

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 22nd November, 1907.

Mr. Mander.

WHANGAREI HARBOUR.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to constitute a Harbour Board for the Harbour of Whangarei.

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

1. (1.) This Act may be cited as the Whangarei Harbour Act, 1907. Short Title.
- (2.) This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1878, and shall be read and deemed to be incorporated with the said Act. Incorporation of the Harbours Act, 1878.
2. In this Act—  
“Board” means the Harbour Board constituted under this Act: Interpretation,  
“Harbour” means the port and harbour of Whangarei as defined in the *First* Schedule hereto:  
“The said Act” means the Harbours Act, 1878, and all amendments of same:  
“District” means the Whangarei Harbour Board District.
3. A Harbour Board is hereby constituted under the said Act for the Harbour of Whangarei, and such Board shall consist of seven members, of whom four shall form a quorum, and such members Harbour Board for Whangarei constituted.

shall be respectively appointed, succeed to office, and be elected in accordance with the provisions of the Local Elections Act, 1904, and its amendments.

Endowments of Board.

4. The Board is hereby endowed with—

(a.) Those portions of the foreshore of the Whangarei Harbour and mud-flats within the harbour described in the *Second* Schedule hereto: 5

(b.) All endowments and reserves and real and personal property now vested in or under the control of the Whangarei County Council acting as the Whangarei Harbour Board or in the Whangarei Harbour Board itself: 10

(c.) ~~All pilotage and port charges in the harbour.~~

Property vested in Board.

5. (1.) All wharves, jetties, and sheds within the harbour (except railway wharves), with their assets and liabilities, ~~and whether or not~~ at present under the control of the Whangarei County Council exercising the powers of a Harbour Board, and all other real and personal property of the said Council in its capacity and exercising the powers of the Whangarei Harbour Board only, are hereby vested in the Board without the necessity of any further or other transfer or assurance. 15 20

(2.) The Governor, after making any such inquiry as he thinks fit, may, if necessary, determine what constitute the assets and liabilities of the said wharves, jetties, and sheds, and real and personal property; and may also do or direct to be done whatsoever is requisite in order that the wharves, jetties, and sheds, and real and personal property, and their and its assets and liabilities, may be effectively transferred to the Board, *and such determination shall be final and binding.* 25

Harbour district.

6. The Whangarei Harbour District shall comprise ~~all that area in the Auckland Land District being~~ the Borough of Whangarei and the County of Whangarei ~~as at present constituted~~, excepting out of such county that portion thereof comprised in the Waipu River Board District as defined in Proclamation published in the *New Zealand Gazette*, No. 17, dated on the first day of March, nineteen hundred. 30 35

Electors.

7. Every person whose name at the time of any election of a member of the Board is on the ~~district electors roll or~~ electors roll in force in the said Borough of Whangarei, or portion of county referred to in section *six* hereof respectively, ~~in respect of the qualifications as a ratepayer in the said borough or portion of the said county,~~ shall be entitled to a vote at such election ~~for the subdivision wherein his name is enrolled.~~ 40

First election.

8. The Governor shall by Proclamation appoint a day, not exceeding forty days after the date of such Proclamation, for the election of the members of the first Board, ~~and also shall appoint the day for the first meeting of the Board;~~ and by warrant under his hand shall appoint some fit person as Returning Officer, who shall fix the necessary polling-places, and shall conduct the said election under the provisions of the Local Elections Act 1904, ~~and all Acts amending the same,~~ in so far as ~~the said~~ *that* Act is not inconsistent with the express provisions of this Act. 45 50

Board a local authority.

9. The Board is hereby declared to be a local authority within the meaning of the Local Elections Act, 1904.

11 10. On and from the day appointed for the first meeting of the Board, the Whangarei County Council shall cease to have control of the harbour, and to exercise the powers of the Whangarei Harbour Board, saving that all by-laws and regulations in respect of the said harbour in force at the date of the said meeting shall remain in full force and effect until altered or ~~repealed~~ *revoked* by the Board.

County Council  
cease control.

