

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]
House of Representatives, 28 September 1955

Words struck out by Local Bills Committee are shown in roman enclosed in panel; words inserted are shown in roman with rule down side.

Mr Aderman

TARANAKI HARBOUR BOARD EMPOWERING

[LOCAL BILL]

ANALYSIS

Title.	6. Sums advanced from any account may be repaid out of borrowed money.
1. Short Title.	7. Security for loan.
2. Special Act.	8. Ratepayers roll.
3. Interpretation.	9. Estimate of revenue and expenditure.
4. Power to borrow.	10. Prior securities not affected.
5. Local Bodies' Loans Act 1926 may be applied.	11. Amendments to previous empowering Acts. Schedules.

A BILL INTITULED

AN ACT to authorize the Taranaki Harbour Board to raise a loan, and to consolidate certain enactments relating to the Board's rating areas. Title.

5 BE IT 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 Taranaki Harbour Board Empowering Act 1955. Short Title.

10 2. This Act shall for all purposes be deemed to be a special Act within the meaning of the Harbours Act 1950. Special Act.

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

“Board” means the Taranaki Harbour Board:

15 “Harbour district” means the area described in the Fourth Schedule to the Taranaki Harbour Board Act 1954:

“Rating Area No. 1” means the area described in the *First* Schedule to this Act:

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“Rating Area No. 2” means the area described in the *Second* Schedule to this Act:

“Rating Area No. 3” means the area described in the *Third* Schedule to this Act.

Power to borrow.

4. (1) It shall be lawful for the Board from time to time as it may require to borrow, in addition to the sums authorized by any previous Acts, but subject to the provisions of the Harbours Act 1950 and the Local Government Loans Board Act 1926, such sum or sums not exceeding in the whole the sum of six hundred and seventy thousand seven hundred pounds. 5 10

(2) The money so borrowed shall be applied by the Board in carrying out, subject to the Harbours Act 1950, the works specified in the *Fourth* Schedule to this Act.

Local Bodies' Loans Act 1926 may be applied.

5. The Board may by resolution decide to raise such loan as aforesaid under the Local Bodies' Loans Act 1926, in which case the Board may from time to time raise the money in accordance with the provisions of Part I of that Act, and the provisions of that Act shall apply as if the Board were a local authority, the harbour district were a district, and the said works were public works within the meaning of that Act. 15 20

Struck out

Provided that, for the purposes of any poll to be taken under that Act, a majority of the total valid votes recorded shall suffice to carry the proposal. 25

Sums advanced from any account may be repaid out of borrowed money.

6. The Board may out of money borrowed pursuant to the authority conferred by this Act repay to any account any sum or sums, or any portion of any sum or sums, advanced therefrom and applied before the passing of this Act to the purposes for which such money is authorized to be borrowed. 30

Security for loan.

7. (1) In addition to the charge on the Harbour Fund created by the Harbours Act 1950, the Board may, if the loan is being or has been raised in accordance with the provisions of the Local Bodies' Loans Act 1926, make and levy as further security for the money authorized to be borrowed under this Act a special rate on all rateable property in the harbour district. 35

(2) Such special rate shall not exceed one penny in the pound on the capital value of all rateable property in Rating Area No. 1, and shall not exceed two-thirds of a penny in the pound on the capital value of all rateable 40

property in Rating Area No. 2, and shall not exceed one-third of a penny in the pound on the capital value of all rateable property in Rating Area No. 3; and all rates levied by the Board hereunder shall be levied in the like proportions.

5 8. (1) For the purposes of any poll to be taken under the Local Bodies' Loans Act 1926 the rolls of ratepayers of the boroughs, town districts (not being parts of any county), counties, and any part of a county comprised in the harbour district shall be deemed to be the roll of ratepayers of the harbour district. Ratepayers roll.

10 (2) It shall be the duty of the Clerk of the local authority of each such district comprised wholly or in part within the harbour district, whenever requested so to do by the Board, to supply to the Board a certified roll of the ratepayers of such district or of the part thereof within the harbour district, together with as many copies as the Board may require.

15 (3) The cost of preparing any roll of ratepayers for the purposes of this section and of supplying copies thereof shall be paid by the Board.

