

Mr. S. G. Smith.

NEW PLYMOUTH HARBOUR BOARD EMPOWERING.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to authorize the New Plymouth Harbour Board to raise a Loan. Title.

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

1. This Act may be cited as the New Plymouth Harbour Board Empowering Act, 1918. Short Title.
2. This Act shall for all purposes be deemed to be a special Act within the meaning of the Harbours Act, 1908, and the amendments thereof. Special Act.
3. In this Act, if not inconsistent with the context,— Interpretation.
 - “ Board ” means the New Plymouth Harbour Board :
 - “ Harbour Fund ” means moneys arising from the sources mentioned in section one hundred and sixty-five of the Harbours Act, 1908 :
 - “ Harbour district ” means the area defined by the *First* Schedule hereto :
 - “ Returning Officer ” means the officer appointed by the Board to conduct elections and polls within the harbour district.

Power to borrow.

4. It shall be lawful for the Board to borrow from time to time such sum or sums of money as the Board deems fit, at a rate of interest not exceeding five and one-half per centum per annum, but so that the total of the amounts so borrowed does not exceed three hundred thousand pounds; and the Board may borrow such sum or sums of money as aforesaid for such period or periods as it may think fit, and may renew or again borrow any or all of such sum or sums of money as they fall due for such further or other period or periods as the Board may think fit. 5

How money borrowed to be expended.

5. (1.) The moneys so borrowed shall be applied by the Board in the construction of such works as are defined by the word "harbour-works" as interpreted by subsection one of section two of the Harbours Amendment Act, 1910, and also in the purchase, erection, and construction of all such tugs, dredges, cranes, sheds, and works for the improvement of the New Plymouth Harbour as are deemed necessary and proper by the Board for the purpose of the construction of such harbour-works, and for the safety, convenience, or reception of vessels resorting to the said harbour, and for the more convenient loading and unloading of such vessels, and for the safety and protection of any works constructed by the Board. 10 15 20

(2.) The Board may out of any loan-moneys pay the preliminary expenses incurred in connection with the borrowing of the moneys so borrowed and the first year's interest of the loan during the construction of any works for which the loan is raised.

Security for loan.

6. The repayment of all moneys so borrowed, together with interest thereon, shall be secured upon any moneys in the Harbour Fund (excepting moneys appropriated to any special purpose), and upon the rate hereinafter mentioned to be made and levied under the authority of this Act. 25

Consent of ratepayers required before any loan raised.

7. Before the Board proceeds to borrow money under the authority of this Act it shall cause meetings of the ratepayers to be held and a poll to be taken as by this Act is provided. 30

Returning Officer.

8. The Board shall appoint some person to be Returning Officer for the conduct of any poll hereinafter authorized throughout the harbour district. 35

Notices of meetings to consider loan proposal.

9. The Board shall cause a notice to be published in six newspapers circulating in the harbour district, specifying a time and place for each borough and a time and place for each county or portion of a county within the harbour district at which meetings of ratepayers are to be held to consider a proposal to raise such special loan. The time appointed shall not be less than fourteen days after the first publication of the notice. 40

Meetings of ratepayers.

10. Every such meeting shall be presided over by some person appointed by the Chairman of the Board for such meeting. If the person so appointed is absent or refuses to preside, then the meeting shall elect some person present to preside. At every such meeting, after due consideration and discussion of the proposal, the person presiding shall notify that a poll in accordance with the provisions of this Act will be taken. 45

Rolls of ratepayers in certain areas to be prepared.

11. It shall be the duty of the Secretary of the Board to prepare a roll setting forth the names of all ratepayers within that area of the harbour district described in the *Second* and *Third* Schedules hereto, 50

and another roll setting forth the names of all ratepayers within the area described in the *Fourth* Schedule. Each of such rolls shall be signed by the Chairman or two members of the Board, and when so signed shall be delivered to the Returning Officer and shall be the rolls upon which the poll shall be taken.

12. The poll shall be taken as follows:—

How poll to be taken.

(a.) At the written request of the Chairman, authorized by ordinary resolution of the Board, the Returning Officer shall publish a notice setting forth the day on which the poll will be taken.

(b.) The Returning Officer shall provide such polling-places within the harbour district as he thinks fit and necessary for the due taking of such poll.

