

16

AUCKLAND HARBOUR BOARD.

ANALYSIS.

Title.	12. List of owners of vessels.
1. Short Title.	13. List of payers of dues, and of lessees and tenants of Board.
2. Incorporation.	14. Such lists to be election roll.
3. Interpretation.	15. Chairman's salary.
4. Board constituted.	16. Issue of new pilotage-exemption certificates.
5. Term of office.	17. Pilotage rates and dues payable to Treasurer.
6. Reconstitution of Board.	18. Clearance of vessels.
7. Members appointed by Governor.	19. Leasing powers.
8. Elective members.	20. As to surrender of leases.
9. Members appointed by local body or Chamber of Commerce.	21. As to compensation for buildings erected.
10. Returning Officer.	22. Leases must be by deed.
11. Qualification.	23. Part of principal Act repealed.

A BILL INTITULED

AN ACT to reconstitute the Auckland Harbour Board.

Title.

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

5 1. The Short Title of this Act is "The Auckland Harbour Board Act, 1885." Short Title.

2. This Act shall be and be deemed to be a special Act within the meaning of "The Harbours Act, 1878," which Act and all the Acts amending the same shall be incorporated with this Act so far as the provisions thereof are not inconsistent herewith or repugnant hereto. Incorporation.

3. In this Act, if not inconsistent with the context,— Interpretation.

"The Board" means the Auckland Harbour Board:

15 "The said Act" means "The Harbours Act, 1878," and all Acts amending the same:

"Chamber of Commerce" means the present association in the City of Auckland known as the Auckland Chamber of Commerce:

20 "Local body" and "district" have respectively the meanings assigned to them by "The Regulation of Local Elections Act, 1876."

4. The Board shall be and be deemed to be a Harbour Board constituted under "The Harbours Act, 1878," and this Act. Board constituted.

5. The members of the Board at the time this Act comes into operation shall continue to hold office until the second Monday in the month of February, in the year one thousand eight hundred and eighty-seven, on which day they shall go out of office, but any vacancies occurring prior to such last-mentioned date shall be filled up as if this Act had not been passed. Term of office.

Reconstitution of Board.

6. The Board shall, from and after the second Monday in the month of February, in the year one thousand eight hundred and eighty-seven, consist of fourteen members, of whom five shall form a quorum, and such members shall be respectively appointed or elected as follows:—

5

Two members shall be appointed by the Governor;

Four members shall be elected by the Borough Council of the City of Auckland;

One member shall be elected by the Borough Council of the Borough of Parnell;

10

One member shall be elected by the ratepayers for the time being within the area now known as the Devonport Road District;

One member shall be elected by the ratepayers for the time being within the area now known as the Northcote and Birkenhead Road Districts;

15

One member shall be elected by the Auckland Chamber of Commerce;

Four members shall be elected by and out of the persons who shall respectively have paid to the Board the sum of three pounds or upwards of harbour dues during the year ending the fifteenth day of January preceding such election, and the persons whose names shall, on the fifteenth day of January preceding such election, appear on the register-book for shipping at the customhouse at Auckland as the owners or part owners of any vessel, and the lessees and tenants of the Board for one year and upwards.

20

25

Members appointed by Governor.

7. On the second Monday in the month of February in every alternate year the Governor shall appoint two persons to be members of the Board, who shall hold office from the date of their appointment until the appointment of their successors. The first of such appointments shall be made on the second Monday in the month of February, one thousand eight hundred and eighty-seven.

30

Elective members.

8. On the second Monday in the month of February in every alternate year there shall be an election of the elective members of the Board, and the first election of such members shall be held on the second Monday in February, one thousand eight hundred and eighty-seven, and such members shall come into office on their election, and shall hold office from the time of their election until the election of their successors.

35

40

Members appointed by local body or Chamber of Commerce.

9. A certificate under the corporate seal of a local body, or under the hand of the Chairman of the Chamber of Commerce, that any person or persons named therein has or have been appointed a member or members of the Board, shall be conclusive evidence of the appointment of such person or persons as a member or members of the Board by such local body or by the Chamber of Commerce.

45

Returning Officer.

10. The Board shall appoint a Returning Officer, who shall hold office during the pleasure of the Board, and such Returning Officer shall conduct the election of such elective members of the Board as are required to be elected, other than by any local body or the Chamber of Commerce, under the provisions of "The Regulation of Local Elections Act, 1876." The ratepayers'-roll in force for the time being

50

17

in any district upon which elections of members of a local body are held shall be the roll to be used in such district for elections held under this Act, and the respective legal custodians of such rolls shall, on demand, furnish the Returning Officer of the Board with an office  
5 copy of the respective rolls aforesaid. Such allowance shall be paid out of the harbour fund to the said Returning Officer as the Board shall think reasonable.

