

*Mr. Wilkinson.*

OPUNAKE HARBOUR.

[LOCAL BILL.]

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A BILL INTITULED

- AN ACT to provide for the Dissolution of the Opunake Harbour Board and the Transfer of the Functions of the said Board to the ~~Borough~~ of Opunake *Borough Council*, and to make certain Incidental Provisions. Title.
- 5
- 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 Opunake Harbour Act, 1938, and shall come into force on the *first* day of *October*, nineteen hundred and thirty-eight. Short Title and commencement.
2. In this Act, unless the context otherwise requires,— Interpretation.
- 15     “ Board ” means the Opunake Harbour Board constituted under the Harbours Act, 1923:
- “ Corporation ” means the Corporation of the Borough of Opunake:

	“ Council ” means the Opunake Borough Council:	
	“ District ” means the Opunake Harbour District as defined in the Opunake Harbour Act, 1908.	
Special Act.	3. This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1923.	5
Dissolution of Opunake Harbour Board.	4. The Opunake Harbour Board is hereby dissolved and the functions of the Board are hereby transferred to and vested in the Opunake Borough Council.	
Council to exercise powers of Harbour Board.	5. All powers, functions, duties, and authorities conferred or imposed upon Harbour Boards by the Harbours Act, 1923, or any other Act, and all powers, functions, duties, and authorities heretofore conferred or imposed upon the Board by any Act and subsisting on the coming into force of this Act, may be exercised and performed by the Council in as full and effectual a manner as if the Council had been constituted a Harbour Board within the meaning of the Harbours Act, 1923, and the Council shall, for all purposes not inconsistent with the provisions of this Act, be deemed to be a Harbour Board accordingly.	10 15 20
Assets and liabilities of Board transferred to Opunake Borough.	6. (1) <i>With the exception of the lands referred to in the next succeeding section</i> , all property, real and personal, belonging to the Board is hereby vested in the Mayor, Councillors, and Burgesses of the Borough of Opunake. <del>for the estate or interest of the Board therein.</del>	25
	(2) All rates and any other moneys whatsoever payable to the Board shall become payable to the Council.	30
	(3) All proceedings pending by or against the Board may be carried on or prosecuted by or against the Corporation.	
	(4) All debts, liabilities, and engagements of the Board shall become debts, liabilities, and engagements of the Corporation.	35
	<i>New.</i>	
Certain endowments vested in Crown as recreation reserves.	6A. (1) Sections 1, 2, 3, 4, and 5, Block XLVII, Town of Opunake, containing together an area of two acres two roods, more or less, and Sections 1, 2, 3, 4, 5, 6, and 7, Block XV, Town of Opunake, containing together an area of one acre two roods seven perches, more or less, are hereby declared to be vested in His	40

*New.*

5 Majesty the King as recreation reserves, to be subject to the provisions of Part II of the Public Reserves, Domains, and National Parks Act, 1928, and to form part of the Opunake Domain.

10 (2) Nothing in the *last preceding* subsection shall affect the rights at present held over Sections 1, 2, 3, 4, and 5, Block XLVII, by the Opunake Seaside Improvement Society, Incorporated, under the lease registered as Number 11036, New Plymouth Registry.

15 (3) The District Land Registrar for the Land Registration District of Taranaki is hereby empowered and directed to make such entries in the appropriate registers as may be necessary to give full effect to the provisions of this section.

20 7. All Proclamations, Orders in Council, regulations, by-laws, offices, appointments, resolutions, agreements, licenses, lists, rolls, rate-books, records, documents, and generally all acts of authority which originated before the date of the coming into force of this Act in relation to the Board and are subsisting or in force on such date shall enure for the purposes of the Council and the Corporation as fully and effectually as if they had been originated by or in respect of the Council or the Corporation, and accordingly shall, where necessary, be deemed to have so originated.

Saving of appointments, &c.

25 8. In respect of any real property vested in the Corporation pursuant to section *six* hereof the following provisions shall apply:—

Corporation to be registered as proprietor of lands.

30 (a) It shall be the duty of the District Land Registrar or the Registrar of Deeds, as the case may be, on application by the Council and without payment of any fee, to register the Corporation as the proprietor thereof:

35 (b) No stamp duty under the Stamp Duties Act, 1923, shall be payable in respect of the vesting of such real property in the Corporation.

See Reprint of Statutes, Vol. VII, p. 402

40 9. The Council shall continue to make, levy, and collect over the district such rates as the Board was empowered to make, levy, and collect under the Opunake Harbour Act, 1908, *and under any other Act*, for the purpose of repaying the existing loans and

Council to continue to levy rates over harbour district.

interest thereon and all other necessary expenditure which but for the coming into force of this Act would have been paid by the Board from the proceeds of any such rates.

Provisions  
for separate  
Harbour  
Account.

10. (1) All moneys received from any such rates so levied by the Council over the district as hereinbefore provided, together with all other moneys received by the Council in respect of any lands or other property ~~which prior to the coming into force of this Act were vested in the Board,~~

*New.*

hereby vested in the Corporation, and all other moneys whatsoever received by the Council in the exercise of the powers conferred on it by this Act shall, until the present loan indebtedness of the Board is finally liquidated, be placed to the credit of a separate account to be known as "the Opunake Harbour Account", and shall be paid into a separate bank account.

