

## HARBOURS AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to the Harbours Act 1950.

*Clause 2:* Section 36 (1) of the principal Act enables a Board to pay an annual allowance to its Chairman not exceeding £300. This clause increases the maximum allowance, in the case of the Auckland and Wellington Harbour Boards, to £500 a year and, in the case of the Lyttelton and Otago Harbour Boards, to £400 a year. In the case of the other Boards the existing maximum of £300 a year is to remain.

*Clause 3* enables the Audit Office to dispense with the production of a statement of receipts and payments with the annual accounts of Harbour Boards.

*Clause 4:* Section 165 of the principal Act authorizes the Governor-General, in any case where the foreshore outside the limits of any harbour is not vested in a Harbour Board or other local authority, to vest the control of the foreshore in any local authority, Domain Board, or trustees, and enables the controlling authority to make by-laws regulating the use of the foreshore. This clause authorizes the Governor-General to vest the control of the foreshore in a Scenic Board also, and extends the purposes for which the foreshore may be used by permitting it to be used for boat sheds, boatbuilding sheds, and slipways. Section 165 (4) provides that by-laws made under the section (except by-laws made by a local authority) are not to have effect until approved by the Minister of Marine. Paragraph (c) of this clause removes this exception in the case of the by-laws of a local authority, so that all by-laws will require the Minister's approval.

*Clause 5* authorizes Harbour Boards, in order to prevent port congestion, to require the owners of goods to keep their premises open and available for the receipt of goods which have been discharged, and also to direct warehouse keepers to accept delivery of goods on account of the owners, and to store those goods on usual or approved terms as to storage and other charges and conditions, pending the delivery of the goods to the persons entitled. These powers may at present be exercised by Cargo Control Committees under the Cargo Control Emergency Regulations 1942 (Serial number 1942/268), and the purpose of this clause is to transfer these functions to Harbour Boards, in accordance with a recommendation contained in the report of the Royal Commission of Inquiry into the Waterfront Industry (see page 207 of that report).

*Clause 6:* Section 208 of the principal Act contains provisions enabling wrecked ships to be removed from any harbour. This clause extends this provision to wrecked aircraft.

*Clause 7:* Section 215 of the principal Act authorizes the issue of pilotage exemption certificates to persons holding certificates as master or mate under the Shipping and Seamen Act 1908. This clause limits the issue of pilotage exemption certificates to persons holding masters' certificates.

*Clause 8:* Section 232 of the principal Act authorizes a Harbour Board to make by-laws on the subject matters specified in the section for and within the limits of the harbour under its control. This clause enables by-laws under that section to be made having effect also within lands under the control of the Board.

*Clause 9* authorizes Harbour Boards that act as wharfinger or warehouse keeper to make by-laws providing for delivery of goods of a standard line to the several owners, consignees, or holders of delivery orders according to the quantity each of them is entitled to receive and not according to the marks on the goods. This clause gives effect to a recommendation contained in the report of the Royal Commission of Inquiry into the Waterfront Industry (see page 197 of that report).

*Clause 10:* Section 232 (50) of the principal Act authorizes a Harbour Board to make by-laws prescribing the sight tests to be undergone by applicants for pilots' licences, pilotage exemption certificates, &c. This clause will enable by-laws to be made prescribing the medical tests to be undergone as well as sight tests.

*Clause 11:* Section 241 (1) (h) of the principal Act authorizes the making of general harbour regulations for the protection of life and property in or on ships, wharves, and harbours. This clause extends this authority, and will enable regulations to be made for the protection of life and property on vessels which are not ships and are used as ferries.

*Clause 12* amends the constitution of the New Plymouth Harbour Board in relation to the members to be elected by the electors of the Counties of Inglewood, Taranaki, and Egmont.

*Clause 13* enacts as part of the principal Act the provisions of section 54 of the Housing Act 1919 and of section 15 of the Housing Amendment Act 1920, which confer powers on Harbour Boards to acquire land and erect dwellinghouses for occupation by workers employed by them. This is being done in order that those provisions, which relate only to Harbour Boards, may be omitted from the housing legislation when the Housing Act 1919 is consolidated.

