

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 16th August, 1905.

Mr. R. McKenzie.

MOTUEKA HARBOUR BOARD.

[LOCAL BILL.]

ANALYSIS.

<p>Title.</p> <p>1. Short Title. Special Act within "The Harbours Act, 1878."</p> <p>2. Interpretation.</p> <p>3. Motueka Harbour District.</p> <p>4. Harbour Board constituted.</p> <p>5. Endowments of the Board.</p> <p>6. Riwaka Wharf transferred.</p> <p>7. Electors.</p> <p>8. First election.</p> <p>9. Borrowing.</p> <p>10. Board may make special rate.</p> <p>11. Consent of ratepayers.</p> <p>12. Notice to be published.</p> <p>13. Particulars to be set forth in notice.</p>	<p>14. Meetings of ratepayers.</p> <p>15. Presiding Officer.</p> <p>16. Poll to be taken.</p> <p>17. Result of poll.</p> <p>18. Public notice to be given.</p> <p>19. Resolution to be published in <i>Gazette</i>.</p> <p>20. Rate not to exceed one penny in the pound.</p> <p>21. Application of proceeds of rate.</p> <p>22. Board may exercise certain powers for levying rates.</p> <p>23. "The Rating Act, 1894," to apply.</p> <p>24. Motueka Wharf Board.</p> <p>25. Motueka Wharf transfer.</p> <p>26. Repeals.</p> <p>Schedule.</p>
---	--

A BILL INTITULED

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

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

1. (1.) The Short Title of this Act is "The Motueka Harbour Board Act, 1905." Short Title.

(2.) This Act shall be deemed to be a special Act within the meaning of "The Harbours Act, 1878," and shall be read subject to the said Act. Special Act within "The Harbours Act, 1878."

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

"Board" means the Harbour Board constituted under this Act:

"Harbour" means the Port and Harbour of Motueka:

"The said Act" means "The Harbours Act, 1878," and all amendments of the same:

"District" means the Motueka Harbour District as constituted under this Act.

3. The Motueka Harbour District is hereby constituted, and shall comprise the Borough of Motueka, the Motueka Riding of the Waimea County, and that portion of the Moutere Riding of the Waimea County now included in the Motueka Electoral District, and being the late Lower Moutere Road District as described in the *Gazette* dated the thirtieth day of April, one thousand eight hundred and eighty-three. Motueka Harbour District.

Harbour Board  
constituted.

4. A Harbour Board is hereby constituted under the said Act for the Harbour of Motueka; and such Board shall consist of seven members, of whom four shall form a quorum, and who shall be elected as follows:—

- (a.) Two members shall be elected by the electors of the Borough of Motueka; 5  
(b.) Five members shall be elected by the electors of the portion of the Waimea County within the Motueka Harbour District.

Endowments of the  
Board.

5. The Board is hereby endowed with— 10  
(a.) All wharfage, pilotage, and port charges in the Harbour of Motueka;  
(b.) All foreshore, mud-flats, and sandbanks within the Motueka Electoral District *as constituted on the passing of this Act* between the southern boundary-line of section numbered ninety-one of Block I. on the plan of the Moutere Survey District and a point at high-water mark of Tasman Bay due east of Trig. A in the Kaiteriteri Survey District, including the Moutere Mud-flats, the flats within the Motueka Harbour, and part of the Riwaka Mud-flats, as described in the Schedule to this Act. 15 20

*Struck out.*

Riwaka Wharf  
transferred.

6. (1.) The Riwaka Wharf, with the storehouses and appurtenances belonging thereto, is hereby vested in the Board.  
(2.) The Governor may do or direct to be done whatever is requisite in order that the said wharf, storehouses, and appurtenances may be effectually transferred to the Board, subject to payment by the Board of such sum representing the value of the said wharf, storehouses, and appurtenances as the Board and the Riwaka Road Board agree on, or as, in the absence of agreement, a Stipendiary Magistrate may determine after hearing the Board and the Riwaka Road Board. 25 30  
(3.) Wharfage dues on goods inwards and outwards to and from Riwaka shall be paid at Riwaka, and shall in no case exceed the corresponding dues for the time being payable at Motueka. 35

*New clause.*

Private wharf  
transferred.

6. (1.) The Governor may, upon the passing of this Act, do or direct to be done whatever is requisite in order that the Riwaka Wharf, with the storehouses and appurtenances belonging thereto, may be effectually transferred to the Board, subject to payment to the Riwaka Road Board by the Board of such sum, representing the value as a going concern to the ratepayers of the Riwaka Road District of the said wharf, storehouses, and appurtenances, as the Board and the Riwaka Road Board may agree on or as, in the absence of agreement, a Stipendiary Magistrate may determine after hearing the Board and the Riwaka Road Board. Such sum shall be paid to the Riwaka Road Board by the Board within six months from the date of such agreement or determination, as the case may be. 40 45  
(2.) Pilotage, port charges, and wharfage dues on goods inwards and outwards to and from Riwaka shall be paid at Riwaka, and shall in no case exceed the corresponding dues for the time being payable at Motueka. 50  
(3.) The Board shall maintain a wharf with the necessary storehouses and appurtenances at or near the site of the present Riwaka Wharf, and, if practicable, keep the boat-channel clear. 55

Electors.

