

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 26th August, 1908]

Mr. Major.

OPUNAKE HARBOUR.

[LOCAL BILL.]

ANALYSIS.

<p>Title.</p> <p>1. Short title.</p> <p>2. Special Act.</p> <p>3. Interpretation.</p> <p>4. Opunake Harbour District.</p> <p>5. District divided into wards.</p> <p>6. Harbour Board constituted.</p> <p>7. First election of members of Board.</p> <p>8. Mode of election.</p>	<p>9. Board may acquire property from Opunake Wharf Company.</p> <p>10. Power to borrow.</p> <p>11. Levy of rate.</p> <p>12. Certain powers of New Plymouth Harbour Board not affected.</p> <p>13. Provision regarding further powers of New Plymouth Harbour Board.</p> <p>14. Endowment. Schedules.</p>
---	---

A BILL INTITULED

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

BE IT 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 Opunake Harbour Act, 1908. Short Title.

2. This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1878 1908, which Act and all Acts amending the same shall be incorporated with this Act. Special Act.

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

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

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

“Electors” means elector as defined by the Local Elections and Polls Act, 1904, or any Act amending the same:

“Harbour” means the Harbour of Opunake:

20 “The said Act” means the Harbours Act, 1878, and all Acts amending the same 1908.

4. The Opunake Harbour District is hereby constituted, comprising the areas of land particularly described in the First Schedule hereto. Opunake Harbour District.

Struck out.

25 5. The district shall be divided into four wards, which shall be called the North Ward, the Central Ward, the South Ward, and the East Ward respectively, and the said respective wards shall consist District divided into wards.

of those respective parts of the district more particularly described in the *Second Schedule* hereto.

Harbour Board constituted.

6. For the purpose of constructing, executing, and maintaining all or any works in or about the harbour, and doing and performing all such acts, matters, and things as shall or may be necessary or required for or in connection with the harbour or any part thereof, or the purchase of the wharf hereinafter mentioned, a

5

6. (1.) A Harbour Board is hereby constituted under the said Act for the harbour of Opunake, consisting of seven members (of whom four shall form a quorum), and five of such members shall be elected as follows:—by the electors of the *harbour district*,

10

Struck out.

(a.) One member shall be elected by the electors of the North Ward :

(b.) Two members shall be elected by the electors of the Central Ward :

15

(c.) One member shall be elected by the electors of the South Ward :

(d.) One member shall be elected by the electors of the East Ward :

20

(e.) ~~and two~~ members shall be nominated by the Governor :

(~~f.~~) (2.) No elector shall have more than one vote.

First election of members of Board.

7. The first election for of 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 appoints, and the members then elected shall hold office until the biennial election of members on the second Monday in the month of February, nineteen hundred and twelve, and shall be deemed to have been duly elected at the biennial election required by the said Act to be held on the second Monday in the month of February following the date of the first election appointed by the Governor to be held as aforesaid.

25

30

Mode of election.

8. For the purposes of any election required hereunder, the Board shall be deemed to be a local authority within the meaning of the words "local authority" as defined by the Local Elections and Polls Act, 19048 or any Act amending the same ; and the provisions of the last mentioned that Act shall apply to elections required to be held under this Act.

35

Board may acquire property from Opunake Wharf Company.

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:—

40

45

(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 its behalf for the purpose of assessing the amount or value aforesaid.

50

(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.

(c.) The arbitrators appointed by the said Board and company respectively shall, before entering upon their duties as such arbitrators, appoint an umpire.

(d.) The provisions of the Arbitration Act, 1890 1908, shall, except in so far as they are not inconsistent herewith, apply to such arbitration as if this section were a submission 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. (1.) The Board may from time to time with the consent of the electors borrow moneys not exceeding in the total the sum of ~~forty~~ thirty thousand pounds: Power to borrow.

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

(2.) Any such moneys may be raised in the manner prescribed by the Local Bodies' Loans Act, 1904, and the provisions of that Act ~~or any Act amending the same~~ shall apply as if the Board were a local authority, and the district were a district as defined by that Act; and the taking of the said wharf and the construction and maintenance of any works which the Board ~~shall, or may,~~ requires to be constructed or maintained were public work within the meaning of the words "public work or undertaking" and "public work" mentioned in the last-mentioned Act; and the said meanings and each of them shall be extended to and include any such works.

