parliament (hereinafter termed a special Act) and in the manner provided by that Act.

(2.) Every such Board shall consist of non-elective members or of elective members, or of both non-elective and elective members, as may be prescribed by such Act.

(3.) Every such Act shall make provision for the first election of the elective members of the Board (if any), and for all other matters necessary to give effect to this Act and that special Act.

Existing Boards

4. (1.) Every Harbour Board mentioned in the *First* Schedule hereto shall continue to exist and to have its existing name and common seal, and shall retain its properties and liabilities, and all its existing contracts and engagements shall be enforceable by and against it.

(2.) Every such Board shall, as from the commencement of this Act, be constituted in the manner mentioned in the said *First* Schedule, as follows :—

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(a.) The number of members of each such Board shall be the number mentioned in the first column of the said Schedule.

5 (b.) The number of non-elective members mentioned in the second column of the said Schedule shall be appointed from time to time by the Governor.

(c.) The remaining members of the Board shall be elected as mentioned in the third column of the said Schedule.

10 (3.) In the case of each such Board the ~~elective~~ members in office on the commencement of this Act shall continue to hold office until the date fixed as hereinafter mentioned for the first election of members of that Board under this Act.

5. Every non-elective member of a Board shall be appointed by the Governor for a term of three years from the last Wednesday in
 15 April in the year in which the Board is constituted, or, in the case of an existing Board, from the last Wednesday in April, nineteen hundred and *eleven*; and in either case from the last Wednesday in April in every subsequent third year.

Duration of office of non-elective members.

20 6. (1.) Where one or more members of a Board are to be elected by all or some only of the electors of a county, borough, road district, or town district (hereinafter referred to as a constituent district), such election shall be held in the same manner as the ordinary general election of members of the local authority of that
 25 constituent district; and all the provisions of the Local Elections and Polls Act, 1908, and of all other Acts affecting the mode of election of members of that local authority (including the penal provisions thereof and the provisions relating to disputed elections), shall, so far as practicable, and so far as consistent with this Act, apply accordingly.

Election of members by electors of any local governing body.

30 (2.) At every such election of a member of the Board every elector shall have one vote and no more.

(3.) The Returning Officer of the constituent district shall be the Returning Officer for the purposes of such election.

35 7. (1.) In any case where by this Act or any special Act one or more members of a Harbour Board are to be elected by all or some only of the electors of two or more local authorities jointly (hereinafter referred to as a combined district), the Governor shall by Order in Council select and appoint one of those local authorities to be the principal authority for the purposes of such election.

Election of members by electors of local governing bodies jointly.

40 (2.) Every such election shall be held in manner prescribed by regulations made by the Governor in Council either generally or in respect of any specified Harbour Board.

45 (3.) By such regulations the Governor in Council may apply to any such election, with such modifications, exceptions, and additions as he thinks fit, the provisions of the Local Elections and Polls Act, 1908, and of any other Act affecting the election of members of any such local authority.

50 (4.) At every such election of a member of the Board every elector shall have one vote and no more, even though he is an elector of more than one county, borough, road district, or town district comprised within the combined district.

Date of general elections.

8. (1.) In the case of a constituent district which is a borough, and in the case of a combined district the principal authority of which is a Borough Council, the election of members shall be held on the day appointed for electing members of Borough Councils; and in the case of every other district the election shall be held on the ~~third~~ **5**
last Wednesday in April in every third year, commencing with the year nineteen hundred and *eleven*.

(2.) On the election under this section of representatives of any constituent district or combined district the former representatives thereof shall, unless re-elected, retire from office. **10**

Date of first election.

9. (1.) The first election of members of a Harbour Board constituted after the commencement of this Act shall be held on such day as the Governor by Order in Council appoints; and by the same or any subsequent Order in Council the Governor may make all such provisions as he deems necessary for the purposes of that election, and may fix the time and place for the first meeting of any Board. **15**

(2.) Where on the constitution of a new Harbour Board an election of members is held within six months of the time fixed under section *eight* hereof for the election of any of the members of the Board, it shall not be necessary to hold such last-mentioned election, but the member or members who but for this section would retire from office shall remain in office until the next succeeding election is held under the said section *eight*. **20**

Voting-papers at simultaneous elections.

10. Where an election of representatives of a constituent district or combined district is held simultaneously with an election of members of the local authority or principal authority of that district, the voting-papers provided for the former election shall be different in colour from those provided for the latter. **25**

On failure of district to elect, Governor may appoint representatives.

11. If any constituent district or combined district fails at any election to elect the required number of representatives, the Governor may, by warrant under his hand, appoint such qualified persons as he thinks fit to be the representatives of that district in lieu of those who ought to have been elected; and the persons so appointed shall hold office in all respects as if they had been duly elected in conformity with this Act. **30**

Alteration of representation by reason of creation, abolition, &c., of districts.

12. (1.) The creation, abolition, merger, union, division, or other alteration of any constituent district or combined district shall not in itself have any operation so as to affect the then existing membership of the Board. **35**

(2.) The Governor may from time to time by Order in Council, whenever in his opinion it becomes necessary or expedient so to do **40**

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by reason of any such creation, abolition, merger, union, division, or alteration of districts, or by reason of any other circumstance, make such provision with respect to the representation of these districts *any part of any rating area or constituent or combined district* as he thinks fit.

(3.) If by any such Order in Council representation is given to any constituent district or combined district which is not already represented on the Board, or increased representation is given to any constituent district or combined district which is already represented on the Board, the Governor may, by the same or any other Order in **50**

Council, fix the date of the first election of the representatives or additional representatives (as the case may be) of that district, and make all other provisions which are deemed necessary for that election.

5 (4.) If by any such Order in Council representation on a Board is taken away from any constituent district or combined district, the representatives of that district shall retire from office on the day appointed in that behalf by the Order in Council.

10 (5.) If by any such Order in Council a reduction is made in the number of representatives to which any constituent district or combined district is entitled, a sufficient number of those representatives shall retire from office on the day appointed in that behalf by the Order in Council so that the representation of that district may conform to the Order in Council. The representatives so to retire from office
15 shall, in default of agreement among all the representatives of the constituent district or combined district, be determined by lot in manner determined by the Board.

13. (1.) Where by this Act or any special Act power is given to the owners of ships, or to the payers of dues or of any specified class
20 of dues at any port, or to both owners of ships and payers of dues together, to elect a member or members of any Board, such power shall be exercisable by all those persons who on the thirty-first day of December preceding the election were the registered owners or part owners of any ship registered at the port of the harbour, or who
25 have severally paid to the Harbour Board the sum of three pounds or upwards in respect of harbour dues, or of the specified class of harbour dues, during the year ending the thirty-first day of December preceding the election, *and are not entitled to vote for a member of the Board under the preceding provisions of this Act.*

30 (2.) Such power shall be exercised in the manner prescribed by regulations made by the Governor in Council either generally or in respect of any specified Harbour Board.

(3.) By such regulations the Governor in Council may apply to any such election, with such modifications, exceptions, and additions
35 as he thinks fit, the provisions of the Local Elections and Polls Act, 1908.

(4.) Where such dues have been paid by two or more persons jointly, or where any ship is owned by more than one person, only one of such persons shall be entitled to vote in respect of such pay-
40 ment or ownership, as the case may be.

(5.) Any corporate body being the payer of dues or owner of a ship may from time to time, by writing under its corporate seal, appoint some person to vote in respect of such payment or owner-
ship.

