

TARANAKI HARBOURS BILL

EXPLANATORY NOTE

THIS Bill gives effect to a final scheme of the Local Government Commission (as amended by the Local Government Appeal Authority) providing for the dissolution of the Taranaki Harbour Board and the Patea Harbour Board and the constitution of a new Harbour Board to be known as the Taranaki Harbours Board, and for the constitution of a new district to be known as the Taranaki Harbours District. A copy of that final scheme (as so amended) is set out at the end of this note.

Clause 1 relates to the Short Title and commencement. The Act is to come into force on 1 September 1965.

Clause 2 declares the Act to be a special Act for the purposes of the Harbours Act 1950. By section 16 of that Act, every new Harbour Board must be constituted by special Act.

Clause 3 is an interpretation clause defining the terms "Board" and "district".

Clause 4 constitutes the Taranaki Harbours Board, which is to have control of the harbours at present under the control of the Taranaki Harbour Board and the Patea Harbour Board. The clause declares those Boards to be dissolved.

Clause 5 defines the constitution of the new Board in accordance with the provisions of the final scheme. The first election of members of the Board will be held on the date of the next triennial election of members of Harbour Boards.

Subclause (4) departs from the provisions of clause 5 of Part I of the final scheme relating to the appointment of members of the Board to hold office pending the first election of members, and provides that the existing members of the Taranaki Harbour Board are to remain in office until the first election. When the final scheme was issued on 8 December 1964, it was anticipated that there could be a considerable interval between the constitution of the new Board and the first election, but, in view of the time taken in determining appeals to the Local Government Appeal Authority, that interval will now be very short, and the existing Board is accordingly continued in office.

Clause 6 constitutes the Taranaki Harbours District in accordance with the provisions of the final scheme, and abolishes the present Taranaki and Patea Harbour Districts.

No. 51—1

Price 1s. 6d.

Clause 7 vests the assets of the present Taranaki and Patea Harbour Boards in the new Taranaki Harbours Board. This provision is subject to the special provisions of *clause 12* relating to endowments, cash, and investments of the Patea Harbour Board, and of *clause 13* relating to money in a special account of that Board.

Clause 8 provides that all loans raised by the Taranaki Harbour Board before the commencement of the Act will become a liability of the new Board, but no rateable property situated in any part of the new district that did not form part of the present Taranaki Harbour District will be liable as security for any such loan or be liable for any special rates made and levied in respect of any such loan. The existing rating provisions will continue to apply to such loans.

Clause 9 provides that instead of levying any special rate authorised to be made to secure the payment of annual charges in respect of loans raised by the new Board after the commencement of the Act, the Board is to make levies on the several local authorities whose districts or parts thereof comprise the Taranaki Harbours District. The proportions in which the total annual amount levied by the Board is to be borne by those local authorities are set out in the Second Schedule to the Bill, in accordance with the provisions of the final scheme.

Clause 10 provides for a review of levies by the Local Government Commission. The levies may be reviewed by the Commission, on the application of any constituent local authority, at any time after the expiration of five years from the commencement of the Act, or at any time before the expiration of that period if there is any alteration in the boundaries or constitution of any constituent local authority.

Clause 11 provides that all surplus revenue of the Board that is available for the servicing of loans is to be applied, first, towards annual charges on existing loans, and, second, towards annual charges on new loans raised by the Board.

Clause 12 makes special provision with respect to the endowments, cash assets, and investments of the Patea Harbour Board. Those endowments, cash assets, and investments are vested in the Corporation of the County of Patea and, together with the income thereof, controlled by a joint committee of the Patea County Council, and are to be applied in the manner set out in *subclause (3)* of this clause, which gives effect to the provisions of the final scheme in this respect.

Clause 13 gives effect to the provisions of the final scheme relating to the sum of £3,591 7s. 1d. held in the account of the Patea Harbour Board known as the Interest Account (Conversion Loan 1933). The money in that account is to be distributed among the local authorities in the proportions set out in the Third Schedule to the Bill and applied by them in the manner set out in *subclause (2)* of this clause.

Clause 14 adds to the Wanganui Harbour District parts of the Counties of Patea and Waitotara in accordance with the provisions of the final scheme, and alters the constitution of the Wanganui Harbour Board as provided in that scheme.

Clause 15 contains transitional provisions.

