

Mr. Brown.

NAPIER HARBOUR BOARD ENABLING.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to provide for the more Convenient and Economical Col-
lection of the Rates authorized to be levied by the Napier
Harbour Board by certain Special Acts, and for certain other
5 Matters affecting the said Board. Title.

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

10 1. This Act may be cited as the Napier Harbour Board Short Title.
Enabling Act, 1921.

2. This Act shall be deemed to be a special Act within the Special Act.
meaning of the Harbours Act, 1908, which Act and the amendments
thereof are hereby incorporated in this Act.

15 3. In this Act— Interpretation.
“The Board” means the Napier Harbour Board :

“The harbour district” shall have the meaning given to the
expression “the district” by section three of the Napier
Harbour Board Empowering and Vesting Act, 1917.

20 4. All or any of the powers granted to or vested in the Board as Delegation of
to making, levying, recovering, and collecting the rate or rates autho- powers of Board.
rized to be made and levied by the Board under and by virtue of the
provisions of the Napier Harbour Board Empowering and Loan Act,
1884, the Napier Harbour Board Loan Act, 1892, the Napier Harbour
Board Loans Enabling Act, 1918, and under and by virtue of any

other special Act (whether now existing or hereafter to be passed) under the authority of which the Board has or shall have power to make and levy a special rate for any purpose whatever, may, by resolution of the Board (which may, however, from time to time, at the will of the Board, be varied or rescinded) be delegated by the Board to the respective Councils of the respective boroughs, the respective Boards of Commissioners or Town Boards of the respective town districts, and the respective Councils of the respective counties included within the harbour district, or to one or more of them, so far as relates in each case to rateable property of the Board situate or being within the boundaries of any such borough, town district, or county respectively, and that whether or not the system of rating for its own purposes adopted by any such borough, town district, or county shall be a different system to that adopted by the Board; and on receipt of notice in writing of such delegation, under the hand of the Chairman or any two members of the Board, the borough, Town Board, or Council to which any such delegation shall have been so notified shall be bound forthwith to take all steps and do all things necessary for the performance of the acts and things in respect of which such delegation shall have been made.

Payment of moneys to Board.

5. All moneys collected by any borough, Town Board, or Council under and by virtue of any such delegation as aforesaid shall forthwith be paid to the Board by the borough, Town Board, or Council which shall have collected the same.

Assessment and payment of moneys to be paid to Board by local bodies.

6. (1.) Without prejudice to the powers conferred upon the Board by section *four* hereof, the Board may, by resolution made, evidenced, and notified, and subject to variation and rescission in the same way as is provided by the said section *four* with respect to the resolution therein referred to, assess in each or any financial year of the Board the total gross amount necessary for the requirements of the Board for that financial year of the moneys that ought to be produced for the purposes of the Board by the rate or rates of the rateable property of the Board situate or being within the boundaries of each or any of the boroughs, town districts, or counties aforesaid respectively; and after receipt of such notification as aforesaid the borough, Town Board, or Council so notified shall be bound to pay to the Board the whole amount so assessed in respect of the rateable property of the Board situate or being within the boundaries of such borough, town district, or county respectively, by two equal payments on the first day of July and the first day of December respectively then next ensuing:

Provided always that such notification shall, for the purposes of convenience, be given on or before the first day of June in the year to which the assessment as aforesaid shall relate, but no omission to give the same on or before the date last aforesaid shall invalidate the right of the Board to receive and recover the amount of such assessment if the notification thereof shall be given anterior to the first day of July in that year.

(2.) Any amount claimed by the Board as aforesaid from any borough, Town Board, or Council shall constitute a debt due to

the Board by such borough, Town Board, or Council, notwithstanding that such borough, Town Board, or Council may not have realized or may not realize in any year from the rates which it is empowered in terms of this Act to make, levy, collect, and recover, or from the other sources available to it, sufficient to pay such amount, and may be sued for and recovered by the Board in any Court of competent jurisdiction, and there shall be no defence to any such action.

(3.) For the purposes of raising or paying the amount claimed from any borough, Town Board, or Council as aforesaid, or any portion of such amount, such borough, Town Board, or Council is hereby empowered to make, levy, collect, and recover in accordance with its own system of rating, any rate in respect of the rateable property of the Board situate within its boundaries, or to pay the amount so claimed, or any portion of it, out of the ordinary fund at the disposal of such borough, Town Board, or Council respectively, or out of any moneys received by way of subsidy, or to borrow moneys from the bank for the purpose of paying the same, or any part thereof, notwithstanding that the amount of overdraft allowed by law shall be thereby exceeded.

7. Any notice or demand which may be given or made by the Board in pursuance of this Act shall be deemed to be well and sufficiently served or made to or upon any borough, town district, or county if delivered to, or posted by registered letter addressed to, the Town Clerk of a borough, the Clerk of a Town Board, or the Clerk of a County Council, as the case may require, or if left at the Borough Council chambers of a borough, the public office of a Town Board, or the office of a County Council, as the case may be, with any clerk or servant of the Borough Council, Town Board, or County Council concerned.

8. No Borough Council, Town Board, or County Council shall have any right to recover from the Board any sum of money for or by reason of the moneys paid by such Borough Council, Town Board, or County Council to the Board being in excess of the rate or rates made and levied, or actually recovered and collected by, or other funds available to, such Borough Council, Town Board, or County Council for the purposes of this Act, or (otherwise than is provided by section *ten* hereof) for, or by reason, or on account of the costs and expenses consequent upon the making, levying, recovering, or collecting of any such rate or rates, or any other act, matter, or thing in anywise arising out of this Act.

