

Mr. Turnbull.

TIMARU HARBOUR BOARD LOAN.

ANALYSIS.

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A BILL INTITULED

AN ACT to grant further Borrowing Powers to the Timaru Harbour Board. Title.

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

1. The Short Title of this Act is "The Timaru Harbour Board Loan Act, 1885." Short Title.

2. In this Act the expression— Interpretation.

- 10 "The Board" means the Timaru Harbour Board:
- "The Chairman" means the Chairman of the Board for the time being:
- 15 "The harbour district" or the "district" means the Timaru Harbour District constituted and defined under "The Timaru Harbour Board Loan Act, 1881," and "The Timaru Harbour Board Act, 1882."

Power to borrow.

3. The Board shall have power to borrow, in addition to the sum authorized by any previous Act subject to the provisions of "The Harbours Act, 1878," any sum not exceeding one hundred thousand pounds to be applied in and about the construction and carrying out of works for the improvement of the Port of Timaru, including such works as are defined by the words "harbour works" in the interpretation clause of "The Harbours Act, 1878," as shall be by the Board considered necessary for the requirements of the Harbour of Timaru, and also to erect and construct all such cranes, sheds, and works for the improvement of the said harbour as shall be judged necessary and proper by the Board for the safety, convenience, or reception of vessels resorting to the said harbour, and for the more convenient loading and unloading of such vessels or for the safety and protection of any works constructed or proposed to be constructed by the Board.

Chairman to call meeting of ratepayers to consider proposal to borrow.

4. Before the said loan is raised the consent of the ratepayers in the harbour district shall first be obtained in the mode hereinafter prescribed:—

The Chairman shall convene meetings of the ratepayers to be held within the borough situate within the district and of the ratepayers of any riding or part of a riding, which is within the district, upon a day not more than ten days after the last publication of a notice to be published as hereinafter mentioned to consider the said proposal.

Such meetings may be held on different days within the before-mentioned time, and shall be convened by notice published in a newspaper circulating in the district; and every such notice shall specify the time and place in the borough, ridings, and parts of riding at which meetings are to be held, also the following particulars, namely,—

- (1.) The particular works proposed to be undertaken :
- (2.) The sum proposed to be borrowed for such purpose :
- (3.) Any special rate or tolls, or the rents and profits of any property which it is proposed to pledge as security for such loan not being moneys received by way of grant from the General Government or moneys theretofore pledged as security for any loan or appropriated to any special purpose.

Chairman to appoint presiding officer.

5. The Chairman shall appoint one of the members of the Council of the said borough, or some officer of the said Council, to preside at the meeting to be held within the said borough, and shall appoint one of the members of the County Council elected for each riding in the district as the case may be, or some officer of the said Council or other proper person being an officer or member of some Road Board, or Board of Commissioners of a town district situated within such riding, to preside at each meeting within the riding, if such person shall be willing to act, and if any of such persons shall be unwilling to act or become incapacitated from acting from any cause, then such person as the Chairman thinks fit.

The person so appointed shall be called "the presiding officer," and he shall preside at the meeting to be held in the borough, riding, or part of a riding, for which he has been appointed, and he or some other proper person appointed by the Chairman, shall preside at the taking of any poll as hereinafter provided, but if any such person shall at any time refuse, or be unwilling, or become incapacitated

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from any cause from presiding at any such meeting, or at the taking of any such poll, then the Chairman shall appoint such other person as he thinks fit to preside at such meeting, or at the taking of any such poll.

5 After due consideration and discussion of the proposal, the presiding officer shall give notice that a poll will be taken.

6. The poll shall be taken as follows:—

How poll taken.

10 (1.) The Chairman shall publish a notice setting forth the day, not less than one nor more than three weeks from the day of the said meeting, or the last of them if held on different days, on which the poll will be taken, and may if he think fit appoint different days within the above-mentioned period for taking the poll in the different ridings or parts thereof within the harbour district, and as many polling places as he may deem necessary for such borough and ridings or parts thereof:

(2.) The Chairman shall give notice to the presiding officer, or other person appointed by him to do so, requiring him to take the poll upon the day appointed:

20 (3.) The presiding officer or other person appointed by the Chairman as above mentioned, shall on the day so appointed proceed to take the poll in the manner provided by "The Regulation of Local Elections Act, 1876," for taking a poll at any election, and shall provide voting papers and all things necessary for taking the poll:

25 (4.) The voting papers shall be printed in the form in the Schedule to this Act, with the words "I vote for the above proposal," and "I vote against the above proposal," legibly printed at the foot of each voting paper:

Schedule.