(c.) All the provisions of the Local Elections and Polls Act, 1908, as regards taking a poll on a proposal shall, so far as they are applicable, and except as in this Act is otherwise provided, apply to the taking of the poll.

(d.) The statement of the proposal in the voting-paper shall be as follows: "Proposal to borrow moneys not exceeding in the aggregate three hundred thousand pounds for the purposes defined in the New Plymouth Harbour Board Empowering Act, 1918."

(e.) Every ratepayer in the harbour district shall be entitled to vote according to the following scale: If the capital value of his rateable property as appearing in the district valuation roll prepared by the Valuer-General in accordance with the Valuation of Land Act, 1908, amounts in the aggregate to not more than one thousand pounds, he shall have one vote; if such capital value is more than one thousand pounds but not more than two thousand pounds, he shall have two votes; and if such capital value is more than two thousand pounds, he shall have three votes.

13. If the total number of valid votes recorded in the areas described in the *Second* and *Third* Schedules hereto in favour of the proposal exceeds the total number of valid votes recorded in those areas against the proposal, and if the total number of valid votes recorded in the area described in the *Fourth* Schedule hereto in favour of the proposal exceeds the total number of valid votes recorded in that area against the proposal, then and not otherwise the proposal shall be deemed to be carried, and section nineteen of the New Plymouth Harbour Board Empowering Act, 1908, shall be deemed to be repealed, and the Board shall be fully empowered to exercise the power of borrowing and all other powers conferred by this Act.

Result of poll.

14. If any further loan is required by the Board beyond the amount authorized to be raised under the provisions of this or any former Act, the area described in the *Fourth* Schedule hereto shall be exempted from any liability in respect of such further loan.

Land in *Fourth* Schedule to be exempted from future loan.

15. As soon as conveniently may be after the result of the poll has been ascertained the Returning Officer shall give public notice of the number of votes recorded for and against the proposal in the areas described in the *Second* and *Third* Schedules hereto, and also

Result of poll to be advertised.

of the number of votes recorded for or against the proposal in the area described in the *Fourth* Schedule hereto, and shall declare the proposal to be carried or rejected, as the case may be.

Result of poll to be gazetted.

16. (1.) As soon as conveniently may be after the poll the Chairman shall send to the Minister of Internal Affairs, for publication in the *Gazette*, a notice of the number of votes recorded for or against the proposal in the areas described in the *Second* and *Third* Schedules hereto, and also of the number of votes recorded for or against the proposal in the area described in the *Fourth* Schedule hereto; and in such notice shall declare the proposal to be carried or rejected as the case may be.

(2.) If in the notice so published in the *Gazette* it is declared that the proposal was carried, such notice so published shall be conclusive evidence that the raising of the loan has been duly authorized, and that all proceedings and things required by this Act as conditions precedent to the exercise by the Board of the borrowing-powers hereby conferred have been duly and lawfully taken and done, and that the Board is fully empowered and authorized to borrow any sum or sums of money not exceeding in the aggregate the sum of three hundred thousand pounds.

(3.) If in the said notice it is declared that the proposal was rejected, it shall be lawful for the Board, at any time after the expiration of twelve calendar months from the date of the publication in the *Gazette* of such notice, to direct that another poll be held in the same manner and subject to the same conditions upon the same proposal, and if at such second poll the proposal is again rejected, the Board may at any time within two years from the date of such second poll direct that a third poll be held in the same manner and subject to the same conditions upon the same proposal:

Provided that nothing in this Act shall authorize the taking of more than three polls.

Levy of special rate.

17. If the proposal is declared to be carried, a special rate upon all rateable property in the harbour district for the purpose of providing the annual charges upon moneys to be borrowed under the authority of this Act may be made and levied by the Board in manner provided by law and in accordance with the provisions of the Rating Act, 1908.

Limit and proportion of special rate in parts of district.

18. The special rate to be levied under the authority of this Act shall not exceed three-fathings in the pound upon the capital value of all rateable property in the area described in the *Second* Schedule hereto, and shall not exceed one half-penny in the pound upon the capital value of all rateable property in the area described in the *Third* Schedule hereto, and shall not exceed one farthing in the pound upon the capital value of all rateable property in the area described in the *Fourth* Schedule hereto; and all rates levied by the Board shall be levied in the like proportions, that is to say—Twice as high a rate shall be levied within that portion of the district described in the *Third* Schedule hereto as that within that portion of the district described in the *Fourth* Schedule hereto; and three times as high a rate shall be levied within that portion of the district described in the *Second* Schedule hereto as that within that portion of the district described in the *Fourth* Schedule.