7. Every person whose name at the time of any election of a member of the Board is on the electors roll in force in the Borough of Motueka or the County of Waimea in respect of any property or

other qualification within the said harbour district shall be entitled to vote at such election for the subdivision wherein his name is enrolled.

5 8. The Governor shall by Proclamation appoint a day, not exceeding thirty days after the date of such Proclamation, for the election of members of the first Board, and shall also appoint a day for the first meeting of the Board; and by Warrant under his hand shall appoint some fit person as Returning Officer, who shall fix the necessary polling-places and shall conduct the said election under the provisions of "The Local Elections Act, 1904," in so far as the said Act is not inconsistent with the express provisions of this Act.

First election.

10 9. (1.) The Board shall have power from time to time to borrow on the security of its endowments, subject to the provisions of the said Act and to the Governor's previous approval of a plan of the works to be constructed, any sum not exceeding *twenty* thousand pounds, for the construction or completion of harbour-works in or towards the improvement of the said harbour:

Borrowing.

15 (2.) ~~But~~ *Provided that* no money shall be borrowed under the authority of this Act at a higher rate of interest than *five* pounds per centum per annum, anything in the said Act notwithstanding.

20 10. As further security for the money authorised to be borrowed as aforesaid, the Board may make and levy a special rate not exceeding *one* penny in the pound in the year on the capital value of all rateable property in the district.

Board may make special rate.

25 11. Before any loan authorised by this Act is raised the consent of the ratepayers in the district shall first be obtained in the mode hereinafter prescribed by "The Local Bodies' Loans Act, 1901"; 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.

Consent of ratepayers.

*Struck out.*

35 12. A notice shall be published in a newspaper circulating in the district, and shall specify the time and place within each borough, road district, and outlying district in the district at which meetings are to be held to consider a proposal to raise such loan or any part thereof.

Notice to be published.

40 13. The notice shall specify the following particulars:—  
 (a.) The particular work proposed to be undertaken;  
 (b.) The sum proposed to be borrowed for such purpose;  
 (c.) Any special rate or tolls, or the rents and profits of any property which it is proposed to pledge as security for such loan, not being moneys received by way of grant from the General Government or moneys theretofore pledged as security for any loan or appropriated to any special purpose.

Particulars to be set forth in notice.

45 14. The Chairman of the Board shall call meetings of the ratepayers to be held at the respective places as aforesaid, upon a day not less than seven and not more than fourteen days after the last publication of such notice, to consider the said proposal, and shall appoint some suitable person who is a ratepayer in the borough, road district, or outlying district in which the meeting is to be held to preside at such meeting.

Meetings of ratepayers.

50 15. The person so appointed shall be called the "Presiding Officer," and he shall preside at the meeting for which he has been appointed, and shall also preside at the polling-place in his district at the taking of any poll as hereinafter provided.

Presiding Officers.

55 16. After due consideration and discussion of the proposal the Presiding Officer shall give notice that a poll will be taken; and the poll shall be taken as follows:—

Poll to be taken.

- (a.) The Chairman shall publish a notice setting forth the day, not less than one nor more than three weeks from the day of the said meeting, on which the poll will be taken, and the polling place or places within each borough, road district, and outlying district within the district. 5
- (b.) The Chairman shall give notice in writing to the Presiding Officer requiring him to take the poll at the specified polling-place upon the day appointed.
- (c.) The Presiding Officer shall, upon the day so appointed, proceed to take the poll in the manner provided by "The Local Elections Act, 1904," for the regulation of polls other than elections, and shall provide voting-papers and all things necessary for taking the poll. 10
- (d.) All the provisions of "The Local Elections Act, 1904," as regards the regulation of polls other than elections shall, as far as they are applicable, and except as by this section otherwise provided, apply to the taking of a poll on the proposal to raise a special loan. 15
- (e.) Each voter shall have and may exercise one vote and no more. 20
- (f.) The Presiding Officer at each polling-place shall count the votes, and ascertain the result of the polling at his polling-place, and notify the result to the Chairman, who shall, after receiving the results from all the polling-places, ascertain the general result of the poll. 25
- Result of poll.** 17. If the number of votes given for the proposal represents an absolute majority of all the valid votes recorded at the poll at all the polling-places, the resolution in favour of the proposal shall be deemed to be carried, and the Board may proceed with the proposal accordingly; but if there is not such a majority in favour of the proposal the resolution shall be deemed to be rejected, and the Board shall not so proceed. 30
- Public notice to be given.** 18. As soon as conveniently may be after the general result of the poll has been ascertained the Chairman shall give public notice of the number of votes recorded for and against the proposal as above provided, and shall declare the resolution to be carried or rejected as the case may be. 35
- Resolution to be published in Gazette.** 19. When any such resolution is carried the Chairman shall send a notice thereof to the Colonial Secretary, who shall publish the same in the *Gazette*; and such notice so gazetted shall be final that the raising of the loan to which it refers has been duly authorised under the provisions of this Act, notwithstanding any omission or irregularity in any provision, matter, or thing required to be done hereunder or under "The Local Elections Act, 1904." 40
- Rate not to exceed one penny in the pound.** 20. ~~If the resolution in favour of the proposal is carried as aforesaid, and the loan is to be raised on the security of a special rate. As further security for any loan raised under this Act the Board may make and levy the rate accordingly~~ a special rate not exceeding one penny in the pound in the year on all the rateable property in the district. 45
- Application of proceeds of rate.** 21. The proceeds of such rate shall be applied towards payment of the annual charges to accrue in respect of the loan. 50
- Board may exercise certain powers for levying rates.** 22. For the purpose of making, levying, and recovering the hereinabove-mentioned special rates the Board shall have and may exercise all the powers of making, levying, or recovering rates in any borough or county within the district which any local body having rating-powers within such borough or county has or may have under the law for the time being in force regulating the recovery of rates therein respectively. 55