(2) From the funds in such account payment shall be made of all interest, instalments of principal, and other moneys due to the holders of debentures from the Board, and all costs, charges, administrative and other expenses in connection with the administration of the district which, but for the passing of this Act, would have been borne and paid by the Board.

*New.*

(3) If the funds in such account are at any time insufficient to meet the lawful charges thereon, the Council may transfer such sums as are necessary from its General Account to meet the same, and may at any time repay any sum so transferred out of any excess in the receipts over the liabilities of the Opunake Harbour Account.

Appointment  
of Committee.

11. (1) The Council shall forthwith on the coming into force of this Act, and thereafter in the month of May in each year in which an election of the Council is held, appoint a Committee pursuant to the powers conferred by section forty-eight of the Municipal Corporations Act, 1933, for the purposes of dealing with all matters arising in connection with the administration of the district.

(2) Such Committee shall be known as "the Opunake Harbour Committee", and shall comprise the following:—

5 (a) The Mayor for the time being of the Borough of Opunake, who shall be the Chairman of the Committee:

(b) Two ratepayers of the Borough of Opunake:

10 (c) Two ratepayers of that portion of the County of Egmont at present situate in the district, nominated by the Egmont County Council.

15 **12.** Notwithstanding anything to the contrary in section ninety-seven or in section one hundred of the Harbours Act, 1923, the annual statement and account required to be made pursuant to the said section ninety-seven—

Annual statements.

(a) Shall, in respect of the period commencing on the first day of October, nineteen hundred and thirty-eight, be for a period of six months ending on the thirty-first day of March, nineteen hundred and thirty-nine:

20 (b) Shall, except as hereinbefore provided, be for the period of twelve months ending on the thirty-first day of March in each year:

25 (c) Shall be prepared in the form prescribed—  
(i) Of all contracts entered into during the year;

(ii) Of all moneys received and paid during the year; and

30 (iii) Of all assets and liabilities as at the thirty-first day of March in each year:

(d) Shall, in respect of any period after the first day of October, nineteen hundred and thirty-eight, be incorporated in and dealt with by the Council in the same manner as the balance-sheets and statements prepared by the Council pursuant to the Municipal Corporations Act, 1933.

35 **13.** Notwithstanding that the special rate levied by the Board on the twenty-seventh day of May, nineteen hundred and thirty-eight, was for the period commencing on the first day of May, nineteen hundred and thirty-eight, and ending on the thirtieth day of

Special rate.

April, nineteen hundred and thirty-nine, the period for which all future rates shall be levied shall commence on the first day of April and end on the thirty-first day of March of the following year.

Repeals.

14. (1) The enactments mentioned in the ~~First~~ Schedule hereto ~~with the exception of the provisions specified in the Second Schedule hereto~~ are hereby repealed.

5

*Struck out.*

(2) In so far as the same may be applicable to and not inconsistent with the provisions of this Act, the provisions specified in the *Second* Schedule hereto shall be deemed to be incorporated with and to form part of this Act.

10

*Struck out.*

Schedules.

## SCHEDULES.

### FIRST SCHEDULE.

#### ENACTMENTS REPEALED.

- 1908, No. 14 (Local)—  
The Opunake Harbour Act, 1908.
- 1909, No. 27 (Local)—  
The Opunake Harbour Amendment Act, 1909.
- 1912, No. 30 (Local)—  
The Opunake Harbour Amendment Act, 1912.
- 1915, No. 68 (Local)—  
The Reserves and other Lands Disposal and Public Bodies Empowering Act, 1915: Section 47.
- 1916, No. 14 (Local)—  
The Reserves and other Lands Disposal and Public Bodies Empowering Act, 1916: Section 85.

### SECOND SCHEDULE.

#### SAVINGS.

- 1908, No. 14 (Local)—  
The Opunake Harbour Act, 1908: Section 4.
- 1909, No. 27 (Local)—  
The Opunake Harbour Amendment Act, 1909: Sections 2, 3, 4 (1), 5.
- 1912, No. 30 (Local)—  
The Opunake Harbour Amendment Act, 1912: Section 9 and the Schedule.

*New.*  
SCHEDULE.

Schedule.

ENACTMENTS REPEALED.

- 1908, No. 14 (Local).—The Opunake Harbour Act, 1908:  
Sections 3, 6, 8, 9, 12.
- 1909, No. 27 (Local).—The Opunake Harbour Amendment  
Act, 1909: Sections 4, 5, 6, 7, 8, 9.
- 1912, No. 30 (Local).—The Opunake Harbour Amendment  
Act, 1912.
- 1913, No. 67.—The Reserves and other Lands Disposal and  
Public Bodies Empowering Act, 1913:  
Section 118.
- 1915, No. 68.—The Reserves and other Lands Disposal and  
Public Bodies Empowering Act, 1915:  
Section 47.
- 1916, No. 14.—The Reserves and other Lands Disposal and  
Public Bodies Empowering Act, 1916:  
Section 85.
- 1923, No. 40.—The Harbours Act, 1923: So much of the  
First Schedule as relates to the Opunake  
Harbour Board.
- 1926, No. 61.—The Local Legislation Act, 1926: Section 39.
- 1929, No. 21.—The Local Legislation Act, 1929: Section 40.
- 1933, No. 46.—The Local Legislation Act, 1933: Section 46.