

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 26th August, 1908

Mr. Okey.

NEW PLYMOUTH HARBOUR BOARD EMPOWERING.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to enable the New Plymouth Harbour Board to borrow Title.  
Three Hundred Thousand Pounds.

WHEREAS the New Plymouth Harbour Board in the year eighteen Preamble.  
5 hundred and seventy-nine, under the provisions of the New Plymouth Harbour Board Ordinance 1875 Amendment Act, 1877, borrowed a sum of two hundred thousand pounds, and it is estimated that when the time for repayment thereof arrives the sum of one hundred and thirty-five thousand pounds *with in addition to the*  
10 accumulated sinking fund set aside in respect thereof will be required to pay off the same: And whereas the said Board is desirous of borrowing sufficient money to provide for payment of the balance of the said former loan, and also to provide for the further construction of harbour-works for the improvement of the  
15 harbour of New Plymouth:

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

1. This Act may be cited as the New Plymouth Harbour Board Short Title.  
20 Empowering Act, 1908.

2. This Act shall be deemed to be a special Act within the Special Act.  
meaning of the Harbours Act, 1878 1908, which Act is hereby incorporated with this Act.

Interpretation.

3. In this Act, if not inconsistent with the context :—  
 “ Board ” means the New Plymouth Harbour Board :  
 “ Harbour District ” means the area defined by the ~~Second~~  
*Struck out.*

Schedule to the New Plymouth Harbour Board Ordinance 1875 Amendment Act, 1877, with the exception of the Town of Opunake, all lands within the Waitara Harbour District as defined by the Schedule to the Waitara Harbour District and Empowering Act, 1907, and all lands within the Mokau Harbour District as defined by the First Schedule to the Mokau Harbour Board Act, 1900.

*First Schedule hereto.*

“ Returning Officer ” means the officer appointed by the Board to conduct elections and polls within the harbour district.

Returning Officer.

4. The Local Elections *and Polls* Act, 19048, shall apply to every poll taken under this Act, and the Board shall appoint some person to be Returning Officer for the conduct of the poll hereinafter authorised throughout the harbour district.

Power to borrow.

5. It shall be lawful for the Board to borrow from time to time such sum or sums of money as the Board shall deem fit, at a rate of interest not exceeding *five pounds* per centum per annum, but so that the total of the amounts so borrowed does not exceed ~~in the aggregate~~ three hundred thousand pounds; and the Board may borrow such sum or sums of money as aforesaid for such period or periods as it may think fit, and may renew or again borrow any or all of such sum or sums of money as they fall due for such further or other period or periods as the Board may think fit.

How money borrowed to be expended.

6. (1.) The moneys so borrowed shall be applied by the Board as to part thereof in providing such a capital sum as shall be required in addition to any unexpended balance and accumulated sinking fund of the said loan of two hundred thousand pounds borrowed in the year eighteen hundred and seventy-nine to discharge and pay off the debentures of the said loan when the same mature: as to the remaining part thereof, in the construction of such works as are defined by the word “harbour-works” as interpreted by the Harbours Act, ~~1878~~ 1908, and also in the purchase, erection, and construction of all such tugs, dredges, cranes, sheds, and works for the improvement of the ~~said~~ *New Plymouth* Harbour as ~~shall be~~ *are* deemed necessary and proper by the Board for the purpose of the construction of such harbour-works, and for the safety, convenience, or reception of vessels resorting to the said harbour, and for the more convenient loading and unloading of such vessels, and for the safety and protection of any works constructed or proposed to be constructed by the Board, and for providing proper access to and from any such works.

(2.) The Board may out of any loan-moneys pay the preliminary expenses incurred in connection with the borrowing of the moneys so borrowed and the first year’s interest of the loan during the construction of any works for which the loan is paid.

Security for loan.

7. The ~~debentures for repayment~~ of all moneys so borrowed, together with interest, shall be secured upon the land revenue receivable by the Board ~~as mentioned in the nineteenth section to the~~

~~New Plymouth Harbour Board Ordinance 1875 Amendment Act, 1877,~~  
~~pursuant to the New Plymouth Harbour Board Endowment Act,~~  
~~1874, and upon the rents, profits, and dues chargeable and receivable~~  
~~by the Board, and upon the rate hereinafter mentioned to be made~~  
~~and levied under the authority of this Act.~~

8. Before the Board proceeds to borrow money under the authority of this Act it shall cause meetings of the ratepayers to be held, and a poll to be taken as by this Act is provided.