**11.** Every member of the Board shall be resident in the Provincial District of Auckland, and no person shall be eligible to be elected a  
10 member of the Board by the Council of a city or a borough or by the ratepayers of a district who is not a ratepayer of the city, borough, or district for which he is elected or represents; and every member of the said Board who shall cease to be a ratepayer for the city, borough, or district which he represents, or who shall cease to reside in the  
15 Provincial District of Auckland, shall cease to be a member of the Board.

**12.** The Collector of Customs at the Port of Auckland shall, on the fifteenth day of January, one thousand eight hundred and eighty-seven, and thereafter on the fifteenth day of January in each year  
20 preceding a general election of elective members of the Board, furnish to the Secretary of the Board an alphabetical list of all persons whose names shall then appear on the register-book as owners or part owners of any vessel.

**13.** The Secretary of the Board shall, on the fifteenth day of  
25 January, one thousand eight hundred and eighty-seven, and thereafter on the fifteenth day of January in each year preceding a general election of elective members of the Board, prepare an alphabetical list of all persons who shall in the twelve preceding months have paid the sum of three pounds and above that sum for harbour dues, and of all persons  
30 who shall then be lessees of the Board, or who shall then be and shall have been for the twelve months immediately preceding tenants of the Board.

**14.** The lists aforesaid, prepared by the Collector of Customs and the Secretary of the Board, shall together be the roll for the election  
35 of persons to serve as members by the payers of dues and the owners of vessels, and lessees and tenants of the Board; and such roll shall continue in force until the fifteenth day of January preceding the next general election of elective members of the Board.

**15.** Notwithstanding the provisions of section fifty-one of the  
40 said Act to the contrary, the Board may, out of the Harbour Fund, from time to time make such allowance to the Chairman by way of salary as the Board shall think fit, but such allowance shall not be less than at the rate of two hundred and fifty pounds per annum nor more than five hundred pounds per annum, and shall be payable  
45 monthly, for such time only as he shall hold office.

**16.** The holder of any pilotage-exemption certificate granted under the provisions of the said Act, or of "The Marine Act, 1867," or "The Marine Act Amendment Act, 1870," in respect of the  
50 Auckland Harbour shall, upon application, be entitled to receive in exchange for the same from the Board, and free of charge, a pilotage-exemption certificate under "The Harbours Act 1878 Amendment Act, 1883," subject to the provisions thereof, for vessels of the tonnage

Qualification.

List of owners of vessels.

List of payers of dues, and lessees and tenants of Board.

Such lists to be election roll.

Chairman's salary.

Issue of new pilotage-exemption certificates.

of those specified in such first-named certificate, or of any indorsement thereon.

Pilotage rates and dues payable to Treasurer.

17. All pilotage rates or dues leviable under the authority of the said Act shall be payable to the Treasurer of the Board, at the office of the Board.

5

Clearance of vessels.

18. The Collector of Customs shall not give any clearance outwards of any ship liable to the payment of dues until the master of such ship produces to him a receipt in full from the Board for the payment of all dues payable in respect of the said ship, or, if there is any difference as to the dues payable, until such Collector of Customs is satisfied that sufficient security has been given for the payment of the dues when ascertained, and of the expenses arising from non-payment thereof.

10

Leasing powers.

19. Notwithstanding anything in the said Act contained, it shall be lawful for the Board to lease town land or lands used for building purposes, for any term not exceeding fifty years, without reserving in the lease of such lands an increased annual rent for the period beyond the first twenty-one years.

15

As to surrender of leases.

20. The Board may, if considered advisable, accept the surrender of any lease, and also may give to any assignee of any lease, and, with the consent of any lessee of the Board, his executors, administrators, or assigns, and of every person having any interest under any such lessee, may give any sub-lessee, for the whole of the unexpired term, a lease direct from the Board for the whole or any portion of the land comprised in the original lease, and may release the original lessee from all liability in respect of the covenants contained in the original lease, but in case of a sublease in so far only as such covenants extend to the land held by the sublessee, upon such terms and conditions as to the said Board may seem reasonable: Provided that the rent payable to the Board be not lessened nor the term for which the original lease was granted be extended thereby, and such new lease shall only be granted upon the same or like conditions and stipulations as contained or implied in the original lease.

20

25

30

As to compensation for buildings erected.

21. It shall be lawful for the Board, in respect of any lands vested in it hereafter to be leased, to agree with any lessee or assignee for the payment by the Board, at the end of any lease, of the value or a portion of the value of any building to be erected upon the lands leased, as the Board may deem advisable.

35

Leases must be by deed.

22. Every lease granted by the Board shall be by deed, and every lessee shall execute a counterpart thereof, and every such lease shall contain a condition for re-entry on non-payment of the rent for a period of more than twenty-eight days after it becomes due, and such other covenants and conditions as the Board may deem expedient.

40

Part of principal Act repealed.

23. So much of the Second Schedule of the said Act as relates to the number, nomination, or appointment, succession to office, and election of the members of the Board, is hereby repealed.

45