*Struck out.*

23. The provisions of "The Rating Act, 1894," shall apply to all special rates under this Act.

"The Rating Act, 1894," to apply.

5 24. The Motueka Wharf Board shall continue in office and discharge its functions until the first Board comes into office under this Act.

Motueka Wharf Board.

10 25. The Governor may do or direct to be done whatever is necessary in order that the Motueka Wharf, its assets, liabilities, and endowments may be effectually transferred to the Harbour Board constituted under this Act.

Motueka Wharf transfer.

26. Sections six and seven of "The Nelson Harbour Board Act Amendment Act, 1901," and so much of the Schedule thereto as is inconsistent with the provisions of this Act, are hereby repealed.

Repeals.

SCHEDULE.

Schedule.

ALL that area bounded by a line commencing at a point at high-water mark on the western shore of Tasman Bay at the southern boundary of Section 91 of Block I. of the Moutere Survey District, and proceeding thence ~~by~~ along high-water mark of Tasman Bay and the Moutere Mud-flat to a public road forming the north-western boundary of Section 203 of Block VIII. of the Motueka Survey District; thence ~~by~~ along the said public road and a continuation thereof forming the boundary of Section 202 of Block VII. to the mouth of the River Moutere; thence ~~by a line~~ across the said river to the road forming the eastern boundary of Section 172 of Block VII. aforesaid; thence ~~by~~ along the said road to the southern boundary of Section 3 of 173; thence ~~by~~ along the southern, eastern, and northern boundaries of the said section to a public road; thence ~~by~~ along the said road to the southern boundary of Section 3 of 170 of Block VII. aforesaid; thence ~~by~~ along the southern and eastern boundaries of the said section to a public road; thence ~~by~~ along a public road to Section 144 of Block IV.; thence ~~by~~ along the southern boundary of the said Section 144 to a public road forming the eastern boundary of the said section; thence ~~by~~ along the said road to a point opposite the north-western corner of Section 126 of Block IV.; thence across the Motueka River to the eastern side of a public road opposite to the south-eastern corner of Section 3 of Block XI. of Kaiteriteri Survey District; thence along the eastern side of the said public road in a general northerly direction to a tidal creek running into the entrance of the Motueka River; thence following the line of the said last-mentioned road across the said tidal creek to a point on the eastern side of a public road forming the south-eastern boundary of Section 22 of Block XI., Kaiteriteri Survey District; thence along the eastern side of the said road in a general northerly direction to the end thereof; thence along the high-water mark of Tasman Bay and a tidal inlet to a road forming the southern boundary of Section 52 of Block X.; thence west along the northern side of the said road across the said tidal inlet; thence north and west along high-water mark to a point near the mouth of the Riwaka River, being the north-western corner of Section 66 of Block X.; thence across the Riwaka River to a point on the north bank of the Riwaka River on the eastern side of a public road opposite the south-eastern corner of Section 67 of Block X.; thence along the eastern side of the said public road in a general northerly direction to the end thereof; thence by high-water mark to the north-eastern corner of Section 67 of Block X.; thence along the eastern side of a public road forming the eastern boundary of Section 19 of Block X. and high-water mark to a point on the coast of Tasman Bay due east of Trig. Station A in the Kaiteriteri Survey District; thence ~~by a line running~~ due east for a distance of three miles; thence ~~by a line~~ parallel to the general trend of the coast-line of Tasman Bay and distant three miles therefrom to a point ~~made by the production of~~ in line with the southern boundary-line of Section 91 of Block I. of the Moutere Survey District; and thence ~~by the said produced line direct~~ to the point of commencement:

Excepting and excluding therefrom Sections 1 and 2 of Block IV., Motueka Survey District, known as Giblin's Island, Section 2 of Block XI., Kaiteriteri Survey District, and Sections 92 and 93 of Block XI., Kaiteriteri Survey District, and the roads, if any, connecting the same with the mainland.