11. ~~After the passing of this Act~~ The Board may, if a poll in favour of the proposal to raise a loan ~~be~~ is carried, make and levy a rate not exceeding three-eighths of a penny in the pound on the rateable value of all rateable property in the district. Levy of rate.

12. Nothing herein contained 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 whatever shall the New Plymouth Harbour Board make or levy rates over the said district or any part thereof; Certain powers of New Plymouth Harbour Board not affected.

and, further, the district shall, except for the purposes in this clause mentioned hereafter, be excluded from the Second Schedule in and to the New Plymouth Harbour Board Ordinance 1875 Amendment Act, 1877 :

New proviso.

5

Provided that no rate exceeding one-fourth of a penny in the pound shall be levied under the authority of this section.

New clause.

Differential dues
may be levied.

12A. Notwithstanding any provision in the Harbours Act, 1908, 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.

Struck out.

Provision regarding
further powers of
New Plymouth
Harbour Board.

13. Until the repayment of the said two hundred thousand pounds, or any balance thereof and the interest thereon, the Land Fund accruing or to accrue to the New Plymouth Harbour Board shall not, except for the purpose of repaying the said two hundred thousand pounds or balance thereof and interest thereon as aforesaid, be pledged as security for any future loan raised or contemplated by the New Plymouth Harbour Board ; and, further, the whole of the land fund held by or accruing or to accrue to the New Plymouth Harbour Board shall be appropriated by that Board for the purpose of providing interest and sinking fund on the said two hundred thousand pounds or any balance thereof, or on any future loan raised for the purpose of paying off the same, and for no other purpose whatever.

Endowment.

14. The Board is hereby endowed with all those the lands mentioned and described in the *Third* Schedule hereto.

SCHEDULES.

Schedules.

Struck out.

FIRST SCHEDULE.

ALL that area of land, being portions of the Cape, Waimate, and Kaupokonui Survey Districts respectively, and the whole of the Opunake and Oeo Survey Districts in the Land District of Taranaki and bounded as follows, namely:—

By a line commencing at the Forest Reserve boundary at its junction with the eastern boundary-line of Section 5 of Block VI, Kaupokonui Survey District; extending thence north-westerly along the Forest Reserve boundary to its junction with the centre of the Puniho Road; thence north-westerly along the centre of the said road to the foreshore; thence southerly along the foreshore to the centre of the Kaupokonui Stream; thence northerly along the centre of the said stream to its junction with the centre of the Mangawhero Stream; thence northerly along the centre of the last-named stream to the centre of the Skeet Road; thence easterly along the centre of the Skeet Road to a point in a direct line with the western boundary-line of Sections 25, 31, 30, 29, and 28 of Block XIX, and Section 95 of Block X, Kaupokonui Survey District; thence northerly along the last-mentioned line to the southern boundary-line of Sections 91, 90, and 89 of the said Block X; thence westerly along the last-mentioned line and on to the centre of the Mangawhero Road; thence northerly along the centre of the Mangawhero Road to the point of commencement.

SECOND SCHEDULE.

NORTH WARD.

ALL that area of land, being portions of the Cape and Opunake Survey Districts respectively, and bounded on the north by the centre of the Puniho Road from the Forest Reserve to the foreshore; on the south by the centre of the Ngariki Road from the Forest Reserve boundary to the centre of the Main South Road, thence along the centre of the Main South Road to the centre of the Manihi Road, thence along the centre of the Manihi Road to the foreshore; on the east by the Forest Reserve boundary from the centre of the Puniho Road to the centre of the Ngariki Road; on the west by foreshore from the centre of the Manihi Road to the centre of the Puniho Road.

CENTRAL WARD.

All that area of land, being portions of the Opunake, Oeo, and Kaupokonui Survey Districts respectively, and bounded towards the north by the southern boundary-line of the North Ward; towards the south and west by the foreshore from the said boundary-line to the centre of the Oeo River; towards the east by a line commencing at the junction of the Forest Reserve boundary with the eastern boundary-line of Sections 4, 5, and 6 of Block V, Kaupokonui Survey District, and extending thence southerly along the last-mentioned line to the northern boundary-line of Section 12 of the said Block V; thence westerly along the last-mentioned line to the centre of the Oeo Road; thence southerly along the centre of the Oeo Road to the centre of the Opunake Road; thence south-westerly along the centre of the Opunake Road to the boundary-line of the Opunake and Kaupokonui Survey Districts; thence southerly along the last-mentioned line to the centre of the Skeet Road; thence westerly along the centre of the Skeet Road to the centre of the Oeo River; thence southerly along the centre of the Oeo River to the foreshore.

