

[As REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 26th August, 1931.

[AS REPORTED FROM THE LANDS COMMITTEE.]

House of Representatives, 27th August, 1931.

[Amendments made by Lands Committee is shown underlined with a light rule.]

Hon. Mr. Stallworthy.

AUCKLAND HARBOUR BRIDGE EMPOWERING.

[PRIVATE BILL.]

ANALYSIS.

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| <p>Title.
Preamble.</p> <p>1. Short Title.
2. Interpretation.</p> <p style="text-align: center;"><i>The Board of Directors.</i></p> <p>3. Constitution of board.
4. Provision as to directors appointed by local bodies.
5. Term of office.
6. As to directors to be appointed by shareholders.
7. When directors take office.
8. Provisions as to directors.
9. Chairman and deputy chairman.
10. Remuneration of chairman and directors.
11. Travelling-expenses.</p> <p style="text-align: center;"><i>Power to take Lands.</i></p> <p>12. Power to take lands.
13. Certain easements and licenses to be granted to company.
14. Harbour Board rights over such land to be protected.</p> <p style="text-align: center;"><i>Plans of Bridge.</i></p> <p>15. Plans and specifications of proposed bridge to be prepared.
16. Longitudinal and vertical clearances of bridge.
17. Bridge to provide for watermains, &c.
18. Plans to provide for completion of bridge and approaches.
19. Copies of plans to be forwarded to Harbour Board, City Council, and Northcote Borough Council.
20. Approval of Harbour Board, City Council, and Northcote Borough Council limited.
21. Harbour Board, City Council, and Northcote Borough Council to forward approval to company.
22. Minister to signify his approval in writing.
23. Definition of the term "the approved plans"
24. Plans of any alterations, deletions, and additions to be prepared and approval obtained.</p> | <p>25. Company to build bridge to the approved plans within four years of commencement thereof.
26. Act to become inoperative at expiration of two years if bridge not commenced.
27. Period may be extended for three months.
28. Administration costs.
29. Construction to be supervised.
30. Powers of the Minister.
31. Minister to issue certificate of completion.
32. Disputes to be referred to arbitration.
33. Approved plans exclusive and conclusive evidence.
34. Company to comply with Harbour Board requirements.
35. Harbour Board to forward complaints to Minister of Public Works.
36. Harbour Board may act in cases of emergency.
37. Harbour Board may recover costs from the company.</p> <p style="text-align: center;"><i>Cost of Bridge.</i></p> <p>38. Fixed price for construction of bridge.
39. Certain contingencies may be provided for.
40. Contract price.
41. Minister to approve contract price.
42. If contingencies happen, extra cost to be added to contract price.
43. Company to find guarantees for necessary finance and enter into contract with Minister.
44. Variations, &c., to be incorporated by supplementary deed.
45. Minister of Public Works not responsible.</p> <p style="text-align: center;"><i>Methods of Finance.</i></p> <p>46. Company may give security over bridge and tolls.
47. Amount of finance not to exceed fixed sum.
48. Company not to increase its capital without consent of Minister.
49. Reasons to be given for extra capital.
50. Average rate of interest on mortgage or debenture not to exceed 7½ per cent.
51. Interest payable half-yearly or annually.
52. Interest to be paid either in New Zealand or Great Britain.</p> |
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<i>By-laws.</i>	<i>Auditor.</i>
53. The company shall make by-laws for certain purposes.	82. Auditor to be appointed. Auditor to render annual report and balance-sheet.
54. Procedure as to making by-laws.	83. Auditor may be removed from office.
55. By-laws for control of directors' meeting excepted.	84. Notice of intention to resign.
56. Penalty for breach of by-laws.	85. Company to keep proper books.
57. Removal of works executed contrary to by-law.	
58. Proof of by-laws.	<i>Method of dealing with Tolls.</i>
59. Printed copies of by-laws.	86. Tolls to be paid into a trust account.
60. Liability for breach of by-laws not to relieve from other liability.	87. Tolls to be banked twice daily.
61. Fines payable to the company to be treated as tolls.	88. Sundays and bank holidays exempted.
	89. Unbanked moneys to be kept in safe custody.
<i>Tolls.</i>	90. Company not to operate on trust account, except for certain purposes.
62. Toll-gates to be placed on roads.	91. Board may place trust fund on fixed deposit.
63. Sites of toll-gates to be settled with local authorities concerned.	92. Interest to be treated as tolls.
64. Tolls to be paid.	93. How trust funds to be dealt with.
65. Conditions under which tolls may be taken.	94. Sinking Fund Commissioners.
66. Human beings exempt from tolls.	95. Commissioner a corporate body.
67. Certain vehicles and certain animals exempt from tolls.	96. Application of sinking fund.
68. Falsely claiming exemption from tolls.	97. Accounts of Commissioners.
69. Company may recover toll and compensation.	98. Period for which tolls may be collected.
70. Forcible evasion of toll.	99. When capital and interest repaid, mortgages and debentures to be discharged.
71. Offences by company's servants.	
72. Company to maintain board showing scale of tolls.	<i>Miscellaneous.</i>
73. Tickets to be issued.	100. Bridge to be transferred free of all encumbrances.
74. Transferring, &c., of toll-ticket.	101. If company goes into liquidation bridge to be vested in such authority as Minister shall decide.
<i>Management of the Bridge.</i>	102. No liability on any local body.
75. Company to have full control of the bridge.	103. Tolls may be reduced by company.
76. Company to employ necessary staff.	104. Company not to close bridge to traffic.
77. May employ solicitors, engineers, &c.	105. Right to purchase bridge by City Council or Northcote Borough Council.
78. Company to keep bridge in good condition and repair.	106. Rent to be paid to company for water-mains, &c.
79. Public Works Department to inspect every twelve months.	107. Advertising matter to be prohibited.
80. Minister may require work to be done.	108. Disputes to be referred to arbitration.
81. Penalty for non-compliance.	109. Regulations. Schedules.

A BILL INTITULED

Title.	AN ACT to empower the Auckland Harbour Bridge Company, Limited, to erect a Bridge across the Waitemata Auckland Harbour and impose and collect Tolls for the Use of Same.
Preamble.	WHEREAS a company limited by shares has been incorporated under the provisions of the Companies Act, 1908, under the name of "The Auckland Harbour Bridge Company, Limited," having for its objects the erection, <i>maintenance, and control</i> of a bridge across the Auckland Harbour from a point in Fanshawe Street, in the City of Auckland, to a point in the Borough of Northcote, and the collection of tolls for the use of same: And whereas it is expedient that power should be given to enable the said company to carry out the objects for which it is established:
	BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—
Short Title.	1. This Act may be cited as the Auckland Harbour Bridge Empowering Act, 1931.
Interpretation.	2. In this Act, unless the context otherwise requires,— "Company" means the Auckland Harbour Bridge Company, Limited:

- “Lands” includes messuages, lands, tenements, and hereditaments :
- “Street” includes any square, covet, alley, highway, lane, road, thoroughfare, wharf, jetty, dock, reserve, and passage or place :
- “Board” means the board of directors of the company :
- “Minister” means the Minister of Public Works *Marine* :
- “Bridge” means and includes the bridge, together with all the necessary approaches, buildings, and erections appertaining thereto, built or to be built in accordance with the provisions of this Act :
- “Toll” means and includes any reward or payment the company is by the provisions of this Act authorized to demand and collect for the passage or repassage over the bridge of any of the animals and vehicles set forth in the *First* Schedule to this Act :
- “Auditor” means the auditor appointed in accordance with the provisions of section *eighty-two* of this Act.

The Board of Directors.

20 3. On and after the *first* day of *January*, nineteen hundred and thirty-two, the board of directors of the company shall consist of not more than twelve nor less than seven persons, of whom—

Constitution of board.

- (a) ~~One shall be appointed by the Minister:~~
- 25 (b) One shall be appointed by the Auckland City Council in open council :
- (c) One shall be appointed by the Auckland Harbour Board in open meeting :
- (d) One shall be appointed by the Northcote Borough Council in open meeting :
- 30 (e) The remaining directors shall be elected by the holders of shares in the company in accordance with the provisions of and in the manner provided by the articles of association of the company, and the number of such directors shall be determined from time to time by the holders of shares in the company.

35 4. As to each of the ~~four~~ *three* appointed directors the following provisions shall apply:—

Provision as to directors appointed by local bodies.