45 (6.) Every person entitled to vote at any such election shall have one vote and no more, even though he may be both a payer of dues and an owner or part owner of a ship.

(7.) An election under this section shall be held on the second Wednesday in February, nineteen hundred and *eleven*, and on the
50 same day in every third year thereafter.

14. (1.) The reasonable cost of every election under this Act that is not held simultaneously with the election of members of any local authority, and the reasonable additional cost incurred by a local authority in respect of any election under this Act that is held

Election of members by shipowners and payers of dues.

Costs of elections.

simultaneously with the election of members of the local authority (except in every case the expenses of scrutineers and other expenses incurred by or on behalf of candidates), shall be paid by the Harbour Board.

(2.) Any dispute arising as to the amount to be paid by a Harbour Board to any local authority under this section shall be determined by the Audit Office after such inquiry as it thinks fit, and the decision of the Audit Office in any such dispute shall be final. 5

Term of office.

15. Every member shall come into office on his election or appointment, and shall, unless his office sooner becomes vacant, hold office until the election or appointment of his successor in accordance with this Act, but shall be capable of re-election or reappointment. 10

Qualifications of representatives.

16. (1.) No person other than an elector of a local authority entitled to vote at an election of a member of the Board shall be capable of being elected or appointed as a member of a Harbour Board. 15

(2.) The following persons shall be incapable of being elected or appointed as members of a Harbour Board:—

- (a.) A minor :
- (b.) A person of unsound mind : 20
- (c.) A bankrupt who has not obtained his order of discharge, or whose order of discharge is suspended for a term not yet expired or is subject to conditions not yet fulfilled :
- (d.) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon, or has served his sentence, or otherwise suffered the penalty imposed upon him : 25
- (e.) A person who holds any office or place of profit under or in the gift of the Board :
- (f.) Any person concerned or participating (~~other than as a~~ 30

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member of an incorporated company or of an association or partnership consisting of more than twenty

persons otherwise than as a member of an incorporated company in which there are more than twenty members and of which he is neither a director or the general manager) in any contract with, or work to be done on behalf of, or the supply of goods for, the Board, if the payment in respect of such contract, or work, or supply exceeds five pounds for any one contract, or work, or supply, or ten pounds altogether in any one year if more than one contract, or work, or supply : 35 40

Provided that the selling or leasing of land to or by the Board, or the lending of money to such Board by the purchase of its debentures for any duly authorised special loan, shall not constitute a disqualification under this paragraph. 45

(3.) Subject to the provisions of this section, any person may be elected or appointed as a member of a Harbour Board.

Vacation of office by member of Board.

17. (1.) The office of any member of a Harbour Board shall become vacant if he— 50

- (a.) Dies ; or
- (b.) Resigns his office by writing under his hand delivered to the Secretary or Chairman of the Board ; or
- (c.) Becomes bankrupt, or makes any composition with his creditors for less than twenty shillings in the pound, or 55

makes an assignment of his estate for the benefit of his creditors; or

(d.) Becomes of unsound mind; or

5 (e.) Is convicted on indictment, or is sentenced by the Supreme Court on a plea of "guilty" to any charge of an indictable offence, or is sentenced for any offence to imprisonment without the option of a fine by any Court; or

10 (f.) Is absent without leave from four consecutive meetings of the Board; or

(g.) Holds any office or place of profit under or in the gift of the Board; or

15 (h.) Is concerned or participates (~~other than as a member of an incorporated company or of an association or partnership consisting of more than twenty persons otherwise than as a member of an incorporated company in which there are more than twenty members, and of which he is neither a director or the general manager~~) in any contract with, or work to be done, or the supply of goods for, the Board, if the payment of such contract, or work, or supply exceeds five pounds for any one contract, or work, or supply, or ten pounds altogether in any year if more than one contract, or work, or supply:

25 Provided that the selling or leasing of land to or by the Board, or the lending of money to such Board by the purchase of its debentures for any duly authorised special loan, shall not constitute a disqualification under this paragraph; or

30 (i.) If he ceases to possess the qualifications which qualify him to be a member of the local authority for the district for which he was elected.

(2.) Every person who does any act as a member of a Harbour Board after he has forfeited his office under this section is liable on summary conviction to a fine of *fifty* pounds.

35 (3.) Every member of a Harbour Board who becomes concerned or interested in any contract made by the Board so as thereby to forfeit his office under this section is liable on summary conviction to a fine of *fifty* pounds, and shall not be entitled to enforce that contract as against the Board, and all moneys paid to him by the Board in respect of that contract shall be recoverable by action at the

40 suit of the Board as a debt due by him to the Board.
(4.) Every member of a Board who knowingly takes part in the making by that Board of any contract in which any other member of the Board is so concerned or interested as thereby to forfeit his office under this section is liable on summary conviction to a fine of *fifty* pounds.

50 18. (1.) When a representative of any constituent district vacates his office on the Board through the operation of the *last preceding* section, the local authority of that district shall forthwith appoint some qualified person in his place as a representative of that district.

(2.) When an elective member other than a representative of a constituent district vacates his office on the Board through the operation of the *last preceding* section, the Governor may, by warrant under his hand, appoint some qualified person in his place.

55 (3.) The member so appointed shall hold office only for the unexpired portion of the term of office of his predecessor.

On vacation of office, local authority or Governor to make appointment.

Board may act notwithstanding irregularities in election, &c.

19. The validity of acts done by a Harbour Board shall not be affected by any error or defect in the election or appointment of any member of the Board, or by the fact that the full number of members has not been elected or appointed, or by the fact that any person acting as a member of the Board is disqualified or that any member has vacated his seat. 5

In certain cases local authority to be Harbour Board.

20. The provisions of this Act relating to the election and appointment of members shall not apply to the Harbour Boards named in the *Second* Schedule hereto, or to any Board hereafter constituted consisting of the members of a local authority, but every such Board shall nevertheless be a Harbour Board within the meaning of this Act, and shall perform the functions of a Harbour Board from time to time without complying with the provisions of this Act relating to elections of members. 10

First meeting of Board.

21. (1.) At the first meeting of every Board hereafter constituted the Board shall elect one of its members to be the Chairman thereof, who shall retain office until the next annual meeting of the Board. 15

Annual meeting and election of Chairman.

(2.) Within fourteen days after the *third last* Wednesday in April in every year every Board shall hold an annual meeting; and at that meeting the Board shall elect one of its members to be the Chairman thereof. 20

(3.) In the event of there being an equality of votes at the first meeting of the Board or at any annual meeting, the election of Chairman shall be decided at such meeting by lot as between the members having such equality of votes. 25

(4.) When the Chairman of a Board resigns his office by writing under his hand delivered to the Secretary or to any member of the Board, or ceases to be a member of the Board, his office as Chairman shall become vacant, and the Board shall as soon as may be thereafter elect one of its members as the Chairman thereof. 30

(5.) Every person elected as Chairman of the Board shall hold office until the election of his successor, unless his office sooner becomes vacant.

Chairman to preside at meetings.

22. (1.) At every meeting of a Board the Chairman, if present, shall preside. 35

(2.) If the Chairman is absent from any meeting, or if there is for the time being no Chairman, the members present shall choose one of their number to act as chairman at that meeting, and the member so chosen shall have the same powers at that meeting as if he were the Chairman of the Board. 40

Annual allowance to Chairman.

23. (1.) Notwithstanding anything in section forty of the principal Act, the Chairman may be paid such annual allowance, at a rate not exceeding two hundred pounds, as the Board from time to time determines. 45

(2.) No alteration in the amount of such allowance shall take effect during the term of office of any Chairman.

