

*Mr. Dudfield*

GISBORNE HARBOUR BOARD EMPOWERING

[LOCAL BILL]

ANALYSIS

Title.	6. Authority to borrow.
Preamble.	7. Refunds to accounts.
1. Short Title.	8. Further security for loan.
2. Special Act.	9. Returning Officer.
3. Interpretation.	10. Ratepayers' roll.
4. Harbour district. Repeals.	11. Estimate of revenue and expenditure.
5. Authority to carry out harbour works.	12. Securities not affected. Schedules.

A BILL INTITULED

AN ACT to authorize the Gisborne Harbour Board to borrow the sum of two hundred and eighty-five thousand pounds for harbour works and other purposes.

Title.

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WHEREAS by the Gisborne Harbour Board Enabling Act 1919 the Gisborne Harbour Board was empowered to borrow in manner and subject as in the said Act provided a loan of one million pounds for the construction of a harbour at the Port of Poverty Bay: And whereas such harbour was duly constructed: And whereas the Board, on the advice of its Engineer, has decided to improve the said harbour by the construction

Preamble.

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of the works specified in the *Second* Schedule to this Act, estimated to cost the sum of two hundred and eighty-five thousand pounds: And whereas the said Board is desirous of borrowing the sufficient money estimated as aforesaid to effect such improvements to the said 5 harbour:

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 Gisborne Harbour Board Empowering Act 1952. 10

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

Interpretation. 3. In this Act, unless the context otherwise requires,— 15

“ Board ” means the Gisborne Harbour Board:

“ Harbour district ” means the Gisborne Harbour District as defined by this Act.

Harbour district. 4. (1) It is hereby declared that, for the purposes of the Gisborne Harbour Board Enabling Act 1919 and this Act, the Gisborne Harbour District shall consist, and shall be deemed since the first day of December, nineteen hundred and twenty-two (being the date of the taking effect of the Order in Council referred to in subsection *three* of this section), to have consisted, of the 20 area defined in the *First* Schedule to this Act. 25

Repeals. (2) The following enactments are hereby consequentially repealed, namely:—

(a) Section eight of the Gisborne Harbour Board Enabling Act 1919: 30

(b) Section four of the Gisborne Harbour Board Amendment Act 1920:

(c) The Gisborne Harbour Board Enabling Amendment Act 1922.

(3) The Order in Council defining the boundaries of the Gisborne Harbour District, dated the nineteenth day of December, nineteen hundred and twenty-two, and published in the *Gazette* of the eleventh day of January, nineteen hundred and twenty-three, at page nineteen, is hereby consequentially revoked. 40

5. The Board is hereby authorized, subject to the provisions of the Harbours Act 1950 and this Act, to construct and carry out the harbour works specified in the *Second* Schedule to this Act.

Authority to carry out harbour works.

5 6. (1) It shall be lawful for the Board, subject to the provisions of the Harbours Act 1950 and the Local Government Loans Board Act 1926, from time to time to borrow, in accordance with Part I of the Local Bodies' Loans Act 1926, a sum or sums not exceeding in the whole the sum of two hundred and eighty-five thousand pounds (in addition to any moneys heretofore authorized to be borrowed by the Board under or by virtue of any other Act) for the purpose of carrying out the works specified in the *Second* Schedule hereto.

Authority to borrow.

10 (2) The provisions of the Local Bodies' Loans Act 1926 shall, as far as they are applicable, apply as if the Board were a local authority and the harbour district were a district and the said harbour works were public works within the meaning of that Act:

15 (2) The provisions of the Local Bodies' Loans Act 1926 shall, as far as they are applicable, apply as if the Board were a local authority and the harbour district were a district and the said harbour works were public works within the meaning of that Act:

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

25 7. The Board may out of moneys borrowed pursuant to the authority conferred by this Act repay to any account any sum or sums or any portion of any sum or sums advanced therefrom and applied, whether before the passing of this Act or within six months thereafter, in the purchase of materials required for the construction of the lighter berth referred to in the *Second* Schedule to this Act.

Refunds to accounts.