- (a) He shall hold office as hereinafter provided and shall be eligible for reappointment :
- 40 (b) He may at any time resign by notice in writing to the board and to the ~~Minister~~, Council or Harbour Board by whom he was appointed :
- (c) He shall not be subject to the provisions of the articles of association of the company as to qualification, retirement, or removal :
- 45 (d) Whenever his seat becomes vacant, it shall be the duty of the board forthwith to notify the fact to the authority by whom he was appointed, whereupon the said authority shall as soon as practicable fill such vacancy by appointing a successor, who shall take office from the date of his appointment :
- 50

(e) A director appointed by a Council or Harbour Board shall not by reason of holding the position of a director of the company, or of receiving remuneration therefor, be disqualified from being a member of the Harbour Board or Council appointing him. 5

Term of office.

5. The term of office and the conditions of appointment of the ~~four~~ *three* appointed members shall be fixed and determined by the authority making the appointment.

As to directors to be appointed by shareholders.

6. The first directors to hold office as provided by paragraph (e) of section *three* hereof may, in the first instance, be determined by lot or by agreement, or partly by lot and partly by agreement, among the present directors of the company. Such directors shall hold office, and retire from office, in accordance with and otherwise be governed by the rules contained from time to time in the articles of association of the company. 10 15

When directors take office.

7. The directors first appointed and elected as aforesaid shall take office on the *first* day of *January*, nineteen hundred and thirty-*two*, and thereupon the directors then previously in office shall cease to hold office.

Provisions as to directors

8. With respect to the board as hereinbefore constituted under this Act, and the members thereof, the following provisions shall apply:— 20

- (a) The directors shall, at their first meeting, elect one of their members to be chairman, and another one of their members to be deputy chairman of the board. No director shall be eligible to be appointed chairman or deputy chairman of the board if he be an appointed director and not a director elected by the shareholders of the company. 25
- (b) An ordinary meeting of the board shall be held at least once a month and at regular periodical intervals. 30
- (c) At all meetings of the board (whether ordinary or special) a quorum shall be an absolute majority of all the directors who for the time being shall be in office.
- (d) If any director fails to attend three consecutive ordinary meetings of the board his office shall thereby become vacant, unless such non-attendance has been previously consented to by the board. 35

Chairman and deputy chairman.

9. The chairman and the deputy chairman of directors shall hold their respective offices as chairman and deputy chairman for one year. In the absence of the chairman from any meeting the deputy chairman shall preside as chairman of that meeting. In the event of the office of the chairman of directors becoming vacant for any reason, the deputy chairman shall forthwith become chairman of directors until the expiration of the term for which the chairman was elected chairman of directors. In the event of the office of deputy chairman of directors becoming vacant for any reason, the directors shall thereupon as soon as is convenient elect one of their number to be deputy chairman of directors, to hold office until the expiration of the term for which his immediate predecessor in office was elected to hold office. Both the chairman and deputy chairman shall be eligible for re-election, and the offices shall be filled by election at the first meeting of the board held in the month of *January* in each year. 40 45 50

10. The remuneration of the directors whilst they hold office shall be—

Remuneration of chairman and directors.

5 (a) For the first year from the *first day of January*, nineteen hundred and thirty-two, as to the chairman of directors, at the rate of *fifty pounds per annum*, and, as to the other directors, at the rate of *twenty-five pounds per annum*, for each director.

10 (b) For the following and subsequent years until the bridge is opened for traffic in accordance with the provisions of this Act, as to the chairman of directors, at the rate of *one hundred pounds per annum*, and, as to the other directors, at the rate of *fifty pounds per annum* for each director.

15 (c) From the date the bridge is opened for traffic the remuneration shall be fixed, but may be altered or varied from time to time, by the board; ~~but the amount of such remuneration shall be subject to the approval of the Minister.~~

20 11. Irrespective of such remuneration as aforesaid, the chairman and deputy chairman and every member of the board attending any meeting of the board or when travelling on business connected with the company shall be entitled to receive in respect thereof his travelling-expenses according to a scale to be fixed by resolution of the board ~~with the approval of the Minister.~~

Travelling-expenses.

Power to take Lands.

25 12. For the purposes of this Act the company shall be deemed to be a local authority within the meaning of the Public Works Act, 1928, and, except as to land vested in the Auckland Harbour Board, shall have all the powers and privileges, duties, and obligations vested in or imposed on local authorities by Parts II, ~~and~~ III, and IV of such Act.

Power to take lands.

30 13. For the purpose of enabling the company to erect the bridge on and over land vested either in His Majesty the King or the Auckland Harbour Board, the Minister ~~of Marine~~, on behalf of His Majesty the King, may, and the Auckland Harbour Board shall, grant when requested so to do by the company such perpetual easements over or licenses of all those parcels of land described in the *Second Schedule* to this Act to the company at a ~~nominal~~ an annual rental to be agreed upon, payable by the company, and on such terms and conditions as will enable the company to carry out the provisions of, and to enjoy the privileges and benefits conferred upon it by, this Act.

Certain easements and licenses to be granted to company.

40 14. Nothing in the *last preceding* section shall be deemed to affect or interfere with the control and jurisdiction of the *Crown or the* Auckland Harbour Board over the said parcels of land, except as such control and jurisdiction may be necessarily restricted by reason of the existence of the bridge; nor shall it be lawful for the company or any other person to prevent, hinder, or in any way interfere with
45 such control and jurisdiction, or the passage or repassage of any boat, ship, vessel, craft, or floating thing under the bridge.

Crown or Harbour Board rights over such land to be protected.

Plans of Bridge.

50 15. The company shall, as soon as practicable after the coming into operation of this Act, cause to be prepared such complete plans, specifications, and ~~general~~ conditions of contract of the bridge as the Minister may deem necessary.

Plans and specifications of proposed bridge to be prepared.

Longitudinal and vertical clearances of bridge.

16. (1) Such plans shall provide that the longitudinal and vertical clearances of the navigation span of the bridge shall be not less than the dimensions recommended for such span by the Waitemata Harbour Transport Facilities Commission of nineteen hundred and twenty-nine.

(2) The company shall comply with the requirements of the *Crown and the Auckland Harbour Board* with respect to the erection of the bridge as an open-pile structure across St. Mary's Bay boat-harbour.

Bridge to provide for watermains, &c.

17. Such plans shall also provide for watermains, gas-pipes, electric-light and telephone wires, and electric-power cables to be carried by the bridge over the Auckland Harbour.

Plans to provide for completion of bridge and approaches.

18. Such plans shall also provide for the erection and completion of the bridge, and shall include and provide for the erection and completion of such necessary approaches and embankments as will provide a continuous roadway or street, commencing from the western end of Fanshawe Street, in the City of Auckland, continuing over the bridge, and joining Queen Street, in the Borough of Northcote.

Copies of plans to be forwarded to Harbour Board, City Council, and Northcote Borough Council.

19. Nine *Eight* copies of such plans, specifications, and general conditions of contract shall thereupon be prepared, and of these two copies of each shall be forwarded to the Auckland Harbour Board, the Auckland City Council, and the Northcote Borough Council for their respective approvals.

Approval of Harbour Board, City Council, and Northcote Borough Council limited.

20. The right of approval or otherwise given by the *last preceding* section to the Auckland Harbour Board, the Auckland City Council, and the Northcote Borough Council shall be limited to the following matters :—

(a) As to the Auckland Harbour Board, such right shall apply only to such matters as concern or affect the general design, strength, and safety of the bridge from the point of view of safeguarding the Auckland Harbour for shipping and navigation generally :

(b) As to the Auckland City Council, such right shall apply only to the provisions made for continuing the western end of Fanshawe Street on to the bridge, the provisions made for the speedy and safe handling of traffic crossing the bridge, and provisions made for future connections of other streets with the southern end of the bridge :

(c) As to the Northcote Borough Council, such right shall apply only to matters relating to that portion of the bridge proposed to be constructed within the Borough of Northcote, and to matters affecting the provision made for the efficient handling of traffic crossing the bridge.

Harbour Board, City Council, and Northcote Borough Council to forward approvals to company.

21. Upon the Auckland Harbour Board, the Auckland City Council, and the Northcote Borough Council being satisfied with such plans, specifications, and general conditions of contract, they shall forthwith notify the company of their approvals. The company shall thereupon

Struck out.

forward three copies of such approved plans to the Minister for his approval.

New.

comply with the requirements of the Harbours Act, 1923, for the purpose of obtaining the approval of the Governor-General in Council of such plans, specifications, and conditions of contract.

Struck out.

22. Upon the Minister approving such plans, specifications, and general conditions of contract, he may forward to the company a copy of the said plans, specifications, and general conditions of contract, duly marked as approved by him.

