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Mr. Major.

OPUNAKE HARBOUR.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to constitute a Harbour District and a Harbour Board Title.
for the Harbour of Opunake.

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

1. This Act may be cited as the Opunake Harbour Act, 1907. Short Title.

2. This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1878, which Act and all Acts
10 amending the same shall be incorporated with this Act. Special Act.

3. In this Act, if not inconsistent with the context,— Interpretation.

“Harbour” means the Harbour of Opunake:

“Board” means the Opunake Harbour Board as constituted under the provisions of this Act:

15 “The said Act” means the Harbours Act, 1878, and all Acts amending the same:

“District” means the Opunake Harbour District as constituted under the provisions of this Act:

20 “Electors” ~~shall mean ratepayers as defined by the Harbours Act, 1878~~ means elector as defined by the Local Elections Act, 1904.

4. The Opunake Harbour District is hereby constituted, and
~~shall comprise the whole of the Opunake Survey District in the Land District of Taranaki and that part of the Oeo Survey District west of the~~ Opunake Harbour District.

~~Oeo River in the said land district, as the said Opunake Survey District and part of the said Oeo Survey District are more comprising the parcels of land particularly described in the First Schedule hereto.~~

District divided
into wards.

5. The district shall be divided into three wards, which shall be called respectively the North Ward, the Central Ward, and the South Ward; and the said respective wards shall consist of those respective parts of the district more particularly described in the Second Schedule hereto. 5

Constitution of
Harbour Board.

6. A Harbour Board is hereby constituted under the said Act for the Harbour of Opunake, and such Board shall consist of ten members, of whom five shall form a quorum, and such members shall be elected as follows:— 10

- (a.) Three members shall be elected by the electors of the Central Ward;
- (b.) Two members shall be elected by the electors of the North Ward;
- (c.) Two members shall be elected by the electors of the South Ward; and
- (d.) Three members shall be appointed by the Governor.

One elector one
vote.

First election.

7. (e.) No elector shall have more than one vote in any one ward. 20
8. The first election for members of the Board shall be held at such time and places within the district and by such Returning Officer as the Governor in Council shall direct and appoint, and the members then elected shall hold office until the second Monday in the month of February following the date of their election. 25

Board may acquire
wharf, &c.

9. It shall be lawful for the Board to take and acquire from the Opunake Wharf Company (Limited), at Opunake, the wharf now erected in the harbour, together with all buoys, chains, derricks, sheds, tramways, rails, ropes, and other material used by the said company in their business of wharfingers at Opunake; the amount or value to be paid by the Board to the said company for such wharf, buoys, chains, derricks, sheds, tramways, rails, ropes, and other material shall be ascertained by arbitration in the manner following, that is to say:— 30

- (a.) Notice in writing of the intention of the Board to take such wharf, buoys, chains, derricks, sheds, tramways, rails, ropes, and other material shall be served by the Board on the said company by delivering such notice at the registered office of the said company, and such notice shall state the name of an arbitrator appointed by the Board to act on behalf of the Board for the purpose of assessing the amount or value aforesaid. 35 40
- (b.) Within fourteen days after the service of the said notice upon the said company the said company shall appoint an arbitrator to act on its behalf for the purpose of assessing the said amount or value, and shall within seven days after the appointment of such arbitrator, by notice in writing served at the office of the Board, inform the Board of such appointment. 45
- (c.) The arbitrators appointed by the Board and the said company respectively shall before entering upon their duties as such arbitrator appoint an umpire. 50

(d.) The provisions of the Arbitration Act, 1890, shall, except in so far as they are not inconsistent herewith, apply to such arbitration as if ~~such arbitration~~ *this section* were a submission ~~as defined by the last mentioned Act~~ *within the meaning of that Act.*

(e.) The amount found to be due to the said company by virtue of such arbitration shall be payable out of any moneys which the Board shall or may from time to time borrow.

10 ~~10. The Board is hereby endowed with all these the lands mentioned and described in the Third Schedule hereto.~~ Endowments.

11. (1.) ~~The Board shall, subject to the provisions of the said Act, have power~~ *may* from time to time ~~to, with the consent of the electors,~~ borrow moneys:

15 ~~Provided that the amount to be borrowed shall not exceeding in the total the sum of two thousand five hundred pounds:~~

20 ~~Provided further that no moneys shall be borrowed under the authority of this Act at a higher rate of interest than will produce to the lender a higher rate of interest than five six pounds per centum per annum, anything contained in the said Act to the contrary notwithstanding.~~

New subclause.