Clause 16 provides for consequential repeals.

The final scheme of the Local Government Commission (as amended by the Local Government Appeal Authority) is as follows:

LOCAL GOVERNMENT COMMISSION

TARANAKI HARBOURS DISTRICT

FINAL SCHEME

(As Amended by the Local Government Appeal Authority)

WHEREAS, pursuant to section 15 (1) of the Local Government Commission Act 1961, the Stratford Borough Council requested the Local Government Commission to investigate the position of the Patea Harbour District and of certain non-contributing areas in Taranaki Province with a view to inclusion of such District and areas within the Taranaki Harbour District;

And whereas, pursuant to section 12 (2) (d) of the Local Government Commission Act 1961, the Minister of Internal Affairs requested the Local Government Commission to review and report on certain matters in connection with rating in the Taranaki Harbour District;

And whereas, pursuant to section 15 (1) of the Local Government Commission Act 1961, the Local Government Commission decided to enlarge the scope of its investigation to include all land in the Taranaki Land District together with those areas of the Patea Harbour District situated in the Wellington Land District;

And whereas, pursuant to section 16 (2) of the Local Government Commission Act 1961, the Local Government Commission held a meeting of representatives of all the local authorities likely in its opinion to be affected by the proposal, for the purpose of discussing the proposal;

And whereas, following discussions with the local authorities affected, the Local Government Commission held a public inquiry pursuant to sections 12 (3) and 16 (4) of the Local Government Commission Act 1961;

And whereas, at such public inquiry evidence and submissions were heard relative both to the extension of the Taranaki Harbour District and to questions of rating in such district;

And whereas, the Local Government Commission, having considered such evidence and submissions presented its report on rating matters to the Minister of Internal Affairs;

And whereas, the Local Government Commission pursuant to the Local Government Commission Act 1961 subsequently prepared a Provisional Scheme after the giving of public notice of which certain objections were received;

And whereas, the Local Government Commission held a public inquiry pursuant to section 19 (2) of the Local Government Commission Act 1961 at which all objections and the evidence submitted in support thereof and all other relevant evidence were heard;

And whereas, at such public inquiry certain suggestions were made by the Waimate West County Council as to a method of rating for adoption in the proposed Taranaki Harbours District;

And whereas, the Local Government Commission appointed a committee of local authority representatives to investigate and, if necessary, revise the suggested method and to report to the Local Government Commission and to all local authorities affected;

And whereas, the majority of local authorities affected approved the suggested method as amended by such committee;

And whereas, after consideration of all objections lodged and the evidence submitted and of the report of the said committee and the suggested method of rating, certain objections were upheld and the remainder dismissed;

Now therefore the Local Government Commission has pursuant to the Local Government Commission Act 1961 approved the Provisional Scheme modified as a result of objections, and such Provisional Scheme becomes a Final Scheme as follows:

PART I

1. The Taranaki Harbour District and the Patea Harbour District shall be abolished and the Taranaki Harbour Board and the Patea Harbour Board shall be dissolved.

2. A new harbour district shall be constituted to be called "The Taranaki Harbours District" and to comprise with certain exceptions all lands situated within the boundaries of the Taranaki Land District together with certain lands in the Wellington Land District as described in the First Schedule hereto.

3. There shall be 16 members of the Taranaki Harbours Board to be elected as follows:

- 4 by the electors of the City of New Plymouth.
- 2 by the electors of the County of Taranaki and the Borough of Waitara.
- 1 by the electors of the County of Inglewood and of the Borough of Inglewood.
- 1 by the electors of the County of Egmont.
- 1 by the electors of the County of Eltham, the Borough of Eltham, and the Town District of Kaponga.
- 1 by the electors of the County of Stratford.
- 1 by the electors of the Borough of Stratford.
- 1 by the electors of the County of Clifton and of the parts of the Counties of Taumarunui and Waitomo and the Borough of Taumarunui within the Harbours District.
- 1 by the electors of the Borough of Patea and of the part of the County of Patea within the Harbours District.
- 1 by the electors of the Borough of Hawera.
- 1 by the electors of the County of Hawera and the Town District of Normanby.
- 1 by the electors of the County of Waimate West and the Town District of Manaia.

16 members

4. The first election for the members of the Taranaki Harbours Board shall be held on the date fixed by law for the triennial election of members of local authorities next following the operative date of the constitution of the said Board.

