

1969/239



THE PORT FITZROY FORESHORE LICENCE ORDER 1969

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 24th day of November
1969

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Harbours Act 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. This order may be cited as the Port Fitzroy Foreshore Licence Order 1969.

2. In this order, unless the context otherwise requires,—

“Association” means the North Barrier Residents and Ratepayers Association Incorporated; and includes its successors and assigns:

“Goods” includes wares and merchandise of every description and all chattels, livestock, and other articles:

“Master” means the person for the time being in charge of any vessel, whether or not he is certificated:

“Wharf” means the wharf referred to in clause 3 of this order:

“Wharfinger” includes every person actually in charge of the wharf for the time being:

Expressions defined in the Harbours Act 1950 have the meanings so defined.

PART I

FORESHORE LICENCE

3. The Association is hereby licensed and permitted to use and occupy a part of the foreshore and land below high water mark of Port Fitzroy, Great Barrier Island, as shown on plan marked M.D. 7618 and deposited in the office of the Marine Department at Wellington, for the purpose of erecting and maintaining a wharf thereon.

4. The licence granted under clause 3 of this order shall be subject to the following conditions:

- (a) The Foreshore Licence Regulations 1960* shall apply with respect to the licence:
- (b) The annual sum payable by the Association in respect of the licence shall be 10 cents, payable on demand:
- (c) The term of the licence shall be 14 years from the date of the making of this order:
- (d) There shall be free use of and access to the wharf for all payers of dues in accordance with regulation 9 (3) of the Foreshore Licence Regulations 1960*.

PART II

REGULATIONS AS TO USE OF WHARF

5. The Association may appoint a wharfinger or such other person or persons as may be required to carry out the powers and duties under this order or otherwise vested in the Association.

6. The master of any vessel berthing at the wharf shall do so in a proper and seamanlike manner and use and employ all lines, landing gear, gangways, and other precautions as are customary and advisable.

7. The master of any vessel berthing at the wharf shall do so at the time and in the place directed by the wharfinger, and he shall vacate any berth when directed by the wharfinger.

8. Subject to the approval of the Minister of Marine acting on the recommendation of an Inspector of Explosives, the Association may grant to any person the right to instal and operate petrol and fuel-oil pumps and the equipment therefor for such rent and upon such other terms and conditions as may be agreed upon.

9. No person shall make fast any boat to any steps or landing place on the wharf or so near thereto as to obstruct the approach of other boats or vessels, nor shall the person in charge of any boat allow the boat to lie longer alongside the wharf than is required for landing passengers or taking on stores or cargo.

10. A vehicle using the wharf shall do so only with the consent and subject to the directions of the wharfinger.

11. All watermen, stevedores, carters, and other persons employed on the wharf shall be under the control of the wharfinger, and shall obey all orders given by the wharfinger.

12. The wharfinger shall have power on the authority of the licensee to close the wharf or any portion thereof whenever in his opinion it is advisable to do so, and no person shall enter upon the wharf or portion thereof so closed without the consent of the wharfinger.

13. The master owner or agent of every vessel shall produce upon request the certificate of registry of his vessel, and shall give to the wharfinger a copy of the bill of lading, freight list, or manifest of the cargo or other proper accounts of the weights and measurements of all goods according as freight is payable, intended to be unshipped from the vessel on to the wharf and also of all goods shipped from the wharf on to his vessel.

14. No person shall allow any goods to remain on the wharf or in the approaches thereto or in any store or warehouse on the wharf for a longer period than 14 days.

15. If any cargo remains on the wharf for a longer period than 48 hours, or if any cargo in any way hinders the loading or unloading of any vessel, or is an impediment to the approaches, the wharfinger may have the cargo removed at the expense of the shipper, and in the case of inward cargo at the expense of the consignee or owner:

Provided that the consignee may by agreement with the wharfinger store goods at double the ordinary wharf rates for each 7 days and part of 7 days.

16. No person shall ship or unship from or onto the wharf any timber, coal, produce, or cargo of any description, except at such time and places and in such order or mode as may be directed by the wharfinger for the proper working of any vessel or the efficient working of the wharf.

17. No person shall discharge or land on the wharf or place in any shed any goods of any description which in the opinion of the wharfinger are likely to occasion damage to the wharf or shed or anything for the time being on that wharf or in that shed or which would occasion a nuisance.

