

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 9 October 1952

Words struck out by Local Bills Committee are shown in italics within bold brackets or in roman enclosed in panel; words inserted are shown in black or in roman with rule down side.

Mr. Smith

BAY OF ISLANDS HARBOUR BOARD
EMPOWERING

[LOCAL BILL]

ANALYSIS

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A BILL INTITULED

AN ACT to [*enable the Bay of Islands Harbour Board*] **reconstitute the Bay of Islands Harbour District, to reconstitute the Bay of Islands Harbour Board, and** Title.

5: **to enable the Board** to borrow moneys for the improvement of the Bay of Islands Harbour [*and the extension of the Bay of Islands Harbour District*].

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

1. This Act may be cited as the Bay of Islands Harbour Board Empowering Act 1952. Short Title.

15 1950.
2. This Act shall for all purposes be deemed to be a special Act within the meaning of the Harbours Act Special Act.

Interpretation.

3. In this Act, unless the context otherwise requires,—
“ Board ” means the Bay of Islands Harbour Board:

“ Harbour district ” means the area defined in section *four* of this Act. 5

Reconstitution of the Bay of Islands Harbour District.

4. The area embracing the Mangonui, Whangaroa, Hokianga, and Bay of Islands Counties, as at present constituted, and the Boroughs of Kaitaia and Kaikohe, is hereby constituted a district under the name of the Bay of Islands Harbour District: 10

Struck out

Provided that the area of any borough, county, or riding of any county shall not be included in the harbour district if the electors of such borough, county, or riding of any county object to inclusion in the harbour district. 15

Reconstitution of Board.

5. (1) The Board shall **hereafter** consist of [*ten*] **nine** members, [*six*] **five** of whom shall form a quorum, and shall be elected, **in accordance with the Harbours Act 1950**, as follows:—

(a) [*Five*] **Four** members [*to*] **shall** be elected by the 20
electors of the County of Bay of Islands and the electors of the Borough of Kaikohe:

(b) Two members [*to*] **shall** be elected by the electors of the County of Mangonui and the electors of the Borough of Kaitaia: 25

(c) Two members [*to*] **shall** be elected by the electors of the County of Hokianga:

(d) One member [*to*] **shall** be elected by the electors of the County of Whangaroa. 30

Struck out

(2) The members referred to in subsection *one* of this section shall hold office until the next general election of members of Harbour Boards, when they shall retire, and thereafter elections of members of the Board shall be held at the times and in the manner 35
prescribed by the Local Elections and Polls Act 1925.

(3) The Governor-General shall appoint a day for the election of the members referred to in subsection *one* of this section and a time and place for such election, and shall appoint some fit person to act as 40
Returning Officer.

(4) The present Bay of Islands Harbour Board shall remain in office until the election of its successors.

New

(2A) The election of the first members of the Board, as reconstituted by this section, shall be held on such day as the Governor-General by Order in Council appoints; and by the same or any subsequent Order in Council the Governor-General may make all such provisions as he deems necessary for the purposes of that election, and may fix the time and place for the first meeting of the Board to be held after that election.

(3A) Every member elected at the election referred to in subsection *two A* of this section shall, unless his office sooner becomes vacant, hold office until the election of his successor at the general election of members of the Board that is held, pursuant to the Harbours Act 1950, next following the passing of this Act, but shall be capable of re-election. Subsection two of section twenty-three of the Harbours Act 1950 (which provides that where the first election of members of a new Board is held within twelve months before the time fixed for the general election that general election need not be held) shall apply to the first election of members under this section.

(4A) Every member of the Board holding office as such at the passing of this Act shall, unless his office sooner becomes vacant, continue in office until the election of the first members under subsection *two A* of this section.

Struck out

6. The reference to the Bay of Islands Harbour Board in the First Schedule to the Harbours Act 1950 is hereby repealed.

New

6A. The Harbours Act 1950 is hereby amended by repealing so much of the First Schedule thereto as relates to the Bay of Islands Harbour Board.

Struck out

7. (1) After the coming into force of this Act all property, real and personal, belonging to the existing Board is hereby vested in the new Board for harbour purposes, subject to the Harbours Act 1950, for the estate or interest of the existing Board therein.

(2) All rates, dues, and other moneys whatsoever payable to the existing Board shall become payable to the new Board.

(3) All proceedings pending by or against the existing Board may be carried on or prosecuted by or against the new Board.

(4) All debts, liabilities, and engagements of the existing Board shall become debts, liabilities, and engagements of the new Board.

New

Board declared to be same body corporate as existing Board.

7A. The Board as reconstituted by this Act is hereby declared to be the same body corporate as the Bay of Islands Harbour Board constituted under the Bay of Islands Harbour Act 1920.

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Power to borrow.

8. It shall be lawful for the Board from time to time as it may require to borrow, subject to the provisions of the Harbours Act 1950 and the Local Government Loans Board Act 1926, a sum or sums not exceeding in the whole the sum of one hundred and ninety-eight thousand pounds (in addition to any moneys heretofore borrowed by the Board under or by virtue of any other Act) for the purpose of carrying out, subject to the Harbours Act 1950, the works specified in the Schedule to this Act.

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Local Bodies' Loans Act 1926 may be applied.

