

Mr. Pearce.

PATEA HARBOUR.

[LOCAL BILL.]

ANALYSIS.

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A BILL INTITULED

AN ACT to enable the Patea Harbour Board to borrow Eighty-six Thousand Pounds. Title.

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5 WHEREAS the Patea Harbour Board is desirous of borrowing eighty-six thousand pounds for the construction of harbour-works for the improvement of the Harbour of Patea : Preamble.

10 BE IT ~~therefore~~ 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 Patea Harbour Act, 1913. Short Title.

2. This Act shall be deemed a special Act within the meaning of the Harbours Act, 1908, and its amendments, which Acts are hereby incorporated with this Act. Incorporation of the Harbours Act, 1908, and amendments.

15 3. In this Act, if not inconsistent with the context,— Interpretation.

“ Board ” means the Patea Harbour Board constituted under the Harbours Amendment Act, 1910 :

20 “ District ” and “ harbour district ” mean the Patea Harbour District constituted under the Patea Harbour Board Act, 1885, being the district set out in the *First* Schedule hereto.

4. It shall be lawful for the Board to borrow from time to time, by way of special loan, in addition to the total sum of thirty-five thousand pounds borrowed under the provisions of the Patea Harbour Act, 1878, the Patea Harbour Act, 1890, the Patea Harbour Act, 1901, and the Patea Harbour Act, 1904, such further sum or sums of money as the Board deems fit, at a rate of interest not exceeding ~~six pounds~~ *five and a half* per centum per annum, but so that the total of the further sum or sums so borrowed does not exceed eighty-six Power to borrow.

thousand pounds; and the Board may borrow such sum or sums of money as aforesaid for such period or periods as the Board thinks fit, and may renew or again borrow any or all of such sum or sums of money as they shall fall due for such further or other period or periods as the Board thinks fit.

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How moneys
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 the Harbours Amendment Act, 1910, and also in the purchase, erection, and construction of all such tugs, dredges, cranes, sheds, works, and appliances for the improvement of the Patea 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 more convenient loading and unloading of such vessels, and for the safety and provision of any works constructed or proposed to be constructed by the Board, and for providing proper access to and from such works:

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Provided always that no such harbour-works shall be constructed or undertaken by the Board without the sanction of the Governor in Council to the proposed work being first obtained in manner provided by section one hundred and forty-eight of the Harbours Act, 1908, or any amendment thereof:

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Provided further that, with respect to any such harbour-works undertaken or constructed by the Board, all the provisions of section one hundred and fifty of the Harbours Act, 1908, or any amendment thereof, shall apply.

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Preliminary
expenses and first
year's interest may
be paid out of loan.

(2.) The Board may, out of any loan-moneys, pay the costs and expenses incurred by the Board in connection with the promotion of this Act, and the preliminary expenses incurred in connection with the borrowing of any moneys so borrowed, and the first year's interest and the first year's sinking fund in respect of such loan.

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The Local Bodies'
Loans Act to apply.

6. Subject to the provisions of this Act, any moneys borrowed under this Act may be raised and secured in manner prescribed in Part I of the Local Bodies' Loans Act, 1908, and its amendments, and all the provisions of such Part of such Act and its amendments, including the provisions relating to the raising, securing, and providing for repayment of loans, the appointment and removal of Sinking Fund Commissioners, their powers and duties, the remedies of debenture-holders, and all such provisions as are applicable to the protection of debenture-holders, so far as the same are not inconsistent with any of the provisions of this Act, shall apply to this Act, and be incorporated herewith as if the Board were a local authority, the Patea Harbour District were a district, the said works a public work or undertaking, and the Harbour Fund a local fund as defined by those Acts, subject, however, to the modification that where anything is required to be done by special order it may be done by the Board by ordinary resolution gazetted. The provisions of the Harbours Act, 1908, and its amendments relating to any of the matters aforesaid shall apply only in so far as they shall not be inconsistent with any of the provisions of this Act or the Local Bodies' Loans Act, 1908, and its amendments.

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5	7. (1.) Any loan raised under the authority of this Act shall be raised by the issue of debentures under the common seal of the said Board in the form numbered (1) of the <i>Second</i> Schedule hereto.	Debentures.
	(2.) Such debentures shall be numbered consecutively so that no two debentures bear the same numbers, and shall be for a sum of one hundred pounds each.	
	(3.) All such debentures shall be signed by the Chairman of the Board, and shall be countersigned by the Secretary.	
10	8. The yearly interest on every debenture shall not exceed six pounds per centum per annum on the amount thereof, and shall be payable half-yearly or otherwise, and separate coupons for each sum so payable, in the form numbered (2) in the <i>Second</i> Schedule hereto, and numbered consecutively for each debenture, shall be attached thereto.	Interest and coupons.
15	9. The payment of all moneys so borrowed shall be secured upon the security of a special rate made and levied as hereinafter provided.	Loan to be secured upon a special rate.
20	10. Before the Board proceeds to borrow money under the authority of this Act the steps hereinafter mentioned shall be taken.	Steps to be taken before raising loan.
	11. The Board shall publish in some newspaper circulating in the district once in each of four successive weeks a notice setting forth—	Publication of proposal.
25	(a.) The purposes for which the loan is required : (b.) The sum proposed to be borrowed : (c.) The proposed security, and the provision for repayment of the loan :	
30	(d.) A statement whether or not it is proposed to pay out of the loan the cost of raising the loan, or the interest or the sinking fund in respect of such loan for the first year.	
	12. A poll shall be taken as is by this Act provided.	Poll to be taken.
	13. The Board shall appoint some person to be Returning Officer for the conduct of the poll throughout the harbour district.	Returning Officer.
35	14. It shall be the duty of the Secretary of the Board at the request of the Chairman of the Board, for the purpose of the poll under this Act, to prepare a roll for the harbour district, setting forth the names of all ratepayers within such district, <i>and the number of</i> <i>New.</i>	Roll of ratepayers.
40	votes to which each ratepayer is entitled, computed on the following scale :—	
	If the capital value of his interest in the property as appearing on the special roll amounts in the aggregate to not more than one thousand pounds, he shall have one vote ;	
45	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.	
50	Such roll 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 roll on which the poll shall be taken.	