18. All explosives, benzine, kerosene, or other goods of a dangerous or an inflammable character shall be removed from the wharf by the owner, agent, or consignee immediately on being landed. The owner, agent, or consignee failing to do so shall be responsible for any damage or loss that may accrue from any accident arising therefrom in addition to the penalty provided for a breach of this order, and the Association shall not be responsible for any damage or loss which may so accrue to any such goods.

PART III

DUES

19. (1) Every person who uses the wharf for landing or shipping any goods shall pay to the Association wharf dues according to the scale prescribed in the First Schedule to this order.

(2) All such wharf dues shall be paid before the goods are delivered: Provided that the Association may appoint the master of any ship or the owner thereof or any person as its agent for the collection of dues in which case the goods may be delivered to the consignee.

20. Every person who uses the wharf with any vessel shall on demand pay to the Association for the use thereof the dues specified in the Second Schedule to this order.

21. (1) The Association shall keep a separate bank account into which all dues received in accordance with the First Schedule or Second Schedule to this order shall be paid. All dues so received shall be applied by the Association in keeping the wharf in good order, repair, and condition unless the Minister consents to the dues or any portion thereof being applied to any other purpose.

(2) The Association shall keep full and correct separate accounts of all dues received by it in respect of the wharf and of all expenditure incurred by it in respect of the wharf, and those accounts shall be audited by an auditor appointed by the Association. As soon as practicable after the end of every financial year of the Association, the Association shall send to the Secretary for Marine a copy, certified by the auditor, of its Profit and Loss Account in respect of the wharf for that year and of its balance sheet in respect of that wharf at the end of that year.

PART IV

OFFENCES

22. Every person commits an offence who fails to comply with or does any act in contravention of any of the provisions of this order or in any manner obstructs, impedes, or interferes with the doing of anything required or authorised to be done under this order, and is liable on summary conviction to a fine not exceeding \$100.

SCHEDULES

Clause 19 (1)

FIRST SCHEDULE

SCALE OF WHARF DUES

	\$
Ballast (ship's), per ton	0.50
Bricks, per 100	0.10
Bricks, per 100 above first 1,000	0.05
Butter, up to 3 boxes, per box	0.05
Butter, over 3 boxes, per box	0.03
Carton of beer or liquor	0.05
Cattle over 10 months old, each	0.10
Cement—	
Per ton (18 bags to ton)	0.50
Per bag	0.03
Chaff, per sack	0.02
Coal, other than for mining purposes—	
Per ton	0.50
Per bag	0.02

FIRST SCHEDULE—*continued*SCALE OF WHARF DUES (*continued*)

	\$
Coal for mining purposes, per ton	0.50
Crayfish, per sack or case	0.02
Cream, per $\frac{1}{2}$ cwt. or under	0.02
Cream, per cwt.	0.03
Fish, per bundle	0.02
Firewood, per sack	0.02
Galvanised iron or sheet, per ton (measurement)	0.50
Grass seed, per sack	0.02
Hides, great cattle, undressed, for first	0.05
Hides, great cattle, undressed, each additional	0.03
Hides, small animals, per dozen or less	0.15
Horses, each	0.10
Kauri gum, per sack	0.02
Kauri gum, per case	0.02
Kerosene or benzine, per case of 2 tins	0.06
Benzine fuel oil and lubricating oil in 4 gallon drums	0.03
Benzine fuel oil and lubricating oil, per gallon	0.01
Lime, per sack	0.03
Lime, in bulk, per ton	0.30
Manure, per bag	0.03
Manure, in bulk, per ton	0.30
Oats and other grain, per bag	0.02
Oysters, per sack	0.02
Palings, per 50	0.10
Paint, oil, keg or drum, each	0.02
Cycles	0.20
Dinghies, per foot	0.10
Personal luggage, up to $\frac{1}{2}$ ton	Free
Personal luggage, over $\frac{1}{2}$ ton	0.50
Pigs, dead or alive	0.10
Pipes (iron and galvanised or copper), per 100 ft lineal	0.06
Pipes (earthenware or cement), each	0.05
Pipes (field tiles), per 100	0.15
Ploughs, each	0.15
Posts or rails, per 100 or fraction thereof	0.70
Props, per 100	0.70
Harrows, each	0.10
Poultry, per dozen	0.10
Saddles, each, with or without bridles	0.10
Sand, stone, shingle, per cubic yard	0.75
Sheep or goats, each	0.10
Sheep skins, in bundles of 25 to 40	0.30
Shingles, per 50	0.02
Slabs or stakes, per 100	0.30
Fencing posts, per 50	0.35
Strainers	0.05
Fencing battens or droppers, per 50 (2 in. by 2 in. by 4 ft)	0.15
Sleepers, per 50	0.30
Tanks, empty, each	0.15
Timber, baulk or round, per 100 superficial feet	0.10