(3.) For the purposes of this section a person re-elected as Chairman shall be considered a new Chairman.

Deputy Chairman.

24. (1.) The Board may at any time and from time to time appoint a Deputy Chairman, who shall act as Chairman during the temporary absence or incapacity of the Chairman. 50

(2.) While so acting the Deputy Chairman may do all acts that the Chairman as such might do.

(3.) The fact that the Deputy Chairman exercises any power, duty, or function of the Chairman shall be sufficient evidence of his authority so to do, and no person shall be concerned to inquire whether any occasion has arisen requiring or authorising him so to do, or be affected by notice that no such occasion has arisen.

25. (1.) For the transaction of general business the Board shall hold ordinary meetings at its office at such times as it appoints. Meetings.

10 (2.) Every question before the Board shall be decided by the votes of a majority of the members present.

(3.) The Chairman shall have a deliberative vote, and in any case in which the votes are equal a casting-vote also.

15 (4.) No business shall be transacted at any meeting unless a quorum is present thereat during the whole time during which business is transacted (such quorum to be fixed by by-law).

26. (1.) A Board may from time to time appoint standing or special committees, consisting of members of the Board, and may delegate to those committees any matters for consideration, or inquiry, or management, or regulation; and may delegate to any such committee any of the powers and duties by this Act conferred or imposed upon the Board, except the powers to borrow money, make a rate, make a by-law, execute a deed or contract, or institute an action : Appointment, &c.,
of committees.

25 Provided that the appointment of members of committees shall not be made at any time after the election of a new Chairman until such new Chairman has taken office.

30 (2.) Every such committee shall be subject in all things to the control of the Board, and shall carry out all directions, general or special, of the Board given in relation to such committee or its affairs.

35 (3.) The Board appointing any committee may appoint a member of such committee to be the permanent Chairman thereof; and, if no such appointment is made, the committee may make the appointment. The Board may from time to time remove such Chairman, and appoint another in his stead.

(4.) The Board may from time to time discharge, alter, continue, or reconstitute any committee appointed by it.

40 27. The enactments mentioned in the *Third* Schedule hereto are hereby repealed : Repeals.

Provided that such repeal shall not operate with respect to any Harbour Board until the date fixed for the first election under this Act of members of that Board.

Loading and Discharging.

45 28. Section sixty-one of the principal Act is hereby amended by adding to subsection one the following proviso : Section 61 of
principal Act
amended.

50 "Provided that such storage charges as the Board from time to time fixes by by-laws made in manner provided by this Act shall be payable on goods remaining for a longer period than ninety-six hours (exclusive of Sundays and holidays) in any place appointed for the examination of goods on the landing thereof by the Minister of Customs under section ninety-eight of the Customs Law Act, 1908."

Section 63 of
principal Act
amended.

29. Section sixty-three of the principal Act is hereby amended by repealing subsection three, and substituting the following in lieu thereof:—

“(3.) If the owner of the goods cannot be found, or is unknown, then the surplus shall be paid into the Harbour Fund and shall be the property of the Board: 5

“Provided that if the owner of the goods claims such surplus from the Board at any time within three years from the date when the same was paid into the Harbour Fund, it shall be paid to him by the Board.” 10

Pilots and Pilotage.

Appointment of
pilots.

30. (1.) The Board may from time to time either—

(a.) Appoint a pilot or pilots; or

(b.) License a pilot or pilots for the purpose of acting within the district attached to the harbour under the control of the Board. 15

(2.) If the Board appoints a pilot or pilots no person other than such appointed pilot or pilots, or person holding a pilotage-exemption certificate, shall act as pilot.

(3.) Such appointed pilot or pilots shall receive either a fixed salary payable by the Board or the whole or part of the pilotage rates payable within the district, or such other remuneration as the Board by the resolution appointing such pilot or pilots or by any subsequent resolution determines. 20

(4.) No liability shall be imposed on the Board in respect of any act or omission of any appointed pilot by reason of the fact that such pilot was appointed or paid by the Board. 25

(5.) Licensed pilots shall receive as remuneration the whole or such part of the pilotage rates as the Board from time to time fixes.

(6.) The Board shall, in the manner prescribed by the principal Act, fix the pilotage rates within such district. 30

Repeal.

(7.) Section sixty-six of the principal Act is hereby repealed.

Pilotage-exemption
certificates.

31. The pilotage-exemption certificates referred to in section sixty-eight of the principal Act shall apply only to the following classes of ships:— 35

(a.) Ships actually trading and that have made at least one round trip between New Zealand and any port within the Commonwealth of Australia, or between New Zealand and any of the islands lying between the parallels of thirty degrees north and thirty degrees south latitude and the meridians of one hundred and fifty-five degrees east and one hundred and thirty degrees west longitude; and 40

(b.) Ships actually trading between any ports or places in New Zealand, including the Chatham, Antipodes, Bounty, Campbell, and Auckland Islands. 45

Pilotage-rates
exemption
certificates.

32. (1.) In the case of any ship to which pilotage-exemption certificates apply, and the master or mate of which holds such a certificate entitling him to pilot that ship, the owner or master of the ship shall, unless a pilot is employed, be entitled, after the ship has entered the port in respect of which the certificate was issued, and on payment of one full rate of pilotage in and out of that port in 50

addition to the inward rate payable on such entry, to receive from the officer receiving the payment a certificate (hereinafter called a pilotage-rates exemption certificate) exempting that ship from payment of pilotage rates for the period of twelve months computed 5 from the date of such entry, except when a pilot is employed.

(2.) The date of entry shall be specified in the pilotage-rates exemption certificate, and the exemption from pilotage rates may be renewed for twelve months by the payment of one full rate of pilotage in and out on or before the date of expiration of the period for which 10 the certificate was issued, and so on from year to year thereafter.

(3.) If a ship in respect of which a pilotage-rates exemption certificate has been issued enters a port after the expiry of the exemption period, that ship shall not be deemed exempt from pilotage, but on payment of one full rate of pilotage in and out, in 15 addition to the inward rate payable in respect of such ship, the ship shall be entitled to a new certificate exempting her from pilotage for the period of twelve months from the date of such re-entry.

(4.) Every pilotage-rates exemption certificate which is in force under section four of the Harbours Amendment Act, 1908, at the 20 passing of this Act shall continue during the period for which that certificate was issued to have the same effect as if this Act had not been passed.

33. All pilotage rates leviable under the principal Act shall be paid by the master of the ship for which the same are payable to the 25 Collector of Customs of the port if there is no Harbour Board for the port, but if there is a Harbour Board such rates shall be paid to the Board.

Application of pilotage rates.

34. (1.) No person other than a duly appointed or licensed pilot, or a person holding a pilotage-exemption certificate, shall act as pilot 30 within the district attached to any harbour where a Harbour Board exists.

Unauthorised person not to act as pilot.

(2.) Every person who commits a breach of this section is liable to a fine not exceeding *one* hundred pounds in addition to any liability for damages.

35. 35. (1.) Every pilot who demands or receives, and every master who offers or pays to any pilot, any other rate in respect of pilotage services, whether greater or less, than the rate which may for the time being be demandable by law is liable to a fine not exceeding 40 *fifty* pounds.

Receiving or offering improper rate of pilotage.

(2.) This section is in substitution for section eighty of the principal Act, which section is hereby accordingly repealed. 40

Repeal.

Harbour Dues.

36. (1.) A Board may give credit for not more than three months for any dues to any person; provided that sufficient security 45 shall be taken, previously to the giving of credit, for payment by such person of the dues for which the credit is given.

