

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
3rd September, 1908.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Mr. Major.

OPUNAKE HARBOUR.

[LOCAL BILL.]

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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, 1908, which Act 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:
 - “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, 1908,~~ the ratepayers of the district.
 - “Harbour” means the Harbour of Opunake:
 - “The said Act” means the Harbours Act, 1908.
4. The Opunake Harbour District is hereby constituted, comprising the area of land particularly described in the Schedule hereto. Opunake Harbour District.
5. (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). Five of such members shall be elected by the electors of the harbour district, and two members shall be nominated by the Governor. Harbour Board constituted.
 - (2.) No elector shall have more than one vote.

First election of
members of Board.

6. The first election 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 directs 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. 5

Mode of election.

7. 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, 1908; and the provisions of that Act shall apply to elections required to be held under this Act. 10

Board may acquire
property from
Opunake Wharf
Company.

8. 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 *actually paid before the same shall become the property of the Board, and shall be ascertained by arbitration in the manner following, that is to say:—* 20

(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. 25

(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. 30

(c.) The arbitrators appointed by the said Board and company respectively shall, before entering upon their duties as such arbitrators, appoint an umpire. 40

(d.) The provisions of the Arbitration Act, 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. 45

(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 may from time to time borrow.

Power to borrow.

9. (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 thousand pounds: 50

Provided that no money shall be borrowed under the authority of this Act which will produce to the lender a higher rate of interest than five per centum per annum.

(2.) Any such moneys may be raised in the manner prescribed by the Local Bodies' Loans Act, 1908, and the provisions of that Act 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 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.

10. The Board may, if a poll in favour of the proposal to raise a loan is carried, make and levy a rate not exceeding one penny in the pound on the capital value of all rateable property in the district

Levy of rate.

Struck out.

15 so long as any liability to pay any rate exists under the *next succeeding* section, and thereafter not exceeding three-fourths of a penny in the pound.

11. (1.) 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 under that Act 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; 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.

Certain powers of New Plymouth Harbour Board not affected.

(2.) On the repeal of the last-mentioned Act in pursuance of section ~~twenty-six~~ *twenty-eight* of the New Plymouth Harbour Board Empowering Act, 1908, this provision shall cease to have effect, and thenceforth no rate of any kind shall be levied by the New Plymouth Harbour Board within the Opunake Harbour District.

12. 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:

Differential dues may be levied.

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:

Opunake Harbour.

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

Schedule.

SCHEDULE.

BOUNDARIES OF THE OPUNAKE HARBOUR DISTRICT.

ALL that area in the Taranaki Land District, being portions of the Opunake, Oeo, and Kaupokonui 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, Kaupokonui 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 Kaupokonui 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.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1908.