FIRST SCHEDULE—*continued*SCALE OF WHARF DUES (*continued*)

	\$
Timber, sawn, per 100 superficial feet	0.10
Tyres	0.02
Vegetables, per sack	0.02
Vehicles, 2 wheels, each	0.75
Vehicles, 4 wheels, each	1.00
Wool, per bale	0.15
Wool, per half bale	0.10
Wool, per sack	0.02

Any goods sent for repairs pay wharfage one way only, the owner being responsible.

For all goods and merchandise not specially provided for in the foregoing Schedule landed or shipped from the wharf, a rate of 50 cents a ton weight or measurement, whichever is the greater, per weight or per ton measurement. Per ton means 20 cwt per ton, measurement means 40 cubic feet.

Weight shall be gross weight (including covering). Measurement shall be outside measurement of all packages. For smaller quantities according to the following scale:

Weight—for every fractional part of a ton as follows:

	\$
140 lb and under	0.05
140 lb and not exceeding 500 lb	0.30
Over 500 lb and not exceeding 1,000 lb	1.00
Over 1,000 lb and not exceeding 1,500 lb	1.50
Over 1,500 lb and to 1 ton	2.00

Measurement for every part of a ton as follows:

4 cubic feet and under	0.05
Over 4 cubic feet and under 9 cubic feet	0.15
Over 9 cubic feet and under 18 cubic feet	0.25
Over 18 cubic feet and under 27 cubic feet	0.30
27 cubic feet to a ton (40 cubic feet)	0.50

Separate consignments of goods shall be computed separately, and computing the whole of one firm's or person's consignment in the lump or as a whole as one consignment shall not be allowed, saving and excepting that when any firm or person ships or receives more than one package of goods on any one day by the same ship, then wharfage shall be charged on the total measurement of all the packages and not separately.

All charges to be paid before goods are delivered.

Clause 20

SECOND SCHEDULE

SHIPS' WHARF DUES

	\$
On every vessel under 20 register tons lying alongside the wharf, for each day or part of a day	1.00
On every vessel under 20 register tons, for every day or part of a day that the vessel lies alongside a vessel lying at the wharf	0.50

SECOND SCHEDULE—*continued*SHIPS' WHARF DUES (*continued*)

	\$
On every vessel under 20 register tons undergoing repairs or fitting out alongside the wharf, or lying off the wharf with a line attached thereto, per day or part of a day	0.25
On every vessel of 20 register tons and upwards lying at the wharf, \$1 for the first 20 tons, and for every additional ton, per ton per day or part of a day	0.50
Minimum charge on every sailing vessel of 20 register tons and upwards lying alongside the wharf, per day or part of a day	1.00
Minimum charge on every vessel propelled by mechanical power of 20 register tons and upwards lying alongside the wharf, per day or part of a day	1.00
On every vessel of 20 register tons and upwards lying alongside a vessel at the wharf, or lying off the wharf with a line attached thereto, or undergoing repairs, per day or part of a day	0.50
Minimum charge for vessel last-mentioned, per day or part of a day	1.00

The following vessels may pay the following dues, in which case the foregoing dues shall not apply:

Special Vessels—

(a) Lighthouse tender—\$40 per year

(b) Passenger vessel—\$12 per 3 months

(c) Private Vessels—

\$4 per year

\$2 per one-half year

30 cents per 2 hours

Provided that in the case of vessels trading regularly the following dues shall be paid quarterly in advance, commencing the quarters on the 1st days of January, April, July, and October in each year:

	\$
On every vessel under 20 register tons, per quarter	3.00
On every vessel of 20 register tons and upwards for first 20 register tons \$1, and for every additional ton, per quarter	0.15

A vessel shall not be subject to wharfage charges while taking on fuel.

P. J. BROOKS,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order grants a foreshore licence under the Harbours Act 1950 to the North Barrier Residents and Ratepayers Association Incorporated in respect of part of the foreshore and land below high water mark at Port Fitzroy, Great Barrier Island, for the purpose of erecting and maintaining a wharf thereon.

The order prescribes regulations for the use of the wharf and fixes a scale of wharf dues.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 27 November 1969.

This order is administered in the Marine Department.