

Mr Reed.

BAY OF ISLANDS HARBOUR.

[LOCAL BILL.]

ANALYSIS.

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| Title. | |
| 1. Short Title. | 9. Power to levy special rate. |
| 2. Harbours Act incorporated. | 10. Limit of special rate. |
| 3. Interpretation. | 11. Sinking fund. |
| 4. Constitution of Board. | 12. Have power of Rating Act. |
| 5. First election of members. | 13. Rate not to be quashed. |
| 6. First election. | 14. Annual estimate to be prepared. |
| 7. Harbour district constituted. | 15. Differential dues may be levied. |
| 8. Power to borrow money for construction of harbour-works. | 16. Wharves, &c., to vest in Board. Schedule. |

A BILL INTITULED

AN ACT to constitute a Harbour District and a Harbour Board for the Harbour of Bay of Islands. Title.

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

1. This Act may be cited as the Bay of Islands Harbour Act, 1920. Short Title.

2. This Act shall be deemed to be a special Act within the meaning of the Harbours Amendment Act, 1910. Harbours Act incorporated.

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

“ Board ” means the Harbour Board constituted under this Act :

15 “ Harbour ” means the Port and Harbour of Bay of Islands as defined in the Schedule hereto :

“ Harbour district ” means the Bay of Islands Harbour District as constituted under this Act :

“ The said Act ” means the Harbours Act, 1908.

20 4. A Harbour Board is hereby constituted for the Harbour of Bay of Islands. Such Board shall consist of seven members, of whom four shall form a quorum, elected as follows :— Constitution of Board.

(a.) Two members shall be appointed by the Governor-General.

(b.) Five members shall be elected by the electors of the County of Bay of Islands.

First election of members.

5. (1.) The first election of members shall be held in the same manner as members of the County Council are elected, save that each elector shall and may exercise one vote and no more.

(2.) The first members of the Board shall take office from a date to be appointed by the Governor-General. 5

(3.) The first members of the Board shall hold office until the next election of County Councillors, when they shall retire; and thereafter elections of members shall be held at the times and in the manner prescribed by the Harbours Amendment Act, 1910, in the case of elections of members of the constituent districts. 10

First election.

6. The Governor-General shall appoint a day for the election of the first members of the Board, and shall also appoint some fit person as Returning Officer.

Harbour district constituted.

7. The Bay of Islands Harbour District is hereby constituted, and shall comprise the County of Bay of Islands as at present constituted. 15

Power to borrow money for construction of harbour-works.

8. (1.) Subject to the provisions of the said Act and to the previous approval of the Governor-General of a plan of the works proposed to be constructed, the Board may borrow moneys, not exceeding in the whole the sum of *fifty thousand* pounds, for the construction or completion of harbour-works in or towards the improvement of the said harbour, or for the improvement of the navigation of the said harbour, including all arms thereof, or for reclamation of the foreshore thereof; and all such works shall be deemed to be harbour-works within the meaning of the said Act. 20

(2.) No money shall be borrowed under the authority of this Act which shall produce to the lender a higher rate of interest than *five pounds ten shillings per centum per annum*. 25

(3.) No money shall be borrowed under the authority of this Act, except with the consent of the ratepayers of the harbour district previously obtained in manner prescribed by the Local Bodies' Loans Act, 1913, and the provisions of that Act shall apply as if the Board were a local authority and the said works were public works within the meaning of Part I of that Act. 30

Power to levy special rate.

9. For the purpose of providing the annual charges upon moneys to be borrowed under the authority of the *preceding* section, the Board may make and levy a special rate upon all rateable property within the harbour district in manner provided by law and in accordance with the provisions of the Rating Act, 1908, and its amendments. 35

Limit of special rate.

10. The special rate to be levied under the authority of this Act shall not exceed *three* farthings in the pound upon the capital value of all rateable property within the said harbour district. 40

Sinking fund.

11. For the purpose of providing a sinking fund for the liquidation of any loan authorized by this Act the Board shall pay to the Commissioners appointed under section one hundred and ninety-seven of the said Act in every year a sum equal to one-half per centum on the moneys borrowed or so much thereof as is for the time being outstanding. 45

Have power of Rating Act.

12. For the purpose of making, levying, and recovering the said rates the Board shall have and may exercise all the powers of making, levying, and recovering rates in the harbour district as 50

are conferred on local authorities by the Rating Act, 1908, and for such purpose the Rating Act, 1908, and its amendments are incorporated herewith.

13. No rate or levy made under this Act or the said Acts shall be set aside or quashed by any proceeding in any Court or otherwise, and no defect in the same, or the making thereof, or in any direction for levy shall be set up as a defence to any action which may be brought to recover the same. Rate not to be quashed.

14. (1.) The Board shall in each year cause an estimate to be prepared in such manner and according to such method as the Board approves of the anticipated revenue of the year and of the anticipated expenditure of the year (exclusive of capital expenditure on loan account), and shall upon such estimate determine the difference of revenue required to meet such expenditure. Annual estimate to be prepared.

15. (2.) The Board shall be empowered to make and levy a rate not exceeding *one* farthing in the pound on the capital value of all rateable property within the harbour district as it deems sufficient to provide such deficiency.

15. Notwithstanding any provisions contained in the Harbours Act, 1908, it shall be lawful for the Board to make and levy harbour dues to be charged and collected in respect of goods produced or manufactured outside and brought into the harbour district for any person (not being an elector of the harbour district or any riding thereof) residing outside the harbour district, and in respect of goods shipped on behalf of any person (not being an elector as aforesaid) residing outside the harbour district, in excess of the dues to be made and levied in respect of the same goods if produced or manufactured within the harbour district or brought into the same for, or shipped on behalf of, any person residing within the harbour district: Differential dues may be levied.

30 Provided that such excess dues shall be payable equally in respect of the same description of goods wheresoever outside the harbour district the same are produced or manufactured and wheresoever outside the harbour district the person on behalf of or for whom the same are brought into the harbour district or shipped may reside.

16. All wharves and jetties (including all sheds and buildings thereon) within the harbour district at the date of the first meeting of the Board under the control, and all the assets and liabilities, rights, powers, functions, duties, and authorities, of the Bay of Islands County Council are hereby vested in the Board as from the date of its first meeting without the necessity of any further or other transfer or assurance. Wharves, &c., to vest in Board.

SCHEDULE.

Schedule.

ALL that area bounded, commencing at the south-eastern extremity at ordinary high-water mark of Howe Point, by a right line to the northern extremity of Red Head; thence by that line produced to its point of junction with the western coast-line of Rawhiti Peninsula at ordinary high-water mark; thence following the coast-line at ordinary high-water mark to the commencing-point: including within such area all bays, tidal streams, rivers, and inlets flowing into the said harbour up to the ordinary high-water mark, and the foreshore of all islands within the said area.