

*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.*

*27th October, 1913.*

*Mr. Pearce.*

**PATEA HARBOUR.**

[LOCAL BILL.]

**ANALYSIS.**

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**A BILL INTITULED**

AN ACT to enable the Patea Harbour Board to borrow Eighty-six Thousand Pounds. Title.

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

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| 1  | <p>1. This Act may be cited as the Patea Harbour Act, 1913.</p>  |                                      |  |
| 10 | <p>2. This Act shall be deemed a special Act within the meaning of the Harbours Act, 1908, and its amendments, which Acts are hereby incorporated with this Act.</p>   | Short Title.                         | Incorporation of the Harbours Act, 1908, and amendments. |
| 15 | <p>3. In this Act, if not inconsistent with the context,—<br/> “Board” means the Patea Harbour Board constituted under the Harbours Amendment Act, 1910:<br/> “District” and “harbour district” mean the Patea Harbour District constituted under the Patea Harbour Board Act, 1885, as altered by this Act.</p>                                 | Interpretation.                      |  |
| 20 | <p>4. (1.) The area described in the <i>First</i> Schedule hereto is hereby added to the Patea Harbour District, and shall form part of the Waverley Subdivision thereof.</p>  | Area added to harbour district.      |  |
| 25 | <p>(2.) The boundaries of the Wanganui Harbour District are hereby amended so as to exclude the said area.</p> <p>5. The area described in the <i>Second</i> Schedule hereto is hereby excluded from the Patea Harbour District.</p>   | Area excluded from harbour district. |  |
| 30 | <p>6. It shall be lawful for the Board to borrow from time to time, by way of special loan, in addition to the total sum of thirty-five thousand pounds borrowed under the provisions of the Patea Harbour Act, 1878, the Patea Harbour Act, 1890, the Patea Harbour Act, 1901, and the Patea Harbour Act, 1904, such further sum or sums of</p> | Power to borrow.                     |  |

money as the Board deems fit, at a rate of interest not exceeding five and a half per centum per annum, but so that the total of the further sum or sums so borrowed does not exceed eighty-six thousand pounds; and the Board may borrow such sum or sums of money as aforesaid for such period or periods as the Board thinks fit, and may renew or again borrow any or all of such sum or sums of money as they shall fall due for such further or other period or periods as the Board thinks fit. 5

How moneys  
borrowed to be  
expended.

7. (1.) The moneys so borrowed shall be applied by the Board in the construction of such works as are defined by the word "harbour-works" as interpreted by the Harbours Amendment Act, 1910, and also in the purchase, erection, and construction of all such tugs, dredges, cranes, sheds, works, and appliances for the improvement of the Patea Harbour as 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 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 such works: 10 15 20

Provided always that no such harbour-works shall be constructed or undertaken by the Board without the sanction of the Governor in Council to the proposed work being first obtained in manner provided by section one hundred and forty-eight of the Harbours Act, 1908, or any amendment thereof: 25

Provided further that, with respect to any such harbour-works undertaken or constructed by the Board, all the provisions of section one hundred and fifty of the Harbours Act, 1908, or any amendment thereof, shall apply.

Preliminary  
expenses and first  
year's interest may  
be paid out of loan.

(2.) The Board may, out of any loan-moneys, pay the costs and expenses incurred by the Board in connection with the promotion of this Act, and the preliminary expenses incurred in connection with the borrowing of any moneys so borrowed, and the first year's interest and the first year's sinking fund in respect of such loan. 30

The Local Bodies'  
Loans Act to apply.

8. Subject to the provisions of this Act, any moneys borrowed under this Act may be raised and secured in manner prescribed in Part I of the Local Bodies' Loans Act, 1908, and its amendments, and all the provisions of such Part of such Act and its amendments including the provisions relating to the raising, securing, and providing for repayment of loans, the appointment and removal of Sinking Fund Commissioners, their powers and duties, the remedies of debenture-holders, and all such provisions as are applicable to the protection of debenture-holders, so far as the same are not inconsistent with any of the provisions of this Act, shall apply to this Act, and be incorporated herewith as if the Board were a local authority, the Patea Harbour District were a district, the said works a public work or undertaking, and the Harbour Fund a local fund as defined by those Acts, subject, however, to the modification that where anything is required to be done by special order it may be done by the Board by ordinary resolution gazetted. The provisions of the Harbours Act, 1908, and its amendments relating to any of the matters aforesaid shall apply only in so far as they shall not be inconsistent with any of the provisions of this Act or the Local Bodies' Loans Act, 1908, and its amendments. 35 40 45 50

9. (1.) The Valuer-General shall, whenever requested by the Chairman of the Board so to do, prepare from the district valuation rolls for the time being in force under the Valuation of Land Act, 1908, at the date of such request in any borough, town district, or county, or any part thereof, comprised in the harbour district, a special roll setting forth the names of all persons whose names appear in the "owner" or "occupier" columns of such district valuation rolls in respect of any lands situated in the harbour district. Such roll shall be signed by the Chairman or two members of the Board and, when so signed, shall be the roll upon which the poll shall be taken.

