

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, the 16th Day of November 1977

HARBOURS AMENDMENT

Proposed Amendments

Hon. Mr McLACHLAN, in Committee, instead of the amendments in Supplementary Order Papers Numbers 30 and 41, to move the following amendments:

Clause 25: To omit paragraph (b) of new section 143A (1), on page 14.

To insert in new section 143c (1), after the expression "section 143A of this Act" in lines 5 and 6 on page 16, the expression "and to subsection (3) of this section,".

To omit subsection (3) of new section 143c on page 16, and substitute the following subsection:

"(3) The powers set out in this section shall not in any case be exercised in respect of—

"(a) Any foreshore or land described in section 150 of this Act; or

"(b) Any land which is a public reserve within the meaning of the Reserves and Domains Act 1953; or

"(c) Any land which is held by a Board on trust for a particular purpose, unless the land is vested in the Board as an endowment for the general purposes of the harbour district and is not subject to any express prohibition or restriction as to sale or exchange."

Clause 62: To omit from subclause (3) (b) the words "'or by seaplanes'", in line 21 on page 40, and substitute the words "'or by rafts or by seaplanes'".

To omit from subclause (3) (c) the words "'or seaplanes'", in line 23 on page 40, and substitute the words "'or by rafts or by seaplanes'".

To insert in this clause, after subclause (6) on page 41, the following subclause:

(6A) The said section 232 is hereby further amended by omitting the words "In respect of vehicles using any wharf" and paragraph (59), and substituting the following words and paragraph:

"In respect of security of wharves—

"(59) Regulate—

"(a) The examination and checking of any goods or of the contents of any vehicle, whether or not in the possession or control of any person, on any wharf; and

“(b) The seizure and detention of any such goods or contents where the Board or any officer conducting the examination suspects on reasonable grounds that the goods or contents are dutiable goods on which duty has not been paid, or are restricted, uncustomed, forfeited, or pillaged goods, or are goods that have otherwise been obtained unlawfully.”

Clause 62A: To insert, after clause 62 on page 41, the following new clause:

62A. Procedure for making bylaws—Section 232A (1) of the principal Act (as inserted by section 16 of the Harbours Amendment Act 1968) is hereby amended by inserting after paragraph (c) the following paragraphs:

“(ca) If, in any case not specified in paragraph (cb) or paragraph (d) of this subsection, the public body is not a corporate body, the bylaws shall be made, and signed or executed, by the members of the public body, and otherwise shall be made in such a manner as if the bylaws of the public body were bylaws of a Harbour Board made pursuant to this Act:

“(cb) If the public body is a Commissioner of Crown Lands, the bylaws shall be made, and signed and executed, by him, and otherwise shall be made in such a manner as if the bylaws of the public body were bylaws of a Harbour Board made pursuant to this Act:”.

Clause 67: To insert in subclause (1) (b), after the word “vessels” in line 26 on page 44, the words “or by rafts”.

To insert in subclause (1) (b), after the word “vessels” in line 32 on page 44, the word “, rafts,”.

To insert in subclause (2), after the word “vessels” in line 40 on page 44, the words “or rafts”.

Clause 68: To insert in subsection (2) of new section 241c after the words “class of vessel” in line 29 on page 46, the words “or any raft”.

To insert in subsection (3) (b) of new section 241c, on pages 46 and 47, after the word “vessel” wherever it occurs, the words “or raft”.

EXPLANATORY NOTE

Clause 25: The effect of this amendment would be to remove the restrictions, at present contained in draft section 143A (1) (b) of the Bill, on the subdivision of foreshore, reserves, and land held in trust for particular purposes by a Harbour Board. All subdivisions by Boards under draft section 143B of the Bill will still require the approval of the Minister; and the sale by Boards of foreshore, reserves, and land held in trust for particular purposes will still be prohibited.

Clause 62: The first 2 amendments include appropriate references to rafts in the bylaw-making powers in section 232 of the principal Act.

The purpose of the third amendment is to empower Harbour Boards to make bylaws authorising the examination and checking of any goods on wharves and, where it is suspected on reasonable grounds that they have been obtained unlawfully, to seize and detain the goods.

Clause 62A: The amendment specifies the procedure for bylaws made by public bodies that are unincorporated, including Commissioners of Crown Lands. It is of a technical nature only.

Clauses 67, and 68: The effect of these amendments is to include appropriate references to rafts in the provisions of the principal Act relating to bylaws and regulations.