9. All acts and things by this Act required to be done or suffered by any Borough Council, Town Board, or County Council are hereby declared to be lawful acts and things within the constitution, power, and authority of such Borough Council, Town Board, or County Council respectively; and (without prejudice to the generality of the foregoing) any rates made, levied, recovered, or collected by any such Borough Council, Town Board, or County Council in pursuance of this Act (whether the same shall be made and levied in the form of general rates or special rates, or otherwise) shall be valid, notwithstanding that the rating-limits imposed by any Act or Acts otherwise governing the proceedings of such Borough Council, Town

Notice or demand,
how may be made.

Local body to have
no claim against
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done by local body
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Board, or County Council, respectively, may be thereby exceeded; and no rate made and levied by any such Borough Council, Town Board, or County Council for the purposes of this Act shall be capable of being set aside or of being quashed by any proceedings of any Court or otherwise, and no defect in the same shall be set up as a defence to any action which may be brought to recover the same. 5

Remuneration to be paid by Board.

10. As and by way of remuneration, including all disbursements and services, for the performance of the acts and things duly done and performed by any Borough Council, Town Board, or County Council in pursuance of this Act, there shall be paid by the Board to the borough, Town Board, or Council performing the same a commission at the rate of *two pounds ten shillings* per centum on the net amount in each year paid to the Board by such borough, Town Board, or Council. 10

Act to apply to receiver having power to make and levy rates.

11. The foregoing provisions of this Act shall apply, *mutatis mutandis*, to any receiver who is empowered to make and levy a special rate under the authority of the Napier Harbour Board Empowering and Loan Act, 1914, the Napier Harbour Board Empowering and Vesting Act, 1917, the Napier Harbour Board Loans Enabling Act, 1918, or any other special Act, whether now in force or hereafter to be passed, whereby the Board is, or shall be, empowered to borrow moneys, as if the receiver were the Board. 15 20

Loan-moneys and interest may be paid free of exchange.

12. Whereas under and by virtue of the Napier Harbour Board Empowering and Loan Act, 1914, as modified by the Napier Harbour Board Empowering and Vesting Act, 1917, and amended by the Napier Harbour Board Empowering and Loan Amendment Act, 1920, the Board obtained the necessary authority to borrow the sum of two hundred and fifty thousand pounds: Be it enacted (but without prejudice to any other powers in this behalf possessed by the Board) that it shall be lawful for the Board to repay such loan, and to pay the interest thereon, free of bank exchange, whether or not such repayment or payment shall be made in the Dominion of New Zealand. 25 30

Validating propaganda expenses of loan.

13. Whereas it became necessary that the Board should place fully before the ratepayers of the harbour district the advantages expected to be derived from the loan of two hundred and fifty thousand pounds referred to in section *twelve* hereof, especially as there was a persistent and organized opposition in some quarters to the obtaining of the sanction of the ratepayers to such loan: And whereas the Board, believing that certain propaganda work was absolutely necessary in order, firstly, to instruct the ratepayers fully as to the merits of the said loan, and, secondly, to combat the opposition referred to and expose its fallacies, engaged in certain propaganda work on behalf of the said loan, with the result that the verdict of the ratepayers was favourable to the said loan: And whereas the Controller and Auditor-General has disallowed, and has surcharged the members of the Board with, the expenses incurred by the Board to the amount of three hundred and sixty-five pounds ten shillings and ninepence, or thereabouts, on the ground that the same were an unlawful expenditure by the Board, and were to the extent aforesaid in excess 35 40 45 50

of the amount available to the Board for unauthorized expenditure under section one hundred and twenty-one of the Public Revenues Act, 1910: Be it enacted that the said expenses so incurred and any payments on account thereof already made by
5 the Board are hereby validated, and that the Board may lawfully pay any portion of the same not already paid, and may lawfully refund to any member of the Board who may have paid any moneys so surcharged to him the amount so paid by him; and that the surcharge made by the Controller and Auditor-General as
10 aforesaid shall be of no effect.

14. Whereas the Board is possessed of certain areas of its endowments adjacent to the inner-harbour portion of the Harbour of Napier which it is expedient that the Board should suitably subdivide and sell, under any its lawful form of lease, as suburban
15 areas to the City of Napier: And whereas the Board is desirous that the best scheme of subdivision and roading should be obtained, containing also, amongst other things, suggestions for the diversion of the Tutaekuri River, and for the provision of suitable sites for future railway goods-yards, workshops, and passenger station: And
20 whereas the Board is desirous of inviting competitive designs for such a scheme as aforesaid, and of offering money prizes or a money prize for the best schemes or scheme, as an inducement to engineers and others to submit their views to the Board: Be it enacted that the Board may invite public competition for the best designs or
25 design for the subdivision of the said areas for the purposes aforesaid, and may offer money prizes, or a money prize, not exceeding in the whole *four hundred* pounds, to the competitors or competitor submitting the best designs or design, and may attach such conditions to the said competition as it may think fit, and may pay to the
30 successful competitors or competitor money prizes or a money prize to an amount not exceeding in the whole the amount before mentioned.

Empowering Board to give prizes for suburban-planning designs.