5. Until the first members of the said Board to be elected shall come into office, the Board shall consist of 16 members to be appointed as follows:

- 4 by the New Plymouth City Council.
- 2 by the Taranaki County Council and the Waitara Borough Council.
- 1 by the Inglewood County Council and the Inglewood Borough Council.
- 1 by the Egmont County Council.
- 1 by the Eltham County Council, the Eltham Borough Council, and the Kaponga Town Council.
- 1 by the Stratford County Council.
- 1 by the Stratford Borough Council.
- 1 by the Clifton County Council, the Taumarunui County Council, the Waitomo County Council, and the Taumarunui Borough Council.
- 1 by the Patea Borough Council and the Patea County Council.
- 1 by the Hawera Borough Council.
- 1 by the Hawera County Council and the Normanby Town Council.
- 1 by the Waimate West County Council and the Manaia Town Council.

16 members

6. The assets and liabilities of the Taranaki Harbour Board and the Patea Harbour Board shall, subject to the provisions of Part II hereof, become assets and liabilities of the Taranaki Harbours Board, Provided However that nothing herein shall make any rateable property not at present included in the Taranaki Harbour District (such rateable property being situated in the area described in the Second Schedule hereto) liable as security for the repayment of any money which at any time prior to the constitution of the Taranaki Harbours District may have been borrowed by the Taranaki Harbour Board and all such rateable property shall not be liable for any rates which may be made or levied by the Taranaki Harbours Board in respect of any money borrowed as aforesaid.

7. (a) The system of rating to be in force in the Taranaki Harbours District for the purpose of payment of interest and principal or sinking fund in respect of moneys which may hereafter be borrowed by the Taranaki Harbours Board shall be by way of levy upon each of the constituent local authorities in the proportions set out in the Fifth Schedule hereto.

(b) The proportions set out in the said Schedule may be reviewed by the Local Government Commission in case of an alteration in the district or constitution of any of the said authorities, or after five years and thereafter from time to time at the discretion of the Commission or on the application of any constituent local authority.

8. All surplus revenue of the Taranaki Harbours Board available for servicing loans shall be applied in the following manner:

- First: In payment of interest and principal or sinking fund in respect of all loans raised prior to the effective date hereof, and
- Second: In payment of interest and principal or sinking fund in respect of all loans raised after the effective date hereof.

9. Subject to the provisions of the next succeeding clause, the Taranaki Harbours District shall not be divided into differential rating areas.

10. The system of rating to be in force in the Taranaki Harbours District for the purpose of payment of interest and principal or sinking fund in respect of loan moneys borrowed by the Taranaki Harbour Board prior to the constitution of the Taranaki Harbours District and secured over lands in the Taranaki Harbour District shall be the same as that heretofore in force by virtue of the Taranaki Harbour Board Act 1954.

PART II

1. Subject to the provisions of the next succeeding clause, all endowments, cash assets, and investments vested in the Patea Harbour Board shall be vested in the Patea County Council and the income therefrom shall be controlled by a joint special committee of the Patea County Council established under section 76 of the Counties Act 1956 and comprised of one person appointed by the Hawera Borough Council, one person appointed by the Patea Borough Council, one person appointed by the Hawera County Council, and one person appointed by the Patea County Council. Such endowments, cash assets, and investments and the income therefrom shall be applied first in the maintenance and improvement of such endowment assets, second in any maintenance and development of the Patea Harbour required by the Taranaki Harbours Board, and third in relief of Harbour rates levied on the area described in the Third Schedule hereto.

2. The sum of £3,591 7s. 1d. held in "Interest Account (Conversion Loan 1933)" by the Patea Harbour Board together with interest thereon at three pounds per centum per annum as from 1 December 1952 to date of distribution shall be distributed to the local authorities of the present Patea Harbour District in the proportions (determined in accordance with the capital values of the districts of the said authorities) set out in the Sixth Schedule hereto, and shall be applied by such authorities in relief of such harbour rates as may be levied on the respective districts of the said authorities by the Taranaki Harbours Board and the Wanganui Harbour Board respectively in respect of moneys borrowed after the alteration of the boundaries of their respective districts.

PART III

1. Those areas of the Wellington and Taranaki Land Districts at present included within the Patea Harbour District and described in the Fourth Schedule hereto shall be included in the Wanganui Harbour District.