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19. For the purpose of providing a sinking fund for the liquidation of any loan authorized by this Act the Board shall pay to the Commissioners appointed under section one hundred and ninety-seven of the Harbours Act, 1908, in every year a sum equal to one-half per centum on the moneys borrowed, or so much thereof as is for the time being outstanding. Sinking fund.
20. For the purpose of making, levying, and recovering the said rates the Board shall have and may exercise all the powers of making, levying, or recovering rates in the harbour district as are conferred on local authorities by the Rating Act, 1908, and for such purpose the Rating Act is incorporated herewith. Powers of Board.
21. No rate or levy made under this Act shall be set aside or quashed by any proceeding in any Court or otherwise, and no defect in the same, or the making thereof, or in any direction for levy shall be set up as a defence to any action which may be brought to recover the same. Rate levied not to be invalidated.
22. Nothing in this Act or in any debentures issued in pursuance thereof shall affect or prejudice the rights of the holders of any debentures heretofore executed or issued by the Board pursuant to the provisions to the New Plymouth Harbour Board Empowering Act, 1908. Prior securities not affected.
23. The Board may at any time raise a loan or loans without taking a poll as herein provided for the purpose of paying off or consolidating any existing loans, or any existing and future loans, and such repayment or consolidation may be effected in such manner and on such terms and conditions as the Board thinks fit. Board may raise loans to pay off or consolidate existing or future loans without poll.
24. The lands described in the *Fifth* Schedule hereto are hereby vested in the Board, and the District Land Registrar at New Plymouth shall upon the application of the Board issue a certificate of title to the said lands in the name of the Board. Vesting of certain lands in Board.
25. The Board is hereby authorized to construct all or any of the works included in the word "harbour-works" as interpreted by subsection one of section two of the Harbours Amendment Act, 1910; and, in particular, to extend the present breakwater at the New Plymouth Harbour and to construct such other breakwaters or sea-walls, and to reclaim land from the sea or from the waters of the said harbour as the Board may deem necessary. All lands so reclaimed shall vest in the Board. Power to construct certain works.
26. Nothing in this Act shall be deemed to limit the powers of the Board under any Act now in force. Act not to limit powers of Board under any other Act.

Schedules.

SCHEDULES.**FIRST SCHEDULE.****BOUNDARIES OF THE NEW PLYMOUTH HARBOUR DISTRICT.**

ALL that area in the Taranaki Land District, bounded towards the north-east and north-west by the Waitara Harbour District from the sea to the southern boundary of the Mokau Harbour District; thence towards the north by the southern boundary of the Mokau Harbour District to its intersection by a right line running from the mouth of the Mokau River to the point on the Wanganui River where it is intersected by the 39th parallel of south latitude; thence towards the north-east by the said right line to the Wanganui River; thence towards the south-east generally by the Wanganui River to where it is met by the Taumatamahoe Path; thence by a right line to the northernmost corner of Section No. 320, in Block I, Hawera Survey District; thence by a right line being the production of the north-eastern boundary of the said Section No. 320 to the Waingongoro River; thence by the Waingongoro River to the sea; thence towards the south-west generally by the sea to the mouth of the Oeo River; thence by a line along the middle of the Oeo River to Skeet Road; thence along the middle of Skeet Road to the boundary-line between the Opunake and Kaipokonui Survey Districts; thence by that boundary-line to Opunake Road; thence by a line along the middle of Opunake Road to Oeo Road; thence along the middle of Oeo Road to the southern boundary of Section No. 6, Block V, Kaipokonui Survey District; thence by Sections Nos. 6, 5, and 4, said Block V, and the south-western boundary of Egmont National Park to the middle of Ngariki Road; thence by a line along the middle of Ngariki Road to the Main South Road; thence along the middle of the Main South Road to Manihi Road; thence along the middle of Manihi Road to the sea; and thence towards the west and north-west by the sea to the place of commencement.

SECOND SCHEDULE.