Consent of ratepayers required before any loan raised.

Notices of poll.

9. The Board shall cause a notice to be published in six newspapers circulating in the harbour district specifying a time and place for each borough, and a time and place for each county or portion of a county within the harbour district, at which meetings of ratepayers are to be held to consider a proposal to raise such special loan. The time appointed shall not be less than fourteen days after the first publication of the notice.

10. Every such meeting shall be presided over by some person appointed by the Chairman of the Board for such meeting. If the person so appointed shall be absent or shall refuses to preside, then the meeting shall elect some person present to preside. At every such meeting, after due consideration and discussion of the proposal, the person presiding shall notify that a poll in accordance with the provisions of ~~the~~ *this* Act will be taken. If at the place and within one hour after the time appointed for any such meeting not less than six ratepayers are present, such meeting shall for the purposes of this Act be deemed to have been duly held, and the proposal to have been duly discussed and considered, and the notification of a poll to have been duly made.

Meetings of ratepayers to consider loan proposals.

11. It shall be the duty of the Secretary of the Board at the request of the Chairman to prepare a roll for the harbour district setting forth the names of all ratepayers within such district.

Roll of ratepayers.

12. Such roll shall be signed by the Chairman or two members of the Board, and when so signed shall be delivered to the Returning Officer, and shall be the roll upon which the poll shall be taken.

Roll to be signed and handed to Returning Officer.

13. The poll shall be taken as follows :—

How poll to be taken.

(a.) At the written request of the Chairman, authorised by ordinary resolution of the Board, the Returning Officer shall publish a notice setting forth the day (not less than one week nor more than four weeks from the latest date appointed for any of the aforesaid meetings) on which the poll will be taken.

(b.) The Returning Officer shall provide such polling-places within the harbour district as he shall think fit and necessary for the due taking of such poll.

(c.) All the provisions of the Local Elections and Polls Act, 19048, as regards taking a poll on a proposal shall, so far as they are applicable and except as in this Act is otherwise provided, apply to the taking of the poll.

(d.) The statement of the proposal in the voting-paper shall be as follows : "Proposal to borrow moneys not exceeding in the aggregate three hundred thousand pounds for the purposes defined in the New Plymouth Harbour Board Empowering Act, 1908."

(e.) Every ratepayer in the district shall be entitled to *one* vote according to the following scale and no more.

*Struck out.*

If the capital value of his rateable property as appearing in the district valuation roll prepared by the Valuer-General in accordance with the Government Valuation of Land Act, 1896, amounts in the aggregate to not more than one thousand pounds he shall have one vote; if such capital value is more than one thousand pounds, but not more than two thousand pounds, he shall have two votes; and if such capital value is more than two thousand pounds he shall have three votes.

Result of poll.

14. If the total number of valid votes recorded in favour of the proposal is at least three-fifths of the total number of valid votes recorded within the whole harbour district, then, and not otherwise, the proposal shall be deemed to be carried, and the Board shall be fully empowered to exercise the powers of borrowing and all other powers conferred by this Act; and unless ~~and until~~ there ~~shall be~~ *are* at least three-fifths of the total number of valid votes recorded in favour of the proposal at a poll held and taken in manner hereby provided the Board shall not be deemed empowered to exercise any of the borrowing-powers hereby conferred.

Result of poll to be advertised.

15. As soon as conveniently may be after the result of the poll has been ascertained, the Returning Officer shall give public notice of the number of votes recorded for and against the proposal as above provided, and shall declare the proposal to be carried or rejected as the case may be.

Result of poll to be gazetted.

16. (1.) As soon as conveniently may be after the poll, the Chairman shall send to the Minister of Internal Affairs, for publication in the *Gazette*, a notice of the number of votes recorded for or against the proposal, and in such notice shall declare the proposal to be carried or rejected, as the case may be.

(2.) If in the notice so published in the *Gazette* it is declared that the proposal was carried, such notice so published shall be conclusive evidence that the raising of the loan has been duly authorised and that all proceedings and things required by this Act as conditions precedent to the exercise by the Board of the borrowing-powers hereby conferred have been duly and lawfully taken and done, and that the Board is fully empowered and authorised to borrow any sum or sums of money not exceeding in the aggregate the sum of three hundred thousand pounds.