Minister to signify his approval in writing.

23. The said plans, specifications, and general conditions of contract thus approved, together with any alterations or variations thereof duly approved by the Minister from time to time in the manner hereinafter set forth, are hereinafter referred to as "the approved plans".

Definition of the term "the approved plans".

24. If the company at any time or from time to time desires, or as is required by the Minister, to add to, vary, delete, substitute, or otherwise make any alteration in the approved plans, specifications, and general conditions of contract referred to in section twenty-two hereof, the company shall cause plans, specifications, and amended general conditions of contract of the proposed additions, variations, deletions, substitutions, or alterations to be prepared and approval obtained in the manner set forth in sections nineteen to twenty-two one hereof.

Plans of any alterations, deletions, and additions to be prepared and approval obtained.

New.

24A. For the purposes of this Act the company shall at all times and from time to time comply with the requirements of the Harbours Act, 1923.

Company to comply with requirements of Harbours Act.

25. (1) The company shall build the bridge in accordance with the approved plans within a period of four years from the date on which the company is authorized by the provisions of this Act to commence the erection of the bridge.

Company to build bridge to the approved plans within four years of commencement thereof.

(2) The Minister, however, may extend from time to time such period of four years for such further period or periods as he may deem fit on application being made to him by the company for such extension or extensions, provided that no such extension shall be granted unless the company first satisfies him that it or its contractors have been delayed or hindered by strikes or by any other matters over which the company has or its contractors have no control.

26. Subject to the next succeeding section, in the event of the company failing to commence and carry on the erection of the bridge in accordance with the approved plans within a period of two years, calculated from the coming into operation of this Act, date the approved plans are received by the company, all the powers and privileges conferred upon the company by this Act shall be cancelled, and this Act shall become inoperative as from the expiration of such period of two years.

Act to become inoperative at expiration of two years if bridge not commenced.

27. If the company shall satisfy the Minister that it has a reasonable prospect of commencing the erection of the bridge within a period of three months from the expiration of such period of two years referred to in the last preceding section, the Minister may extend the time for the coming into operation of the last preceding section for such period of three months.

Period may be extended for three months.

28. Before commencing construction of the bridge the company shall pay into the Public Account such sum, not exceeding ten five thousand pounds, as the Minister may require to cover the cost of administration of this Act expenses incurred; of this sum, any unexpended portion shall be refunded to the company upon completion of the bridge.

Administration costs.

Struck out.

Construction to be supervised.

29. The Public Works Department shall from time to time exercise such supervision as the Minister may deem necessary to ensure that the provisions of this Act as to the construction of the bridge are being complied with.

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New.

Approved plans to be complied with

29A. The Auckland Harbour Board, the Auckland City Council, and the Northcote Borough Council (hereinafter referred to as the three local authorities) shall make such provisions as they deem fit, at the expense of the company, for the approved plans to be complied with in the erection and completion of the bridge.

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Powers of the three local authorities.

30. For the purpose of this Act the Minister *three local authorities* shall have the following powers:—

- (a) In any case where the Minister *is three local authorities are* satisfied that the approved plans are not being complied with by the company, ~~he~~ *they* may forward to the company a memorandum showing clearly in what particulars the approved plans are not being complied with, and requiring the company within a period to be fixed by the Minister *three local authorities* to remedy the matters complained of.
- (b) For every day or part of a day the company fails to remedy the said matters complained of, after the expiration of the said period, the Minister *three local authorities* may, in ~~his~~ *their* discretion, impose upon the company a penalty not to exceed the sum of *fifty* pounds a day, which penalty may be recovered in any Court of competent jurisdiction as a debt due to the Crown.
- (c) In the event of the company failing or refusing to remedy the breach complained of, the Minister *three local authorities* may prohibit the company from proceeding further with the erection of the bridge until the matters complained of be remedied to ~~his~~ *their* satisfaction.

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Three local authorities to issue certificate of completion.

31. Upon completion by the company of the erection of the bridge in accordance with the approved plans, the Minister *three local authorities* shall issue a certificate under ~~his~~ *their* hand, stating that the bridge has been thus completed and that it may then be opened for traffic.

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Disputes to be referred to arbitration.

32. Any dispute that may arise between the company and the Auckland Harbour Board, or the Auckland City Council, or the Northcote Borough Council, touching any alleged breach of or variation from the approved plans, or any approval or disapproval of any of the plans, specifications, or ~~general~~ conditions of contract, or the said plans, specifications, and amended ~~general~~ conditions of contract of any proposed additions, variations, deletions, substitutions, or alterations, or any other engineering question whatsoever, shall be referred to two experienced bridge engineers, one to *be* appointed by the company and the other by the other party to the dispute, for the purpose of arbitration in accordance with the provisions of the Arbitration Act, 1908.

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Approved plans exclusive and conclusive evidence.

33. For any purpose whatsoever the copy of the approved plans deposited in the office of the Minister shall be conclusive and exclusive evidence of their accuracy and of their contents, and of the approval of the Minister *and of the Governor-General in Council* in accordance with the provisions of this Act, *and of the Governor-General in Council in accordance with the Harbours Act, 1923.*

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34. During the period of erection, construction, and maintenance and management of the bridge by the company, the company and its servants or contractors shall comply with all reasonable requests, stipulations, and requirements of the Auckland Harbour Board for the purpose of ensuring that there will be no needless interference on the company's part with shipping and navigation, and for the ensuring also of the preservation of the harbour-bed, embankments, breakwaters, tidal flow and ebb, and for the safeguarding of the Auckland Harbour and the wharves and works therein situated, on the part of the company.

Company to comply with Harbour Board requirements.

35. If the company does or permits to be done any act, or fails to prevent any act being done, which the Auckland Harbour Board considers to be a breach of the provisions of section *thirty-four* hereof, it may ~~forthwith~~ forward particulars of the matters complained of to the Minister, who may deal with such complaints in the manner set forth in ~~paragraph (a) of section thirty hereof~~ *the Harbours Act, 1923*.

Harbour Board to forward complaints to Minister.

36. Should the Auckland Harbour Board, or its Superintendent, Engineer, or Harbourmaster, be of the opinion that any of the breaches mentioned in the *last preceding* section be of such a serious nature that the delay that would be caused by its compliance with the provisions of the *last preceding* section may result in serious damage or loss of life, limb, or property, or interference with navigation, the Auckland Harbour Board may forthwith take what reasonable steps it deems necessary to prevent such ~~irreparable~~ damage or loss being sustained.

Harbour Board may act in cases of emergency.

37. The costs and expenses incurred by the Auckland Harbour Board in taking such necessary steps as aforesaid shall be borne by the company, and may be recovered by the Auckland Harbour Board as a debt owing to it by the company.

Harbour Board may recover costs from the company.

Cost of Bridge.

Struck out.

38. (1) Upon receipt by the company from the Minister of the approved plans, the company shall forward to the Minister a statement setting forth the estimated cost for the erection and completion of the bridge. The estimated cost shall include and provide for—

(a) The complete cost of the erection and completion of the bridge in accordance with the approved plans :

(b) All sums required for the acquisition of land required for the erection of the bridge and the payment of compensation for lands injuriously affected thereby :

(c) All toll-gates, toll-houses, barriers, and gates, and for all buildings and erections necessary for the proper equipment and management of the bridge in accordance with the provisions of this Act.

(2) For the purpose of ascertaining the actual cost of the matters mentioned in paragraph (b) of subsection (one) hereof, the company shall supply the Minister with such vouchers and particulars of payments made, and to be made, as he shall require.

Fixed price for construction of bridge.

New.

38A. Upon receipt by the company from the Minister of the approved plans, the company shall forward to the three local authorities a statement setting forth the estimated cost for the erection and

Company to forward estimate of cost.

New.

completion of the bridge. The estimated cost shall include and provide for—

- (a) The complete cost of the erection and completion of the Bridge in accordance with the approved plans: 5
- (b) All toll-gates, toll-houses, barriers and gates, and all buildings and erections necessary for the proper equipment and management of the bridge in accordance with the provisions of this Act. 10

Struck out.