25 (2.) Such moneys may be raised in the manner prescribed by the Local Bodies' Loans Act, 1901, and the provisions of that Act shall apply as if the Board were a local authority and the taking of the said wharf were a public work within the meaning of Part I of that Act.

Struck out.

30 12. Before any loan authorised by this Act shall be raised, the consent of the electors in the district shall first be obtained in the manner hereinafter prescribed. Consent of electors.

13. A notice shall be published in a newspaper published in the district, and such notice shall specify the time and place within each ward at which a meeting shall be held to consider a proposal to raise such loan or any part thereof. Advertisement calling meeting to consider loan proposals.

35 14. The said notice shall also specify—
(a.) The object or objects for which the loan is to be raised:
(b.) The sum proposed to be borrowed:
(c.) The security proposed to be offered for such loan. Contents of advertisement.

40 15. The Chairman of the Board shall call meetings of the electors to be held at the time and places aforesaid, upon a day not more than ten days after the publication of such notice to consider the said proposal, and some member of each ward where the said meetings respectively are to be held shall be appointed by the Chairman of the Board to preside at the meeting to be held in each said
45 respective ward; and if any member so appointed shall refuse to or from any cause cannot act, the meeting at which such member shall refuse or cannot act as aforesaid shall appoint its own chairman. Meetings of electors to consider loan proposals.

50 16. After the holding of such meetings the Chairman may, and shall if the majority of all the electors at the said meetings are in favour thereof, cause a poll of the electors to be taken upon the said proposal. Poll of electors.

Low poll to be taken.

17. The poll shall be taken as follows, namely :—

- (a.) The Chairman shall give to the Returning Officer a notice in writing setting forth the day (not less than one nor more than five weeks from the day of the said meetings) on which the poll will be taken. 5
- (b.) The Returning Officer shall, upon the day so appointed, proceed to take the poll in the manner provided by the Local Elections Act, 1904, for the regulation of polls other than elections.
- (c.) All the provisions of the Local Elections Act, 1904, as regards taking a poll shall, so far as they are applicable hereto and not inconsistent herewith, apply to taking a poll on the proposal to raise any such loan as aforesaid. 10
- (d.) The Board shall appoint the day when the said poll shall be taken, and the places where the polling-booths shall be situate. 15
- (e.) Each elector shall have and may exercise one vote and no more.

Exemption of district from paying rates to New Plymouth Harbour Board.

18. From and after the passing of this Act the district shall be exempt from any rate made or levied by the New Plymouth Harbour Board for the purpose of paying interest or other moneys in connection with any future loan raised by the said New Plymouth Harbour Board. 20

New clauses.

Rights of New Plymouth Harbour Board to levy certain rates.

18A. Nothing herein shall prejudice or affect the right of the New Plymouth Harbour Board to continue to levy rates over the area comprised in the harbour district hereby constituted for the purpose of providing for payment of interest and sinking fund on the existing loan of two hundred thousand pounds borrowed by the New Plymouth Harbour Board under the provisions of the New Plymouth Harbour Board Ordinance 1875 Amendment Act, 1877, or on so much of any future loan or loans as the New Plymouth Harbour Board may hereafter raise for the purpose of paying off the balance of the existing loan of two hundred thousand pounds, but for no other purpose whatsoever. 25 30 35

New Plymouth Harbour District amended.

19. From and after the passing of this Act the New Plymouth Harbour District shall be as described in the *Fourth* Schedule hereto.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

~~ALL these parcels of land situate~~ that area in the Land District of Taranaki, and being— firstly, the whole of the said Opunake Survey District as shown on the public map of the said survey district deposited in the office of the Chief Surveyor at New Plymouth; and secondly, all that ~~parcel of land area~~ being Block No. 1 and part of Block No. 2 of the said Oeo Survey District: bounded by a line commencing at the junction of the northern boundary-line of the said Oeo Survey District with the western bank of the Oeo River; thence going southerly along the said western bank to the foreshore; thence north-westerly along the said foreshore to its junction with the boundary-line of the said Opunake and Oeo Survey Districts; thence along the last-mentioned boundary-line to the point of commencement.

SECOND SCHEDULE.