(3.) If in the said notice it is declared that the proposal was rejected, it shall be lawful for the Board, at any time after the expiration of twelve calendar months from the date of the publication in the *Gazette* of such notice, to direct that another poll be held in the same manner and subject to the same conditions upon the same proposal; and if at such second poll the proposal ~~be~~ *is* again rejected the Board may at any time within two years from the date of such second poll direct that a third poll be held in the same manner and subject to the same conditions upon the same proposal, provided that nothing ~~contained~~ in this Act shall authorise the taking of more than three polls.

Levy of special rate.

17. If the proposal ~~be~~ *is* declared to be carried, a special rate upon all rateable property in the harbour district for the purpose of providing the annual charges upon moneys to be borrowed under the

authority of this Act may be made and ~~struck~~ levied by the Board in manner provided by law and in accordance with the provisions of the Rating Act, 1894.

18. The special rate to be levied under the authority of this Act shall not exceed three farthings in the pound upon the capital value of all rateable property in the area described in the ~~First~~ *Second* Schedule hereto, and shall not exceed one halfpenny in the pound upon the capital value of all rateable property in the area described in the ~~Second~~ *Third* Schedule hereto, and shall not exceed one farthing in the pound upon the capital value of all rateable property in the area described in the ~~Third~~ *Fourth* Schedule hereto; and all rates levied by the Board shall be levied in the like proportions, that is to say:—

Limit and proportion of special rate in parts of district.

Twice as high a rate shall be levied within that portion of the district described in the ~~Second~~ *Third* Schedule hereto as that within that portion of the district described in the ~~Third~~ *Fourth* Schedule hereto, and three times as high a rate shall be levied within that portion of the district described in the ~~First~~ *Second* Schedule hereto as that within that portion of the district described in the ~~Third~~ *Fourth* Schedule.

19. The amount of the rate to be levied by the Board in each year shall not exceed such amount as is required to provide for the payment of the annual charges on the amount borrowed under the authority of this Act, after taking into account (a) the amount annually receivable by the Board ~~as mentioned in section nineteen of the New Plymouth Harbour Ordinance 1875 Amendment Act, 1877, pursuant to the New Plymouth Harbour Board Endowment Act, 1874,~~ (b) the net annual revenue of all land-endowments owned by the Board, and (c), to the extent of four thousand five hundred pounds per annum, the net annual revenue of the Board from harbour dues as defined by the Harbours Act, 1878, other than rates levied under the authority of this Act.

Amount of rate.

20. For the purpose of providing a sinking fund for the liquidation of the loan authorised by this Act the Board shall pay to the Commissioners appointed under section ~~two~~ *one hundred and three ninety-seven* of the Harbours Act, 1878 *1908*, ~~all moneys received by the Board~~

Sinking fund.

*Struck out.*

as mentioned in section nineteen of the New Plymouth Harbour Board Ordinance 1875 Amendment Act, 1877, which shall have been the proceeds of the sale of Crown lands. And the said Commissioners shall pay to the Board all interest and profits accruing therefrom, to be applied by the Board in or towards payment of the annual charges on the money borrowed under this Act.

*in every year a sum equal to one per centum on the moneys borrowed or so much thereof as is for the time being outstanding.*

*Struck out.*

21. For the purpose of providing a fund for the liquidation of the annual charges on the money borrowed under this Act the Board shall each year, and whether the same shall be required for that year or not, appropriate and set apart all moneys received by the Board for interest on the unexpended balance of loan-moneys, and all moneys received by the Board as mentioned in section nineteen of the New Plymouth Harbour Board Ordinance 1875 Amendment Act, 1877, which shall have been received as rent for the occupation of Crown lands, and all moneys received from the said Commissioners under

Fund for payment of interest.

section *twenty* of this Act, and the annual revenue of all land-endowments owned by the Board, and (to the extent of four thousand five hundred pounds) the annual revenue of the Board from harbour dues as aforesaid :

Provided, however, that if in any year after the expiration of four years from the raising of any loan under this Act the total amount so appropriated and set apart for the liquidation of the annual charges on the moneys borrowed under this Act shall exceed the amount required to pay such annual charges, the Board shall pay such excess (if any) to the Commissioners mentioned in section *twenty* of this Act, and the same shall be held and applied by the said Commissioners as an addition to the sinking fund therein mentioned.