39. In addition to the said estimated cost, the company may provide for and forward from time to time to the Minister memoranda showing certain contingencies which the company deems fit to make provision for. Such contingencies shall be confined to the following:—

- (a) Any increase or decrease in wages to persons employed on the construction of the bridge and over which the company has no control: 15
- (b) Any variation in the harbour-bed and foundations of the bridge from the findings and data relative thereto as ascertained by and under the direction of the Waitemata Harbour Transit Facilities Commission of nineteen hundred and twenty-nine: 20
- (c) Any possible error, mistake, or inaccuracy that may be contained in the said findings and data: 25
- (d) Any damage caused to the bridge at any time during the company's period of control of the bridge, through no fault or negligence on the part of the company or its contractors, by any third party, and compensation for which damage cannot be recovered and collected from the party at fault: 30
- (e) Any increase or decrease whatever in the cost of erection and completion of the bridge caused by any enactment of the New Zealand Parliament, or by any Order in Council issued by the Government of New Zealand: 35
- (f) Any increase or decrease whatever caused by the additions, variations, deletions, substitutions, or alterations as allowed by the Minister in accordance with the provisions of section *twenty-four* hereof. 35

New.

39A. In addition to the said estimated cost the company may provide for and forward from time to time to the three local authorities memoranda showing certain expenses, charges, and contingencies which the company deems fit to make provision for. Such expenses, charges, and contingencies shall be confined to the following:—

- (a) All sums necessary for the acquisition of land required for the erection and completion of the bridge and the payment of compensation for lands injuriously affected thereby: 45
- (b) A sum necessary to pay interest on the amounts secured from time to time by the debentures, mortgages, and other such security mentioned in section *forty-six* hereof from the date or dates that interest is payable on such debentures, mortgages, or other such security to the date the bridge is opened for traffic, in accordance with the provisions of this Act. 50

Certain contingencies may be provided for.

New.

- 5 (c) All fees, expenses, charges, stamp duty, and other taxes payable to the Crown, and legal and engineering charges incurred and to be incurred in connection with the carrying-out of the provisions of this Act relating to the construction and erection of the bridge, including the obtaining of the necessary finance and guarantees hereinafter mentioned :
- 10 (d) Any increase or decrease in wages to persons employed on the construction of the bridge and over which the company has no control :
- (e) Any variation in the harbour-bed and foundations of the bridge from the findings and data relative thereto as ascertained by and under the direction of the Waitemata Harbour Transport Facilities Commission of nineteen hundred and twenty-nine :
- 15 (f) Any possible error, mistake, or inaccuracy that may be contained in the said findings and data :
- (g) Any damage caused to the bridge at any time during the company's period of control of the bridge through no fault or negligence on the part of the company or its contractors by any third party, and damage for which compensation cannot be recovered and collected from the party at fault :
- 20 (h) Any increase or decrease whatever in the cost of erection or completion of the bridge caused by any enactment of the New Zealand Parliament or by any Order in Council issued by the Governor-General in Council :
- 25 (i) Any increase or decrease whatever caused by the additions, variations, deletions, substitutions, or alterations as allowed by the Minister in accordance with the provisions of section *twenty-three* hereof.

30 *Struck out.*

40. Upon receipt by the Minister of the statement setting forth the estimated cost he shall cause the same to be examined by three engineers to be appointed by him, and for the purposes of such examination he may require the company to furnish him with details as to the various quantities of materials upon which the company has based its estimated cost.

Contract price.

New.

40A. Upon receipt by the three local authorities of the statement setting forth the estimated cost, they shall cause the same to be examined forthwith by three engineers ; one engineer to be appointed by each of them, and for the purpose of such examination they may require the company to furnish the said engineers with details of the various quantities of material upon which the company has based its estimated cost. The company shall settle with the three local authorities as to the costs and expenses of such examination, which shall be paid by the company.

The three local authorities to examine contract price.

Struck out.

50 41. Upon the Minister receiving a report from the said engineers that a fair and reasonable estimate of the cost considering the work and risk involved has been fixed as between the company and themselves, he shall signify to the company in writing his approval of such estimated cost (hereinafter termed "the fixed contract price").

Minister to approve contract price.

New.

The three local authorities to notify company of fixation of contract price.

41A. Upon the three local authorities receiving a report from the said engineers that a fair and reasonable estimate of the cost considering the work and risk involved has been fixed as between the company and them, or any two of them in the case of dispute or disagreement, they shall notify the company in writing of the amount of such estimated cost as thus determined (such amount being hereinafter termed the fixed contract price). 5

Struck out.

If contingencies happen, extra cost to be added to contract price.

42. Should any of the aforesaid contingencies happen or occur, the company may forward from time to time to the Minister full details of the extra costs that will be incurred through such happenings and occurrences, and the Minister may allow such increase, after deducting the amount of any decrease of cost in the erection of the bridge due to any of the said contingencies, to be added to the fixed contract price (such increases being hereinafter referred to as "approved extra costs"). 10
15

New.

If contingencies occur extra cost to be added to contract price.

42A. (1) From time to time as the amounts of any of the expenses or charges mentioned in section *thirty-nine* A hereof are ascertained, or settled with, or agreed to by the company, or in the event of any of the contingencies mentioned in such section happening or occurring, the company may forward from time to time to the three local authorities full details of such amounts and extra costs occasioned by such happenings and occurrences. Whereupon the three local authorities, upon being satisfied with the reasonableness and accuracy thereof, shall allow such amounts and extra costs, after deducting the amount of any decrease of cost in the erection of the bridge due to any of the said contingencies, to be added to the fixed contract price (such amounts and extra costs being hereinafter referred to as the approved extra costs). 20
25
30

Company to supply information to three local authorities.

(2) For the purpose of ascertaining whether the amount of such expenses and charges and the extra costs aforesaid are reasonable and accurate, the company shall supply the three local authorities with such information as they may require for that purpose. 35

Company to find guarantees for necessary finance and enter into contract with three local authorities.

43. It shall not be lawful for the company to commence the construction and erection of the bridge until it has done each and all of the following things, that is to say:—

- (a) Obtained guarantees to the satisfaction of the ~~Auckland Harbour Board, the Auckland City Council, and the Northcote Borough Council,~~ *three local authorities* that the necessary finance to pay for the erection and completion of the bridge at the fixed contract price and in accordance with the approved plans has been obtained or provided: 40
- (b) Obtained similar guarantees that in the event of any approved extra costs being added to the fixed contract price the finance necessary to pay for such approved extra costs will be found: 45
- (c) Provided similar guarantees for the completion of the whole of the work, and having satisfied the ~~Auckland Harbour Board, the Auckland City Council, and the Northcote Borough Council~~ *three local authorities* that the contractors to be 50

employed by the company are financially strong and skilled enough to erect and complete the bridge in accordance with the approved plans :

5 (d) Entered into a binding deed of contract with the Minister *three local authorities* to construct the bridge in accordance with the approved plans and at the fixed contract price, and with the benefit of the guarantees mentioned in paragraph--(a) hereof *this section* :

New.

10 (e) Increased its subscribed share capital to at least one-fourth of the fixed contract price.

Struck out

15 44. The approved extra costs, together with any other alterations in or additions to the fixed contract price which the Minister has authority to allow from time to time under the provisions of this Act, shall be set out and incorporated from time to time in the aforesaid binding deed of contract by supplementary deeds of contract.

Variations, &c., to be incorporated by supplementary deed.

20 45. Nothing contained in this Act shall be deemed to mean or infer that the Minister of Public Works *three local authorities* shall be in any way whatsoever responsible for the payment to the company of the fixed contract price or any approved extra costs, or for the due completion of the contract, nor shall the Minister *three local authorities* be, or be deemed to be, the principal in respect of this undertaking for the purposes of the Workers' Compensation Act, 1922, or for any other purpose not specifically provided for in this Act.

Three local authorities not responsible.

Methods of Finance.

30 46. For the purpose of obtaining the necessary money in order to build the bridge, it shall be lawful for the company to give a mortgage or mortgages, debenture or debentures, or in any other way give other security for the repayment of the said money, together with the payment of interest thereon, from time to time, over the bridge, and the interest in the land or part of the land vested in the company, and the tolls which the provisions of this Act authorize the company to impose and collect ; but the terms of such mortgage or mortgages, debenture or debentures, or other security shall be subject to the restrictions imposed by this Act.

Company may give security over bridge and tolls.

35 47. It shall not be lawful for the company to give security in accordance with the provisions of the *last preceding* section for a principal sum or sums in excess of the following amounts :—

Amount of finance not to exceed fixed sum.

- 40 (a) The cost of the bridge as determined in the manner set forth in sections *forty-one A* and *forty-two A* hereof :
- (b) Such other sum or sums as the Minister *three local authorities* may allow, including any sum for necessary preliminary expenses incurred in the raising of such money.

Struck out.

45 48. It shall not be lawful for the company to increase its authorized capital to more than *twenty thousand* pounds without the consent of the Minister first obtained in writing, and the amount of any increase thus permitted shall be determined by such Minister.