30 (5.) The voter shall erase one or other of the said lines, and his vote shall be deemed to be given according to the one of the said lines which he leaves un erased:

35 (6.) All the provisions of "The Regulation of Local Elections Act, 1876," as regards taking a poll, shall, so far as they are applicable, and except as by this section or otherwise provided, apply to the taking of a poll on the proposal to raise a special loan:

40 (7.) A separate poll shall be taken in the borough and each riding or part of a riding as aforesaid, and each voter shall have and may exercise as many votes as he has and may exercise at any election of the members of the local governing body of such borough or of the county within which such riding or part of a riding is situated.

45 7. If the number of votes given for the proposal within the district exceeds the number given against it by one fourth or more than one fourth of the latter, the resolution in favour of the proposal shall be deemed to be carried, and the Board may proceed with the proposal accordingly; but, if there is not such a majority in favour of the proposal, the resolution shall be deemed to be rejected, and the Board shall not so proceed.

When resolution deemed to be carried.

50 8. As soon as conveniently may be after the result of the poll has been ascertained, the Chairman shall give public notice of the

Chairman to declare numbers polled.

number of votes recorded for and against the proposal as above provided, and shall declare the resolution to be carried or rejected as the case may be.

And send result of polling to Colonial Secretary.

9. When any such resolution is carried the Chairman shall send a notice thereof to the Colonial Secretary, who shall publish the same in the General Government *Gazette*; and such notice so gazetted shall be final and conclusive evidence that the raising of the loan to which it refers has been duly authorized under the provisions of this Act, notwithstanding any omission or irregularity in any provision, matter, or thing required to be done hereunder or under "The Regulation of Local Elections Act, 1876." 5 10

Board may rate district for interest on loan.

10. In case the Harbour Fund of the said district shall be insufficient to pay the expenses incurred by the Board in the construction, maintenance, and repair of the works mentioned in section *three* of this Act, and the interest on the loan hereby authorized to be raised, or sooner should the available income of the Board prove insufficient to meet such interest, and the Board determine that it is desirable to make and levy the rate hereinafter mentioned, the Board may make and levy a rate upon the rateable value of all rateable property in the harbour district as appearing on the valuation rolls in force for the time being of the borough and counties comprised within the said harbour district, and the proceeds of such rate shall be applied towards payment of the annual charges to accrue in respect of the loan to be raised under this Act. 15 20

Amount of rate.

11. The amount to be levied by the Board in each year shall not exceed such amount as is required to provide for the payment of interest on the aggregate amount for which debentures shall at any time be issued, after taking into account whatever sum of money may be available from the revenue of the Board for the previous year for payment of interest on the loan hereby authorized to be made. 25 30

Sums available from revenue to be applied in payment of interest on loan.

12. Any such sum available from the revenue of the Board for the previous year shall be placed to the credit of the Board on a separate account, and the balance required for interest on the loan shall then be levied in manner hereby provided.

No rate to be quashed.

13. No rate made under this Act shall be capable of being set aside or of being quashed by any proceeding of any Court or otherwise, and no defect in the same shall be set up as a defence to any action which may be brought to recover the same. 35

For the purpose of making and recovering rates the Board may exercise all powers which any local body may have.

14. For the purpose of making, levying, and recovering the rates hereby authorized to be made and levied, the Board shall have and may exercise all the powers of making, levying, and recovering rates in the borough, and each riding or part of a riding within the district, which any local body having rating powers within such borough, or the county or part of a county within which such riding or part of a riding is situated, shall or may have under the law for the time being in force regulating the making and recovery of the rates therein respectively, and the provisions of the Acts for the time being in force in the borough and counties, or parts of counties, included in the said harbour district, providing for levying rates for the payment of the annual charges on loans raised by such borough or counties, shall be deemed to apply to the rate hereby authorized to be made and levied: Provided, however, that the period for which the said rate shall be 40 45 50

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levied shall be until the loan hereby authorized to be raised is paid off.

15. All or any of the powers hereby granted to the Board as to making, levying, recovering, and collecting the rate hereby authorized to be made may, by resolution of the Board, which may however from time to time be varied or rescinded, be delegated by the Board to the Council of the borough, and to the Road Boards, Boards of Commissioners of town districts, and Councils of counties included within the said harbour district, or to one or more of them, so far as relates to rateable property situate within the boundaries of such borough, road districts, town districts, and counties respectively; and on receipt of notices in writing of such delegations, signed by the Chairman of the Board, the Mayor of the said borough and the Chairman of the said Road Boards, Boards of Commissioners, and Councils of counties shall forthwith cause all necessary steps to be taken for the performance of the acts in respect of which power may have been delegated as aforesaid.