Estimate of  
revenue and  
expenditure.

22. (1.) The Board shall in each year cause an estimate to be prepared in such manner and according to such principle and method as the Board approves of the anticipated revenue of the year (exclusive of any rate to be levied under this Act), and of the anticipated expenditure of the year (including the annual charges upon the moneys borrowed under the authority of this Act, but exclusive of capital expenditure on loan account), and shall upon such estimate determine the deficiency of such revenue to meet such expenditure.

(2.) The Board may direct the levy in each year of such part of the said special rate as shall be ~~is~~ sufficient to provide such deficiency.

(3.) The Board may for the purposes of such direction and levy adopt some convenient fraction of a penny, notwithstanding that the sum produced thereby may exceed such deficiency.

Differential dues  
may be levied.

23. Notwithstanding any provision contained in the Harbours Act, 1878, it shall be lawful for the Board to make and levy harbour dues to be charged and collected in respect of goods produced or manufactured upon lands outside the harbour district, and in respect of goods shipped on behalf of persons residing outside the harbour district in excess of the dues to be made and levied in respect of the same goods, if produced or manufactured within the harbour district or shipped on behalf of persons resident within the harbour district :

Provided that such excess dues shall be chargeable equally in respect of the same description of goods wheresoever outside the harbour district the same are produced or manufactured, and wheresoever outside the harbour district the persons on whose behalf the same are shipped may reside :

Provided that such excess dues shall not be chargeable in respect of goods required by law to be graded before export.

Powers of Board.

24. For the purpose of making, levying, and recovering the said rates, the Board shall have and may exercise all the powers of making, levying, or recovering rates in the harbour district as are conferred on local authorities by the Rating Act, 1894 1908, and for such purpose the said Rating Act is incorporated herewith.

Rate levied not to  
be invalidated.

25. No rate or levy made under this Act shall be set aside or quashed by any proceeding in any Court or otherwise, and no defect in the same, or the making thereof, or in any direction for levy, shall be set up as a defence to any action which may be brought to recover the same.

*Struck out.*

Repeal.

26. Immediately upon the raising of any loan under the authority of this Act—

(4.) ~~Section fifteen of~~ The New Plymouth Harbour Ordinance 1875 Amendment Act, 1877, ~~shall be deemed is hereby~~ repealed and have no further effect:

*New proviso.*

5 | Provided that such repeal shall not affect the rights and remedies of any debenture-holder or other creditor of the Board.

*Struck out.*

10 | (2.) The Second Schedule to the New Plymouth Harbour Ordinance 1875 Amendment Act, 1877, shall be deemed amended so as to exclude all land within the Town of Opunake, the Waitara Harbour District, and the Mokau Harbour District.

SCHEDULES.

Schedules.

*New.*

FIRST SCHEDULE.

BOUNDARIES OF THE NEW PLYMOUTH HARBOUR DISTRICT.

ALL that area in the Taranaki Land District, bounded towards the north-east and north-west by the Waitara Harbour District from the sea to the southern boundary of the Mokau Harbour District; thence towards the north by the southern boundary of the Mokau Harbour District to its intersection by a right line running from the mouth of the Mokau River to the point on the Wanganui River where it is intersected by the 39th parallel of south latitude; thence towards the north-east by the said right line to the Wanganui River; thence towards the south-east generally by the Wanganui River to where it is met by the Taumatamahoe Path; thence by a right line to the northernmost corner of Section No. 320, in Block I, Hawera Survey District; thence by a right line being the production of the north-eastern boundary of the said Section No. 320 to the Waingongoro River; thence by the Waingongoro River to the sea; thence towards the south-west generally by the sea to the mouth of the Oeo River; thence by a line along the middle of the Oeo River to Skeet Road; thence along the middle of Skeet Road to the boundary-line between the Opunake and Kaupokonui Survey Districts; thence by that boundary-line to Opunake Road; thence by a line along the middle of Opunake Road to Oeo Road; thence along the middle of Oeo Road to the southern boundary of Section No. 6, Block V, Kaupokonui Survey District; thence by Sections Nos. 6, 5, and 4, said Block V, and the south-western boundary of Egmont National Park to the middle of Ngariki Road; thence by a line along the middle of Ngariki Road to the Main South Road; thence along the middle of the Main South Road to Manihi Road; thence along the middle of Manihi Road to the sea; and thence towards the west and north-west by the sea to the place of commencement.