Company not to increase its capital without consent of Minister.

New.

Company not to obtain capital in excess of fixed contract price without consent of three local authorities.

48A. It shall not be lawful for the company to obtain, either by means of debenture or mortgage capital or payments of share capital, a capital sum in excess of the fixed contract price and the approved extra costs without the consent of the three local authorities.

5

Struck out.

Reasons to be given for extra capital.

49. For the purpose of the *last preceding* section, the Minister may require the company to supply statements of receipts and expenditure to him showing in what manner its then capital had been spent, and and to supply details showing the purpose or purposes for which the extra capital is required.

10

Average rate of interest on mortgage or debenture not to exceed $7\frac{1}{2}$ per cent.

50. It shall be lawful for the company to covenant to pay interest on the amount of money owing from time to time and secured by the aforesaid mortgage or mortgages, debenture or debentures, or other such security; but the average rate of such interest shall not be such as to give a return to the lender or lenders exceeding *seven pounds ten shillings* per centum per annum, spread over the total sums secured by such mortgage or mortgages, debenture or debentures, or other such security.

15

Interest payable half-yearly or annually.

51. Such interest shall be payable either half-yearly or annually, as the board shall determine.

20

Interest to be paid either in New Zealand or Great Britain.

52. Such interest may be payable either in the United Kingdom or in New Zealand, or in such other countries as the board may determine.

By-laws.

The company shall make by-laws for certain purposes.

53. The company may from time to time make by-laws for the following purposes, and the company may from time to time repeal or alter such by-laws and make others, provided that such by-laws be not repugnant to the laws of the Dominion of New Zealand or to the provisions of this Act:—

25

(a) For protecting any property belonging to the company, or controlled by the company, from damage or injury:

30

(b) For conserving public health, safety, and convenience, and preventing and abating nuisances on the bridge:

(c) For regulating the pace, mode or manner, and times at which any horses, cattle, engines, agricultural or other machines, tractor engines, or vehicles shall cross, or be driven, led, or taken over the bridge:

35

(d) For prescribing the route by which, and the times when, loose horses, cattle, sheep, pigs, or other animals may be driven across the bridge:

(e) For regulating and preventing the taking on to or over the bridge any noxious or dangerous goods:

40

(f) For regulating the speed at which traffic crossing the bridge is to move or be propelled:

(g) For regulating the weights of vehicles, carriages, engines, or other things which require to cross the bridge:

45

(h) For preventing the commission of any nuisance in or upon the bridge by any of the traffic using the bridge:

(i) For regulating the purchase and issue of tickets and the collection of such tickets from persons using the bridge, and generally for regulating the travelling upon, the using of, and the proper and efficient control and management of the bridge.

50

54. (1) By-laws shall be made only in the manner and subject to the conditions following:—

Procedure as to making by-laws.

- (a) All proposed by-laws shall be first adopted by the board in ordinary meeting.
- 5 (b) Copies of all proposed by-laws thus adopted by the board which affect or are likely to affect in any way the navigation or control of the Auckland Harbour shall be submitted to the Auckland Harbour Board for its approval of such proposed by-laws.
- 10 (c) Copies of all other proposed by-laws thus ~~approved~~ *adopted* by the board shall be submitted to the Auckland City Council and to the Northcote Borough Council for their approval of such proposed by-laws.
- 15 (d) All such proposed by-laws shall be forthwith considered by the said Harbour Board and Councils respectively, and unless objection thereto is made within one calendar month from the receipt thereof by any such Harbour Board or Council, the same shall be deemed to be approved.
- 20 (e) Upon such by-laws being approved, or deemed to be approved as aforesaid, as the case may require, whether as originally submitted or as amended, the board shall at its next meeting declare that such by-laws have been made in accordance with the terms of this Act, and shall affix the common seal of the company to such by-laws.
- 25 (f) Such by-laws thus approved or amended shall thereupon come into force on a day to be fixed by the board at such meeting, ~~being not earlier than seven clear days from the date of such meeting;~~ but not being earlier than seven clear days after the date of such meeting, and three clear days after public notification thereof has been published by the company in at least *two* newspapers circulating in the City of Auckland.
- 30

(2) Any by-law may in like manner be amended or revoked.

55. Nothing contained in this Act shall be deemed to restrict or prohibit the board from making any by-laws or rules to control its meetings in accordance with the rules laid down in the articles of association of the company.

35

By-laws for control of directors' meeting excepted.

56. (1) Every person guilty of a breach of any by-law made under the provisions of this Act is liable to a fine not exceeding *twenty* pounds; or where the breach is a continuing one, then to a fine not exceeding *five* pounds for every day or part of a day during which the breach continues.

40

Penalty for breach of by-laws.

(2) The company may, after the conviction of any person for the continuing breach of any by-law, apply to the Supreme Court for an injunction to restrain the further continuance of such breach by such person.

45

(3) The continued existence of any work or thing in a state contrary to any by-law shall be deemed a continuing offence within the meaning of this section.

57. (1) A by-law may authorize the company or any officer thereof to pull down, remove, or alter any work, material, or thing erected or being in contravention of any by-law, and to recover from the person committing the breach all expenses incurred by the company in connection with such pulling-down, removal, or alteration.

50

Removal of works executed contrary to by-law.

(2) The exercise of this authority shall not relieve such person from liability to any penalty incurred by reason of such breach.

Proof of by-laws.

58. The production of any document purporting to be a printed copy of any by-law made in whole or in part under the authority of this Act, and to be sealed with the common seal of the company, shall, until the contrary is shown, be sufficient evidence of such by-law having been duly made, and that the same duly came into force on the day mentioned in that behalf in such copy of the by-laws. 5

Printed copies of by-laws.

59. The company shall cause printed copies of all by-laws to be kept at the office of the company, and to be sold at a reasonable charge to any person applying for the same. 10

Liability for breach of by-laws not to relieve from other liability.

60. Nothing in this Act or in any by-law made thereunder shall be deemed to relieve any person from any penalty or action to which he would otherwise be liable in respect of anything done by him in breach of any such by-law. 15

Fines payable to the company to be treated as tolls.

61. (1) All fines paid and recovered for any offence created or for any breach of a by-law made under the provisions of this Act, except fines payable by the company, shall be paid by the Clerk, or other proper officer of the Court in which such fines are payable, to the company.

(2) For the purposes of this Act all fines paid to the company in accordance with the provisions of this section shall be deemed to be a toll within the meaning of this Act, and shall be applied by the company accordingly. 20

(3) The Clerk or other proper officer of the Court in which any such fines are inflicted shall once in every three months furnish the company with a written statement, signed by him, of all such fines, distinguishing therein those that have from those that have not been paid to the company. 25

(4) When any fines which ought to be paid to the company are by law required or permitted to be paid in stamps, and have been so paid, the Clerk or other proper officer aforesaid shall certify to the Minister of Finance the amount of the same, that they have been so paid, and that the company is entitled to receive the same; and thereupon the said Minister, without further appropriations by Parliament than this Act, shall pay the amount of such fines out of the Consolidated Fund to the company. 35

(5) This section shall be read subject to the provisions of subsection two of section thirteen of the Finance Act, 1927 (No. 2).

Tolls.

Toll-gates to be placed on roads.

62. It shall be lawful for the company to, and the company shall, as soon as conveniently may be, after a passage shall be made over the proposed bridge, cause to be erected a toll gate or gates, or toll house or houses, gates, and bars, at or upon the roads and streets leading to the bridge, within a distance of two hundred yards from the point of the actual commencement of the bridge. 45

Sites of toll-gates to be settled with local authorities concerned.

63. In fixing the site or sites for the erection of such toll gate or gates, toll house or houses, gates, and bars, the company shall obtain the approval of the local body or authority having control over such roads and streets as to a suitable site or sites for such toll gate or gates, toll house or houses, gates, and bars. 50

64. Subject to the provisions of the next *three succeeding* sections, it shall be lawful for the company to, and the company shall, demand and take at the toll gate or gates, or toll house or houses, to be erected as aforesaid, before any animal or beast, or any carriage, wagon, cart, vehicle, motor-omnibus, engine, or thing shall pass or return over the bridge or through the same, tolls not exceeding the tolls set out in the *First Schedule* to this Act.

Tolls to be paid.

65. No toll shall be payable unless the following conditions are observed, that is to say :—

Conditions under which tolls may be taken.