10 11. (1.) The Board ~~shall have power~~ *may* from time to time, ~~to~~ *with the consent of the ratepayers*, borrow on the security of its endowments, subject to the provisions of the said Act and to the Governor's previous approval of a plan of the works proposed to be constructed, any sum or sums of money, *but not exceeding in the whole the sum of ten thousand pounds*, for the construction or completion of harbour-works in or towards the improvement of the said harbour :

Borrowing.

*New proviso.*

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

20 (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 said works were public works within the meaning of Part I of that Act.

25 12. As further security for the money authorised to be borrowed as aforesaid the Board may make and levy a special rate, not exceeding one penny in the pound in the year, on the capital value of all rateable property in the said district, *excepting the road districts of Parua and Manaia, where the rate shall not exceed one-half the amount levied in the remaining portion of the harbour district.*

Board may make  
special rate.

*Struck out.*

30 13. Before any loan authorised by this Act is raised, the consent of the ratepayers in the district shall first be obtained in the mode hereinafter prescribed.

Consent of  
ratepayers.

35 14. A notice shall be published in a newspaper circulating in the district, and shall specify the times and places in such borough and portions of county within the district at which meetings are to be held to consider a proposal to raise such loan or any part thereof.

Notice to be  
published.

40 15. The notice shall also specify the following particulars :—

(a.) The particular work proposed to be undertaken ;

(b.) The sum proposed to be borrowed for such purpose ; and

(c.) Any special rate or tolls, or the rents or profits of any property which it is proposed to pledge as security for such loan, not being moneys received by way of grant from the General Government or moneys theretofore pledged as security for any loan appropriated to any special purpose.

Particulars to be set  
forth in notice.

50 16. The Chairman of the Board shall call meetings of the ratepayers, to be held at the respective places as aforesaid, upon a day not more than ten days after the last publication of such notice, to consider the said proposal, and shall appoint one of the members of the County Council or borough in whose local governing district the place of meeting is situate to preside at such meeting if such

Meeting of  
ratepayers.

	<p>member is willing to act, and if no member is willing to act or becomes incapacitated from acting from any cause, then such person as the Chairman thinks fit.</p>	
Presiding officer.	<p>17. The member or person so appointed shall be called the "presiding officer," and he shall preside at the meeting for which he has been appointed, and shall also preside at the polling-place in the borough or county at the taking of any poll as hereinafter provided.</p>	5
Poll to be taken.	<p>18. After due consideration and discussion of the proposal the presiding officer shall give notice that a poll will be taken, and the poll shall be taken as follows:—</p>	10
	<p>(a.) The Chairman shall publish a notice setting forth the day of the said meeting on which the poll will be taken, and the polling-places in such borough and portion of county within the district.</p>	15
	<p>(b.) The Chairman shall give notice in writing to the presiding officer requiring him to take the poll at the specified polling place or places upon the day appointed.</p>	
	<p>(c.) The presiding officer shall upon the day so appointed proceed to take the poll in the manner provided by the Local Elections Act, 1904, and any amendment thereof, for taking a poll on a proposal, and shall provide voting-papers and all things necessary for taking the poll.</p>	20
	<p>(d.) The voting-papers shall be printed in the form on the Third Schedule hereto attached, with the words "I vote for the above proposal" and "I vote against the above proposal" legibly printed at the foot of each voting-paper.</p>	25
	<p>(e.) The voter shall erase one or other of the said lines, and his vote shall be deemed to be given according to the one of the said lines which he leaves un erased.</p>	30
	<p>(f.) All the provisions of the Local Elections Act, 1904, as regards taking a poll shall, so far as they are applicable, and except as by this section otherwise provided, apply to the taking a poll on the proposal to raise a special loan.</p>	35
	<p>(g.) Each voter shall have and may exercise one vote and no more.</p>	
	<p>(h.) The presiding officer at each polling-place shall count the votes and ascertain the result of the polling at his polling-place, and notify the result to the Chairman, who shall, after receiving the results from the polling-places, ascertain the general result of the poll.</p>	40
Result of poll.	<p>19. If the number of the votes given for the proposal represent an absolute majority of all the valid votes at the poll at all the polling-places, the resolution in favour of the proposal shall be deemed to be carried, and the Board may proceed with the proposal accordingly; but if there is not such a majority in favour of the proposal, the resolution shall be deemed to be rejected, and the Board shall not so proceed.</p>	45
Public notice of result to be given.	<p>20. As soon as conveniently may be after the general result of the poll has been ascertained, the Chairman shall give public</p>	50

notice of the number of votes recorded for and against the proposal as above provided, and shall declare the resolution to be carried or rejected, as the case may be.