20 9. (1) If the loan is being or has been raised in accordance with the provisions of the Local Bodies' Loans Act 1926, the Board shall in each year cause an estimate to be prepared, in such manner and according to such principle and method as the Board approves, of the anticipated revenue of the year (exclusive of any rate to be levied under this Act) and the anticipated expenditure of the year (including the annual payment or payments to be made, including interest, with respect to the money borrowed under the authority of this Act, but exclusive of capital expenditure on any loan account), and shall upon such estimate determine the deficiency of the revenue to meet the expenditure. Estimate of revenue and expenditure.

25 (2) Any credit or debit balance of the Board's General Account at the close of each year shall be carried forward to the account of the next succeeding year for the purpose of the estimate of that succeeding year and the determination of the deficiency of the revenue of that succeeding year to meet the expenditure thereof.

30 (3) The Board may in each year, in accordance with the Harbours Act 1950, levy or direct the levy of such part of the said special rate as is sufficient to provide for the deficiency:

New

Provided that if the deficiency exceeds the amount of the annual charges for that year in respect of the money borrowed under this Act, the Board may levy or direct the levy of such part only of the special rate as is sufficient to provide for those annual charges. 5

(4) The Board may for the purposes of the levy, or of such direction and levy, adopt some convenient fraction of a penny, notwithstanding that the sum produced thereby may exceed the said deficiency. 10

Prior securities not affected.

10. Nothing in this Act or in any debentures issued in pursuance thereof shall affect or prejudice the rights of the holders of any debentures heretofore executed or issued by the Board pursuant to the provisions of any other Act. 15

Amendments to previous empowering Acts..

11. (1) The enactments specified in the *Fifth* Schedule to this Act are hereby amended in the manner indicated in the said Schedule.

(2) It is hereby declared that the amendment or repeal of any provision by this Act shall not have the effect of making any rateable property in the area described in the First Schedule to the Taranaki Harbour Board Act 1954 liable as security for the repayment of any money which at any time before the first day of January, nineteen hundred and fifty-four, was borrowed by the New Plymouth Harbour Board under the New Plymouth Harbour Board Empowering Act 1918 or the New Plymouth Harbour Board Empowering Act 1924, or which at any time after that date may have been or may be borrowed by the Board for the renewal or conversion of any loan or part of any loan originally raised before that date under either of the two last-mentioned Acts. 20 25 30

(3) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby further declared that the amendment or repeal of any provision by this Act shall not affect any document made or anything whatsoever done under the provision so amended or repealed. 35



SCHEDULES

Schedules.

FIRST SCHEDULE**RATING AREA No. 1**

ALL that area in the Taranaki Land District bounded towards the north-west by the Tasman Sea from the mouth of the Waiongana River to the south-western corner of the Wairau Survey District; thence towards the south by the southern boundaries of the Wairau, Paritutu, and Waitara Survey Districts to the point where the southern boundary of the Waitara Survey District meets the Waitara River; thence generally towards the north-east by the Waitara River to its junction with the Manganui Stream; thence towards the west by the Manganui Stream to the south-east corner of Section 182, Huirangi District; thence by the southern boundary of the said section 182 to Everett Road, by the east side of Everett Road to its intersection with Roddy Road, by the north side of Roddy Road to its junction with York Road, by the east side of York Road to its junction with Thorp Road, by the north side of Thorp Road to its junction with Kelly Road, by the east side of Kelly Road to its junction with Cross Road, by the north side of Cross Road to its junction with Richmond Road, by the east side of Richmond Road to the southern boundary of Lepperton Township, by the southern and western boundaries of Lepperton Township to Manutahi Road, by the north side of Manutahi Road to its junction with Lepper Road, by the east side of Lepper Road to its junction with Devon Road, by the southern side of Devon Road to its junction with Mahoetahi Road, by the east side of Mahoetahi Road and Brown Road to the Waiongana River, and by the east side of the Waiongana River to its mouth, the point of commencement.

