

NORTHLAND HARBOUR BOARD ADMINISTRATION BILL

EXPLANATORY NOTE

THIS Bill, introduced at the request of the Northland Harbour Board, makes provision for the temporary administration of the powers and functions of the Board by a Commissioner to be appointed by Order in Council.

The Act is to expire on a date to be fixed by Order in Council, which must be not later than the date on which the members of the Board elected at the next general election of the Board held on 12 October 1974 come into office.

The Commissioner may exercise and perform all the powers and functions of the Board under the Harbours Act 1950, the Northland Harbour Board Act 1965, or any other Act.

The Bill contains other incidental provisions, including a provision enabling an advisory committee, comprising one or more persons, to be appointed by Order in Council for the purpose of advising the Commissioner in the exercise and performance of his powers and functions.

Hon. Mr Colman

**NORTHLAND HARBOUR BOARD
ADMINISTRATION**

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A BILL INTITULED

**An Act to authorise the appointment of a Commissioner to
administer the functions and powers of the Northland
Harbour Board**

5 WHEREAS the Northland Harbour Board has requested
that provision be made for the temporary exercise of its
powers and functions by a Commissioner, and it is expedient
that provision be made for that purpose:

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

1. Short Title, and expiry—(1) This Act may be cited as
the Northland Harbour Board Administration Act 1973.

(2) This Act shall expire on a date to be fixed by the
15 Governor-General by Order in Council, being not later than

the date on which the members of the Board elected at the general election of the Board held on the 12th day of October 1974 have come into office.

2. Interpretation—In this Act—

“The Board” means the Northland Harbour Board: 5

“The Commissioner” means the Northland Harbour Board Commissioner appointed under this Act.

3. Power to appoint Northland Harbour Board Commissioner—(1) The Governor-General may, by Order in Council, appoint a suitable person to be the Northland Harbour Board Commissioner. 10

(2) The Commissioner shall hold office during the pleasure of the Governor-General.

(3) On the vacation of office by the Commissioner, whether by death, resignation, or otherwise, the Governor-General may, by Order in Council, appoint a suitable person to be the Commissioner in his stead. 15

4. Act to come into force only if Commissioner appointed—The following provisions of this Act shall come into force if a Commissioner is appointed as aforesaid, but not otherwise. 20

5. Commissioner to exercise and perform powers, functions, and duties of Board—(1) The Commissioner, in the name and on behalf of the Board, may exercise any power and shall perform all the functions and duties conferred or imposed on the Board by the Harbours Act 1950 or the Northland Harbour Board Act 1965 or any other Act, or by any instrument or otherwise. 25

(2) Any powers, functions, or duties conferred by any Act or otherwise on the Chairman or any other member or members of the Board, whether solely or in conjunction with any other person or persons, may be exercised and performed by the Commissioner. 30

(3) While a Commissioner is in office, the Board, the Chairman of the Board, and any member of the Board shall not exercise any power or perform any function or duty conferred or imposed on it or him as aforesaid. 35

(4) Any power given to the Board to do anything by special resolution may be exercised by the Commissioner by a special entry in the minute book of the Board, signed by the Commissioner and confirmed by him by a similar entry made not earlier than 6 clear days after the date of that special entry. 40

(5) All cheques drawn on any bank account of the Board shall be signed by the Treasurer and countersigned by the Commissioner or by any other person, being a responsible officer of the Board, who is from time to time authorised by the Commissioner to sign cheques.

(6) Any document that is required to be executed under the seal of the Board may be executed under that seal and verified by the signature of the Commissioner.

6. Further provision may be made by Order in Council—
10 The Governor-General may from time to time, by Order in Council—

- (a) Appoint an advisory committee comprising one or more persons to advise the Commissioner on any matters relating to the administration of the Board, or such matters as are specified in the order:
- 15 (b) Modify any provision of the Harbours Act 1950 or the Northland Harbour Board Act 1965 or any other Act for the purpose of giving effect to this Act.

20 **7. Remuneration and expenses—**(1) There shall be paid to the Commissioner and may be paid to every member of the advisory committee appointed by an Order in Council under section 6 of this Act such remuneration, allowances, and expenses as are fixed from time to time by the Minister
25 of Finance.

(2) All expenditure incurred by the Commissioner in exercising his powers and performing his functions under this Act, including the remuneration, allowances, and expenses of the Commissioner and members of the advisory committee,
30 shall be paid out of money belonging to the Board.