Powers granted to Board for levying and collecting rate may be delegated.

16. For the performance of the acts power to perform which may be delegated as aforesaid, there shall be paid by the Harbour Board to the body performing the same remuneration, to include all disbursements and services, at the rate of two pounds and ten shillings per centum on the net amount of all moneys collected by such body and paid to the credit of the Harbour Board at the bank at Timaru at which its account may for the time being be kept.

Remuneration to be paid to body exercising powers delegated to them.

17. When and so often as the Board shall fail to pay at the proper time and place for so paying, either the principal sum secured by the debentures to be issued for the loan hereby authorized or the coupons for interest payable thereon, then immediately on default being made any person to whom any such sum is owing may apply *ex parte* by petition in a summary way to a Judge of the Supreme Court for relief under this Act; and the Judge may, if satisfied of the truth of the matters alleged in such petition, appoint, upon such terms as to security and remuneration as he shall think fit, a Receiver of the rate hereby authorized to be levied.

Remedies of debenture-holders in event of default by Board.

18. From and after the date of such appointment, and upon it being advertised by publication in the *Gazette* and in the newspapers circulating in the district for such time as the Judge shall order, the said rate shall vest in the Receiver, and shall cease to be vested in the Board.

Rate to vest in Receiver appointed by Judge.

19. All moneys received by the Receiver shall be applied,—
 (1.) In payment of the expenses of the application and order;
 (2.) In payment of the Receiver's remuneration fixed, as aforesaid, and his reasonable and necessary expenses;
 (3.) In payment *pro rata* of the sums then overdue by the Board, which are secured by the said rate; and
 (4.) The residue after payment of the above to the Board.

Moneys received by the Receiver how to be applied.

The Receiver shall account for all such moneys in such manner as the Judge directs.

20. All the provisions of this Act as to the levying of the rate to provide interest on the loan hereby authorized to be raised, and as to the remedies of debenture-holders, and all the other provisions of this Act, so far as applicable, including the power of delegation herein-

Provisions of Act as to levying rate for interest on loan shall apply to rate authorised by "The Timaru Harbour Loan Act, 1881."

before contained, shall be deemed to apply to the rate authorized to be levied by "The Timaru Harbour Loan Act, 1881," and the holders of debentures for the loan thereby authorized to be raised and the rate authorized to be levied by the last-mentioned Act, may be made and levied with and included in the rate authorized to be made and levied 5 under this Act.

Ratepayers of town districts within harbour district entitled to vote at election of members.

21. Notwithstanding anything contained in "The Timaru Harbour Board Act, 1882," on and after the commencement of this Act the ratepayers of town districts situated within the said harbour district shall be entitled to vote at the election of members of 10 the said Harbour Board for the road district within which the areas included in the boundaries of such town districts were situated before the constitution of such town districts, or at the election of members of the said Board for ridings of any county within which such town districts may be situated, as the case may be; and for 15 the purpose of such voting the ratepayers' rolls in force for the time being in such town districts shall be used in addition to the rolls authorized to be used under the said last-mentioned Act.

Representation of Mackenzie County.

22. The ratepayers of the Mackenzie County, formerly the Mount Cook Road District, shall be entitled to elect a member of the 20 said Harbour Board in lieu of the ratepayers of the said road district now abolished, and for the purposes of such election the ratepayers' roll in force for the time being in the said county shall be used.

Alteration of districts.

23. In the event of any alteration in the territorial limits, designation, constitution, or other alteration whatsoever, in any borough, 25 road district, town district, county, or place the ratepayers of which now have, or may hereafter have, the right to vote at the election of one or more members of the said Harbour Board, the Governor may, by Proclamation, make such changes in any or all of the districts or places entitled to elect such members, and in the names of such 30 Districts or places as in his opinion such alterations may render desirable: Provided that the proportion of representation as at present existing shall be interfered with as little as possible by the changes so to be made.

Schedule.

SCHEDULE.

FORM OF VOTING PAPER FOR SPECIAL LOAN.

PROPOSAL to raise a special loan, upon which a poll will be taken on the day of , 188 .

[Insert notice required by Section 4.]

1. I vote for the above proposal.
2. I vote against the above proposal.