

Hon. Mr. Hall.

NEW PLYMOUTH HARBOUR COMMISSION.

ANALYSIS.

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A BILL INTITLED

AN ACT to appoint a Commission to report upon the Desirability of Proceeding with the Harbour Works at New Plymouth, and to make other Provisions in respect thereof. Title.

5 WHEREAS by virtue of the provisions of an Ordinance of the Superintendent and the Provincial Council of the Province of Taranaki intituled "The New Plymouth Harbour Board Ordinance, 1875," as amended by an Act of the General Assembly intituled "The New Plymouth Harbour Board Ordinance 1875 Amendment Act, 1877," Preamble.

10 the New Plymouth Harbour Board was authorized and empowered to construct certain harbour works, and to reclaim from the sea certain lands, as in the said Ordinance and Acts is more particularly set forth: And whereas by the said Ordinance and Act the said New Plymouth Harbour Board was authorized to borrow any sum not

15 exceeding two hundred thousand pounds upon the terms and upon the security therein mentioned: And whereas, in pursuance of the powers so enabling in that behalf, the said Board has borrowed and raised the sum of two hundred thousand pounds for the purpose of executing the said works, and has commenced the said works, and entered into

20 contracts for the purchase of materials for continuing the same: And whereas on the seventh day of July, one thousand eight hundred and eighty-one, a Select Committee of the House of Representatives was appointed to inquire into the financial position of the said Board in respect of the relations thereof to the public creditor, and to report

25 generally in the matter: And whereas the said Committee, on the tenth day of August, one thousand eight hundred and eighty-one, reported to the House of Representatives that the results from the proposed works would be altogether inadequate to the expenditure required, and recommended the Legislature to at once take steps to

30 stop the further progress of the works, to take over the assets and

liabilities, and, after providing for the latter, to devote the Land Fund received by the Board to its ordinary purposes: And whereas the House of Representatives has determined that it is expedient that a Commission should be appointed to inquire into and report upon the New Plymouth Harbour Works scheme as to its utility and practicability, and also as to the financial position and prospects of the said Harbour Board, and also as to the fairness or otherwise of rating, for the purpose of providing the interest and sinking fund of the said loan, all the lands included in the said rating district or any of them; and as to whether the said rate should bear equally upon such lands or otherwise, and generally for the purposes hereinafter set forth:

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

Short Title.

1. The Short Title of this Act is “The New Plymouth Harbour Commission Act, 1881.”

Interpretation.

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

“The said Ordinance” means “The New Plymouth Harbour Board Ordinance, 1875:

“The said Act” means “The New Plymouth Harbour Board Ordinance 1875 Amendment Act, 1877:”

“Board” means the New Plymouth Harbour Board:

“Rating district” means the lands described in the Second Schedule to the said Act:

“Works” means all the works in or about or in connection with the construction of the Harbour of New Plymouth, which the Board is authorized and empowered to undertake by virtue of the said Ordinance or Act:

“Loan” means all moneys which the Board was authorized to borrow under the authority of the said Ordinance or Act, including all such moneys already so borrowed.

Appointment of Commissioners.

3. The Governor in Council shall, by Commission under the Seal of the Colony to be issued within one week from the date of the passing of this Act, appoint to be Commissioners for the purposes of this Act.

Power to Governor to fill vacancy arising in Commission.

4. In case any Commissioner shall die, resign, or become incapable of acting from any cause, the Governor shall appoint another person to fill the vacancy so arising.

Any member of either House of the General Assembly may be so appointed, and shall, on his appointment, be exempt from the provisions of “The Disqualification Act, 1878,” in respect of such appointment and any matter relating thereto.

Power of Commissioners.

5. The Commissioners shall have full power and authority to make all necessary inquiries, and to report fully upon the following matters:—

(1.) As to the utility and practicability of such works, and as to what prospect there is of such works, if completed, or to some extent completed, forming a useful harbour at New Plymouth, and generally as to what extent such works will provide accommodation for shipping;

(2.) As to the financial position and prospects of the Board, especially in connection with the said loan, and as to the

probability or otherwise of such works proving remunerative;

5 (3.) As to the fairness, having regard to the extent to which such works will benefit the lands in the rating district, of rating equally, or otherwise, all or any of the land included within such rating district, for the purpose of paying the interest and sinking fund payable on the loan;

10 (4.) And generally to make all such inquiries and investigations as they may deem necessary for the purposes of this Act, and to that intent to inquire into all the works undertaken or proposed to be undertaken by or on behalf of the Board, and into all contracts, including therein any promises or engagements now existing, made, or entered into, or alleged to have been made or entered into, by or on
15 behalf of the Board to or with any person or persons in respect of any such works as may be necessary to enable the General Assembly to decide upon the expediency of continuing the said works or otherwise.

20 6. Such Commission shall confer all usual and necessary powers and authority upon the Commissioners, or any two of them, and shall provide that such notices be given and times and places appointed for inquiry as may be necessary to give effect to this Act, and shall require a report to be made within six months after the date of the Commission, setting forth the opinion of the Commissioners in the
25 premises.

Commission to contain all usual powers, &c.

7. The Commissioners shall be entitled to such reasonable remuneration for their services as the Governor may prescribe.

Remuneration to Commissioners.

30 8. The expenses of the Commissioners, and all other expenses, whether for travelling allowances, clerical assistance, witnesses' expenses, or otherwise incurred in giving effect to this Act, shall be paid out of moneys to be appropriated for that purpose by the General Assembly.

Commissioners' expenses, how paid.

35 9. After the passing of this Act, all powers, duties, and functions which were immediately before the passing hereof vested in and exercisable by the Board, shall vest in and be performed by the Governor on behalf of Her Majesty :

Powers, &c., of Board to vest in Governor.

40 Provided always that, notwithstanding anything herein contained, it shall not be lawful for the Governor to proceed further with the execution of the said works, except in so far as it may be necessary to prevent injury to works already executed, or to plant or material, hereby vested in the Governor in connection with such works.

Proviso.

45 10. After the passing of this Act, all lands, tenements, goods, chattels, moneys, and things in action, all revenues and moneys, and all real and personal property whatsoever, and all rights and interests therein which immediately before the date of the passing of this Act were vested in or belonged to the Board, or to any Sinking Fund Commissioners or other persons holding moneys on behalf of the Board, and also all Land Fund or other moneys, which under any Act or Ordinance is now or would hereafter become payable to the Board,
50 shall vest in Her Majesty the Queen.

Real and personal property to vest in Governor.

11. All moneys by this Act vested in Her Majesty shall, so long as this Act remains in force, be paid into the Consolidated Fund to a

Moneys to be paid into Consolidated Fund.

separate account, to be called the "New Plymouth Harbour Loan Fund Account," and shall form part of the Consolidated Fund.

Interest and sinking
fund, how paid.

12. The Colonial Treasurer shall, from time to time, so long as this Act shall remain in force, issue and pay out of the Consolidated Fund, and without any appropriation by the General Assembly, such sum or sums as shall be sufficient to pay and satisfy the payments of interest and sinking fund coming due on the said loan, or any other liabilities of the Board legally incurred at the date of the passing of this Act. 5