

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 19 August 1965

Words struck out by the Committee of the Whole are shown in italics within bold round brackets, words inserted are shown in roman underlined with a double rule.

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.

No. 51—2

Price 1s.

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

(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. 10 15

(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. 20 25

(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. 30 35

(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. 40 45

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 but no second or subsequent review shall be held under this paragraph before the expiration of five years after the decision of the Commission on the immediately preceding review under this paragraph:

(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 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 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—

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—

(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:

(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.

20 (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.

35 **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.” 25	5 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.

20 (3) All proceedings pending by or against the Taranaki 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)
Hawera	4·75
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)
	100·00

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)
Hawera County Council	23·8
(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	100·0

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.