FIRST SECOND SCHEDULE.

ALL that area within in the Provincial District of Taranaki Land District contained within the following boundaries:—

Commencing from a point, the south west corner of the Wairau Survey District; thence Bounded towards the north-west by the Tasman Sea from the south-western corner of the Wairau Survey District to the boundary of the Waitara Harbour District; thence towards the north-east by the south-west boundary of the said Waitara Harbour District to the south boundary of the Waitara Survey District; thence towards the south by the southern boundaries of the Waitara, the Paritutu, and the Wairau Survey Districts to the commencing point.

SECOND THIRD SCHEDULE.

ALL that area within in the Provincial District of Taranaki Land District contained within the following boundaries:—

Commencing from a point, the south west corner of the Wairau Survey District; thence Bounded towards the north by the southern boundaries of the Wairau, the Paritutu, and the Waitara Survey Districts to the south-west boundary of the Wai-

Waitara Harbour District, and by the south-west boundary of the Waitara Harbour District to the west boundary of the Ngatimaru Survey District; thence towards the east by the west boundaries of the Ngatimaru and the Omona Survey Districts to the Toko Road; thence generally towards the south by the north side of the Toko Road to the Waihapa Road, by the west side of the Waihapa Road to the Robson Road, by the north side of the Robson and Bird Roads to the Mountain Road, by the east side of the Mountain Road to the Brookes Road, by the north and west side of the Brookes Road to the Climie Road, by the north side of the Climie Road to the Opunake Road, by the south side of the Opunake Road to the east boundary of the Kaipokonui Survey District, by the east and north boundaries of the Kaipokonui Survey District to the east boundary of the Egmont National Park, by the east, north, and west boundary of the Egmont National Park to the Puniho Road, and by the south side of the Puniho Road and the north boundary of Section 26, Block IV, Cape Survey District, to the Tasman Sea; thence towards the north-west by the Tasman Sea to the commencing point.

### THIRD FOURTH SCHEDULE.

#### *Struck out.*

ALL that area within the Provincial District of Taranaki contained within the following boundaries:—

Commencing from a point, the south-west corner of the area described in Schedule No. 2 herewith; thence bounded generally towards the north, west, and north-west by the south boundary of the area described in Schedule No. 2 to the west boundary of the Egmont National Park, by the west, south, and east boundaries of the Egmont National Park to the south boundary of the area described in Schedule No. 2, by the south and east boundary of the area described in Schedule No. 2 to the south boundary of the Waitara Harbour District, by the south, south-east, and east boundary of the Waitara Harbour District to the south boundary of the Mokau Harbour District, by the south boundary of the Mokau Harbour District to the north-east boundary of the New Plymouth Harbour Rating Area; thence towards the north-east, east, and south-east by the north-east, east, and south-east boundary of the said New Plymouth Harbour Rating Area to the Tasman Sea; thence towards the south and south-west by the Tasman Sea to the commencing point.

#### *New.*

ALL that area in the Taranaki Land District bounded towards the north generally by the area described in the Third Schedule hereto from the sea to the Egmont National Park; thence by the Egmont National Park and again by the area described in the Third Schedule hereto to the southern boundary of the Waitara Harbour District; thence towards the north-west generally by the Waitara Harbour District to the southern boundary of the Mokau Harbour District; thence again towards the north by the southern boundary of the said Mokau Harbour District to its intersection by a right line running from the mouth of the Mokau River to the point on the Wanganui River where it is intersected by the 39th parallel of south latitude; thence towards the north-east by the said right line to the Wanganui River; thence towards the south-east generally by the Wanganui River to where it is met by the Taumatamahoe Path; thence by a right line to the northernmost corner of Section No. 320, in Block I, Hawera Survey District; thence by a right line being the production of the north-eastern boundary of the said Section No. 320 to the Waingongoro River; thence by the Waingongoro River to the sea; and thence towards the south and west generally by the sea to the place of commencement, excepting the Opunake Harbour District.