SECOND SCHEDULE**RATING AREA No. 2**

ALL that area in the Taranaki Land District bounded towards the north by the southern boundaries of the Wairau, the Paritutu, and the Waitara Survey Districts from the sea to the point where the southern boundary of the Waitara Survey District is met by the Waitara River; thence generally towards the north-east by the Waitara River to a point where it is met by the west boundary of the Ngatimaru Survey District; thence towards the east by the west boundaries of the Ngatimaru and Omoana Survey Districts to the Toko Road; thence generally towards the south by the north side of the Toko Road to the Waihapa Road, by the west side of the Waihapa Road to the Robson Road, by the north side of the Robson and Bird Roads to the Mountain Road, by the east side of the Mountain Road to the Brookes Road, by the north and west sides of the Brookes Road to the Climie Road,

SECOND SCHEDULE—continued

by the north side of the Climie Road to the Opunake Road, by the south side of the Opunake Road to the east boundary of the Kaupokonui Survey District, by the east and north boundaries of the Kaupokonui Survey District to the east boundary of the Egmont National Park, by the east, north, and west boundary of the Egmont National Park to the Puniho Road, and by the south side of the Puniho Road and the north boundary of Section 26, Block IV, Cape Survey District, to the Tasman Sea; thence towards the north-west by the Tasman Sea to the south-western corner of the Wairau Survey District, the point of commencement.

Also all that area, being the Borough of Waitara and portions of the Taranaki and Clifton Counties, bounded as follows: commencing at the mouth of the Waiongana River; thence generally towards the north and north-west by the Tasman Sea to the mouth of the Onaero River; thence towards the east by Onaero River to the south-eastern corner of Section 99, Block VII, Waitara Survey District; thence generally towards the south by the north side of an unnamed road and Ohanga Road to its junction with Waiau Road; thence towards the west by the Waiau Road to the south-east corner of Ngatirahiri 8B 1 Block; thence towards the south by the southern boundaries of Ngatirahiri 8B 1 and 8D Blocks, Block VI, Waitara Survey District; thence towards the east by the Allen Road to its junction with the Tikorangi Road; thence generally towards the south-east by the northern boundary of Tikorangi Road to the point where it crosses the Waitara River; thence generally towards the east and south by the Waitara River to its junction with the Manganui Stream; thence towards the east by the Manganui Stream to the south-eastern corner of Section 182, Huirangi District; thence by the southern boundary of the said Section 182 to Everett Road, by the east side of Everett Road to its intersection with Roddy Road, by the north side of Roddy Road to its junction with York Road, by the east side of York Road to its junction with Thorp Road, by the north side of Thorp Road to its junction with Kelly Road, by the east side of Kelly Road to its junction with Cross Road, by the north side of Cross Road to its junction with Richmond Road, by the east side of Richmond Road to the southern boundary of Lepperton Township, by the southern and western boundaries of Lepperton Township to Manutahi Road, by the north side of Manutahi Road to its junction with Lepper Road, by the east side of Lepper Road to its junction with Devon Road, by the southern side of Devon Road to its junction with Mahoetahi Road, by the east side of Mahoetahi and Brown Roads to the Waiongana River, and by the east side of the Waiongana River to its mouth, the point of commencement.