5 21. When any such resolution is carried, the Chairman shall send a notice thereof to the Colonial Secretary, who shall publish the same in the *Gazette*; and such notice so gazetted shall be final that the raising of the loan to which it refers has been duly authorised under the provisions of this Act, notwithstanding any omission or irregularity in any provision, matter, or thing required to be done hereunder or under the Local Elections Act, 1904.

Resolution to be published in *Gazette*.

10 22. If the resolution in favour of the proposal is carried as aforesaid, and the loan is to be raised on the security of a special rate, the Board may make and levy the rate accordingly, not exceeding one penny in the pound in the year on the capital value of all the rateable property in the district.

Rate not to exceed 1d. in the pound.

15 23. The proceeds of such rate shall be applied towards payment of the annual charges to accrue and the interest and sinking fund (if any) in respect of the loan.

Application of proceeds of rate.

20 24. For the purpose of making, levying, and recovering the hereinbefore-mentioned special rates, the Board shall have and may exercise all the powers of making, levying, or recovering rates in such borough and portion of the said county within the district which any local body having rating-powers within such borough or county has or may have under the law for the time being in force regulating the recovery of rates therein respectively.

Board may exercise certain powers for levying rates.

25 25. The provisions of the Rating Act, 1894, and its amendments shall apply to all special rates under this Act.

The Rating Act, 1894, to apply.

## SCHEDULES.

Schedules.

### FIRST SCHEDULE.

#### DEFINING LIMITS OF WHANGAREI HARBOUR.

ALL that area bounded by a line commencing at the southern extremity of Busby Head at the line of ordinary high-water mark, and proceeding thence north-easterly generally along the line of ordinary high-water mark in Whangarei Harbour and Whangarei River as far as the northern boundary-line of Parahaki No. 1 Block numbered 436; thence crossing the said Whangarei River and following the right bank of the said river along the ordinary high-water mark thereof; thence generally southerly and easterly along the ordinary high-water mark of the Whangarei Harbour as far as a point where the production of the eastern side of the road running between Blocks IV and VIII and Blocks II, III, and VII of the Town of Marsden intersects the line of high-water mark; and thence along a straight line to the starting-point at Busby Head: as the same is delineated upon the plan marked M.D. 1787, and deposited in the office of the Marine Department at Wellington, including within such area all bays, tidal streams, rivers, and inlets running or flowing into the said harbour up to the ordinary high-water mark.

### SECOND SCHEDULE.

#### DESCRIPTION OF ENDOWMENTS.

ALL those portions of land in the Whangarei Harbour lying between the Whangarei Town Wharf and Railway Wharf, comprising the foreshore and mud-flats of the said harbour, and hereinafter more particularly described:—

1. All that area comprising 53 acres and 13 acres 2 roods, more or less. Bounded commencing at a point 695.5 links from Standard 41 of the Town of Whangarei; thence towards the north by a line 862 links, towards the north-east

by a line 1134.5 links, towards the east generally by a line 1158.1 links, and by high-water mark of the Okara (Hoey's) Creek and its tidal waters to the railway-line; thence *towards the south-westerly* by the said railway-line to the boundary of Section 186, Vines Subdivision, 2083.9 links; thence towards the west by the said railway-line and said Section 186 to the Hihiaua Block, 649.8 links; thence by the said Hihiaua Block to the Waiarohia Creek; and again generally towards the west by the said Waiarohia Creek to the commencing-point: the said area being intersected by a public road.