Credit may be given for harbour dues.

(2.) A Board may, by by-laws made in the manner provided by the principal Act, prescribe the nature of the security and the terms and conditions on which credit may be given, and impose fines for 50 any breach or non-observance thereof.

Section 108 of
principal Act
amended.

37. Section one hundred and eight of the principal Act is hereby amended by adding thereto the following subsection:—

“(3.) If after such distress, and before payment of the dues distrained for, the ship distrained is taken out of the harbour, the owner, agent, master, or other person in charge of the ship shall be liable to a fine not exceeding *twenty* pounds, or not exceeding the amount distrained for together with the expenses of and incident to the distress, whichever sum is the greater.” 5

Reserves and Endowments.

Leasing-powers of
Harbour Boards.

38. (1.) In addition to any leasing-powers conferred on a Board by any special Act, the Board is hereby declared to be a leasing authority within the meaning of the Public Bodies' Leases Act, 1908, and shall have and may exercise the powers conferred on leasing authorities by that Act. 10

Repeal.

(2.) Sections one hundred and twenty and one hundred and twenty-one of the principal Act are hereby repealed. 15

Foreshores and Reclamations.

Lease of foreshores
in certain cases.

39. Notwithstanding anything in section one hundred and twenty-nine of the principal Act, in the case of lands between high- and low-water marks which belong to the Crown, and on which at high-water spring tides the depth of water is not sufficient for purposes of navigation, the Governor in Council may, *after notice in writing to the Board in whose district the land is situated*, grant occupation licenses for periods not exceeding twenty-one years, at such rent and on such conditions as he thinks fit; and any such lease may contain a provision authorising the lessee to reclaim the land the subject of the lease without complying with the requirements of section forty-one hereof. 20 25

Revocation of
license for use of
foreshore.

40. (1.) If at any time during the currency of any license granted under the authority of section one hundred and thirty-one of the principal Act the foreshore to which the license relates, or any part thereof, is required for harbour purposes by the Board or authority that granted the license, that Board or authority may revoke the license as to the whole foreshore, or so much thereof as is required as aforesaid, without payment of compensation or liability to any action or claim for damages in respect of such revocation. 30 35

(2.) The revocation of any license as aforesaid shall not take effect until the expiration of three months after service on the licensee of a written notice of the intention of the Board or authority to revoke the license. 40

(3.) On any such revocation the rent payable by the licensee in respect of the license shall abate in the same proportion as the value of the land in respect of which the license is determined bears to the value of the whole land comprised in the license.

Resumption of
leased land in
certain cases.

41. (1.) Every lease granted under the authority of section one hundred and thirty-eight of the principal Act shall be granted subject to and shall contain a condition that if during the term of the lease the land to which the lease relates, or any part thereof, is required by the Board for harbour works the Board may resume the same without payment of compensation for loss of riparian rights, but such exemption from payment of compensation for loss of such 45 50

rights shall not apply in cases where the lease has been granted for the purpose of constructing a dock or slip, or for shipbuilding purposes. The rent reserved by the lease shall abate in the same proportion as the value of the land resumed bears to the value of the whole land comprised in the lease.

(2.) The powers conferred by this section shall not be exercised until the expiration of three months after service on the lessee of a written notice of the intention of the Board to resume the land or part thereof.

42. (1.) Except as provided in section one hundred and fifty-eight of the principal Act, no land shall be reclaimed from the sea or from the waters of any harbour, and no graving-dock, dock, or breakwater shall be constructed in any harbour or in the sea, except under the authority of a special Act:

Reclamations, &c.,
to be authorised by
special Act or Order
in Council.

Provided that the Governor may from time to time by Order in Council authorise any local authority to reclaim areas not exceeding ~~two~~ five acres in extent in any case where he considers that the reclamation will not affect navigation and is for the benefit of the public, and in such case it shall not be necessary to obtain a special Act.

(2.) The applicants for such special Act or Order in Council shall deposit at the office of the Marine Department a plan, on a scale not less than three chains to one inch, prepared by a licensed surveyor, showing all tidal waters coloured blue, and the extent of the land sought to be obtained for the purpose of the said Act or Order.

(3.) Where the application is for a special Act, the said plan shall be deposited as aforesaid two months at least before the commencement of the session of Parliament at which the Act is sought to be obtained.

(4.) Section one hundred and thirty-nine of the principal Act is hereby repealed.

Repeal.

43. Section one hundred and forty-two of the principal Act is hereby amended by adding thereto the following subsections:—

Section 142 of
principal Act
amended.

(2.) Any dispute arising between the Board and the local authority as to the amount to be contributed by the Board in respect of the construction of any road or street as aforesaid shall be decided by the Minister, and his decision shall be final and binding on both parties.

(3.) Where an agreement is made between the Board or the local authority as aforesaid, or a dispute is decided by the Minister as aforesaid, the agreement or the decision in writing of the Minister, signed by him, or a certified copy thereof respectively, shall be deposited in the Land Registry Office of the district in which the road or street is situated; and thereupon the District Land Registrar shall accept for deposit any plan of subdivision of lands on which the road or street appears, and shall accept for registration any lease of those lands or part thereof, anything in the Public Works Act, 1908, to the contrary notwithstanding.

(4.) If any road or street affected by such agreement or decision of the Minister is not constructed within a reasonable time, the Minister may direct that such construction shall be completed within such time as he may fix, and thereupon the road or street shall be constructed by the local authority accordingly.

“ (5.) Any agreement heretofore entered into by a Board and a local authority with reference to the construction of roads or streets on reclaimed land shall be deemed to have been and to be valid and effectual, and shall henceforth take effect as an agreement under this section.”

Section 143 of principal Act amended.

44. Section one hundred and forty-three of the principal Act shall not apply where the fee-simple of the tidal lands, or of the lands embanked or reclaimed under that or any other Act adjacent to the lands raised in height as mentioned in that section, is vested in a Harbour Board.

Harbour-works.

Section 147 of principal Act amended.

45. Section one hundred and forty-seven of the principal Act is hereby amended by inserting therein the following paragraphs :—

“ (bb.) Erect, provide, maintain, or carry on freezing-works and cool-chambers :

“ (cc.) Erect, provide, maintain, or use public weighbridges :

“ (dd.) Carry on the business of a wharfinger, or warehouse-keeper, or of dumping, repacking, or reconditioning produce or other goods, or any other business in the interests of importers or exporters :

“ (ff.) Provide a supply of water for shipping purposes and from time to time by resolution fix charges for the same.”

Land reclaimed under special order to vest in Board.

46. Where, under the authority of any special order as mentioned in section one hundred and fifty-eight of the principal Act, any land is reclaimed or a dock is constructed, the land so reclaimed or the land on which the dock is constructed shall vest in the Board.

Vesting of land on closing of street.

47. If a Harbour Board has taken, under the Public Works Act, 1908, or any former Public Works Act, or hereafter takes under the first-mentioned Act, any land intersected by a street or part of a street, and such street or part of a street is hereafter and subsequently to the taking aforesaid closed by the local authority, the fee-simple of the street or part of the street intersecting the land taken by the Board and closed as aforesaid shall, without payment of compensation to the local authority, become the property of the Board, and shall be held by it for the purposes of this Act or of any special Act affecting the Board.

Harbour Fund.

Payment of fines.

48. (1.) The Clerk or other proper officer of the Court in which any fines payable to the Harbour Fund are recovered shall pay the same into the Harbour Fund at such times and in such manner as the Minister of Finance directs.

