

Mr. Mander.

WHANGAREI HARBOUR BOARD.

[LOCAL BILL.]

ANALYSIS.

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AN ACT to constitute a Harbour Board for the Harbour of Whangarei. 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 Whangarei Harbour Board Act, 1904." This Act shall be deemed to be a special Act within the meaning of "The Harbours Act, 1878," and shall be read and be deemed to be incorporated with the said Act. Short Title.  
Incorporation of  
"The Harbours Act  
1878."

2. In this Act—

"Board" means the Harbour Board constituted under this Act: Interpretation.

"Harbour" means the port and harbour of Whangarei as defined in the Schedule hereto:

"The said Act" means "The Harbours Act, 1878," and all amendments of same:

"District" means the Whangarei Harbour Board District.

3. A Harbour Board is hereby constituted under the said Act for the Harbour of Whangarei, and such Board shall consist of nine members, of whom five shall form a quorum, and such members shall be respectively appointed, succeed to office, and be elected as follows:— Harbour Board for  
Whangarei  
constituted.

(1.) Two members shall be appointed by the Governor.

(2.) Two members shall be elected by the burgesses of the Borough of Whangarei.

- (3.) Four members shall be elected by the electors of that part of the County of Whangarei as is included in the definition of "district" hereinafter mentioned.
- (4.) One member shall be elected by the payers of shipping and harbour dues within the harbour conjointly with the Whangarei Chamber of Commerce. 5

Endowments of Board.

4. The Board is hereby endowed with—

- (1.) The foreshore of the Whangarei Harbour and all flats and mud-flats within the harbour, and also all endowments and reserves and real and personal property now vested in or under the control of the Whangarei County Council, acting as the Whangarei Harbour Board, or in the Whangarei Harbour Board itself. 10

- (2.) All pilotage and port charges in the harbour.

Subsidy payable to Board.

5. There shall be payable to the Board during each year ending the thirty-first day of March the subsidy following, that is to say:— 15

- (1.) The amount of the subsidy for each year ending the thirty-first day of March shall be four hundred and fifty pounds, diminished by one pound for every pound by which the Board's revenue derived from pilotage and port charges during the year exceeds the sum of five hundred pounds (being the estimated yearly revenue derived from these sources at the Port of Whangarei at the time of the passing of this Act): 20

Provided that for the period elapsing between the passing of this Act and the thirty-first day of March thereafter a duly proportionate part of the yearly subsidy shall be payable. 25

- (2.) The subsidy for each year shall be payable by such instalments during the year as the Colonial Treasurer thinks fit. 30

- (3.) The subsidy shall be payable out of the Consolidated Fund without further appropriation than this Act.

Property vested in Board.

6. (1.) All wharves, jetties, and sheds within the harbour (except railway wharves), with their assets and liabilities, and whether or not at present under the control of the Whangarei County Council exercising the powers of a Harbour Board, and all other real and personal property of the said Council in its capacity and exercising the powers of the Whangarei Harbour Board only, are hereby vested in the Board. 35 40

(2.) The Governor, after making such inquiry as he thinks fit, may, if necessary, determine what constitutes the assets and liabilities of the said wharves, jetties, and sheds, and real and personal property; and may also do or direct to be done whatsoever is requisite in order that the wharves, jetties, and sheds, and real and personal property, and their and its assets and liabilities, may be effectively transferred to the Board. 45

Harbour district.

7. The Whangarei Harbour District shall comprise all that area in the Auckland Land District being the Borough of Whangarei and the County of Whangarei as at present constituted, excepting out of such county that portion thereof comprised in the Waipu River Board District as defined in Proclamation published in the *New Zealand* 50

*Gazette*, Number Seventeen, dated the first day of March, one thousand nine hundred.

8. Every person whose name at the time of any election of  
 5 a member of the Board is on the burgess or electors roll in force in  
 the respective borough or portion of county referred to in section *three*  
 hereof in respect of any property or other qualification within the  
 said harbour district shall be entitled to a vote at such election for  
 the subdivision wherein his name is enrolled. Electors.

9. The Governor shall by Proclamation appoint a day, not  
 10 exceeding thirty days after the date of such Proclamation, for the  
 election of the members of the first Board, and also shall appoint the  
 day for the first meeting of the Board; and by warrant under his  
 hand shall appoint some fit person as Returning Officer, who shall  
 15 fix the necessary polling-places and shall conduct the said election  
 under the provisions of "The Regulation of Local Elections Act,  
 1876," and all Acts amending the same, in so far as the said Act is  
 not inconsistent with the express provisions of this Act. First election.

10. The Board shall have power from time to time to borrow on  
 the security of its endowments, subject to the provisions of the said  
 20 Act and to the Governor's previous approval of a plan of the works  
 proposed to be constructed, any sum or sums of money for the  
 construction or completion of harbour-works in or towards the im-  
 provement of the said harbour. Borrowing.

11. On and from the day appointed for the first meeting of the  
 25 Board the Whangarei County Council shall cease to have control of  
 the Harbour and to exercise the powers of the Whangarei Harbour  
 Board, saving that all by-laws and regulations in respect of the said  
 harbour in force at the date of the said meeting shall remain in full  
 force and effect until altered or repealed by the Board. County Council to  
cease control.

## SCHEDULE.

### DEFINING LIMITS OF WHANGAREI HARBOUR.

ALL that area bounded by a line commencing at the southern extremity of Busby  
 Head at the line of high-water mark, and proceeding thence north-easterly generally  
 along the line of ordinary high-water mark in Whangarei Harbour and Whangarei  
 River as far as the northern boundary-line of Parahaki No. 1 Block, numbered 436;  
 thence crossing the said Whangarei River and following the right bank of the said  
 river along the ordinary high-water mark thereof; thence generally southerly and  
 easterly along the ordinary high-water mark of the Whangarei Harbour as far as a  
 point where the production of the eastern side of the road running between Blocks IV.  
 and VIII. and Blocks II., III., and VII. of the Town of Marsden intersects the line of  
 high-water mark; and thence along a straight line to the starting-point at Busby  
 Head: as the same is delineated upon the plan marked "M.D. 1787" and deposited  
 in the office of the Marine Department at Wellington, including within such area all  
 bays, tidal streams, rivers, and inlets up to ordinary high-water mark thereof, run-  
 ning or flowing into the said harbour. Schedule.