[10] 9. The Board may, by resolution, decide to raise such loan as aforesaid under the Local Bodies' Loans Act 1926, in which case the Board may from time to time raise the moneys in accordance with the provisions of Part I of that Act, and the provisions of that Act shall apply as if the Board were a local authority and the said harbour works were public works within the meaning of that Act:

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New

Provided that, before raising any such moneys as aforesaid, the Board shall take a poll of the ratepayers of the harbour district on the proposal to raise the loan; and the provisions of the said Act shall accordingly apply as if the prior consent of the ratepayers to the raising of the loan had been required pursuant to paragraph (a) of subsection one of section nine of that Act:

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Provided also that, for the purposes of the poll to be taken under that Act, a majority of the total valid votes recorded shall suffice to carry the proposal.

Ratepayers' roll.

[11] 10. (1) For the purposes of any poll of ratepayers to be taken under this Act the rolls of ratepayers of the boroughs, town districts (not being parts of any county), counties, and any part of any county comprised in the harbour district shall be deemed to be the roll of ratepayers of the harbour district.

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(2) It shall be the duty of the Clerk of the local authority of each such district comprised wholly or in part within the harbour district, whenever requested to do so by the Board, to supply to the Board a certified roll of the ratepayers of such district, or of the part thereof within the harbour district, together with as many copies as the Board may require.

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(3) The cost of preparing any roll of ratepayers for the purposes of this section and of supplying copies thereof shall be paid by the Board.

5 [12] 11. The Board shall appoint some fit person to be a Returning Officer for the conduct of any poll to be taken under this Act. Returning Officer.

10 12. (1) [9. (1) For the purpose of providing the annual charges upon moneys to be borrowed under the authority of the last preceding section, the Board may make and levy] In addition to the charge on the harbour fund created by the Harbours Act 1950, the Board may, if the loan is being or has been raised in accordance with the provisions of the Local Bodies' Loans Act 1926, but not otherwise, make and levy, for further securing repayment of moneys borrowed from time to time under the authority of this Act and interest thereon, a special rate on the unimproved value of all rateable property within the said Harbour District in manner provided by law and in accordance with the provisions of the Rating Act 1925. Board may make special rate.

20 (2) The special rate to be levied under the authority of this Act shall be a rate, the product of which shall not exceed the product of—

25 (a) A rate of [three farthings] **thirteen-sixteenths of a penny** in the pound upon the unimproved value, as at the thirty-first day of March, nineteen hundred and fifty-two, of all rateable property in the County of Mangonui and the Borough of Kaitaia:

30 (b) A rate of one penny and [one farthing] **a half-penny** in the pound upon the unimproved value, as at the thirty-first day of March, nineteen hundred and fifty-two, of all rateable property in the County of Hokianga:

35 (c) A rate of one penny and [one farthing] **a half-penny** in the pound upon the unimproved value, as at the thirty-first day of March, nineteen hundred and fifty-two, of all rateable property in the County of Whangaroa:

40 (d) A rate of [one penny and four-fifths of one penny] **twopence and one-sixteenth of a penny** in the pound upon the unimproved value, as at the thirty-first day of March, nineteen hundred and fifty-two, of all rateable property in the County of Bay of Islands and the Borough of Kaikohe.

45 (3) All rates levied by the Board in any year on each of the areas referred to in paragraphs (a), (b), (c), and (d) of subsection two of this section shall be in the same proportion as the product of the rate in each of the said paragraphs bears to each other.

Estimate of
revenue and
expenditure.

13. (1) If the loan is being or has been raised in accordance with the provisions of the Local Bodies' Loans Act 1926, the Board shall in each year cause an estimate to be prepared, in such manner and according to such principle and method as the Board approves, of the anticipated revenue of the year (exclusive of any rate to be levied under this Act) and the anticipated expenditure of the year (including the annual payment or payments to be made, including interest with respect to the moneys borrowed under the authority of this Act, but exclusive of capital expenditure on any loan account) and shall upon such estimate determine the deficiency of such revenue to meet such expenditure. 5 10

(2) Any credit or debit balance of the Board's General Account at the close of each year shall be carried forward to the account of the next succeeding year for the purpose of the estimate of such succeeding year and the determination of the deficiency of the revenue of such succeeding year to meet the expenditure thereof. 15 20

(3) The Board may levy or direct the levy, in accordance with the Harbours Act 1950, in each year of such part of the said special rate as is sufficient to provide for such deficiency.

(4) The Board may, for the purposes of levy or such direction and levy, adopt some convenient fraction of a penny notwithstanding that the sum produced thereby may exceed such deficiency. 25

Prior securities
not affected.

14. Nothing in this Act or in any debentures issued in pursuance thereof shall affect or prejudice the rights of the holders of any debentures heretofore executed or issued by the Board pursuant to the provisions of the Bay of Islands Harbour Act 1920, the Bay of Islands Harbour Amendment Act 1922, and the Bay of Islands Harbour Amendment Act 1930. 30 35

New

Repeals.

15. The Bay of Islands Harbour Act 1920 is hereby amended by repealing sections four and seven.

Saving as to
existing loan
and special rate
therefor.

16. (1) Notwithstanding anything in this Act, any special rate made and levied by the Board for the purpose of providing for the annual charges in respect of any loan raised before the passing of this Act shall apply only to rateable property within the Bay of Islands Harbour District as constituted before the passing of this Act. 40 45

(2) Until any such loan as aforesaid is paid off, any other moneys that may become available, out of the revenue of the Board, for the purposes of meeting annual charges on loan moneys shall be applied in meeting the annual charges in respect of that loan and not in meeting the annual charges on any loan raised by the Board under this Act or any subsequent enactment.

SCHEDULE

Schedule.

1. Construction of wharf and miscellaneous harbour works at and in the vicinity of Opuā.
2. Dredging—
 - (a) Veronica Channel to 24 ft. L.W.S.T.
 - (b) At wharf.