(2.) The Clerk or other proper officer of the Court in which any such fines are inflicted shall, once in every three months, furnish the Board with a written statement thereof, signed by him, distinguishing therein those that have from those that have not been paid into such fund.

When fines paid in stamps, Minister of Finance to make payment out of Consolidated Fund.

49. Where any fines payable to the Harbour Fund are by law required to be paid in stamps, and have been so paid, the Clerk or other proper officer aforesaid shall certify to the Minister of Finance the amount of the same, that they have been so paid, and the name of the Board entitled to receive the same ; and thereupon the said

Minister, without the necessity of any appropriation by Parliament, shall pay the amount of such fines out of the Consolidated Fund to the Harbour Fund.

50. The Board shall not levy any rate or toll within the limits of any harbour or harbour district other than that over which the Board has jurisdiction: Board not to levy rates beyond its own district.

10 Provided that this section shall not affect the right of the Board to levy and collect any rate or toll made or levied under the authority of any Act before the coming into operation of this Act as security for any loan.

51. (1.) Every Harbour Board shall in every year cause its accounts to be balanced to the thirty-first day of December in each year, and a true statement and account to be made out of all contracts entered into, and of all moneys received or expended by virtue of this Act or any special Act during the preceding year, and of all its available assets, and of all debts then owing by it: Annual balance-sheet.

20 Provided that in the case of existing Boards the statement and account required to be made for the year nineteen hundred and eleven shall be for the period elapsing since the date on which the last preceding balance and statement and account were required to be made.

(2.) Section one hundred and seventy-three of the principal Act is hereby repealed. Repeal.

25 52. (1.) The statement and account referred to in section one hundred and seventy-four of the principal Act, audited as mentioned in that section, and either allowed or disallowed by the Audit Office, shall be produced at a meeting of the Board to be held at the office of the Board at noon on the third Monday in March in each year or at some adjournment thereof, at which meeting all holders of debentures, creditors, and other persons interested may be present. Accounts to be produced at annual meeting.

30 (2.) Such statement, if and when adopted at such meeting or adjournment, shall be signed by the Chairman, and three copies thereof shall be sent to the Minister, who shall within ten days after receipt thereof lay the same before Parliament if sitting, and if not, then within ten days after the commencement of the next ensuing session.

40 (3.) The statement so signed shall be publicly notified at least once, or, at the option of the Board, a notice stating that the statement will be open for inspection during office hours at the office of the Board for a period of not less than thirty days shall be publicly notified at least twice. Abstract of accounts to be published.

(4.) A copy of the statement shall be furnished by the Secretary to the Board on demand, without fee, to any holder of debentures or creditor of the Board.

45 (5.) Subsection three of section one hundred and seventy-four and sections one hundred and seventy-five to one hundred and seventy-nine of the principal Act are hereby repealed. Repeals.

Harbour By-laws.

50 53. Section two hundred and seven of the principal Act is hereby amended by adding thereto the following paragraphs:— Section 207 of principal Act amended.

“(1A.) Provide that vessels shall not be brought to any wharf, or moored to or unmoored from or removed from any

wharf, unless such vessels are in charge of the Harbour-master, or of some person holding a permit from the Board so to do; and provide for the issue of such permits, and determine the scale of fees payable therefor according to the class, tonnage, dimensions, or character of vessels: 5

“(1B.) Regulate the laying-up of any vessel within the harbour, and fix charges for such laying-up: 5

“(8A.) Control and regulate the use of public weighbridges belonging to the Board; and in particular compel the numbering of vehicles using the same, and require such vehicles to be submitted for taring and retaring, and fix scales of charges to be paid for the use of such public weighbridges: 10

“(8B.) Fix a scale of charges for the use of any fire-prevention appliances belonging to the Board in extinguishing fires on board ships. 15

“(10A.) Regulate or prohibit the towage within the harbour of boats containing passengers: 15

“(20A.) Regulate and control the sale on any wharf of any article by hawkers, newspaper-vendors, or other persons, and provide for the licensing of any such person: 20

“(20B.) Provide for licensing vehicles plying for hire on wharves, and prescribe fees for such licenses: 20

“(20C.) In cases where the Board undertakes the business or duties of wharfinger or warehouse-keeper, prohibit owners of goods from taking delivery of goods or cargo unloaded from any ship upon any wharf, or from delivering goods or cargo to any ship, except through the Board: 25

“(26A.) Provide, subject to the approval of the Governor, for—

“(i.) Sight-tests to be undergone by applicants for any appointment, license, or certificate, and by appointed or licensed pilots or holders of pilotage-exemption certificates, or signalmen appointed by the Board, subsequently to their appointment, license, or grant of certificate; 30

“(ii.) The nature, method, and frequency of such tests, and the occasions on which they shall be undergone; 35

“(iii.) The effect of neglect to undergo, or failure to comply with, such test, and the penalty for neglecting to undergo such test.”

Surveyed ship
entitled to ply for
hire in harbours.

54. The owner of any ship or boat which has a valid survey certificate granted under the Shipping and Seamen Act, 1908, shall be entitled to ply for hire in any harbour, and to carry the number of passengers (if any) specified in such certificate, on payment of the license fee (if any) prescribed by by-laws in force in that harbour. 40

General.

Control of harbours
regatta-days, &c.

55. (1.) A Harbour Board is hereby empowered to regulate and control the traffic and navigation of the harbour under its control, and to provide specially for the direct and personal control of such traffic by the Harbourmaster or other officer appointed by the Board on any day or occasion of unusual or extraordinary traffic. 50

(2.) In the case of any port for which there is no Harbour Board, the powers conferred by the *last preceding* subsection on Harbour Boards may be exercised by the Minister or by some person appointed by the Minister for the purpose.

5 (3.) Every person who commits a breach of any regulation or order made under this section is liable to a fine not exceeding *ten* pounds.

10 56. (1.) Every person is liable to a fine not exceeding *twenty* pounds who removes any stone, shingle, sand, or boulders from any portion of the shore lying between high- and low-water marks at ordinary spring tides, or from the bed of any harbour, or of a navigable river, or of the sea immediately adjacent thereto, without the authority in writing of—

15 (a.) The Minister, where that portion of the shore is vested in the Crown; or

(b.) The Harbour Board or local authority, where that portion is vested in a Harbour Board or local authority.

20 (2.) In any proceedings against any person for a breach of the provisions of this section, the onus of proving that the material to which the proceedings relate was not removed from within the above-mentioned limits shall be upon that person.

57. Every person is liable to a fine not exceeding *ten* pounds who casts or throws or allows to flow into any harbour any sawdust or sawmill or flax-mill refuse.

25 58. A Board may, by its employees, vessels, machinery, or equipment, render, either inside or outside the limits of the harbour, any services to any person, or to any vessel or other property; and, subject to any by-laws for the time being in force, may make and enter into contracts for rendering any such services, or for the use, 30 either inside or outside such limits, of any of the Board's vessels, machinery, or equipment; and where the matter is not regulated by by-laws the Board and its employees shall respectively have the same rights with respect to remuneration for any such services, whether rendered under contract or not, as if the Board were a 35 private person.

59. The provisions of section one hundred and twenty-three of the Public Works Act, 1908, shall extend and apply to all lands vested in a Harbour Board:

40 Provided that this section shall not be deemed to affect any other statutory power of the Board.

60. The Governor may by Order in Council gazetted authorise the construction by a Harbour Board of tramways for the purpose of constructing and maintaining any harbour-works:

45 Provided that all such Orders in Council shall be subject to the provisions of the Tramways Act, 1908, and the Public Works Act, 1908, so far as they relate to the construction and maintenance of tramways.

