

Mr. Baume.

MANUKAU HARBOUR CONTROL AND AUCKLAND HARBOUR BOARD EMPOWERING.

[LOCAL BILL.]

ANALYSIS.

<p>Title. Preamble. 1. Short Title. 2. Limits of Manukau Harbour. 3. Control of Manukau Harbour vested in Auckland Harbour Board. 4. Lands vested in Board. 5. Rights of owners of water frontages. 6. Administration of lands held by Board.</p>	<p>7. Member of Board to be elected by Borough Council of the Borough of Onehunga. 8. Interest payable on unraised balance of loan of £15,000. 9. Purposes for which loan to be used. 10. Payments by Board to the Sinking Fund Commissioners. 11. Board empowered to exercise powers conferred by the Harbours Act, 1908." Schedule.</p>
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A BILL INTITULED

AN Act to vest the Control and Management of the Manukau Harbour in the Auckland Harbour Board, and for other Purposes. Title.

5 WHEREAS it is desirable that the management and control of the Manukau Harbour be vested in the Auckland Harbour Board (hereinafter termed the Board): And whereas by the Auckland Harbour Board Empowering Act, 1899, the Board was authorised to borrow, by debentures in the form in the First Schedule to such Act, Preamble.

10 for such period and upon such terms and conditions as it might think fit, a sum or sums not exceeding seventy-five thousand pounds, but it was provided that no debentures under the said Act should be sold at a price that would produce a greater interest than four pounds per centum per annum: And whereas, of the sum of seventy-

15 five thousand pounds so authorised to be borrowed, the sum of sixty thousand pounds only has been raised, the remaining unissued fifteen thousand pounds of debentures not being required for the purposes specified in the said Act: And whereas the Board is desirous of raising the remaining fifteen thousand pounds so autho-

20 rised to be borrowed at a rate not exceeding four pounds ten shillings per centum per annum in lieu of the maximum rate of four pounds per centum per annum as aforesaid for any of the purposes specified in the First Schedule to the Auckland Harbour Board Loan and Empowering Act, 1908: And whereas it is desirable that the

25 Board shall be authorised from time to time to pay to the Sinking Fund Commissioners now and from time to time appointed by the Board, and that such Commissioners shall be empowered to hold and invest moneys on behalf of the Board, which may from time to time be paid to them by the Board, for the purposes of an Insurance

30 Fund, or for any purpose which the Board may from time to time by resolution direct: And whereas it is desirable that, notwithstanding the provisions of any Act or the form of any debenture in any Schedule thereto, the Board shall be entitled on the issue or raising

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of any loan, or the sale of any debentures now or hereafter authorised, to exercise all or any of the powers conferred by the Harbours Act, 1908, of issuing or raising the same in addition to the powers vested in the Board by the Act authorising such raising or issue, including the power to appoint any company, person, or persons as agent or agents for the raising and managing of any loan as provided by section one hundred and eighty-eight of the Harbours Act, 1908: 5

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

Short Title.

1. This Act may be cited as the Manukau Harbour Control and Auckland Harbour Board Empowering Act, 1909.

Limits of Manukau Harbour.

2. The limits of the Manukau Harbour shall, from and after the passing of this Act, include the whole of that area inside of a straight line drawn from Paratutai Point to the flagstaff of the lighthouse on the South Head of the Manukau Harbour on which there is or shall be tidal water as defined by the Harbours Act, 1908. 15

Control of Manukau Harbour vested in Auckland Harbour Board.

3. From and after the passing of this Act the Manukau Harbour shall be under the control and management of the Auckland Harbour Board; and the said Board shall have and may exercise all the powers, authorities, functions, and jurisdiction in relation to the Manukau Harbour that it has, or can, or may exercise in relation to the Port of Auckland under or by virtue of any statutory enactment for the time being in force, and shall also be subject to such duties in relation to the said Manukau Harbour as are imposed upon Harbour Boards by the provisions of such enactments. 20 25

Lands vested in Board.

4. Upon the passing of this Act the lands described in the Schedule hereto shall be and become vested in the Board for an estate in fee-simple, and the District Land Registrar of the Auckland Land Registration District shall issue to the Board a certificate of title therefor under the provisions of the Land Transfer Act, 1908. 30

Rights of owners of water frontages.

5. The vesting of such lands and the issue of such certificate of title shall be without prejudice to the rights of access by water (if any) of all owners of land abutting on the said harbour.

Administration of lands held by Board.

6. Such lands shall be held by the Board with the powers and upon the trusts from time to time prescribed by law regarding lands and endowments held by the Board. 35

Member of Board to be elected by Borough Council of the Borough of Onehunga.