30 8. In addition to the charge on the Harbour Fund created by the Harbours Act 1950, the Board may make, levy, and pledge for securing repayment of the moneys to be borrowed and interest thereon under the authority of this Act a special rate not exceeding one penny in the pound on the capital value of all rateable property in the harbour district.

Further security for loan.

35 9. The Board shall appoint some person to be a Returning Officer for the conduct of any poll required to be taken under the Local Bodies' Loans Act 1926.

Returning Officer.

40 10. The roll of ratepayers of the harbour district shall be the roll for the purposes of any such poll as aforesaid.

Ratepayers' roll.

Estimate of  
revenue and  
expenditure.

**11.** (1) 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 or any previous Act) 5 and the anticipated expenditure of the year (including the annual payment or payments to be made, including interest, with respect to all moneys borrowed by the Board under the authority of this Act or any previous Act, but exclusive of capital expenditure on any loan 10 account), and shall upon such estimate determine the deficiency of the revenue to meet the expenditure.

(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 succeeding year for the 15 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.

(3) The Board may levy or direct the levy, in accordance with the Harbours Act 1950, in each year of 20 such part of the said special rate as is sufficient to provide for the deficiency.

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

Securities not  
affected.

**12.** Nothing in this Act shall be construed as in any manner limiting or affecting the rights of the holders of debentures heretofore or hereafter issued under the provisions of the Gisborne Harbour Board Enabling Act 30 1919 by the Board to require the levy of the whole of the rate as defined by section eighteen of that Act if any default be made by the Board in payment of any interest or capital moneys secured by such debentures.

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## SCHEDULES

Schedules.

## FIRST SCHEDULE

## THE GISBORNE HARBOUR DISTRICT

All that area in the Gisborne Land District bounded by a line commencing at the Maungapohatu Trig. Station and proceeding thence north-easterly along a direct line to the Maungatapere Trig. Station to its intersection with the western boundary of Tahora Block; thence northerly along that boundary to a point in line with the northern boundary of Section 3, Block XV, Moanui Survey District; thence to and along that boundary, the northern boundaries of Sections 6, 2, and 3, Block XII, Moanui Survey District, Sections 4, 1, and 2, Block IX, Motu Survey District, and Section 2, Block V, Motu Survey District, to the Pokaikiri Trig. Station; thence by a right line to the northernmost corner of Motu No. 1 Block, Block II, Motu Survey District; thence by the northern boundary of that block to the Whakapaupakihi Stream; thence down the middle of that stream and the middle of the Motu River to a point in line with Trig. Stations 140 and 139; thence along a right line through the said Station 140 to the said Station 139 and along a right line to Trig. Station Arowhana, Block IV, Arowhana Survey District; thence by a right line in the direction of Kopua Trig. Station to its intersection with the western boundary of Huiarua No. 3 block; thence southerly along the western boundary and easterly along the southern boundary of that block to and across the Mata River to its right bank; thence in a south-westerly direction along the right bank of the said Mata River and the south-eastern boundary of Section 1, Block VI, Tutamoe Survey District, to and across a public road, along the eastern boundary of Section 2, Block V, Tutamoe Survey District, to and across a public road, along the eastern boundary of Section 2, Block IX, Tutamoe Survey District, to and across a closed road, to and along the eastern boundary of Section 1, Block IX, Tutamoe Survey District; thence in a southerly direction generally along the north-eastern boundary of Waipaoa No. 2 Block, the north-eastern boundary of Waipaoa No. 3B Block, to the middle of the Waingaromia River; thence to and along the middle of that river to a point in line with the north-eastern boundary of Lot II, D.P. 1696; thence in a south-easterly direction along the north-eastern boundary of Lot II and Lot 3, D.P. 1696, to the middle of the Waiapu Inland Road and along the middle of that road to a point in line with the north-western boundary of Small Grazing Run 42; thence to and along that boundary and the northern and south-eastern boundaries of the said Small Grazing Run 42; thence along the northern and eastern boundaries of Lot 1 of Small Grazing Run 43A to the middle of a public road; thence southerly generally along the middle of that road to a point in line with the northern boundary of Section 1, Block XV, Waingaromia Survey District; thence to and along that boundary and the northern boundary of Section 2, Block XVI,