2. There shall be 11 members of the Wanganui Harbour Board elected as follows:

10 in the manner set out in the Second Schedule to the Harbours Amendment Act 1959.

1 by the electors of the Town District of Waverley and of those parts of the Counties of Patea and Waitotara described in the Fourth Schedule hereto.

3. No rateable property in the area described in the Fourth Schedule hereto shall be liable as security for the repayment of any money which at any time prior to the inclusion of such area within the Wanganui Harbour District may have been borrowed by the Wanganui Harbour Board or shall be liable for any rates which may be made or levied by the Wanganui Harbour Board in respect of any money borrowed as aforesaid.

FIRST SCHEDULE

ALL lands in Taranaki Land District with the exception of Egmont National Park and of all those parts of Patea and Waitotara Counties situated to the north and east of the Whenuakura River and together with all lands in the Wellington Land District situated to the north-west of the Whenuakura River.

SECOND SCHEDULE

BALANCE of lands in First Schedule after deduction of present Taranaki Harbour District.

THIRD SCHEDULE

THOSE parts of the present Patea Harbour District included in the First Schedule.

FOURTH SCHEDULE

THOSE parts of the counties of Patea and Waitotara situated to the north and east of the Whenuakura River.

FIFTH SCHEDULE

TABLE of "percentage levies over whole Taranaki Harbours Board District".

Municipalities—	Percentage
New Plymouth	33·38
Waitara	3·16
Inglewood	1·29
Stratford	3·13
Eltham	1·14
Hawera	4·52
Patea	0·53
Taumarunui	0·01
Counties—	
Clifton	3·24
Taranaki	11·97
Inglewood	5·00
Stratford	7·32
Eltham	4·67
Waimate West	4·27
Egmont	6·77
Taumarunui	1·42
Hawera	4·56
Patea	2·10
Waitomo	0·71
Town Districts—	
Manaia	0·34
Kaponga	0·28
Normanby	0·19
	100·00

SIXTH SCHEDULE

BASIS FOR DISTRIBUTION OF MONEYS REFERRED TO IN CLAUSE 2 OF PART II

	Percentage
Hawera Borough Council	36
Hawera County Council	23·1
Normanby Town Council	0·7
Eltham County Council (Part)	1·2
Patea Borough Council	4·4
Patea County Council (Otoia Subdivision)	15·2
Patea County Council (Waverley Subdivision)	15·3
Waverley Town Council	1·7
Waitotara County Council (Part)	2·4
	100·0

Dated at Wellington this 8th day of December 1964.

(Sgd) J. B. YALDWYN, Chairman.

(Sgd) J. C. D. MACKLEY, Commissioner.

(Sgd) R. E. WHITE, Commissioner.

Hon. Mr Scott

TARANAKI HARBOURS

ANALYSIS

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A BILL INTITULED

An Act to constitute the Taranaki Harbours Board and the Taranaki Harbours District and to provide for matters incidental thereto

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

1. **Short Title and commencement**—(1) This Act may be cited as the Taranaki Harbours Act 1965.

10 (2) This Act shall come into force on the first day of September nineteen hundred and sixty-five.

2. Special Act—This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950.

3. Interpretation—In this Act, unless the context otherwise requires,—

“Board” means the Taranaki Harbours Board constituted by this Act: 5

“District” means the Taranaki Harbours District constituted by this Act.

4. Constitution of Taranaki Harbours Board—(1) There is hereby constituted a Harbour Board to be known as the Taranaki Harbours Board. 10

(2) The Board shall have control over the harbours that immediately before the commencement of this Act were under the control of the Taranaki Harbour Board or the Patea Harbour Board. 15

(3) The Taranaki Harbour Board and the Patea Harbour Board are hereby dissolved.

