

*Mr. Cullen*

## WAIROA HARBOUR BOARD

[LOCAL BILL]

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### A BILL INTITULED

AN ACT to provide for the Dissolution of the Wairoa Harbour Board and the Transfer of the Functions of the said Board to the Wairoa Borough Council, and to make certain Incidental Provisions.

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

No. 17—1

Short Title and Commencement.	1. This Act may be cited as the Wairoa Harbour Board Act, 1946, and shall come into force on the <i>first</i> day of October, nineteen hundred and forty-six.	
Interpretation.	2. In this Act, unless the context otherwise requires—	5
	“ Board ” means the Wairoa Harbour Board constituted under the Harbours Act, 1923:	
	“ Corporation ” means the Corporation of the Mayor, Councillors, and Burgesses of the Borough of Wairoa:	10
	“ Council ” means the Wairoa Borough Council:	
	“ County Council ” means the Corporation of the County of Wairoa:	
	“ Special rating district ” means the district described in the <i>First</i> Schedule to this Act.	15
Special Act.	3. This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1923.	
Dissolution of Wairoa Harbour Board.	4. The Wairoa Harbour Board is hereby dissolved.	
Council to exercise power of Board.	5. All powers, functions, duties, and authorities conferred or imposed upon Harbour Boards by the Harbours Act, 1923, or any other Act, and all powers, functions, duties, and authorities heretofore conferred or imposed upon the Board by any Act and subsisting on the coming into force of this Act, may be exercised and performed by the Council in as full and effectual manner as if the Council had been constituted a Harbour Board within the meaning of the Harbours Act, 1923, and the Council shall for all purposes not inconsistent with the provisions of this Act be deemed to be a Harbour Board accordingly.	20 25 30
Property to be vested in County Council.	6. All lands belonging to the Board situate and being within the district of the County Council other than those set out in the <i>next succeeding</i> section are hereby vested in the County Council for the estate or interest of the Board therein.	30 35
Assets and liabilities of Board transferred to Corporation.	7. (1) All property, both real and personal, belonging to the Board situate or being within the Borough of Wairoa, together with the following lands situate in the County Council and adjacent to the said borough, namely:—	40

5 Firstly, six acres two roods twenty perches (6 acres 2 roods 20 perches), more or less, being Section 1, Block V, of the Clyde Survey District, and the land in certificate of title, H.B. Volume 30, folio 169 (Hawke's Bay Registry); and

10 Secondly, one acre one rood thirty-eight perches (1 acre 1 rood 38 perches), more or less, being Lot 2 on Deposited Plan Number 3350, Part Rural Section 17, Block V, Clyde Survey District, and the land in certificate of title, H.B. Volume 87, folio 283 (Hawke's Bay Registry), are hereby vested in the Corporation for the estate and interest of the Board therein.

15 (2) All rent, rates, and other moneys whatsoever payable to the Board shall become payable to the Council.

(3) All proceedings pending by or against the Board may be carried on or prosecuted by or against the Corporation.

20 (4) All debts, liabilities, and engagements of the Board shall become debts, liabilities, and engagements of the Corporation.

25 8. In respect of any real property vested in the Corporation and the County Council respectively pursuant to sections *six* and *seven* hereof, the following provisions shall apply:

Corporation and County Council to be registered as proprietors of lands.

30 (a) It shall be the duty of the District Land Registrar or the Registrar of Deeds, as the case may be, on application by the Council or the County Council, and without payment of any fee, to register the Corporation or the County Council, as the case may be, as the proprietor thereof:

35 (b) No stamp duty under the Stamp Duties Act, 1923, shall be payable in respect of the vesting of such real property in the Corporation or the County Council.

9. The Wairoa Harbour District is hereby abolished.

Abolition of Harbour District.