50 61. Where any Proclamation or Order in Council purporting to be issued or made under the authority of the principal Act has been or shall be issued or made, then the *Gazette* containing such Proclamation or Order in Council shall be conclusive evidence that all matters and things required by the principal Act preliminary to the

Removal of stone,
&c., from foreshore.

Polluting harbour
with sawdust, &c.

Services rendered
by Board.

Section 123 of the
Public Works Act
extended.

Authority to
construct tramways.

Gazette to be
evidence of
Proclamations, &c.

issuing or making of the Proclamation or Order in Council have happened and that the same has been properly and lawfully issued or made.

Power of
Harbourmaster, &c.,
to enter ship.

62. Any Harbourmaster or other officer of a Board shall be entitled at any time while in the execution of his duty to enter and remain on any ship within the limits of the harbour under the control of the Board. 5

Authentication of
documents.

63. Every order, notice, or other such document requiring authentication by a Board, may, unless otherwise provided, be signed by the Chairman or by two members of the Board or by the Secretary, and need not be under seal. 10

Settlement of
disputes between
Board and local
authority.

64. If any dispute or difference arises between the Board and any local authority as to the grant by any such local authority to the Board of any license or authority, or whether or not such license or authority ought to be granted, or as to the terms or conditions on which such license or authority should be granted, the question shall be referred to the Governor in Council, who shall determine such dispute or difference after such inquiry and in such manner as he thinks fit, and such determination shall be obeyed. 15

Power to validate
proceedings, &c.

65. In any case in which either before or after the passing of this Act anything is or has been omitted to be done by or on behalf of any Board, or has been done without such Board having previously obtained the proper authority from the Governor or the Governor in Council or by Order in Council, or in any case in which anything cannot be done by or on behalf of any Board at the time required by this or any other Act, or is done after such time, or is otherwise irregularly or incorrectly done, or sufficient provision is not made by this Act, the Governor may by Order in Council gazetted, at any time before or after the time within which such thing is required to be done, extend such time or may validate anything so done after the time required, or so irregularly or incorrectly done, or make other provision for such case as he thinks fit. 20 25 30

Third Schedule to
principal Act
amended.

66. The Third Schedule to the principal Act is hereby amended by omitting the words "For ships exceeding 500 tons, £3," and substituting the following: "For ships exceeding 500 tons, an addition of 10s. for every 500 tons or part of 500 tons." 35

Miscellaneous
amendments of
principal Act.

67. The principal Act is hereby further amended in manner indicated by the *Fourth* Schedule hereto.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

[In this Schedule deleted matter is shown in brackets; new matter in Italics.]

CONSTITUTION OF BOARDS.

Section 4.

Boards, and Number of Members.	Members appointed by Governor.	Number of Elective Members, and by whom elected.
Auckland Harbour Board. Fourteen members	[Two] <i>One</i>	Three by the electors of the City of Auckland and the electors of the Borough of Grey Lynn; one by the electors of the Boroughs of Devonport, Birkenhead, and Northcote; one by the electors of the Boroughs of Parnell, Newmarket, and Onehunga; one by the electors of the Remuera, Arch Hill, Eden Terrace, Epsom, Mount Albert, Mount Roskill, Mount Wellington, Avondale, Point Chevalier, Tamaki West, One-tree Hill, Panmure, and Orakei Road Districts, the Borough of Mount Eden, and the Ellerslie Town District; one by the electors of the County of Manukau; one by the electors of the County of Waitemata; one by the electors of the Counties of Raglan and Waikato <i>and the Borough of Hamilton</i> ; one by the electors of the County of Waipa <i>and the Borough of Cambridge</i> ; [one] <i>two</i> by and out of the payers of harbour dues on ships; and one by and out of the payers of harbour dues other than dues on ships.
Bluff Harbour Board. Twelve members	Two ..	Three by the electors of the Boroughs of Invercargill and South Invercargill; one by the electors of the Borough of Campbelltown; one by the electors of the Boroughs of Gore and Mataura; two by the electors of the County of Southland; one by the electors of the County of Wallace; one by the electors of the County of Lake; and one by and out of the payers of harbour dues and the owners or part owners of ships.
Foxton Harbour Board. Seven members	One ..	Two by the electors of the Borough of Foxton; one by the electors of the County of Manawatu; one by the electors of the Borough of Palmerston North; one by the electors of the Borough of Feilding; and one by the electors of the Borough of Levin.
Gisborne Harbour Board. [Twelve] Fourteen members	Two ..	Four by the electors of the Borough of Gisborne; five by the electors of the County of Cook; [and one by and out of the payers of harbour dues.] <i>and three by the electors of the County of Waikohu.</i>
Havelock Harbour Board. Five members	Two ..	Two by the electors of the Town District of Havelock; and one by those of the electors of the Kaituna Subdivision of the Pelorus Road District whose qualification is within the harbour district.
Hokitika Harbour Board. Five members	..	Three by the electors of the Borough of Hokitika; one by the electors of the Borough of Ross; and one by those of the electors of the County of Westland whose qualification is within the harbour district.
Lyttelton Harbour Board. Fourteen members	One ..	Four by the electors of the City of Christchurch; [two by the electors of the Counties of Ashley, Waipara, Cheviot, and Amuri, and the electors of the Borough of Rangiora;] <i>one by the electors of the Boroughs of Kaiapoi and Rangiora, the Rangiora Road Board, the Eyreton Road Board, the West Eyreton Road Board, the Cust Road Board, and the Oxford Road Board; one by the electors of the Counties of Cheviot, Amuri, and Waipara, the Mackenzie Town Board, the Amberley Town Board, and the Road Boards of Kowai and Ashley</i> ; two by the electors of the County of Ashburton and the Borough of Ashburton; two by the electors of the County of Tawera and the County of Selwyn or any counties and boroughs which may hereafter be constituted out of the County of Selwyn; one by the electors of the Waimairi County; one by the electors of the Boroughs of New Brighton, Sumner, Woolston, Lyttelton, and Akaroa, and the electors of the Counties of Akaroa, <i>Wairewa</i> , and Mount Herbert; and one by and out of the payers of harbour dues on ships.
Mokau Harbour Board. Seven members	..	Two by the electors of the Awakino Riding of the harbour district; three by the electors of the Mokau Riding; and two by the electors of the Tongaporutu Riding.
Motueka Harbour Board. Seven members	..	Two by the electors of the Borough of Motueka; five by the electors of the portion of the Waimea County within the harbour district.