FIRST SCHEDULE—*continued*

Waingaromia Survey District, to the middle of the Mangarara Stream; thence easterly generally down the middle of that stream to a point in line with the north-eastern boundary of Lot 6 of Small Grazing Run 58; thence south-easterly along the north-eastern boundaries of the said Lot 6, Small Grazing Run 58, the Waimata North 1A 2 Block, and Section 3, Block XVI, Waingaromia Survey District, and along the north-eastern boundary of Lot 2, D.P. 2620; thence northerly along the western boundary of Section 2, Block XIII, Uawa Survey District, to and across a public road to the middle of the Pakarae River; thence south and east generally along the middle of that river to a point in line with the north-western corner of Pakarae 1b Block, Block VII, Whangara Survey District; thence easterly generally along the northern boundary of the Pakarae 1b and Pakarae 1A Blocks to and across a public road to the sea; thence south-westerly generally along the sea coast to Whareongaonga; thence to and along a public road passing through or adjoining Lots 2, 5, and 4, D.P. 2925 (Whareongaonga B Block), and Whareongaonga C 4, C 6, C 1b, and C 1A 4 Blocks, Blocks V, Paritu, and VIII, Nuhaka North Survey Districts, Sections 2 and 1, Block VIII, Nuhaka North Survey District, Part Puninga No. 2 Block, and Sub-division 9, Puninga Block; thence north-westerly generally along a right of way passing through or adjoining Puninga 7A, 7B, and 7c 2 Blocks to the southern boundary of Puninga 7d 1 Block; thence along the southern and western boundaries of that block, westerly along the southern boundary of Parts Section 3, Maraetaha No. 2 Block, U.D.P. 514, and Part Lot 2 D.P. 2796, to the Tarewa Road; thence north-westerly along that road to a point in line with the southern boundary of Lot 1, D.P. 2796; thence westerly generally to and along the southern and western boundaries of that lot to Trig. Station J (Pukehou); thence along a right line from the said Trig. Station J to Trig. Station 87A (Pukeroronui); thence north-westerly along a direct line from the said Trig. Station 87A to Trig. Station Taumutu at the western corner of Maraetaha 2b Block; thence westerly and southerly along the boundary of Mangapoike Part "A" Block to its intersection with a right line running from Peg XII (S.O. 524) to Peg B (S.O. 392) at the confluence of the Hangaroa and Ruakituri Rivers; thence north-westerly along that right line to the north-western boundary of the Mangapoike No. 2b Block; thence north-easterly along the said north-western boundary of the Mangapoike No. 2b Block to the western boundary of Lot 1, D.P. 1381; thence northerly along the said western boundary to Trig. Station 87 (Whakapunake); thence in a westerly direction generally along the southern boundary of Lot 1, D.P. 1381, northerly along the western boundary of Lot 1, D.P. 1381, to and across a public road to the middle of the Hangaroa River; thence north-westerly generally along the middle of that river to a point in line with the southern boundary of the Tauwharetoi 3A Block; thence

FIRST SCHEDULE—*continued*

westerly and northerly to and along that boundary to the north-western corner of Lot 2, D.P. 2296; thence westerly along the southern boundary of Section 1, Block X, Hangaroa Survey District, northerly and westerly generally by the south-western boundaries of the said Section 1, Block X, Hangaroa Survey District, along the southern and south-western boundaries of Section 5, S.O. 1430, and the south-western and north-western boundaries of Section 2, S.O. 1430, Block IX, Hangaroa Survey District; thence to and by the middle of Bushy Knoll Road to the middle of the Hangaroa-Junction-Waikaremoana Road; thence westerly along the middle of that road to the Ruakituri River, and up that river to a point on a right line between Puketapu Trig. Station and Maungapohatu Trig. Station; thence north-westerly along that right line to the point of commencement; the whole of the said area being more particularly delineated on the plan marked M.D. 9363, deposited in the Head Office of the Marine Department at Wellington, and thereon edged red.

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SECOND SCHEDULE

AUTHORIZED WORKS

LIGHTER berth, wharf and goods shed, wall, workshops, cut-off sea-wall, and the provision of necessary equipment and plant.