5. Members of Board—(1) Subject to the provisions of subsection (4) of this section, the Board shall consist of the number of members specified in the First Schedule to the Harbours Act 1950 (as substituted by section 20 (1) of the Harbours Amendment Act 1959 and amended by subsection (2) of this section), who shall be elected in accordance with the provisions of the Harbours Act 1950 by the persons specified in that Schedule (as so substituted and amended). 20 25

(2) The First Schedule to the Harbours Act 1950 (as so substituted) is hereby amended—

(a) By omitting so much thereof as relates to the Patea Harbour Board:

(b) By omitting so much thereof as relates to the Taranaki Harbour Board, and substituting, in the appropriate columns thereof, the following words: 30

“Taranaki Harbours Board. Sixteen members	Four by the electors of the City of New Plymouth; two by the electors of the County of Taranaki and of the Borough of Waitara; one by the electors of the County of Inglewood and of the Borough of Inglewood; one by the electors of the County of Egmont; one by the electors of the County of Eltham and of the Borough of Eltham and of the Town District of	35 40
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“Taranaki Harbours Board. Sixteen members—*contd.*

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Kaponga; one by the electors of the County of Stratford; one by the electors of the Borough of Stratford; one by the electors of the County of Clifton and of the parts of the Counties of Taumarunui and Waitomo and of the Borough of Taumarunui that are within the Taranaki Harbours District; one by the electors of the Borough of Patea and of the part of the County of Patea that is within the Taranaki Harbours District; one by the electors of the Borough of Hawera; one by the electors of the County of Hawera and of the Town District of Normanby; and one by the electors of the County of Waimate West and of the Town District of Manaia.”

(3) The first election of members of the Board shall be held on the date on which, pursuant to the Local Elections and Polls Act 1953, the first general election of members of Harbour Boards is held after the commencement of this Act.

(4) The persons who were members of the Taranaki Harbour Board immediately before the commencement of this Act shall continue in office after the commencement of this Act as members of the Taranaki Harbours Board, and, unless they sooner vacate office pursuant to the provisions of any enactment, shall continue in office until the first elected members of the last-mentioned Board come into office.

6. Taranaki Harbours District—(1) The area described in the First Schedule to this Act is hereby constituted a district, to be called the Taranaki Harbours District.

(2) The Taranaki Harbour District (as described in the Fourth Schedule to the Taranaki Harbour Board Act 1954) and the Patea Harbour District (as constituted by section 4 of the Patea Harbour Board Act 1885 and amended by sections 4 and 5 of the Patea Harbour Act 1913) are hereby abolished.

7. Vesting of assets of dissolved Boards—(1) Subject to the provisions of this Act, on the commencement of this Act all the real and personal property, contracts, rights of action and other rights, obligations, and liabilities of the Taranaki Harbour Board or of the Patea Harbour Board shall become property, contracts, rights, obligations, and liabilities of the Taranaki Harbours Board constituted by this Act, without the necessity of any instrument of transfer, assignment, or other assurance. 5

(2) Notwithstanding anything in any other Act, where any real or personal property or right becomes vested in the Board by virtue of this section and the title of either of the dissolved Boards is or should have been entered in any register required by law to be kept, the Registrar or other person whose duty it is to keep that register shall, on the request in writing of the Taranaki Harbours Board, and on being satisfied by statutory declaration or otherwise of the title of the dissolved Board, without payment of any fee, enter in the register the name of the Taranaki Harbours Board as the owner of that property or right instead of the Taranaki Harbour Board or the Patea Harbour Board, as the case may be. 10 15 20

8. Loans raised before commencement of this Act—(1) All stock, debentures, or other securities issued or executed before the commencement of this Act as security for the repayment of any loan which immediately before the commencement of this Act constituted a liability of the Taranaki Harbour Board shall be deemed to have been issued or executed by the Taranaki Harbours Board, but nothing in this Act shall affect or prejudice the rights of the holders of any such stock, debentures, or other securities. 25 30

(2) Notwithstanding anything in this Act, no rateable property situated in any part of the district that immediately before the commencement of this Act did not form part of the Taranaki Harbour District (as constituted immediately before the commencement of this Act)— 35

(a) Shall be liable as security for the repayment of any loan which immediately before the commencement of this Act constituted a liability of the Taranaki Harbour Board or of any loan raised by the Taranaki Harbours Board after the commencement of this Act for the renewal or conversion of any such first-mentioned loan or any part thereof; or 40

(b) Be liable for any special rates that after the commencement of this Act may be made and levied by the Taranaki Harbours Board, or may be directed by the Board to be made and levied, in respect of any such loan.