SOUTH WARD.

All that area of land, being parts of the Oeo, Waimate, and Kaupokonui Survey Districts respectively, and bounded by a line commencing at a point in the centre of the Oeo Stream at its junction with the foreshore, extending thence northerly along the centre of the said stream to the centre of the Skeet Road; thence

easterly along the centre of the Skeet Road to its junction with the centre of the Mangawhero Stream; thence southerly along the centre of the last-named stream to its junction with the centre of the Kaipokonui Stream; thence southerly along the centre of the last-named stream to the foreshore; thence north-westerly along the foreshore to the point of commencement

EAST WARD.

All that area of land, being part of the Kaipokonui Survey District, bounded by a line commencing at the junction of the Forest Reserve boundary with the eastern boundary-line of Sections 4, 5, and 6 of Block V of the said district, extending thence southerly along the said boundary-line to the northern boundary-line of Section 12 of the said Block V; thence westerly along the last-mentioned line and on to the centre of the Oeo Road; thence southerly along the centre of the Oeo Road to the centre of the Opunake Road; thence south-westerly along the centre of the Opunake Road to the boundary-line of the Opunake and Kaipokonui Survey Districts; thence southerly along the last-mentioned line to the centre of the Skeet Road; thence easterly along the centre of the Skeet Road to a point in a direct line with the eastern boundary-line of Sections 24, 22, 21, 20, 19, and 18 of Block XIV, and section 94 of Block X, Kaipokonui Survey District; thence along the last-mentioned line to the southern boundary-line of Sections 91, 90, and 89 of the said Block X; thence westerly along the last-mentioned line and on to a point in the centre of the Mangawhero Road; thence northerly along the centre of the last-named road to its junction with the Forest Reserve boundary; thence westerly along the Forest Reserve boundary to the point of commencement.

THIRD SCHEDULE.

ENDOWMENTS.

(1.) ALL that portion of the foreshore in the land district aforesaid from the northern bank of the Heimana Stream to the southern bank of the Maungahume Stream.

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

Numbers of Sections.	Block.	Area.	Numbers of Sections.	Block.	Area.
		A. R. P.			A. R. P.
1 to 11	...	III	2 3 13	5, 6, 7, 8, 10, 11, & 12	XXVII 1 3 0
1, 2, and 4	...	IX	0 3 0	1 to 4	XXVIII 1 0 0
5 to 12	...	IX	2 0 0	1 " 5	XLVII 2 2 0
1 " 12	...	X	3 0 0	...	XLVIII 0 0 39
1 " 7	...	XV	1 2 7	Suburban section—	
1 " 3	...	XVI	0 3 2	No. 31	IX 6 0 0
2 " 10	...	XXII	2 0 34	No. 1	IX 21 2 29
2 and 4	...	XXVII	0 2 0	Nos. 46 to 49	IX 28 1 0

New.

BOUNDARIES OF THE OPUNAKE HARBOUR DISTRICT.

ALL that area in the Taranaki Land District, being portions of the Opunake, Oeo, and Kaipokonui Survey Districts, bounded towards the north generally by a line along the middle of the Manihi Road from the sea to the Main South Road; thence along the middle of the Main South Road to Ngariki Road; thence along the middle of Ngariki Road to the boundary of the Egmont National Park; thence towards the north-east by the Egmont National Park to the north-western corner of Section No. 10, Block V, Kaipokonui Survey District; thence towards the east generally by Sections Nos. 10, 11, and 12, said Block V, to Oeo Road; thence by a line along the middle of Oeo Road to Opunake Road; thence along the middle of Opunake Road to the boundary-line between the Opunake and Kaipokonui Survey Districts, thence by that boundary-line to the middle of Skeet Road; thence by a line along the middle of Skeet Road to the middle of the Oeo River; thence along the middle of that river to the sea; and thence towards the south-west by the sea to the place of commencement