ALL that area in the Taranaki Land District, bounded towards the north-west by the Tasman Sea from the south-western corner of the Wairau Survey District to the boundary of the Waitara Harbour District; thence towards the north-east by the south-west boundary of the Waitara Harbour District to the south boundary of the Waitara Survey District; thence towards the south by the southern boundaries of the Waitara, the Paritutu, and the Wairau Survey Districts to the commencing-point.

THIRD SCHEDULE.

ALL that area in the Taranaki Land District, bounded towards the north by the southern boundaries of the Wairau, the Paritutu, and the Waitara Survey Districts to the south-west boundary of the Waitara Harbour District, and by the south-west boundary of the Waitara Harbour District to the west boundary of the Ngatimaru Survey District; thence towards the east by the west boundaries of the Ngatimaru and the Omona Survey Districts to the Toko Road; thence generally towards the south by the north side of the Toko Road to the Waihapa Road, by the west side of the Waihapa Road to the Robson Road, by the north side of the Robson and Bird Roads to the Mountain Road, by the east side of the Mountain Road to the Brookes Road, by the north and west sides of the Brookes Road to the Climie Road, by the north side of the Climie Road to the Opunake Road, by the south side of the Opunake Road to the east boundary of the Kaipokonui Survey District, by the east and north boundaries of the Kaipokonui Survey District to the east boundary of the Egmont National Park, by the east, north, and west boundaries of the Egmont National Park to the Puniho Road, and by the south side of the Puniho Road and the north boundary of Section 26, Block IV, Cape Survey District, to the Tasman Sea; thence towards the north-west by the Tasman Sea to the commencing-point.

FOURTH SCHEDULE.

ALL that area in the Taranaki Land District, bounded towards the north generally by the area described in the Third Schedule hereto from the sea to the Egmont National Park; thence by the Egmont National Park and again by the area described in the Third Schedule hereto to the southern boundary of the Waitara Harbour District; thence towards the north-west generally by the Waitara Harbour District to the southern boundary of the Mokau Harbour District; thence again towards the north by the southern boundary of the said Mokau Harbour District to its intersection by a right line running from the mouth of the Mokau River to the point on the Wanganui River where it is intersected by the 39th parallel of south latitude; thence towards the north-east by the said right line to the Wanganui River; thence towards the south-east generally by the Wanganui River to where it is met by the Taumatamahoe Path; thence by a right line to the northernmost corner of Section No. 320, in Block I, Hawera Survey District; thence by a right line being the production of the north-eastern boundary of the said Section No. 320 to the Waingongoro River; thence by the Waingongoro River to the sea; and thence towards the south and west generally by the sea to the place of commencement: excepting the Opunake Harbour District.

FIFTH SCHEDULE.

ALL that area in the New Plymouth Roadstead, containing 733 acres, a little more or less, and bounded as follows: Commencing at a point on high-water mark, distant 475 links due north from Trigonometrical Station XXIX on the summit of Paritutu; thence north-easterly by a straight line bearing $12^{\circ} 18'$, a distance of 4851.3 links; thence north-easterly by a straight line bearing $27^{\circ} 49'$, a distance of 814.1 links; thence again north-easterly by a straight line bearing $74^{\circ} 18'$, a distance of 664.8 links; thence south-easterly by a straight line bearing $113^{\circ} 5'$, a distance of 4641.7 links; thence north-easterly by a straight line bearing 61° , a distance of 3847.3 links; thence south-easterly by a straight line bearing $115^{\circ} 10'$, a distance of 7938.2 links; thence south-easterly by a straight line bearing $98^{\circ} 51'$, a distance of 2392.6 links, to the north-western corner of the land taken for railway purposes by a Proclamation dated the 25th July, 1901, and published in the *New Zealand Gazette* No. 70, page 1498, the said north-western corner being a point in line with the western side of Queen Street in the Town of New Plymouth; thence south-easterly along the western boundary of the Railway Reclamation Reserve, a distance of 389 links, in line with the said western side of Queen Street; thence westerly along the northern boundary of the Railway Reserve until it meets high-water mark; thence generally westerly along high-water mark to the south-western side of Cutfield Road; thence generally westerly along the seaward boundary of the Railway Reserve to the south-western side of Calvert Road; thence generally westerly along the seaward boundary of the New Plymouth Harbour Board's Reserve F to the mouth of the Hongihongi Stream; thence northerly along the seaward boundary of the Railway Reserve to the break-water; thence generally northerly, westerly, and south-westerly along high-water mark to the point of commencement.