FIRST SCHEDULE—*continued.*
CONSTITUTION OF BOARDS—*continued.*

Boards, and Number of Members.	Members appointed by Governor.	Number of Elective Members, and by whom elected.
Napier Harbour Board. Thirteen members	Two ..	Three by the electors of the Borough of Napier; one by the electors of the Borough of Hastings; four by the electors of the Taradale Town District and of the County of Wairoa within the Riding of Mohaka and those of the electors of the County of Hawke's Bay whose qualifications are within the harbour district; three by the electors of the Borough of Waipawa, the Waipukurau Town District, and the Otane Town District, and by those of the electors of the Counties of Waipukurau, Patangata, and Waipawa respectively as are within the harbour district.
Nelson Harbour Board. Ten members	Two ..	[Three] <i>Four</i> by the electors of the City of Nelson; one by the electors of the Borough of Richmond; and [four] <i>three</i> by the electors of that part of the Waimea County included in the harbour district.
New Plymouth Harbour Board. Nine members	[Two] <i>One</i>	[Seven by the electors of the New Plymouth Harbour Rating District.] <i>Two</i> by the electors of the Borough of New Plymouth and of the Town Districts of Fitzroy and St. Aubyn; one by the electors of the Boroughs of Inglewood, Stratford, and Ellham; two by the electors of those parts of the Counties of Egmont and Taranaki included in the harbour district; one by the electors of those parts of the Counties of Stratford and Whangamomona included in the harbour district; one by the electors of those parts of the Counties of Ellham and Hawera included in the harbour district; and one by the electors of the County of Waimate West.
Oamaru Harbour Board. Twelve members	Two ..	Four by the electors of the Borough of Oamaru; four by those electors of the County of Waitaki whose qualification is within the harbour district; one by the electors of the Hakataramea Riding of the Waimate County; and one by those of the electors of the Waihao Riding of the County of Waimate whose qualification is within the harbour district.
Opunake Harbour Board. Seven members	[Two] <i>One</i>	[Five] <i>Six</i> by those of the electors of the Egmont County whose qualification is within the harbour district.
Otago Harbour Board. Fourteen members	[Two] <i>One</i>	Four by the electors of the City of Dunedin and the Borough of St. Kilda; two by the electors of the Borough of Port Chalmers; one by the electors of the Boroughs of West Harbour and North-east Valley; one by the electors of the Boroughs of Maori Hill, Roslyr, and Mornington; one by the electors of the Counties of Taieri and Waikouaiti, that portion of the County of Waihemo not included in the Oamaru Harbour District, the Bay Town District, and the Peninsula, <i>Tomahawk, Portobello, and Otakau</i> Road Districts; one by the electors of the Counties of Bruce, Tuapeka, Maniototo, and Clutha; [one] <i>two</i> by and out of the payers of harbour dues on ships; and one by and out of the payers of harbour dues other than dues on ships.
Patea Harbour Board. Seven members	One ..	Two by the electors of the Patea Borough and the <i>Waverley Town District</i> Subdivision of the harbour district; one by the electors of the Hawera Borough Subdivision; one by the electors of the Hawera Subdivision; one by the electors of the Otoiā Subdivision; and one by the electors of the Waverley Subdivision of the Patea County.
Thames Harbour Board. Nine members	[Two] <i>One</i>	Two by the electors of the Borough of Thames; one by the electors of the County of Thames; one by the electors of the County of Ohinemuri; one by the electors of the County of Piako; <i>one</i> by the electors of the Borough of Waihi; <i>one</i> by the electors of the Borough of Te Aroha; and [two] <i>one</i> by and out of the payers of harbour dues.
Timaru Harbour Board. Thirteen members	..	Three by the electors of the Borough of Timaru; one by the electors of the Tengawai and Point Ridings of the Levels County and the Pleasant Point Town District; one by the electors of the Seadown and Waimataitai Ridings of the said county; and one by the electors of the Gleniti, Claremont, and Otupua Ridings thereof; one by the electors of the Geraldine Borough and the Geraldine Road District; one by the electors of the Temuka Borough and the Temuka Road District; one by the electors of the Mount Peel Road District; one by the electors of the Mackenzie County; one by the electors of the Otaio Riding of the Waimate County and those of the electors of the Pareora Riding of the same county whose qualification is within the harbour district; and two by the electors of the Borough of Waimate and the electors of the Makikihi and Deep Creek Ridings of the Waimate County, and those of the electors of the Waihao Riding of the same county whose qualification is within the harbour district.

FIRST SCHEDULE—*continued.*CONSTITUTION OF BOARDS—*continued.*

Boards, and Number of Members.	Members appointed by Governor.	Number of Elective Members, and by whom elected.
Waimakariri Harbour Board. Nine members	Two ..	Three by the electors of the Borough of Kaiapoi; two by the electors of the Eyreton Road District; and two by the electors of the Mandeville and Rangiora Road Districts.
Wairau Harbour Board. Nine members	Two ..	Four by the electors of the Borough of Blenheim; two by the electors of the Omaka Road District; and one by the payers of harbour dues.
Wairoa Harbour Board. Seven members	Two ..	Two by the electors of the Borough of Wairoa; two by the electors of the Waikaremoana Riding of the Wairoa County; and one by the electors of the Mahia Riding of the same county.
Waitara Harbour Board. Seven members	[Two] One	[Five] Six by the electors of the Borough of Waitara, the County of Clifton, and those of the electors of the County of Taranaki whose qualification is within the harbour district.
Wanganui Harbour Board. [Ten] Eleven members	[Two] One	[Four] Six by the electors of the Boroughs of Wanganui and Wanganui East and the Town Districts of Gonville and Castlecliff; two by the electors of the County of Wanganui; and two by the electors of the County of Waitotara.
Wellington Harbour Board. [Thirteen] Fourteen members	[Two] One	[Three] Four by the electors of the City of Wellington; two by the electors of the Counties of Hutt and Makara, and of the Boroughs of Onslow, Karori, Miramar, Petone, Lower Hutt, and Eastbourne, and of the Town Districts of Johnsonville and Upper Hutt; two by the electors of the Counties of Wairarapa South, Masterton, Pahiatua, Akitio, Eketahuna, Mauriceville, Castlepoint, and Featherston, and of the Town Districts of Featherston and Martinborough, and of the Boroughs of Greytown, Carterton, Masterton, Eketahuna, and Pahiatua; two by the electors of the Counties of Manawatu, Oroua, Horowhenua, Pohangina, Kairanga, and Kiwitea, and of the Boroughs of Palmerston North, Feilding, Foxton, and Levin; [one] two by and out of the payers of harbour dues on ships; and one by and out of the payers of harbour dues other than dues on ships.
Whangarei Harbour Board. Seven members	One ..	Two by the electors of the Borough of Whangarei, one by the electors of the Hikurangi Town District, and three by the electors of the County of Whangarei.

SECOND SCHEDULE.

HARBOUR BOARDS REFERRED TO IN SECTION 20.

Section 20.

Greymouth Harbour Board.
Mangawai Harbour Board.
New River Harbour Board.
Port Molyneux Harbour Board.

Port Robinson Harbour Board.
Riverton Harbour Board.
Waikokopu Harbour Board.
Westport Harbour Board.

THIRD SCHEDULE.

Section 27.

ENACTMENTS REPEALED.