THIRD SCHEDULE

RATING AREA No. 3

ALL that area in the Taranaki Land District bounded towards the north by the confiscation line from the sea at the southern boundary of Mohakatino-Parininihi 3D 2 Block, Block III, Mimi Survey District, to a point where such line is intersected by a right line running from the mouth of the Mokau River to a point on the Wanganui River where it is intersected by the thirty-ninth parallel of south latitude; thence south-easterly along the said line to its intersection with the northern boundary of Koiro 5A Block; thence westerly, southerly, and easterly generally along the northern, western, and southern boundaries of Koiro 5A, 5B, 5c, 4E, and 3 Blocks to the western bank of the Wanganui River; thence towards the south-east generally by the Wanganui River to where it is met by the Taumatamahoe Path; thence towards the south-east by a right line to the northernmost corner of Section 320, Patea District, situated in Block I, Hawera Survey District; thence north-westerly by the Onewhaia Road to the Waingongora River; thence southerly down the Waingongora River to its mouth; thence towards the south and west generally by the Tasman Sea to the northern boundary of Section 26, Block IV, Cape Survey District; thence towards the north by the northern boundary of the said section 26, Block IV, Cape Survey District, and the southern side of the Puniho Road to the western boundary of the Egmont National Park; thence generally towards the east, north, and west by the boundary of the Egmont National Park to a point where it is met by the northern boundary of the Kaupokonui Survey District; thence by the north and east boundaries of the Kaupokonui Survey District to the south side of the Opunake Road; thence along the south side of the Opunake Road to its junction with the Climie Road; thence by the north side of the Climie Road to the Brookes Road; thence by the west and north sides of the Brookes Road to Mountain Road, by the east side of Mountain Road to Bird Road, by the north side of Bird and Robson Roads to Waihapa Road, by the west side of Waihapa Road to the Toko Road, and by the north side of the Toko Road to the western boundary of the Omoana Survey District; thence generally towards the west by the west boundaries of the Omoana and Ngatimaru Survey Districts to the Waitara River; thence generally towards the south-west by the Waitara River to a point where it is crossed by the Tikorangi Road; thence generally towards the north-west by the north side of Tikorangi Road to its junction with the Allen Road, by the east side of Allen Road to the southern boundary of Ngatirahiri 8D Block, Block VI, Waitara Survey District; thence towards the

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THIRD SCHEDULE—continued

north by the southern boundaries of Ngatirahiri 8D and 8B 1 Blocks, Block VI, Waitara Survey District, to the Waiau Road, by the east side of Waiau Road to the Ohanga Road; thence generally towards the north by the north side of Ohanga Road and an unnamed road to the south-eastern corner of Section 99, Block VII, Waitara Survey District; thence generally towards the west by the Onaero River to the Tasman Sea; thence generally towards the north-west by the Tasman Sea to the southern boundary of Mohakatino-Parininihi 3D No. 2 Block, Block III, Mimi Survey District, the point of commencement.

Section 4 (2)

FOURTH SCHEDULE

WORKS FOR WHICH MONEY MAY BE BORROWED

Struck out

THE completion of the construction of the new Moturoa Wharf and the provision thereon of cranes, services, and equipment; the reclamation of land and the construction thereon of a transit cargo shed, together with plant and works in connection therewith; the erection of offices, workshops, and other buildings; the subdivision of part of the Board's property in order to develop the same for residential and industrial purposes and the provision of roading and services in connection therewith; and the purchase of a new dredge.

New

Completion of the construction of new Moturoa Wharf, and provision thereon of cranes, services, and equipment	£ 140,300
Reclamation of land and construction thereon of transit cargo shed, together with plant and works in connection therewith	110,800
Erection of offices, workshops, and other buildings	48,000
Subdivision of part of Board's property in order to develop the same for residential and industrial purposes, and provision of roading and services in connection therewith	71,600
Purchase of new dredge	300,000
	£670,700

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FIFTH SCHEDULE

Section 11 (1) ENACTMENTS AMENDED

Title of Act	Number of Section Affected	Nature of Amendment
1908 (Local), No. 9— The New Plymouth Harbour Board Empowering Act 1908	Section 3	<p>(a) By omitting the definition of "Harbour district", and substituting the following definition: "Harbour district" means the area described in the Fourth Schedule to the Taranaki Harbour Board Act 1954."</p> <p>(b) By omitting the definition of "Returning Officer":</p> <p>(c) By adding the following definitions: "Rating Area No. 1" means the area described in the First Schedule to the Taranaki Harbour Board Empowering Act 1955." "Rating Area No. 2" means the area described in the Second Schedule to the Taranaki Harbour Board Empowering Act 1955." "Rating Area No. 3" means the area described in the Third Schedule to the Taranaki Harbour Board Empowering Act 1955."</p>
	Sections 4, 8, 9, 10, 11, 12, 13, 14, 15 and 27	By repealing these sections.
	Section 16	By repealing subsection (3).
	Section 18	<p>(a) By omitting the words "the area described in the Second Schedule hereto", and substituting the words "Rating Area No. 1"; and by omitting the words "that portion of the district described in the Second Schedule hereto", and substituting the words "Rating Area No. 1":</p> <p>(b) By omitting the words "the area described in the Third Schedule hereto", and substituting the words "Rating Area No. 2"; and by omitting the words "that portion of the district described in the Third Schedule hereto", and substituting the words "Rating Area No. 2":</p> <p>(c) By omitting the words "the area described in the Fourth Schedule hereto", and substituting the words "Rating Area No. 3"; by omitting the words "that portion of the district described in the Fourth Schedule hereto", and substituting the words "Rating Area No. 3"; and by omitting the words "that portion of the district described in the Fourth Schedule", and substituting the words "Rating Area No. 3".</p>
The First, Second, Third, and Fourth Schedules	By repealing these Schedules.	