NORTH WARD.

ALL that parcel of land area, being part of the said Opunake Survey District, bounded by a line commencing at a point in the centre of the Arawhata Road at its junction with the foreshore; thence going north-easterly through the centre of the said road to its junction with the forest reserve; thence north-westerly along the forest reserve to its junction with the boundary-line of the Opunake Survey District; thence westerly along the said boundary-line to the foreshore; thence southerly along the foreshore to the point of commencement.

CENTRAL WARD.

All that parcel of land area, being part of the said Opunake Survey District, bounded by a line commencing at a point in the centre of the Arawhata Road at its junction with the foreshore; thence going north-easterly along the centre of the said road to its junction with the forest reserve; thence south-easterly along the said reserve to the boundary-line of the Opunake Survey District; thence along the last-mentioned line to its junction with the centre of the Taungatara River; thence along the centre of the said river to the foreshore; thence north-easterly along the foreshore to the point of commencement.

SOUTH WARD.

All that parcel of land area, being parts of the Opunake and Oeo Survey Districts respectively, bounded by a line commencing at a point in the centre of the Taungatara River at its junction with the foreshore; thence going north-easterly through the centre of the said river to its junction with the boundary-line of the Opunake Survey District; thence south-easterly along the last-mentioned line to its junction with the northern boundary-line of the Oeo Survey District; thence westerly along the last-mentioned boundary-line to its junction with the western bank of the Oeo River; thence south-westerly along the said bank to the foreshore; thence north-westerly along the foreshore to the point of commencement.

Struck out.

THIRD SCHEDULE.

(1.) ALL that portion of the foreshore in the said land district from the eastern bank of the Otahi River to the western bank of the Waiaua River.

(2.) All those waste lands of the Crown situate in the Town District of Opunake, and consisting of the following, namely:—

Sections		I, containing	A.	R.	P.
1 to 3 of Block		...	0	2	3
" 1 " 11 "		III, "	...	2	3 13
" 1 " 6 "		II, "	...	1	1 12
" 1 " 8 "		IV, "	...	1	3 10
" 1 " 12 "		V, "	...	3	0 0
" 1 " 10 "		VI, "	...	2	1 7
" 1 " 9 "		VIII, "	...	2	0 19
" 1, 2, and 4 "		IX, "	...	0	3 0
" 5 to 12 "		IX, "	...	2	0 0
" 1 " 12 "		X, "	...	3	0 0
" 1 " 7 "		XV, "	...	1	2 7
" 1 " 3 "		XVI, "	...	0	3 2
" 2 " 10 "		XXII, "	...	2	0 34
" 2 and 4 "		XXVII, "	...	0	2 0
" 5 to 12 "		XXVII, "	...	2	0 0
" 1 " 4 "		XXVIII, "	...	1	0 0
" 1 " 2 "		XXXI, "	...	0	2 0
" 1 " 5 "		XLVII, "	...	2	2 0
" 1 "		XLVIII, "	...	0	0 39
Suburban Section No. 31 of Block IX, containing		...	6	0	0
" No. 1 of Block IX, containing		...	21	2	29
" Nos. 46 to 49, Block IX, containing		...	28	1	0

New.

FOURTH SCHEDULE.

BOUNDARIES OF THE NEW PLYMOUTH HARBOUR DISTRICT.

ALL that area in the Taranaki Land District bounded towards the north generally by the Waitara Harbour District as described in the Schedule to the Waitara Harbour District and Empowering Act, 1907, from the sea at the mouth of the Waiongona River to the confiscation-line at the southern boundary of the Mokau Harbour District as described in the Schedule to the Mokau Harbour Board Act, 1900; thence by the said confiscation-line to its intersection by a right line running from the mouth of the Mokau River to the Wanganui River at the 39th parallel of south latitude; thence by the said right line to the Wanganui River; thence towards the south-east generally by the Wanganui River until it is met by the Taumatamahoe Path; thence by a right line to the northern corner of Allotment No. 320, Patea District; thence by a line in prolongation of the north-eastern boundary of the said allotment to the Waingongoro River; thence by the Waingongoro River to the sea; thence towards the south by the sea to the mouth of the Oeo River; thence towards the west generally and again towards the south by the Opunake Harbour District, as described in the *First* Schedule hereto, to the sea; and thence again towards the west and north-west by the sea to the place of commencement.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1907.