Special roll to be prepared.

(2.) Every ratepayer shall be entitled to one vote.

10. If the total number of valid votes recorded in favour of the proposal exceeds the total number of valid votes recorded against the proposal, 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 the total number of valid votes recorded in favour of the proposal at a poll, held and taken in manner hereby provided, exceed the total number of valid votes recorded against the proposal, the Board shall not be empowered to exercise any of the borrowing-powers hereby conferred.

Result of poll.

11. For the purpose of providing for the repayment of the moneys herein authorized to be borrowed the Board shall permanently appropriate and set apart in each year, after the same or any part thereof shall have been borrowed, a sum equal to one per centum per annum on the moneys borrowed or so much thereof as is for the time being outstanding, and the same shall be paid to Commissioners to be appointed for the purpose in accordance with the provisions for the appointment of Sinking Fund Commissioners contained in the Local Bodies' Loans Act, 1908, and its amendments.

Sinking fund.

12. No rate made or levied under this Act shall be set aside or quashed by any proceedings 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.

Rate levied not to be invalidated.

### SCHEDULES.

Schedules.

#### FIRST SCHEDULE.

##### LAND TO BE INCLUDED IN HARBOUR DISTRICT.

ALL that area in the Wellington Land District, bounded towards the north-west by the Taranaki Land District from the Waitotara River to the south-western boundary of Waitotara County; thence towards the east and south-east by Waitotara County to the Waitotara River; and thence towards the west generally by the Waitotara River to the south-eastern boundary of Taranaki Land District, the place of commencement.

Also all that area in the Wellington Land District, bounded towards the north-east and east generally by Sections Nos. 2 and 4, Block IX, Nukumaru Survey District, from the Waitotara River to Upper Pakaraka Road; thence by the

southern side of that road to the Oruakainoa Road; thence by the eastern side of the last-mentioned road to and by the northern side of the Great North-western Road to a point in line with the eastern side of Russell Road, across the Great North-western Road and by the eastern side of Russell Road to the south-western boundary of Section No. 44, Block XIII, Nukumarū Survey District; thence by that section to the north-western corner of Section No. 65; and thence by Sections Nos. 65 and 66, Block XIII aforesaid, and the north-western boundary of the last-mentioned section produced to the sea; thence towards the south generally by the sea to the mouth of the Waitotara River; and thence towards the north-west generally by the Waitotara River to Section No. 2, Block IX, Nukumarū Survey District, the place of commencement.

## SECOND SCHEDULE.

### LAND TO BE EXCLUDED FROM HARBOUR DISTRICT.

ALL that area in the Taranaki Land District, bounded towards the north-west by the New Plymouth Harbour District as described in the First Schedule to the New Plymouth Harbour Board Empowering Act, 1908. from the south-western boundary of Section No. 31, Block XIV, Ngaire Survey District, to the Wanganui River; thence towards the east generally by Waitotara and Patea Counties respectively to the west branch of the Waitotara River; thence by the said Waitotara River to Rawhitiroa Road; thence towards the south generally by that road to a point in line with the north-western boundary of Section No. 3, Block I, Kapara Survey District; thence across the said road and by Section No. 3 aforesaid, and Sections Nos. 4, 10, and 3, Block IV, Opaku Survey District, to Lower Moeawatea Road; thence by that road to the north-eastern corner of Section No. 2, Block IV aforesaid; thence by Sections Nos. 2 and 1, said Block IV, and Section No. 2, Block III, to Whenuakura Valley Road; thence by that road to a point in line with the northern boundary of Subdivision 3 of Kaharoa No. 3 Block; thence across the said road and by the said Subdivision 3 and Rotorangi Block to the Patea River; thence by that river to a point opposite the western boundary of Section No. 5, Block I, Opaku Survey District; thence to and by the western boundary of that section to Pukekino Road; thence by Pukekino, Tangahoe Valley, and Roimata Roads to a point in line with the northern boundary of Section No. 5, Block IV, Hawera Survey District; thence across Roimata Road and by Section No. 5 aforesaid to Mataimaroke Road; thence by that road to a point in line with the northern boundary of Section No. 7, Block IV, aforesaid; thence across the said road and by Section No. 7 aforesaid to and across Morea Road; thence by that road to Section No. 10 Block III, Hawera Survey District; thence by Sections Nos. 10, 9, 7, across Whareroa Road, and by Sections Nos. 2 and 1, Block III aforesaid, to and across Tiromoana Road; thence by that road to the southernmost corner of Section No. 21, Block XV, Ngaire Survey District; thence by the south-western boundary of that section and the south-western boundary of Section No. 35, Block XIV, across Fraser Road, and by the south-western boundary of Section No. 31, Block XIV aforesaid, to the place of commencement.