FIFTH SCHEDULE—continued

Title of Act	Number of Section Affected	Nature of Amendment
1918 (Local), No. 9— The New Plymouth Harbour Board Empowering Act 1918.	Section 3 Sections 7, 8, 9, 10, 11, 12, 13, 14, and 16 Section 17 Section 19	(a) By omitting the definition of "Harbour district", and substituting "Harbour district" means the area described in the Fourth Schedule to the Taranaki Harbour Board Act 1954." (b) By omitting the definition of "Returning Officer". By repealing these sections. By repealing subsection (3). (a) By omitting the words "the area described in the said Second Schedule", and substituting the words "Rating Area No. 1, as described in the <i>First</i> Schedule to the Taranaki Harbour Board Empowering Act 1955": (b) By omitting the words "the area described in the said Third Schedule", and substituting the words "Rating Area No. 2, as described in the <i>Second</i> Schedule to the Taranaki Harbour Board Empowering Act 1955": (c) By omitting the words "the area described in the <i>First</i> Schedule hereto", and substituting the words "Rating Area No. 3, as described in the <i>Third</i> Schedule to the Taranaki Harbour Board Empowering Act 1955".
1924 (Local), No. 15— The New Plymouth Harbour Board Empowering Act 1924	The First Schedule Section 3 Sections 7, 8, 9, 10, 11, and 12 Section 13 Section 15	By repealing this Schedule. (a) By omitting the definition of "Harbour district", and substituting the following definition: "Harbour district" means the area described in the Fourth Schedule to the Taranaki Harbour Board Act 1954." (b) By omitting the definition of "Returning Officer". By repealing these sections. By repealing subsection (3). (a) By omitting the words "the area described in the <i>Second</i> Schedule hereto", and substituting the words "Rating Area No. 1, as described in the <i>First</i> Schedule to the Taranaki Harbour Board Empowering Act 1955": (b) By omitting the words "the area described in the <i>Third</i> Schedule hereto", and substituting the words "Rating Area No. 2, as described in the <i>Second</i> Schedule to the Taranaki Harbour Board Empowering Act 1955":

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FIFTH SCHEDULE—continued

Title of Act	Number of Section Affected	Nature of Amendment
		(c) By omitting the words "the area described in the Fourth Schedule hereto", and substituting the words "Rating Area No. 3, as described in the <i>Third</i> Schedule to the Taranaki Harbour Board Empowering Act 1955".
1940 (Local), No. 6— The Waitara Harbour Act 1940	The First, Second, Third, and Fourth Schedules Sections 10 and 11	By repealing these Schedules. By repealing these sections.
1951 (Local), No. 9— The New Plymouth Harbour Board Empowering Act 1951	The Second Schedule Section 3	By repealing this Schedule. By omitting the definition of "Harbour district", and substituting the following definition: "Harbour district" means the area described in the Fourth Schedule to the Taranaki Harbour Board Act 1954."
	Sections 8 and 9	By repealing these sections.
	Section 11	(a) By omitting the words "Third Schedule to this Act", and substituting the words " <i>First</i> Schedule to the Taranaki Harbour Board Empowering Act 1955": (b) By omitting the words "Fourth Schedule to this Act", and substituting the words " <i>Second</i> Schedule to the Taranaki Harbour Board Empowering Act 1955": (c) By omitting the words "Fifth Schedule to this Act", and substituting the words " <i>Third</i> Schedule to the Taranaki Harbour Board Empowering Act 1955".
	The First, Third, Fourth, and Fifth Schedules	By repealing these Schedules.