(3) Subject to the provisions of subsection (2) of this section, the provisions of sections 6 and 7 of the Taranaki Harbour Board Act 1954 shall with the necessary modifications continue to apply, as if that Act had not been repealed and as if every reference in those sections to the Taranaki Harbour Board were a reference to the Taranaki Harbours Board, with respect to loans to which those sections applied immediately before the commencement of this Act and to loans raised by the Taranaki Harbours Board after the commencement of this Act for the renewal or conversion of any such first-mentioned loan or any part thereof.

9. Loans raised after commencement of this Act—

(1) Instead of levying any special rate authorised to be made to secure the payment of the annual charges in respect of any loan raised by the Board after the commencement of this Act (not being a loan raised for the renewal or conversion of any loan raised before the commencement of this Act or any part thereof), the Board shall, where necessary, make a levy in accordance with this section on every local authority whose district or part thereof forms part of the Taranaki Harbours District.

(2) For the purpose of determining the total amount payable by way of the levy, the Board shall in each year cause an estimate to be prepared, in such manner and according to such principle as the Board approves, of—

(a) The amount required to be expended in that year in payment of the annual charges in respect of all such loans raised by the Board after the commencement of this Act:

(b) The anticipated amount that will be available in that year for that purpose (excluding any levy made under this section), whether pursuant to paragraph (b) of section 11 of this Act or otherwise.

(3) Where the amount estimated pursuant to paragraph (b) of subsection (2) of this section is insufficient to meet in full the annual charges estimated pursuant to paragraph (a) of that subsection, the Board shall make a levy in respect of the

deficiency, calculated in accordance with subsection (4) of this section, on every local authority whose district or any part thereof forms part of the Taranaki Harbours District.

(4) The amount of the deficiency for any year shall be apportioned among the several local authorities whose district or any part thereof forms part of the Taranaki Harbours District in the proportions specified in the Second Schedule to this Act.

(5) Where the Board makes a levy under this section, it shall give notice thereof in writing to each local authority whose district or part thereof forms part of the Taranaki Harbours District specifying the amount of the levy payable by that local authority, and the local authority shall pay the amount thereof to the Board before the date specified in the notice, being not earlier than the first day of April next succeeding the giving of the notice.

(6) Any local authority that is required to pay any levy to the Board pursuant to this section may for that purpose make and levy a separate rate on all rateable property in its district, or, as the case may be, in the part of its district that forms part of the Taranaki Harbours District, of an amount not exceeding a rate that will produce the amount of the levy payable by the local authority for that year and all reasonable costs and expenses incurred in and about making and levying, collecting, and recovering the rate.

(7) Where, in the case of any local authority part of whose district is within the Taranaki Harbours District, any person is liable to be rated in respect of property lying partly within and partly outside the last-mentioned district, the local authority within whose jurisdiction that property is situate shall deduct from the amount of the rates that would be levied on the property if it were wholly within the last-mentioned district such part as it, in its absolute discretion, considers to be the proportion payable in respect of that part of the property lying outside the district.

(8) All amounts received by the Board by way of levy pursuant to this section shall be applied by the Board in payment of the annual charges payable in respect of the loans in respect of which the levy was made.

(9) For the purpose of computing the amount of any subsidy in respect of general rates payable to any local authority under any enactment, there shall be deducted from the amount of the general rates levied by it for any year all amounts paid by the local authority out of its general fund or out of any riding account in that year in payment to the Board of any levy payable under this section.

10. Review of levy by Local Government Commission—

(1) The Local Government Commission may from time to time, on the application of any local authority whose district or any part thereof forms part of the Taranaki Harbours District, review the proportions specified in the Second Schedule to this Act—

- (a) At any time after the expiration of the period of five years after the commencement of this Act:
- 10 (b) At any time before the expiration of that period, if there is any alteration in the boundaries of the district of any such local authority or, as the case may be, of the part of the district of any such local authority forming part of the Taranaki Harbours District, or any alteration in the constitution of any
15 such local authority.

(2) For the purposes of any such review, the provisions of the Local Government Commission Act 1961, with the necessary modifications, shall apply as if the proceedings for the review were a proposal that a scheme be prepared
20 in respect of a matter specified in subsection (1) of section 14 of that Act.

(3) Effect may be given by Order in Council to any decision of the Commission on any such review.

