

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 3 September 1968.

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

[AS REPORTED FROM THE LANDS AND AGRICULTURE COMMITTEE]

House of Representatives, 11 September 1968.

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

Mr Walsh

TAURANGA HARBOUR BOARD LOAN AND EMPOWERING

[LOCAL]

ANALYSIS

Title

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| 1. Short Title | 8. Regulating and controlling the allocation of berthage and storage |
| 2. Interpretation | 9. Authority to reclaim land |
| 3. Special Act | 10. Vesting of reclaimed land |
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A BILL INTITULED

An Act to confer certain powers on the Tauranga Harbour Board and to amend the Tauranga Harbour Board Loan and Empowering Act 1967

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**—This Act may be cited as the Tauranga Harbour Board Loan and Empowering Act 1968.

10 2. **Interpretation**—In this Act, unless the context otherwise requires, the term “Board” means the Tauranga Harbour Board.

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3. Special Act—This Act shall be deemed to be a special Act within the meaning of the Harbours Act 1950 and the Local Authorities Loans Act 1956.

4. Authority to borrow—It shall be lawful for the Board from time to time to borrow, in addition to the sums authorised by any previous Acts, but subject to the provisions of the Harbours Act 1950 and of this Act and of the Local Authorities Loans Act 1956, any sum or sums not exceeding in the aggregate the sum of two million six hundred and ninety-six thousand dollars. 5
10

5. Expenditure of money—(1) All money borrowed under this Act (other than any money refunded pursuant to subsection (2) of this section) shall be applied and expended in the construction of the harbour works and for the other purposes specified in the First Schedule to this Act. 15

(2) The Board is hereby authorised to refund to its Harbour Fund Account from money borrowed under the authority of this Act the amount of any money expended, not exceeding two hundred thousand dollars, whether before or after the passing of this Act, in the construction of the harbour works and for the other purposes specified in the First Schedule to this Act. 20

6. Authority to purchase dredge—The Board is hereby authorised to purchase or acquire, maintain, and work the dredge specified in the First Schedule to this Act. 25

7. Investment by trustees—It shall be lawful for a trustee unless expressly forbidden by the instrument (if any) expressly creating the trust, to invest any trust funds in his hands in any debentures or other securities that may be issued or created by the Board in respect of the borrowing by the Board of any of the money authorised by this Act to be borrowed. 30

8. Regulating and controlling the allocation of berthage and storage—Notwithstanding anything in the Harbours Act 1950, and without prejudice to any of the powers contained in or any rights granted under section 8 of the Tauranga Harbour Board Loan and Empowering Act 1959, the Board is hereby authorised, when congestion occurs, or, in the opinion of the Harbourmaster or his Deputy, is likely to occur in 35

handling cargoes in the Port of Tauranga, to regulate and control the allocation of berthage and storage and to grant prior rights thereto, during construction of the additional berthage referred to in the First Schedule to this Act.

5 **9. Authority to reclaim land**—The Board is hereby authorised, notwithstanding anything in section 175 of the Harbours Act 1950, but subject to the provisions of section 176 to 182 of that Act, to reclaim from the waters of the Harbour of Tauranga the land described in the Second Schedule to this
10 Act.

10. Vesting of reclaimed land—(1) The Minister of Marine may, from time to time by notice published in the *Gazette*, give notice that the whole or any part of the land described in the Second Schedule to this Act has been effectively reclaimed from the waters of the Harbour of Tauranga and may by the same or any subsequent notice vest in the Board for an estate in fee simple for (*harbour purposes*) the purposes of the Harbours Act 1950, subject nevertheless to the same reservations and restrictions as are imposed by
15 section 59 of the Land Act 1948, those portions of any land so reclaimed which were theretofore vested in Her Majesty the Queen.

(2) Every notice published pursuant to subsection (1) of this section vesting any land in the Board shall be deemed to
25 be an enactment within the meaning of section 99A of the Land Transfer Act 1952 and the provisions of that section shall apply accordingly.

11. Tauranga Harbour Board Loan and Empowering Act 1967 amended—Section 5 of the Tauranga Harbour Board Loan and Empowering Act 1967 is hereby amended by inserting, after the words “the whole”, the words “or any defined part”; and by inserting after the words “the said land”, the words “or part of the said land, as the case may be”.

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SCHEDULES

FIRST SCHEDULE

HARBOUR WORKS

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(Construction of No. 8 Wharf Extension	1,290,000
Completion of No. 7 Wharf Extension	200,000)
Construction of additional berthage and ancillary work	1,490,000
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Purchase of Dredge	600,000
Further Berth—preliminary investigation	10,000
Hardstanding and sealing, Customs Building, Entrance Works investigation, completion of No. 6 Cargo Shed, parking areas, tugboat berth, rail siding	396,000
Contingencies	200,000
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	<u>\$2,696,000</u>

SECOND SCHEDULE

LAND TO BE RECLAIMED

FIRSTLY, all that ((area)) piece of land in the South Auckland Land District, Tauranga County, situated in Blocks VI and X, Tauranga Survey District, containing one hundred and forty-four acres, one rood and twenty-nine perches, more or less, being part Tauranga Harbour bed vested in the Crown and part foreshore of Tauranga Harbour vested in the Tauranga Harbour Board; as shown bordered red on the plan marked M.D. 12932 deposited in the office of the Marine Department at Wellington (S.O. 44550).

Secondly, all those ((areas)) pieces of land in the South Auckland Land District, Tauranga County, situated in Block VII, Tauranga Survey District, containing two acres and three roods, more or less, being part Tauranga Harbour bed vested in the Crown and six acres one rood, more or less, being part Tauranga Harbour bed vested in the Crown and part foreshore of Tauranga Harbour vested in the Tauranga Harbour Board; as shown bordered red on the plan marked M.D. 12937 deposited in the office of the Marine Department at Wellington (S.O. 44551).