(a) At least *fourteen* days before first becoming payable the scale of tolls shall be publicly notified in at least *two* of the daily newspapers circulating in the City of Auckland :

(b) The scale of tolls shall be painted in black letters, not less than two inches in length, on a white board, and placed in a conspicuous place on or near the toll gate or gates, or toll house or houses, so as to be conveniently read by every person from whom any toll may be demanded.

66. It shall not be lawful for the company to demand or take any toll for the passage or repassage of any human being over the bridge.

Human beings exempt from tolls.

67. Animals and vehicles employed solely in carrying the following persons or their tools and materials shall be exempt from the payment of tolls :—

Certain vehicles and certain animals exempt from tolls.

(a) The Governor-General and every person in attendance on him.

(b) Every member of any military, militia, or territorial or permanent force when on duty or going to or returning from duty and in the uniform of his corps :

(c) Every constable on duty, and every prisoner in his custody :

(d) ~~The~~ *Any* Minister or any officer or servant of the Crown whilst engaged on business connected with the bridge or with the administration of this Act.

New.

(e) Servants of the Crown engaged in the distribution of His Majesty's mail.

68. Any person falsely claiming exemption from the payment of any tolls shall be liable to a fine of not less than *two* pounds nor more than *five* pounds, and the proof of being exempt shall lie with the person claiming to be so exempt.

Falsely claiming exemption from tolls.

69. The company may recover from any person refusing to pay a toll for which he is liable the amount of such toll, together with such compensation for loss of time and the expense in recovering the same as the Court hearing the same determines.

Company may recover toll and compensation.

70. Every person who attempts by force to evade the payment of a toll, or resists or obstructs any toll-keeper or other servant of the company in the execution of his duty, is liable to a fine not exceeding *twenty* pounds.

Forcible evasion of toll.

71. Every servant of the company is liable to a fine not exceeding *five* pounds who does any of the following things :—

Offences by company's servants.

(a) Demands a larger toll than that payable by law :

(b) Refuses, when required so to do, to give his name or gives a false name to any person of whom he has demanded a toll :

(c) Is drunk when in discharge of his duty :

(d) Obstructs any person in passing when the lawful toll has been tendered :

(e) Uses any obscene or offensive language to any person passing.

Company to maintain board showing scale of tolls.

72. The company shall be liable to a fine not exceeding *five* pounds if it fails to maintain the board required by paragraph (b) of section *sixty-five* hereof in a legible condition. 5

Tickets to be issued.

73. The company shall issue a ticket for every toll paid, which shall show the amount of the toll paid and what it has been paid in respect of; and for every refusal on the company's part to give such a ticket on demand it shall be liable to a fine not exceeding *five* pounds. 10

Transferring, &c., of toll-ticket.

74. Every person is liable to a fine not exceeding *five* pounds who with intent fraudulently to evade payment of any toll transfers such a ticket to another person, or uses a ticket so transferred, or alters or forges such a ticket with intent fraudulently to evade payment of any toll. 15

Management of the Bridge.

Company to have full control of the bridge.

75. Subject to the provisions of this Act, the company shall have the full control and management of the bridge ~~and its approaches.~~

Company to employ necessary staff.

76. The company shall employ such officers, employees, and servants as the board deems necessary for the proper administration, 20 management, and control of the bridge, and on such terms and conditions as the board shall determine.

May employ solicitors, engineers, &c.

77. The company may also consult, employ, and pay such solicitors, engineers, and other professional men, and pay for such expert advice as the board deems necessary in order to adequately control and 25 administer the bridge.

Company to keep bridge in good condition and repair.

78. From the date the bridge is opened for traffic the company shall keep the bridge in good order, condition, and repair, ~~and shall comply with all the requirements of the Minister as to keeping the bridge in such good order, condition, and repair.~~ 30

Public Works Department to inspect every twelve months.

79. For the purpose of ascertaining whether the bridge is being kept in such good order, condition, and repair, the Minister of *Public Works* may appoint an officer of the Public Works Department to inspect the bridge at least once in every twelve months at the expense of the company, and such officer shall forward to the Minister of 35 *Public Works* a certificate setting forth any work or other matters requiring attention.

Minister may require work to be done.

80. The Minister of *Public Works* may thereupon require the company to do such work or attend to such matters within such period as he determines. 40

Penalty for non-compliance.

81. For every day or part of a day the company fails to remedy the said matters complained of, after the expiration of the said period, the Minister of *Public Works* may, in his discretion, impose upon the company a penalty not to exceed the sum of *fifty* pounds a day, which penalty may be recovered in any Court of competent jurisdiction 45 as a debt due to the Crown.

Auditor.

Auditor to be appointed.

82. (1) In respect of the trust account hereinafter referred to, the ~~Minister~~ board shall from time to time appoint an auditor *who shall be a member of the New Zealand Society of Accountants and approved by the* 50 *three local authorities* at such remuneration, being not less than *two hundred* pounds nor more than *seven hundred and fifty* pounds per annum, to be paid by the company as the board, ~~with the approval of the Minister,~~ shall determine.

Struck out

(2) Within one month from the expiration of every twelve months from the date the bridge is opened for traffic the auditor shall render to the Minister, and to any local authority requiring the same, an annual report and balance-sheet giving details of the total of all moneys paid into the trust account, and the moneys paid out under the provisions of sections *ninety-one* and *ninety-three* hereof, during the preceding twelve months.

New.

(2A) Within one month from the expiration of every twelve months from the date the bridge is opened for traffic the auditor shall render to the company and to the three local authorities, and to any other local authority requiring same,—

Auditor to render annual report and balance-sheet.

(a) A statement giving details of the total of all moneys paid into the trust account and the moneys paid out under the provisions of sections *ninety-one* and *ninety-three* hereof during the preceding twelve months.

(b) An income and expenditure account for the preceding twelve months giving particulars of all transactions affecting the trust account.

(c) A balance-sheet showing the assets and liabilities of the trust account as at the end of the period for which the income and expenditure account is rendered.

83. The auditor may be removed from office by the ~~Minister~~ board at any time and without any reason being given to him for such removal, and upon any such removal ~~neither the company nor the Minister~~ shall not be under any liability in respect of payment of compensation to such auditor.

Auditor may be removed from office.

84. Any auditor may resign his office by giving one month's notice in writing to the ~~Minister and to~~ the board of his intention in that behalf, and his resignation shall take effect at the expiration of the said term, unless the ~~Minister and the board~~ both agrees to release him sooner.

Notice of intention to resign.

85. For the purpose of enabling the said trust account to be audited, the company shall keep such books and records as the auditor may require from time to time, and for that purpose shall institute such method or methods of collecting tolls, giving and issuing receipts and tickets, as will enable such trust account to be audited in a fit and proper manner.

Company to keep proper books.

Method of dealing with Tolls.

86. The company shall, as soon as it is in receipt of tolls, open up a trust account with its bankers, and all tolls received by it shall be paid as hereinafter provided into such trust account.

Tolls to be paid into a trust account.

87. Subject to the provisions of the *next succeeding* section, all sums of money received and collected by the company from day to day by way of tolls shall be banked at least twice daily, to the credit of the company's trust account.

Tolls to be banked twice daily.

88. On Sundays and other bank holidays such moneys shall be banked as early as possible on the day following such Sunday or bank holiday.

Sundays and bank holidays exempted.

Unbanked moneys to be kept in safe custody.

89. All moneys representing tolls collected by the company and not banked shall be kept in such manner and in such safe custody as the board shall from time to time decide.

Company not to operate on trust account, except for certain purposes.

90. It shall not be lawful for the company to operate on such trust account in any way and for any purpose whatever other than in the manner allowed and for the purposes set forth in sections *ninety-one* and *ninety-three* hereof. 5

Board may place trust fund on fixed deposit.

91. With the consent of the auditor first had and obtained, the board may arrange for the company's bankers to pay interest on the moneys lying from time to time in the company's trust account, or may withdraw certain sums from time to time from such trust account and place the same upon fixed deposit with any bank approved by the auditor for a period or periods not exceeding eleven months. 10

Interest to be treated as tolls.

92. All interest that thus accrues from time to time shall for the purposes of this Act be deemed to be tolls, and shall be dealt with accordingly. 15

How trust funds to be dealt with.

93. During the period of twelve months calculated from the date the bridge is opened for traffic, and during every subsequent period of twelve months, the funds standing to the credit of the company from time to time in the trust account, including any funds taken from the trust account from time to time and placed on fixed deposit, shall be dealt with by the board in the manner and in the priority following:— 20

(a) Firstly, in payment from time to time of—

(i) All expenses of the company in adequately controlling and properly managing the bridge, including all salaries and wages of employees of the company, rent, rentals of all descriptions, insurances, lighting, and all office expenses of any kind, printing, rates and taxes of all descriptions. 25

(ii) All expenses and charges incurred by the company from time to time in adequately and properly maintaining the bridge in good order, condition, and repair to the satisfaction of the Minister of *Public Works*. 30

(iii) The salaries, remunerations, and travelling-expenses of the directors.