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How poll to be taken.

15. (1.) The Returning Officer, at the written request of the Chairman of the Board, authorized by ordinary resolution of the Board, shall publish a notice setting forth the day on which the poll will be taken, not being less than one nor more than three weeks from the day of the last publication of the notice mentioned in section *eleven* hereof.

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

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(3.) All the provisions of the Local Elections and Polls Act, 1908, and its amendments, 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 a poll under this Act; and for the purposes of taking any such poll the Board shall be deemed a local authority, and the harbour district shall be deemed a district, as defined by those Acts.

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(4.) The form of the voting-paper shall be the form in the *Third* Schedule hereto.

(5.) Every ratepayer shall be entitled to one vote.

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Result of poll.

16. If the total number of valid votes recorded in favour of the proposal exceeds the total number of valid votes recorded against the proposal, then, and not otherwise, the proposal shall be deemed to be carried, and the Board shall be fully empowered to exercise the powers of borrowing and all other powers conferred by this Act; and unless the total number of valid votes recorded in favour of the proposal at a poll, held and taken in manner hereby provided, exceed the total number of valid votes recorded against the proposal, the Board shall not be empowered to exercise any of the borrowing-powers hereby conferred.

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Result of poll to be advertised.

17. 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 the proposal, and also the number of votes recorded against the proposal, and shall declare the proposal to be carried or rejected as the case may be.

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Result of poll to be gazetted.

18. (1.) As soon as conveniently may be after the poll the Chairman of the Board shall send to the Minister of Internal Affairs, for publication in the *Gazette*, a notice of the number of votes recorded for and against the proposal, and in such notice shall declare the proposal to be carried or rejected as the case may be.

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(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 _____ pounds.

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(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

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proposal; and if at such second poll the proposal is again rejected, the Board may 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.

19. If the proposal is declared to be carried, a special rate upon the capital value of all rateable property in the harbour district, as a security for the moneys authorized to be borrowed under this Act, and for the purpose of providing for the payment of the expenses incurred in borrowing the same, and the annual charges thereon, and the sinking-fund payments hereinafter mentioned, may be made and levied by the Board in manner provided by law and in accordance with the provisions of this Act and the Local Bodies' Loans Act, 1908, and their respective amendments.

Levy of rate.

20. The special rate to be levied ~~under the authority of this Act as security for the loan~~ shall not exceed nine thirty-seconds of a penny in the pound upon the capital value of all rateable property in the harbour district.

Limit of special rate.

21. For the purpose of providing for the repayment of the moneys herein authorized to be borrowed the Board shall permanently appropriate and set apart in each year, after the same or any part thereof shall have been borrowed, a sum equal to one ~~pound~~ *per centum* per annum on the moneys borrowed or so much thereof as is for the time being outstanding, and the same shall be paid to Commissioners to be appointed for the purpose in accordance with the provisions for the appointment of Sinking Fund Commissioners contained in the Local Bodies' Loans Act, 1908, and its amendments.

Sinking fund.

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22. For the purpose of making, levying, and recovering rates the Board shall have and may exercise all such powers of making and levying rates in the harbour district as are given to local authorities by the provisions of the Local Bodies' Loans Act, 1908, and for the purposes of recovering rates in the harbour district all the powers which are conferred upon local authorities by the Rating Act, 1908, and its amendments.

Power of Board.

23. No rate made or levied under this Act shall be set aside or quashed by any proceedings 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.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

THE PATEA HARBOUR DISTRICT.

ALL that area in the ~~Provincial Districts of Taranaki and Wellington Land Districts,~~ bounded towards the north-west by the New Plymouth Harbour Board Rating District as described in the ~~Second Schedule of the New Plymouth Harbour Board Ordinance 1875 Amendment Act, 1877~~ *First Schedule to the New Plymouth Harbour Board Empowering Act, 1908*, from the mouth of the Waingongoro River to the Wanganui River; thence towards the south-east by the Counties of Waitotara and Patea respectively to the ~~source of the~~ west branch of the Waitotara River; thence towards the east generally by the said Waitotara River to the ocean; and thence towards the south-west by the ocean to the place of commencement.