40 10. All Proclamations, Orders in Council, regulations, by-laws, offices, appointments, resolutions, agreements, licenses, lists, rolls, rate-books, records, documents, and generally all acts of authority which

Saving of appointments, &c.

originated before the date of this Act in relation to the Board and are subsisting or in force on that date, shall enure for the purposes of the Council and the Corporation as fully and effectually as if they had been originated by or in respect of the Council or the Corporation, and accordingly shall, where necessary, be deemed to have so originated. 5

Council to continue to levy rates over Harbour District.

11. The Council shall continue to make, levy, and collect over the special-rating district such special rates as the Board was empowered to make, levy, and collect under the Wairoa Harbour Board Empowering and Loan Acts, 1898, 1909, 1919, and under any other Act, for the purpose of repaying the existing loans and interest thereon and all other necessary expenditure which but for the coming into force of this Act would have been paid by the Board from the proceeds of any such rates. 10 15

Provisions for separate Harbour Account.

12. (1) All moneys received from any such rates so levied by the Council over the district as hereinbefore provided, and all other moneys whatsoever received by the Council in the exercise of the powers conferred on it by this Act, shall, until the present loan indebtedness of the Board is finally liquidated, be placed to the credit of a separate account, to be known as the Wairoa Harbour Account. 20 25

(2) From the funds in such account payment shall be made of all interest, instalments of principal, and other moneys due to the holders of debentures from the Board, and all costs, charges, administrative, and other expenses in connection with the administration of the District which, but for the passing of this Act, would have been borne and paid by the Board. 30

(3) If the funds in such account are at any time insufficient to meet the lawful charges thereon, the Council may transfer such sums as are necessary from its General Account to meet the same, and may at any time repay any sum so transferred out of any excess in the receipts over the liabilities of the Wairoa Harbour Account. 35

Annual statements.

13. Notwithstanding anything to the contrary in section ninety-seven or in section one hundred of the Harbours Act, 1923, the annual statement and account required to be made pursuant to the said section ninety-seven— 40

- 5 (a) Shall, in respect of the period commencing on the first day of October, nineteen hundred and forty-six, be for a period of six months ending on the thirty-first day of March, nineteen hundred and forty-seven.
- (b) Shall, except as hereinbefore provided, be for the period of twelve months ending on the thirty-first day of March in each year:
- 10 (c) Shall be in the form prescribed—
- (i) Of all contracts entered into during the year;
- (ii) Of all moneys received and paid during the year; and
- 15 (iii) Of all assets and liabilities as at the thirty-first day of March in each year:
- (d) Shall, in respect of any period after the first day of October, nineteen hundred and forty-six, be incorporated in and dealt with by the Council in the same manner as the balance-sheets and statements prepared by the Council pursuant to the Municipal Corporations Act, 1933.
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**14.** The following provisions shall apply with respect to the special rates made and levied by the Board:—

- 25 (a) Notwithstanding that the special rates levied by the Board on the seventh day of March, nineteen hundred and forty-six, was for the period commencing on the first day of October, 30 nineteen hundred and forty-five, and ending on the thirtieth day of September, nineteen hundred and forty-six, the period for which all future rates shall be levied shall commence on the first day of April and end on the 35 thirty-first day of March of the following year:
- (b) The instalment of such rates for the period from the first day of October, nineteen hundred and forty-six, to the thirty-first day of March, nineteen hundred and forty-seven shall be of an amount equal to one-half of the amount of each annual instalment,
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and may be demanded by the Council at the same time as it demands the instalment becoming due on the first day of April, nineteen hundred and forty-seven.

Collection of special rates.

**15.** The special rates referred to in section *eleven* hereof shall, in so far as they relate to that portion of the district situate within the Wairoa County Council, be collected by the Wairoa County Council on behalf of the Council without any fee or commission other than actual disbursements incurred in the collection thereof, and the Council shall in the like manner not charge any fee or commission other than actual disbursements incurred in the collection of the special rates within that part of the district situate within the Borough of Wairoa. The amount of such disbursements shall in each case be settled by the Auditor-General. 5 10 15

No part of district to be included in any other harbour district without ratepayers' poll.