(iv) Such other general and incidental expenses which the board may from time to time pass for payment and which are approved by the auditor for payment. 35

(b) Secondly, in payment of—

(i) Interest at the rate and at the times set forth in the mortgage or mortgages, debenture or debentures, or other security referred to in section *forty-six* hereof, together with the amount of the necessary bank exchange (if any). 40

(ii) A dividend on the paid-up capital of the company at a rate not exceeding ~~ten~~ *five* pounds per centum per annum from the date of the passing of this Act. 45

(c) Thirdly, in carrying forward from year to year a sum not exceeding *ten* thousand pounds to the credit of the trust account until the time arrives when the said mortgage or mortgages, debenture or debentures, or other such security shall be released and discharged in accordance with the provisions of this Act. 50

(d) Fourthly, in payment into the sinking fund hereinafter mentioned of a sum not exceeding *three* pounds per centum per annum of the total sum or sums secured by the aforesaid mortgage or mortgages, debenture or debentures, or other such security as the board shall decide.

New.

(dd) Fifthly, in payment of a further dividend of five pounds per centum per annum on the paid up capital of the company from the date of the passing of this Act.

(e) ~~Fifthly~~ *Sixthly*, in applying any surplus then remaining in order of priority as aforesaid for the purposes aforesaid to the extent to which in any preceding year or years sufficient funds have not been available in the trust account for those purposes.

(f) ~~Sixthly~~

New.

Seventhly, until the date when the mortgage or mortgages, debenture or debentures, or other such security mentioned in section *forty-six* hereof is discharged and released from the Bridge and tolls,

in applying any surplus then remaining from time to time by the board in such reductions of the amount of such tolls as the board may from time to time determine.

New.

(g) Eighthly, upon the mortgage or mortgages, debenture or debentures, or other such security mentioned in section *forty-six* hereof being thus discharged and released, the surplus shall then be placed by the board on fixed deposit with the company's bankers until a sum has been accumulated sufficient to repay to the shareholders the whole paid-up capital of the company.

94. (1) The ~~company board~~ shall appoint such persons as the ~~Minister~~ *three local authorities* may approve to be Commissioners, to whom the company shall pay all moneys so appropriated as a sinking fund, or for the repayment of such of the said mortgage or mortgages, debenture or debentures, or other such security becoming due by periodical instalments (if any), and such Commissioners shall invest such moneys, together with all interest and profits accruing therefrom, in such securities as are authorized by the Trustee Act, 1908.

Sinking Fund Commissioners.

(2) Subject to the approval of the ~~Minister~~ *three local authorities* the ~~company board~~ may, in its discretion, remove or suspend any Commissioner appointed under this section, and reappoint or reinstate him, or appoint another in his stead; and may appoint another in the place of any deceased, absent, or otherwise incapacitated Commissioner.

(3) The purchase by the Commissioners of any debenture or mortgage as aforesaid, or any payment in reduction of money secured by any such mortgage or debenture securing repayment of the whole or any part of the loan for which this sinking fund has been created, shall be deemed to be an investment of the sinking fund within the meaning of this section.

95. (1) The Commissioners appointed under the *last preceding* section shall be deemed to be a body corporate with perpetual succession and a common seal, and power to do and suffer all things which bodies corporate may do and suffer.

Commissioner a corporate body.

(2) All vacancies arising in the office of any Commissioner shall be filled as they arise by new appointments, to be approved by the Minister *three local authorities*.

Application of sinking fund.

96. (1) When the accumulated sinking fund is equal in amount to the amount of the sum or sums secured by the aforesaid mortgage or mortgages, debenture or debentures, or any other such security as aforesaid, it shall be applied by the Commissioners in repaying such sum or sums. 5

(2) In the case of periodical drawings the Commissioners shall from time to time pay out of moneys paid to them for that purpose, and the accumulations thereof (if any), the amount of all mortgages or debentures coming due, according to the conditions on which the loan was raised. 10

Accounts of Commissioners.

97. (1) The Commissioners shall, whenever required, render to the company or to the Auditor accounts of all moneys and all securities in their hands. 15

(2) From year to year, immediately after the board has dealt with the funds standing to the credit of the company in the trust account in the manner set forth in section *ninety-three* hereof, the Commissioners shall render to the company a balance-sheet showing all transactions in respect of such moneys or securities during the year ending on that day. 20

(3) Such balance-sheet shall be accompanied by a certificate, signed by the auditor, of all the securities held by the Commissioners.

Period for which tolls may be collected.

98. The period for which the company shall collect tolls and manage and superintend the bridge in accordance with and subject to the provisions of this Act shall be determined as follows:— 25

(a) For such period as will suffice to repay the money mentioned in section *forty-seven* hereof, together with the interest payable thereon. 30

(b) For such further period thereafter as will suffice to repay to the shareholders of the company the entire paid-up capital of the company.

When capital and interest repaid, mortgages and debentures to be discharged.

99. When the money, together with the interest thereon, secured by the mortgage or mortgages, debenture or debentures, or other such security mentioned in section *forty-six* hereof has been duly repaid, the company shall cause such mortgage or mortgages, debenture or debentures, or other such security to be discharged and released from the bridge and tolls. 35

Miscellaneous. 40

Bridge to be transferred free of all encumbrances.

100. (1) In the event of the option to purchase the bridge as provided by section one hundred and *five* hereof being exercised by the authorities named in such section, or at the expiration of the period referred to in section *ninety-eight* hereof, the company shall, when called upon so to do, forthwith transfer the bridge, together with all the lands, ~~and~~ buildings, ~~and~~ rights appertaining thereto, to such authority or authorities, corporation or corporations, municipal or otherwise, as the Auckland City Council and the Northcote Borough Council shall determine, ~~subject to the approval of the Minister~~, as a free bridge for the use of the public, subject nevertheless to the right of navigation by water and the right of levying tolls as provided in subsection *two* hereof. 45 50

(2) The company shall not be required to pay any costs, expenses, or charges whatever incurred in the transfer of the bridge, and the land and buildings appertaining thereto, and due provision shall be made by the Auckland City Council and the Northcote Borough Council, whether by way of tolls or otherwise, whereby the authority or authorities to whom the bridge shall be transferred may obtain sufficient moneys for the payment of such costs, expenses, and charges, and the maintenance, repair, and management of the bridge.

Struck out.

101. (1) If at any time the company should go into liquidation or for any other reason be unable, or refuse, to carry out the provisions of this Act, and in the event of the holders of the mortgage or mortgages, debenture or debentures, or other such security secured over the bridge and tolls thereupon refusing or failing to take over and assume the management and control of the bridge and the imposition, collection, and application of the tolls in accordance with the provisions of this Act, then in such case the bridge may be transferred in accordance with the provisions of section *one hundred* hereof.

If company goes into liquidation bridge to be vested in such authority as Minister shall decide.

New.

101. (1A) In the event of the company or its contractors failing to complete the erection of the bridge in accordance with the approved plans, or if at any time the company should go into liquidation and if the holders of the mortgage or mortgages, debenture or debentures, or other such security secured over the bridge and tolls should thereupon refuse or fail to take over and assume the management and control of the bridge and the imposition, collection, and application of the tolls in accordance with the provisions of this Act, then in such case the bridge in whatever state of erection or completion it then may be shall be transferred to such authority or authorities, corporation or corporations, municipal or otherwise, as the Auckland City Council and the Northcote Borough Council shall determine.

If company goes into liquidation bridge to be vested in such authority as the Auckland City Council and the Northcote Borough Council shall determine.

(2) For the purpose of thus effectually transferring the bridge the Governor-General may by Order in Council vest such legal estate *and rights to collect tolls* as is then vested in the company to the lands upon which the bridge is built in such authority or authorities, corporation or corporations.

(3) Such vesting shall be made freed and discharged from the aforesaid mortgage or mortgages, debenture or debentures, or other such security.

102. Notwithstanding anything contained in this Act to the contrary, neither the ~~Minister~~ *Crown* nor any authority or corporation, municipal or otherwise, *other than the company*, shall be called upon or become in any way whatever liable to pay for the cost or any part of the cost of or in connection with the bridge.

No liability on Crown or any local body.