11. Surplus revenue to be applied towards loan payments—

25 All revenue of the Board for any year which in its opinion is available for the servicing of loans shall be applied by the Board—

- 30 (a) First, in payment of the annual charges payable during that year in respect of loans raised before the commencement of this Act and of loans raised by the Board after the commencement of this Act for the renewal or conversion of any such first-mentioned loans or any part thereof:
- 35 (b) Second, as to any surplus after making the payments specified in paragraph (a) of this section, in payment of the annual charges payable during that year in respect of other loans raised by the Board after the commencement of this Act.

12. Endowments, cash, and investments of Patea Harbour Board—(1) Except as provided in subsection (4) of this section or in section 13 of this Act, on the commencement of this Act all land vested in the Patea Harbour Board as an endowment and all money (whether in cash or in any bank account) and investments of that Board shall vest in the Corporation of the County of Patea, without the necessity of any instrument of transfer, assignment, or other assurance. 5

(2) Notwithstanding anything in any other Act, where any property becomes vested in the Corporation by virtue of this section and the title of the Patea Harbour Board is or should have been entered in any register required by law to be kept, the Registrar or other person whose duty it is to keep that register shall, on the request in writing of the Patea County Council, and on being satisfied by statutory declaration or otherwise of the title of the Patea Harbour Board, without payment of any fee, enter in the register the name of the Corporation as owner of the property instead of the Patea Harbour Board. 10 15

(3) All such endowment land, money, and investments and the income thereof shall be controlled by a joint special committee of the Patea County Council established under section 76 of the Counties Act 1956, and comprising one person appointed by the Hawera Borough Council, one person appointed by the Patea Borough Council, one person appointed by the Hawera County Council, and one person appointed by the Patea County Council. 20 25

(4) All such money and the income from time to time derived from any endowment land or investments vested in the Corporation by virtue of this section or from the investment of the proceeds of any realisation of any such land or investments shall be applied— 30

- (a) First, in the maintenance and improvement of that endowment land;
- (b) Second, as to such part thereof as is not for the time being required for the purposes specified in paragraph (a) of this subsection, in any maintenance and development of the Patea Harbour required by the Taranaki Harbours Board; and 35

(c) Third, as to such part thereof as is not for the time being required for the purposes specified in paragraphs (a) and (b) of this subsection, towards payment of any levies payable to the Board pursuant to section 9 of this Act by the local authorities whose district or any part thereof formed part of the Patea Harbour District immediately before the commencement of this Act. Any amount payable on behalf of those local authorities pursuant to this subparagraph shall be apportioned to those several local authorities in the proportions that the levy required to be paid by each of them bears to the total amount of the levies required to be paid by all of them.

15 **13. Money in interest account of Patea Harbour Board—**

(1) All money standing immediately before the commencement of this Act to the credit of the account of the Patea Harbour Board known as the Interest Account (Conversion Loan 1933), together with interest thereon from and including the first day of December, nineteen hundred and fifty-two, at the rate of three pounds per cent per annum to the date of distribution, shall be distributed by the Taranaki Harbours Board among the local authorities whose district or any part thereof formed part of the Patea Harbour District immediately before the commencement of this Act in the proportions specified in the Third Schedule to this Act.

(2) Money paid to any local authority pursuant to subsection (1) of this section shall be applied by it towards payment of any levy payable by it to the Board pursuant to section 9 of this Act or in relief of any rates that may be levied by or by direction of the Wanganui Harbour Board on rateable property in any part of the district of the local authority forming part of the Wanganui Harbour District in respect of loans raised by that Board after the commencement of this Act.

14. Wanganui Harbour District and Wanganui Harbour Board—(1) The area described in the Fourth Schedule to this Act is hereby added to the Wanganui Harbour District.

(2) The First Schedule to the Harbours Act 1950 (as substituted by section 20 (1) of the Harbours Amendment Act 1959) is hereby further amended by repealing so much thereof as relates to the Wanganui Harbour Board, and substituting, in the appropriate columns thereof, the following words: 5

“Wanganui Harbour Board. Eleven members	Six by the electors of the City of Wanganui; two by those of the electors of the Counties of Wanganui and Waimarino whose qualifications are within the harbour district; two by the electors of the part of the County of Waitotara that formed part of the harbour district immediately before the commencement of the Taranaki Harbours Act 1965; and one by electors of the Town District of Waverley and those of the electors of the County of Patea whose qualifications are within the harbour district and those of the electors of the part of the County of Waitotara that was added to the harbour district by <u>section 14 (1)</u> of that Act.”	10 15 20 25
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(3) No rateable property situated in the area added to the Wanganui Harbour District by subsection (1) of this section—