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*Hon. Mr. Goosman*

## HARBOURS AMENDMENT

### ANALYSIS

Title.	7. Only masters of ships to be granted pilotage exemption certificates.
1. Short Title.	8. By-laws in respect of land under control of Board.
2. Annual allowance to Chairman.	9. By-laws as to delivery of goods of standard lines.
3. Audit Office may dispense with production of statement of receipts and payments.	10. Medical tests of applicants for pilots' licences, &c.
4. Amending provisions as to use of foreshore outside harbour limits.	11. Regulations as to safety of ferries.
5. Powers of Board to expedite removal of goods to avoid congestion.	12. Amending provisions as to constitution of New Plymouth Harbour Board.
6. Removal of wrecked aircraft.	13. Power of Harbour Board to erect dwellings. Repeals.

### A BILL INTITULED

AN ACT to amend the Harbours Act 1950.

Title.

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

- 5     1. This Act may be cited as the Harbours Amendment Act 1952, and shall be read together with and deemed part of the Harbours Act 1950 (hereinafter referred to as the principal Act).
- 10    2. Section thirty-six of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:—
- Short Title.  
1950, No. 34  
Annual allowance to Chairman.

“(1) The Chairman may be paid such annual allowance, at a rate not exceeding,—

“(a) In the case of the Auckland Harbour Board and the Wellington Harbour Board, five hundred pounds: 5

“(b) In the case of the Lyttelton Harbour Board and the Otago Harbour Board, four hundred pounds:

“(c) In the case of any other Board, three hundred pounds,— 10

as the Board from time to time determines.”

Audit Office may dispense with production of statement of receipts and payments.

3. Section sixty-one of the principal Act is hereby amended by adding to paragraph (b) the following proviso:—

“ Provided that the Audit Office may at any time and from time to time dispense with this requirement; ” 15

Amending provisions as to use of foreshore outside harbour limits.

4. Section one hundred and sixty-five of the principal Act is hereby amended as follows:—

(a) By inserting in subsection one, after the words “ Domain Board ”, the words “ Scenic Board ”: 20

(b) By inserting in subsection three, after the words “ bathhouses ”, the words “ boatsheds, boat-building sheds, jetties, and slipways ”:

(c) By omitting from subsection four the words “ (other than by-laws made by a local authority) ”. 25

Powers of Board to expedite removal of goods to avoid congestion.

5. The principal Act is hereby amended by inserting, after section two hundred and one, the following section:— 30

“ 201A. (1) Where at any time the Board considers that the removal of goods from wharves and from stores and other buildings thereon (whether those goods have been delivered from any vessel or are awaiting transshipment) should be expedited in order to prevent or relieve congestion in the port, the Board may— 35

“(a) Require the owners of any such goods or any other person to keep premises open and available for the receipt of any such goods proposed to be delivered to them, and to maintain a sufficient staff of workers to take delivery of those goods with all proper expedition: 40

- “*(b)* Approve any warehouse licensed under the Customs Act 1913 or any other suitable place as a store to be used for the storage of any such goods, on account of the owners thereof, and may direct or authorize the licensee or occupier of any such warehouse or store to accept delivery of and to store the goods on usual or approved terms as to storage and other charges and conditions, pending the delivery of the goods to persons entitled to claim possession thereof.”
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- “*(2)* Every person commits an offence against this Act who refuses or fails, without lawful excuse, to comply with any requirement or direction of the Board in exercise of its powers under this section.
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- “*(3)* It shall be no defence in any proceedings for a breach of this section that the requirement or direction of the Board could not be complied with in ordinary working hours or in ordinary business hours.”
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- 6.** (1) Section two hundred and eight of the principal Act is hereby amended by inserting in subsection one, after the word “vessel” wherever it occurs, the words “or aircraft”.
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- (2) Section two hundred and eight of the principal Act is hereby further amended by adding to subsection one the following proviso:—
- “Provided that nothing in this section relating to aircraft shall derogate from any provision of the Civil Aviation Act 1948 or any regulations under that Act relating to the investigation of aircraft accidents.”
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- 7.** The principal Act is hereby amended as follows:—
- (a) By omitting from subsection one of section two hundred and fifteen the words “or mate’s”:
- (b) By omitting from the same subsection and also from subsection five of the same section the words “or mate”:
- (c) By omitting from subsection one of section two hundred and seventeen the words “or mate” wherever they occur:
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- (d) By omitting from subsection two of the same section the words “or a mate’s certificate”:

See Reprint  
of Statutes,  
Vol. VII, p. 97

Removal of  
wrecked  
aircraft.

1948, No. 12

Only masters  
of ships to be  
granted  
pilotage  
exemption  
certificates.