103. Notwithstanding anything that may be contained in this Act to the contrary, the company may reduce the scale of tolls or any part of the scale of tolls shown in the *First Schedule* hereto for such period or periods as the board may determine, and for that purpose may issue such concession tickets or make such other concessions as the board deems fit.

Tolls may be reduced by company.

104. (1) It shall not be lawful for the company to close the bridge, or prevent the passage of traffic on or over the bridge, except at any time when in consequence of any of the works being out of repair or in

Company not to close bridge to traffic.

a state dangerous to allow the passage of traffic across the bridge, or from any other sufficient cause, the Minister may by notice in writing, under his hand ~~order~~ authorize the closing of the bridge for such period of time as he shall determine.

(2) The company may, however, make by-laws prohibiting the passage or repassage or the going on to the bridge of certain kinds of animals, beasts, vehicles, or things during certain hours or times of the day, or the taking on to the bridge of certain dangerous, noxious, or explosive goods.

Right to purchase
bridge by City
Council or Northcote
Borough Council.

105. At *After* the expiration of ten years from the date the bridge is opened for traffic the Auckland City Council and the Northcote Borough Council, or either of them, may, subject nevertheless to the right of navigation by water, purchase and take over the bridge, together with all land and buildings appertaining thereto and vested in the company upon the following terms and conditions:—

- (a) Six months' written notice of such intention so to do shall be given to the company.
- (b) There shall be paid to the company a sum of money *which with the accumulated sinking fund shall be* sufficient to repay all the money then secured by the mortgage or mortgages, debenture or debentures, or other such security mentioned in section *forty-seven* hereof.
- (c) There shall also be paid to the company a sum of money by way of bonus, being twelve months' interest on the money then secured by such mortgage or mortgages, debenture or debentures, or other such security.
- (d) There shall also be paid to the company a sum of money sufficient to pay to the shareholders of the company ~~twenty shillings in the pound on all shares held by them~~ *the total paid-up capital of the company.*

Rent to be paid to
company for
watermains, &c.

106. (1) In the event of any watermains, gas-pipes, electric-light and telephone wires, and electric-power cables being carried by the bridge over the Auckland Harbour, there shall be paid to the company or to the local authority *or authorities* controlling the bridge ~~a fair and reasonable sum of money by way of~~ *an annual rent* for the use of the bridge for such purposes, to be agreed upon by the company and the other parties concerned.

Struck out.

(2) If no such agreement can be arrived at, then the question as to what is a fair and reasonable annual rent shall be referred to two arbitrators, one to be appointed by the company and the other by the other parties to the dispute, for arbitration in accordance with the provisions of the Arbitration Act, 1908.

New.

(2A) If no such agreement can be arrived at, then the question shall be referred to two arbitrators, one to be appointed by the company and the other by the other party or parties to the dispute, for arbitration in accordance with the provisions of the Arbitration Act, 1908. For the purpose of such arbitration, the said annual rent shall be computed as five per centum of the capital cost expended by such party or parties in installing and providing such watermains, gas-pipes, electric-light and telephone wires, and electric-power cables.

(3) All payments and income received and to be received by the company by way of such annual rent, for the purposes of this Act, shall be treated by the company as tolls.

New.

5 (3A) The cost of maintaining and repairing such watermains, gas-pipes, electric-light and telephone wires, and electric-power cables shall be at all times at the sole expense and charge of the owner or authorities of such watermains, gas-pipes, electric-light and telephone wires, and electric-power cables. Such owner or authorities shall at all times
10 indemnify and protect the company from all or any damage that may from time to time be caused to the bridge without neglect or negligence on the part of the company by or through the presence on or over the bridge of such watermains, gas-pipes, electric-light and telephone wires and electric-power cables.

15 107. No advertising-matter of any description shall be placed or fixed on any part of the structure of the bridge so as to be visible to persons off the bridge. Advertising matter to be prohibited.

20 108. All disputes, other than those referred to in section ~~sixty~~ *thirty-two* hereof, arising from time to time between the company and any local authority as to the carrying out and observance of any of the provisions of this Act shall be referred to two arbitrators, one to be appointed by the company and the other by the other parties to the dispute, for arbitration in accordance with the provisions of the Arbitration Act, 1908. Disputes to be referred to Arbitration.

25 109. ~~His Excellency~~ The Governor-General in Council may from time to time make such regulations as he may consider necessary to ensure compliance with and to give full effect to the provisions of this Act. Regulations.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

It shall not be lawful for the company to charge tolls in excess of the scale of tolls shown and set forth hereunder.

MOTOR-TRUCKS.

	Tolls.	
	Empty.	Loaded.
Not exceeding 1½ tons	s. d. 1 6	s. d. 1 8
Exceeding 1½ tons but not exceeding 3 tons	1 8	2 2
Exceeding 3 tons but not exceeding 4 tons	2 2	3 0
Exceeding 4 tons but not exceeding 5 tons	2 4	3 10
Exceeding 5 tons but not exceeding 6 tons	2 10	4 8
Exceeding 6 tons but not exceeding 7 tons	3 2	5 6
Exceeding 7 tons but not exceeding 8 tons	3 8	6 4
Exceeding 8 tons but not exceeding 9 tons	4 0	7 2
Exceeding 9 tons but not exceeding 10 tons	4 6	8 0
Exceeding 10 tons, such scale as the company may determine.		

MOTOR-CARS.

	Tolls.	
	s. d.	s. d.
Pedal cycles	0 2	
Motor-cycles (solo)	0 6	
Motor-cycles and side-car	0 7	
Motor-car—		
Small—not exceeding 9 ft. 6 in. in length over all	0 9	
Five-seater or under	1 0	
Over five-seater and up to seven-seater	1 8	
Motor cars and buses—		
To carry over seven and up to ten passengers	2 4	
To carry over ten and up to fifteen passengers	3 6	
To carry over fifteen and up to twenty passengers	4 0	
To carry over twenty and up to thirty passengers	5 10	
To carry over thirty and up to forty passengers	7 0	
To carry over forty and up to fifty passengers	8 0	
To carry over fifty, 1s. for every additional ten passengers.		
Motor-hearse	2 2	
Motor-ambulance	Free.	
Motor-tractors—		
1-ton	2 2	
2-ton	3 8	

Traction-engines and road-rollers—3s. 4d. per ton up to 10 tons, and over 10 tons 6s. 8d. per ton.

For all motor-buses running a regular daily passenger transport service and licensed for such purpose by the local motor-omnibus traffic licensing authority or authorities, the maximum tolls that the company may charge shall be—

- (a) Either 1s. 6d. per motor-bus for every one-way trip across the bridge; or
 (b) A charge per motor-bus calculated at 1d. for every person the motor-bus is licensed to carry for every single trip across the bridge,
 Whichever of the two is the greater.

ANIMALS.				Tolls.	
				s.	d.
Horses (including asses and donkeys), per head	..	..	..	0	10
Cattle, per head	..	..	..	1	0
Sheep, per head..	..	..	..	0	2
Sulky or gig with one horse	..	..	..	1	4
Four-wheeled buggy with one horse	..	..	..	1	8
Cab or wagonette with two horses (no load)	..	..	..	2	4
Brake with one horse	..	..	..	2	6

For every extra horse or animal attached to any conveyance or vehicle an extra toll not exceeding 8d. shall be charged.

HORSE-VEHICLES, HORSES, ETC.

	Tolls.	
	Empty.	Loaded.
	s.	d.
Horse and trap (load not exceeding $\frac{1}{2}$ ton)	1	8
Horse and cart (load not exceeding 1 ton)	1	8
Horse and cart or dray (load not exceeding 2 tons)	2	0
Wagon and two horses (load not exceeding 4 tons)	3	8

For every extra or additional horse or animal attached to any conveyance or vehicle, extra toll not exceeding 8d. shall be charged.

The tolls to be paid on all animals, beasts, conveyances, vehicles, or any other thing on wheels, or sledges or vehicles moved by caterpillar traction, not enumerated or included in the above scale of charges, shall be fixed and determined by the board.

SECOND SCHEDULE.

ALL that parcel of land being a strip of land now vested either in the Auckland Harbour Board, or the Minister of Marine, or the Crown, running from a point near Fanshawe Street, in the City of Auckland, to a point near Stokes Point, in the Borough of Northcote, over which the bridge is to be erected: such strip of land to have a width of the bridge, together with two further strips of 5 ft., ~~on either~~ one strip on each side of the bridge. The actual boundaries of the said parcel of land shall be settled between the company, the Minister of Marine, and the Auckland Harbour Board, and shall be defined accurately by survey, which shall be made by the company and at its expense.