- (a) Shall be liable as security for the repayment of any loan raised by the Wanganui Harbour Board before the commencement of this Act or of any loan raised by that Board after the commencement of this Act for the renewal or conversion of any such first-mentioned loan or any part thereof; or 30
- (b) Be liable for any special rates that after the commencement of this Act may be made and levied by that Board, or may be directed by the Board to be made and levied, in respect of any such loan. 35

15. Transitional provisions—(1) All bylaws and scales of rates and charges in force in respect of any harbour which immediately before the commencement of this Act was under the control of the Taranaki Harbour Board or the Patea 40

Harbour Board shall continue in force after the commencement of this Act and apply in respect of that harbour as if they were bylaws made by the Taranaki Harbours Board or, as the case may be, were fixed by bylaws made by that Board,
5 until bylaws are made by the Board in substitution therefor, and shall after the commencement of this Act be enforceable by the Board accordingly.

(2) Subject to the provisions of this Act, all references to the Taranaki Harbour Board or the New Plymouth
10 Harbour Board or the Patea Harbour Board or to the Taranaki Harbour District or the New Plymouth Harbour District or the Patea Harbour District in any Act, Proclamation, regulation, rule, order, bylaw, or other enactment, or in any contract, agreement, deed, instrument, register,
15 licence, list, roll, rate book, debenture, stock certificate, notice, or other document whatsoever shall hereafter, unless the context otherwise requires, be read as references to the Taranaki Harbours Board or, as the case may require, the Taranaki Harbours District.

(3) All proceedings pending by or against the Taranaki
20 Harbour Board or the Patea Harbour Board immediately before the commencement of this Act may be carried on or prosecuted by or against the Taranaki Harbours Board.

16. Repeals—The following enactments are hereby
25 repealed:

- (a) The Patea Harbour Board Act 1885:
- (b) Sections 4 and 5 of the Patea Harbour Act 1913 and the First and Second Schedules to that Act:
- (c) The Taranaki Harbour Board Act 1954.

SCHEDULES

FIRST SCHEDULE

Section 6 (1)

THE TARANAKI HARBOURS DISTRICT

ALL lands comprising the Taranaki Land District (with the exception of the lands for the time being comprising the Egmont National Park and the part of the County of Patea that is situated to the east and north-east of the Whenuakura River and the part of the County of Waitotara that is situated within that Land District), together with that part of the County of Patea in the Wellington Land District that is situated to the north-west of the Whenuakura River.

Section 9 (4)

SECOND SCHEDULE

APPORTIONMENT OF ANNUAL LEVY AMONG LOCAL AUTHORITIES

Name of Local Authority	Percentage of Total Levy Payable
<i>City Council—</i>	
New Plymouth	33·38
<i>Borough Councils—</i>	
Eltham	1·14
Hawera	4·52
Inglewood	1·29
Patea	0·53
Stratford	3·13
Taumarunui	0·01
Waitara	3·16
<i>County Councils—</i>	
Clifton	3·24
Egmont	6·77
Eltham	4·67
Hawera	4·56
Inglewood	5·00
Patea	2·10
Stratford	7·32
Taranaki	11·97
Taumarunui	1·42
Waimate West	4·27
Waitomo	0·71
<i>Town Councils—</i>	
Kaponga	0·28
Manaia	0·34
Normanby	0·19
Total	<u>100·00</u>

Section 13 (1)

THIRD SCHEDULE

APPORTIONMENT OF MONEY IN INTEREST ACCOUNT (CONVERSION LOAN 1933) OF PATEA HARBOUR BOARD

Name of Local Authority	Percentage of Money in Account
Eltham County Council	1·2
Hawera Borough Council	36·0
Hawera County Council	23·1
Normanby Town Council	0·7
Patea Borough Council	4·4
Patea County Council	30·5
Waitotara County Council	2·4
Waverley Town Council	1·7
Total	<u>100·0</u>

FOURTH SCHEDULE

Section 14 (1)

AREA ADDED TO WANGANUI HARBOUR DISTRICT

THAT part of the County of Patea that is situated to the east and north-east of the Whenuakura River and that part of the County of Waitotara that did not immediately before the commencement of this Act form part of the Wanganui Harbour District.