

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives:
18th October, 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. Private wharf transferred.</p> <p>7. Electors.</p> <p>8. First election.</p>	<p>9. Borrowing.</p> <p>10. Consent of ratepayers.</p> <p>11. Rate not to exceed one penny in the pound.</p> <p>12. Application of proceeds of rate.</p> <p>13. Board may exercise certain powers for levying rates.</p> <p>14. Motueka Wharf Board.</p> <p>15. Repeals.</p> <p>16. Subsidy.</p> <p>17. Motueka Wharf vested in the Board. Schedule.</p>
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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:

15 "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.

20 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

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. 25 30

(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. 35

(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. 40

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 a vote at such election for the subdivision wherein his name is enrolled. 45

First election.

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 50

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.

9. 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 :

10 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.

10. Before any loan authorised by this Act is raised the consent of the ratepayers in the district shall first be obtained in the mode 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.

11. As further security for any loan raised under this Act the Board may make and levy a special rate not exceeding *one* penny in the pound in the year on all the rateable property in the district.

12. The proceeds of such rate shall be applied towards payment of the annual charges to accrue in respect of the loan.

13. 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.

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

15. Sections six and seven of "The Nelson Harbour Board Act Amendment Act, 1901," are hereby repealed.

16. (1.) There shall be payable to the Board during each year ending the thirty-first day of March a subsidy of *five* hundred pounds, diminished by *one* pound for every *one* pound by which the Board's revenue derived from all sources during the year exceeds the sum of *one* thousand pounds :

40 Provided that for the period elapsing between the passing of this Act and the thirty-first day of March next thereafter a duly proportionate part of the yearly subsidy shall be payable.

(2.) The subsidy for each year shall be payable by such instalments during the year as the Colonial Treasurer thinks fit.

45 (3.) The subsidy shall be payable out of the Consolidated Fund without further appropriation than this Act.

(4.) The first instalment of the subsidy shall not be payable until the harbour dues payable in the Motueka Harbour have been fixed by the Board in accordance with the provisions of the said Act, and approved by the Minister of Marine.

50 (5.) So long as any subsidy is payable under this Act it shall not be lawful for the Board to reduce the harbour dues without the approval of the said Minister.

Borrowing.

Consent of ratepayers.

Rate not to exceed one penny in the pound.

Application of proceeds of rate.

Board may exercise certain powers for levying rates.

Motueka Wharf Board.

Repeals.

Subsidy.

(6.) The subsidy shall not continue to be payable after the expiration of thirty years after the passing of this Act.

Motueka Wharf
vested in the Board.

17. The Motueka Wharf and all other property of the Motueka Wharf Board is hereby vested in the Board, and all liabilities of the Motueka Wharf Board are hereby transferred to the Board.

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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 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 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 across the said river to the road forming the eastern boundary of Section 172 of Block VII. aforesaid; thence along the said road to the southern boundary of Section 3 of 173; thence along the southern, eastern, and northern boundaries of the said section to a public road; thence along the said road to the southern boundary of Section 3 of 170 of Block VII. aforesaid; thence along the southern and eastern boundaries of the said section to a public road; thence along a public road to Section 144 of Block IV.; thence along the southern boundary of the said Section 144 to a public road forming the eastern boundary of the said section; thence 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 due east for a distance of three miles; thence parallel to the general trend of the coast-line of Tasman Bay and distant three miles therefrom to a point in line with the southern boundary-line of Section 91 of Block I. of the Moutere Survey District; and thence 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.