7. From and after the passing of this Act there shall be added to the membership of the Board one member to be elected from time to time by the Borough Council of the Borough of Onehunga, subject to the following provisions:— 40

(a.) Within one month after the passing of this Act the said Council shall elect one member to the Board, and such member shall hold office until the second Monday in the month of February next, on which date he shall go out of office. 45

(b.) Upon the second Monday of February next, and upon the second Monday in the month of February in each alternate year thereafter, the said Council shall elect a person to be a member of the Board, to hold office from the time of his election until the election of his successor. 50

8. It shall be lawful for the Board in borrowing the unraised balance of fifteen thousand pounds authorised to be borrowed by the Auckland Harbour Board Empowering Act, 1899, and notwithstanding any provision to the contrary contained in such last-mentioned Act, to issue debentures for the same bearing a rate of interest not exceeding four pounds ten shillings per centum per annum in lieu of the maximum rate of four pounds per centum per annum provided by such last-mentioned Act.

Interest payable on unraised balance of loan of £15,000.

9. Such sum of fifteen thousand pounds, or so much thereof as shall from time to time be borrowed, shall be used for any of the purposes specified in the First Schedule to the Auckland Harbour Board Loan and Empowering Act, 1908.

Purposes for which loan to be used.

10. It shall be lawful for the Board from time to time, as it shall think fit, to pay to the Sinking Fund Commissioners now and from time to time appointed by the Board such sum or sums of money as the Board may from time to time appropriate or set aside for the purposes of an insurance fund, and also to pay to such Commissioners from time to time such sum or sums of money as the Board may from time to time by resolution direct, and the following provisions shall apply with regard to the same:—

Payments by Board to the Sinking Fund Commissioners.

(a.) No payments shall be made which shall have the effect of depriving the Board of the funds necessary for its ordinary operations and services or for payment of interest and sinking fund on any existing or future loan raised by the Board.

(b.) The Commissioners shall invest such moneys, together with all interest and profits accruing therefrom, in such securities as the Board from time to time directs.

(c.) The moneys paid to the Commissioners for the purpose aforesaid shall be invested by them separately, and separate accounts shall be kept of the said funds and the respective investments representing the same as may be directed by the Board.

(d.) Such Commissioners shall send to the Board, at such times as the Board directs, accounts of all moneys and all securities in their hands, and shall also annually send to the Board a balance-sheet showing all transactions in respect of such moneys or securities during the previous year.

(e.) Such Commissioners shall, together with such balance-sheet, send to the Board a certificate under the hand of the Controller and Auditor-General, or such person as he appoints, for the purpose of all securities held by the Commissioners.

(f.) Such Commissioners shall, as and when required by the Board, pay or transfer to the Board all or any of such moneys or securities, and the same shall be paid into and be available for the purposes of the Harbour Fund or for the redemption of loans, as the Board may from time to time decide.

Board empowered to
exercise powers
conferred by the
Harbours Act, 1908.

11. It shall be lawful for the Board, on the issue or raising of any loan or the sale of any debenture now or hereafter authorised, to exercise all or any of the powers conferred by the Harbours Act, 1908, of issuing the same, in addition to the powers vested in the Board by the Act authorising such raising or issue, including the power to appoint any company, person, or persons as agent or agents for the raising and managing of any loan as provided by section one hundred and eighty-eight of the Harbours Act, 1908, and for the execution and signing of any debentures.

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Schedule.

SCHEDULE.

1. ALL that area of land within the Manukau Harbour and being the whole of the tidal lands, as defined by the Harbours Act, 1908, lying or being within a line drawn from Paratutai Point to the flagstaff of the lighthouse on the South Head of the Manukau Harbour.

2. All that piece of land, containing by admeasurement 336 acres, more or less, situated in the Parish of Waitemata, County of Eden, and being Lots Nos. 22 and 23 of Section No. 13 of the Suburbs of Auckland.

3. All that piece or parcel of land in the said Provincial District of Auckland, containing by admeasurement 58 acres 2 roods, more or less, situated in the Parish of Karangahape, in the County of Eden, and being Lot No. 32 of the said parish.

4. All that piece or parcel of land in the Provincial District of Auckland, containing by admeasurement 208 acres, more or less, situated in the Parish of Awhitu, in the County of Eden, and being Lot No. 9 of the said parish.

5. All that piece or parcel of land in the said Provincial District of Auckland, containing by admeasurement 1,000 acres, more or less, situated in the Parish of Karangahape, in the County of Eden, and being Lot No. 34 in the said parish.