- 1877, No. 16, Local.—The Auckland Harbour Act, 1877: Section 6.
 1878, No. 57, Local.—The Wairoa Harbour Board Act, 1878.
 1879, No. 13, Local.—The Wellington Harbour Board Act, 1879: Sections 4 to 8.
 1882, No. 17, Local.—The Lyttelton Harbour Board Act, 1882: Except section 10.
 1882, No. 18, Local.—The Timaru Harbour Board Act, 1882: Except section 14.
 1882, No. 25, Local.—The Oamaru Harbour Board Loan Act, 1882: Sections 5 to 10, 19.
 1883, No. 22, Local.—The Otago Harbour Board Act, 1883: Except sections 10 to 12.
 1885, No. 2, Local.—The Auckland Harbour Board Act, 1885: Sections 4 to 13, 16 to 19, 23.
 1885, No. 5, Local.—The Patea Harbour Board Act, 1885: Sections 6 to 13.
 1885, No. 14, Local.—The Timaru Harbour Board Loan Act, 1885: Sections 5 to 10, 23 to 25.
 1887, No. 13, Local.—The Oamaru Harbour Board Loan Act, 1887: Sections 9 to 14.
 1887, No. 14, Local.—The Otago Harbour Board Act 1883 Amendment Act, 1887.
 1890, No. 21, Local.—The Thames Harbour Board Act, 1890: Sections 5 to 10.
 1893, No. 10, Local.—The Wanganui Harbour Board Act, 1893.
 1896, No. 5, Local.—The Lyttelton Harbour Board Enlargement Act, 1896.
 1899, No. 7, Local.—The Timaru Harbour Board Act, 1899: Sections 3 to 7.
 1900, No. 31, Local.—The Mokau Harbour Board Act, 1900: Sections 4 to 6.
 1901, No. 2, Local.—The Wellington Harbour Board Act 1879 Amendment Act, 1901: Except section 7.
 1902, No. 17, Local.—The Bluff Harbour Board Representation Act, 1902.
 1903, No. 20, Local.—The Waikokopu Harbour Act, 1903: Sections 8, 15 to 18.
 1903, No. 34, Local.—The Lyttelton Harbour Board Enlargement Act, 1903.
 1905, No. 15, Local.—The Gisborne Harbour Act, 1905: Sections 5 to 11.
 1905, No. 30, Local.—The Havelock Harbour Board Act, 1905: Sections 4 to 6.
 1905, No. 36, Local.—The Nelson Harbour Act, 1905: Sections 3, 8, and 9.
 1905, No. 38, Local.—The Motueka Harbour Board Act, 1905: Sections 4, 7, 8, and 14.
 1906, No. 29, Local.—The Hokitika Harbour Act Amendment Act, 1906: Section 5.
 1906, No. 31, Local.—The Timaru Harbour Board Amendment Act, 1906: Section 3.
 1907, No. 24, Local.—The Wairau Harbour Board Act, 1907: Sections 4 to 6.
 1907, No. 31, Local.—The Whangarei Harbour Act, 1907: Sections 7 to 9.
 1908, No. 75.—The Harbours Act, 1908: Sections 17 to 36, 41, 42, 44, and 45, and the Second Schedule.
 1908, No. 227.—The Harbours Amendment Act, 1908.
 1908, No. 14, Local.—The Opunake Harbour Act, 1908: Sections 5 and 7.
 1908, No. 22, Local.—The Hokitika Harbour Amendment Act, 1908: Paragraph (a) of section 2.
 1908, No. 28, Local.—The Foxton Harbour Board Act, 1908: Sections 4 to 6.
 1909, No. 28, Local.—The Wairoa Harbour Board Empowering and Loan Act, 1909: Section 3.
 1909, No. 41, Local.—The Napier Harbour Board Loan Act, 1909: Section 2.

FOURTH SCHEDULE.

Section 27.

Number of Section affected.	Nature of Amendment.
Section 38	... Insert, after the word "Harbourmaster," the words "a Collector or Collectors of Dues."
Section 40	... Add to subsection one the words "or to or from any meeting of any committee of the Board, or on any business of the Board that is authorised by the Board."
Section 59	... Omit the words "Proper servants and labourers," and substitute the words "All necessary labour"; and insert, before the words "the use of the public," the words "its own use or."
Section 68	... Insert, after the words "therein named" in subsection four, the words "(so long as he complies with the provisions of any by-law of the Board relating to periodical or subsequent sight-tests of appointed or licensed pilots, or of persons holding pilotage-exemption certificates)."
Section 103	... Omit the word "may," and substitute therefor the word "shall."
Section 105	... Add the words "and in the case of goods landed from a ship upon any wharf, and not claimed within three seven days thereafter, the persons mentioned in section one hundred and four hereof."
Section 116, subsection (1)	Add to paragraph (a) the words "Provided that any person claiming exemption under this paragraph shall, if required by the Board or any officer of the Board, make a statutory declaration that he is entitled to such exemption, and set out and declare to the truth of the facts on which he relies in support of his claim." Add to paragraph (h) the words "but not including goods supplied by the Government to any person for commercial purposes."
Section 117	Add the following new paragraph:— "(j.) Any ship employed solely for scientific, marine, surveying, or exploration purposes." ... Insert, after the word "refit," the words "or for the purpose of docking only."
Section 131	... Add the following new paragraph:— "(cc.) The erection and use of stores, freezing-works, and cool-chambers."
Section 140	... Omit this section, and substitute the following:— "Any Harbour Board may acquire by purchase, lease, or otherwise, or take under the provisions of the Public Works Act, 1908, any land, buildings, or easement required for the purposes of the Board or for the purpose of obtaining access to or a frontage to a public road for any foreshore or other land vested in it."
Section 147	... Insert, after the word "auction" in the second proviso to paragraph (d), the words "or public tender."
Section 166	... Add the following new subsection:— "(3.) The Board may expend moneys out of the Harbour Fund in and about preparing and passing through Parliament, or opposing in its passage through Parliament, any Bill in cases where the interests of the Board are concerned."
Section 167, subsection (2)	Omit all words after the word "Chairman," and substitute therefor the words "presiding at any meeting of the Board at which payment of such moneys was authorised, and countersigned by the Treasurer."
Section 172, subsection (1)	Add the following new paragraph:— "(e.) The strengthening of any sinking fund of any loan or the depreciation in any of the investments thereof."
Section 172, subsection (3)	Add the words "except in the case of moneys set apart for the contingencies mentioned in paragraph (e) of subsection one hereof."

FOURTH SCHEDULE—*continued.*

Number of Section affected.	Nature of Amendment.
Section 205 ...	<p>Omit the words "either steam or sailing vessels" and the words "sailing-vessels" in paragraph (a), and substitute in each case the word "ships."</p> <p>Insert, after paragraph (e), the following paragraph:— "(e.) Regulating the use of lights on timber and other rafts that are being towed."</p>
Section 207 ...	<p>Add to paragraph (3) the words "and of the landing and embark- ing of live-stock, and the driving and control of the same while on any harbour-works."</p> <p>Add to paragraph (6) the words "and charges for labour supplied or services rendered in connection therewith, or on goods passing over or through the same."</p> <p>Add to paragraph (7) the words "and fix scales of charges and provide for any services rendered by the Board in connection with goods of any kind."</p> <p>Omit from paragraph (15) the words "(whether decked or undecked, and whether propelled by steam or not)," and substitute therefor the word "hulks"; also omit the words "and others," and substitute therefor the words "or persons in charge of any such vessel or boat."</p> <p>Add to paragraph (18) the words "and of masters of ships that require to be licensed."</p> <p>Insert in paragraph (20), after the word "guidance," the words "and control," and add to the paragraph the words "and provide for the licensing of any such persons, <i>provided that when any license fee is charged it shall not exceed one shilling per annum.</i>"</p> <p>Omit paragraph (22), and substitute the following paragraph therefor:— "(22.) Determine at any time or from time to time whether pilotage shall be compulsory or optional."</p>
Section 208, sub- section (2)	<p>Insert, after the word "whom," the words "including any or all of the persons mentioned in sections one hundred and four and one hundred and five of this Act."</p>
Section 210 ...	<p>Add to subsection one the following paragraph:— "(e.) Removes, destroys, injures, or interferes with any life- buoy or life-saving apparatus."</p>
Section 221 ...	<p>Insert, after the word "exceed," the words "the limit fixed as the maximum amount of the rate by any special Act authorising the Board to make and levy the rate, or if no such limit is fixed by any such special Act then."</p>