2. Also all that area comprising 240 acres, more or less. Bounded commencing at a peg marked III connected with said Standard 41 by traverse-lines as follows—bearing  $115^{\circ} 19'$ , 395.5 links;  $98^{\circ} 24' 30''$ , 1769 links; and  $136^{\circ} 25' 30''$ , 1320.9 links: towards the north by a line bearing  $99^{\circ} 35' 30''$ , 568 links, to peg IV; thence by high-water mark of Sections 1 and 3, Parish of Parahaki, to ~~peg marked XXII; point XXIIa~~; thence crossing tidal waters by a line bearing  $96^{\circ} 55'$ , 745.3 links, to peg XXIII; thence along high-water mark of Sections 5 and 6 of the said parish to peg marked XXX, known as Kissing Point; thence towards the south and west by lines 2759.1 links, 928.5 links, 2500 links, 700.5 links, 1058 links, 2075.1 links, 1534 links, and 1669.1 links to the commencing-point.

3. Also all that area comprising 311 acres, more or less. Bounded commencing at said peg XXX (Kissing Point) towards the north by high-water mark of Section 6, Parish of Parahaki, and Section 2, Parish of Waiarara, to peg XL; thence across tidal waters by a line bearing  $82^{\circ} 49' 30''$ , 553 links, to peg XLI; thence towards the east and south by high-water mark of Dent's Claim, Te Wharaurora, and Waimahanga Blocks to the Grahamtown Railway line; thence towards the west by lines bearing  $328^{\circ} 11' 20''$ , 1020.1035.7 links, and  $355^{\circ} 29'$ , 4800 links; thence along low-water mark to a point marked A, and thence by a line bearing  $114^{\circ} 29'$ , 1659.1 links, to the commencing-point.

4. Also all that area comprising 144.145 acres, more or less. Bounded commencing at peg I near Railway Wharf; towards the east by a line bearing  $359^{\circ} 15'$ , 5147.6 links; thence towards the north by lines bearing  $308^{\circ} 36' 30''$ ,  $308^{\circ} 33'$ , 382.2 links;  $259^{\circ} 12' 30''$ ,  $259^{\circ} 08'$ , 834.1 links;  $244^{\circ} 52' 30''$ ,  $244^{\circ} 48'$ , 773.1 links;  $225^{\circ} 47' 30''$ ,  $225^{\circ} 43'$ , 998 links;  $244^{\circ} 21'$ ,  $244^{\circ} 16'$ , 911.5 links;  $268^{\circ} 11' 30''$ ,  $268^{\circ} 07'$ , 753 links;  $285^{\circ} 12'$ ,  $285^{\circ} 08'$ , 1097 links;  $303^{\circ} 12' 30''$ ,  $303^{\circ} 09'$ , 711 links;  $256^{\circ} 01' 30''$ ,  $255^{\circ} 59'$ , 669.25 links, to the railway-line: thence towards the south-west by the said railway-line to a point H near the Railway Wharf; and thence by a line bearing  $129^{\circ} 26'$ , 800.4 links, and  $125^{\circ} 54' 30''$ , 453.3 links  $103^{\circ} 06' 49''$ , 408.1 links, to the commencing-point.

5. Also all that area comprising 86 acres, more or less. Bounded commencing ~~at the junction of the Kioreroa Road~~ at a point on boundary of Railway land 1 chain north-west of a peg marked XLVI, at the junction of the high-water mark of the Kioreroa Reserve with the railway-line; thence towards the south by high-water mark of the Kioreroa Reserve; thence towards the west and north-west by the said Kioreroa Road, high-water mark of Raumanga No. 1 Block, and Okara Blocks to the railway-line; and thence towards the north-east by the said railway-line to the commencing-point.

6. Also all that area comprising 89 acres, more or less. Bounded commencing at peg XXIXA at the intersection of the said Kioreroa Road with high-water mark; towards the south generally by high-water mark of the Kioreroa Reserve to a peg marked IX; thence across tidal waters by a line bearing  $301^{\circ} 35'$ , 468.4 links, to peg X; thence towards the north-west generally by high-water mark of the Raumanga No. 1 Block to its intersection with the said road; thence towards the east by the said Kioreroa Road to the commencing-point.

### Struck out.

#### THIRD SCHEDULE.

##### FORM OF VOTING-PAPER FOR SPECIAL LOAN.

PROPOSAL to raise a special loan, upon which a poll will be taken on the day of \_\_\_\_\_, 19 \_\_\_\_.

[Insert notice required by section 14.]

1. I vote FOR the above proposal.
2. I vote AGAINST the above proposal.