**16.** Upon the passing of this Act no part of the district shall be included in the rating district of any other Harbour Board without the previous consent to such inclusion being given by the ratepayers of such part of the district by poll. 20

Application of revenues.

**17.** Any revenues derived by the Council and the County Council from the properties vested in them respectively by sections *six* and *seven* hereof shall, pending any loan indebtedness of the Board, be applied in payment of all rates, insurances, and other outgoings payable in respect of the said properties, in expenses incurred in any way in the production of such revenues, and in the maintenance, preservation, and improvements of such properties, and the balance shall be paid into Wairoa Harbour Account as established under subsection *one* of section *twelve* hereof. Upon the final liquidation of the loan indebtedness of the Board such revenues shall become the property of the said Council and County Council respectively, and shall be applied towards such recreational, social, or community amenities as the Council and the County Council may respectively decide. 25 30 35 40

Repeals.

**18.** The enactments mentioned in the *Second* Schedule hereto are hereby repealed.

## SCHEDULES

Schedules.

## FIRST SCHEDULE

## SPECIAL RATING DISTRICT

ALL that area in the Hawke's Bay and Auckland Land Districts, bounded by a line commencing at Mangapowhatu Trig. Station, and proceeding along the south-western boundary of the Gisborne Harbour District, as shown and delineated on plan marked M.D. 5505 and deposited in the office of the Marine Department at Wellington, to the sea at Whareongaonga; thence generally south-westerly along the sea-coast to a point opposite Trig. Station 98 in Block XVI, Waihua Survey District; thence to that Trig. Station and along a right line to the intersection of the Napier-Wairoa Road with the western boundary of Waihua 1B; thence along the western boundaries of Waihua 1B and 1C 10, and the southern and western boundaries of Subdivision 28, Mohaka No. 2, to a public road; thence north-westerly along that road, passing near Trig. Station 97 and XXVII to the southern boundary of Pihanui No. 2; thence south-westerly along that boundary and the south-eastern boundary of Putere 4B to the Mohaka River, up that river to the eastern boundary of Small Grazing-run 37, along the eastern and north-western boundaries of said Run 37 to Te Hoe River; thence along the western boundary of the Wairoa County as described in the *New Zealand Gazette*, 1918, page 941, and the western boundary of the Whakatane County as described in the *New Zealand Gazette*, 1918, page 941, to the southern boundary of Block XIII, Ahikereru Survey District; thence along the southern boundaries of Blocks XIV, XV, and XVI of the said Ahikereru Survey District, and the southern boundaries of Blocks XIII and XIV, Ruatahuna Survey District; thence in a straight line to Mangapowhatu Trig. Station, the point of commencement, as delineated on plan marked M.D. 5506 and deposited in the office of the Marine Department at Wellington.

## SECOND SCHEDULE

## ENACTMENTS REPEALED

- 1898, No. 26 (Local)—  
Wairoa Harbour Board Empowering and Loan Act, 1898.
- 1909, No. 28 (Local)—  
Wairoa Harbour Board Empowering and Loan Act, 1909.
- 1918, No. 11 (Local)—  
Wairoa Harbour Board Empowering and Loan Act, 1918.
- 1919, No. 13 (Local)—  
Wairoa Harbour Board Empowering and Loan Act, 1919.
- 1920, No. 75—  
The Reserves and other Lands Disposal and Public Bodies' Empowering Act, 1920: Sections 30 and 31.
- 1921, No. 5—  
Finance Act, 1921: Sections 18 and 19.
- 1921, No. 59—  
Reserves and other Lands Disposal and Public Bodies' Empowering Act, 1921: Section 37.
- 1923, No. 40—  
The Harbours Act, 1923: So much of the First Schedule as relates to the Wairoa Harbour Board.