- (e) By omitting from subsection one of section two hundred and eighteen the words " or mate " wherever they occur:
- (f) By omitting from section two hundred and nineteen the words " or mate " : 5
- (g) By omitting from section two hundred and twenty the words " or mate " wherever they occur:
- (h) By omitting from section two hundred and twenty-one the words " or mate " :
- (i) By omitting from subsection one of section two hundred and twenty-two the words " or mate " wherever they occur. 10
8. Section two hundred and thirty-two of the principal Act is hereby amended as follows:—
- (a) By inserting, after the words " limits of the harbour " where they first occur, the words " or land " : 15
- (b) By inserting in paragraph (11), after the words " landing places ", the words " and land under the control of the Board " : 20
- (c) By adding to paragraph (17) the words " or on any land under the control of the Board " :
- (d) By inserting in paragraph (30), after the word " wharf ", the words " or any land under the control of the Board " : 25
- (e) By inserting in paragraph (31), after the word " wharf ", the words " or on any land under the control of the Board " :
- (f) By inserting in paragraph (32), after the word " wharves ", the words " or land under the control of the Board " . 30
9. Section two hundred and thirty-two of the principal Act is hereby further amended by inserting, after paragraph (33), the following paragraph:—
- "(33A) In cases where the Board undertakes the business or duties of a wharfinger or warehouse keeper, provide that, when goods of a standard line of the same description (except as to the marks thereon) are unloaded from any ship into the custody of the Board and there are several owners or consignees of or holders of delivery orders in respect of the goods, the Board may, in satisfaction of its obligation to deliver goods according to mark, 35 40

By-laws in respect of land under control of Board.

By-laws as to delivery of goods of standard lines.

deliver to each such owner or consignee or holder of a delivery order the quantity of the goods that he is entitled to receive from the Board irrespective of and without having regard to any marks on the goods: ”.

- 5     **10.** (1) Section two hundred and thirty-two of the principal Act is hereby further amended by inserting in subparagraph (a) of paragraph (50), before the words “ Sight tests ”, the words “ Medical tests for general health and fitness for duty and ”.
- 10     (2) Section two hundred and fifteen of the principal Act is hereby amended by inserting in subsection four, before the words “ sight tests ”, the words “ medical tests and ”.
- 15     **11.** Section two hundred and forty-one of the principal Act is hereby amended by inserting in paragraph (h) of subsection one, after the word “ ships ”, the words “ other vessels used as ferries (whether propelled, hauled, or towed) ”.
- 20     **12.** That part of the First Schedule to the principal Act which relates to the New Plymouth Harbour Board is hereby amended by omitting from the second column the words “ two by the electors of those parts of the counties of Egmont, Inglewood, and Taranaki included in the harbour district ”, and substituting the words
- 25     “ two by the electors of the Counties of Inglewood and Taranaki and that part of the County of Egmont included in the harbour district ”.
- 30     **13.** (1) The principal Act is hereby amended by inserting, after section one hundred and forty-two, the following new section:—
- 35     “ 142A. (1) The Board from time to time may acquire land and may erect dwellings thereon to be disposed of by way of sale or lease, on such conditions as the Board thinks fit, to workers in the employment of the Board, or may erect dwellings to be disposed of as aforesaid on any land owned by the Board and not held in trust for any special purpose.
- 40     “(2) For the purposes of the acquisition of land and the erection of dwellings pursuant to the last preceding subsection, the Board may, with the consent of the Minister, and subject to the provisions of the Local Government Loans Board Act 1926, borrow moneys under this section.

Medical tests of applicants for pilots' licences, &c.

Regulations as to safety of ferries.

Amending provisions as to constitution of New Plymouth Harbour Board.

Power of Harbour Board to erect dwellings.

See Reprint of Statutes, Vol. V, p. 415

“(3) Any moneys borrowed under this section may be secured on debentures issued by the Board under the provisions of this Act as if the power to borrow conferred by this section were conferred by a special Act, and may also be secured by a first or other mortgage of the interest of the Board in the land acquired or on which any such dwellings may be erected.” 5

(2) Section two of the principal Act is hereby amended by adding to the definition of the expression “harbour works” the words “and also includes the acquisition of land that may be required for the purposes of section one hundred and forty-two A of this Act and the erection and disposal of dwellinghouses pursuant to that section”. 10

Repeals.

(3) The following enactments are hereby repealed, 15  
namely:—

See Reprint  
of Statutes,  
Vol. III, p. 812  
Ibid., p. 817

(a) Part IV of the Housing Act 1919:  
(b) Section fifteen of the Housing Amendment Act  
1920.