

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 6th December, 1918.

Sir J. G. Findlay.

WAIROA HARBOUR BOARD EMPOWERING AND LOAN.

[LOCAL BILL.]

ANALYSIS.

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3. Empowering Board to borrow sums of £5,000 and £2,000.	

A BILL INTITULED

AN ACT to give to the Wairoa Harbour Board further Borrowing and other Powers, *and* to vest Lands in the said Board,  
*Struck out.*

5 to enlarge the Harbour District, and to provide in certain Events for the Construction of a Deep-sea Harbour at Waikokopu.

10 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 Wairoa Harbour Board Empowering and Loan Act, 1918, and shall be read with and form part of the Wairoa Harbour Board Empowering and Loan Act, 1909 (hereinafter referred to as the said Act).

15 2. The said Act shall be deemed to have been and to be and this Act shall be deemed to be special Acts within the meaning of the Harbours Act, 1908.

PART I.

20 3. Whereas shortly before the coming into operation of this Act it became urgently necessary for the Board to arrange to borrow the sum of five thousand pounds for the purpose of effecting repairs to the existing harbour-works and, if necessary, of constructing new works in order to keep the mouth of the Wairoa River open, and the Board accordingly arranged to borrow the said sum from the State Advances Superintendent, who holds all the debentures issued by  
25 the Board in respect of the loan of seventy-eight thousand pounds

referred to in subsection one of section five of the said Act: And whereas the debentures authorized by the Wairoa Harbour Board Empowering and Loan Act, 1898, for the sum of five thousand pounds have matured, and the Board has not been able to provide for the payment of more than three thousand pounds, and therefore requires a sum of two thousand pounds to enable it to redeem the balance of the said debentures: Be it therefore enacted that the State Advances Superintendent shall be deemed to have been and to be and he is hereby expressly empowered to lend and the Board to borrow the said sums of five thousand pounds and two thousand pounds respectively for the purposes aforesaid, without any poll or consent of the ratepayers having been or being taken or obtained, as if the Board were a local authority and the purposes for which the said sums are required were public works of a description included in section sixty of the Local Bodies' Loans Act, 1913, to the intent that such sums shall be deemed to be added to the said sum of seventy-eight thousand pounds, and that the Board shall be and is hereby empowered to issue debentures for the said sums of five thousand pounds and two thousand pounds as if such sums were being raised in all respects by a local authority under and in the manner prescribed by the Local Bodies' Loans Act, 1913; and the special rate authorized by subsection four of section five of the said Act to be made and levied shall be and be deemed to be security for the said sums of five thousand pounds and two thousand pounds, as well as for the said sum of seventy-eight thousand pounds, in all respects as if the sum mentioned in the said Act had been eighty-five thousand pounds instead of seventy-eight thousand pounds. *The Sinking*

*New.*

Fund Commissioners in respect of the said loan raised under the said Wairoa Harbour Board Empowering and Loan Act, 1898, are hereby directed to transfer and pay over to the Board for the general purposes of the Board any moneys and bonds (or the proceeds thereof) held by the said Commissioners.

Expenditure to be approved by Minister of Marine.

4. Before expending the said sum of five thousand pounds the Board shall submit its proposals for the expenditure thereof to the ~~Minister of Marine~~ *Governor-General in Council*, and shall not expend the said moneys until the approval of such Minister has been first obtained.

Validating previous expenditure on harbour-works out of rates.

5. Whereas the Board has expended on or in connection with the construction, maintenance, and repair of harbour-works, or otherwise for the general purposes of the Board's administration, sums amounting in the aggregate to three thousand five hundred and ninety-six pounds five shillings and twopence out of rates levied and collected under the authority conferred on the Board by the said Act, such moneys having been expended without or in excess of the lawful powers or authority of the Board: Be it enacted that the Board shall be deemed to have had authority and power to expend the said moneys, and the expenditure thereof is hereby ratified and validated.

Vesting of land in Board and authorizing purchase of wharves, goods-sheds, &c.

6. Whereas the Board, prior to the vesting of any portion of the foreshore of the Wairoa River or of any lands in the said Board, erected certain wharves and sheds on and contiguous to the said foreshore and entered into negotiations with the New Zealand

Shipping Company (Limited), (hereinafter called the said company), for the leasing to the said company of certain portions of the said foreshore and lands contiguous thereto, and agreed with the said company, *inter alia*, to permit the said company to erect certain

5 goods-sheds and wharves upon the said foreshore and upon the said land contiguous thereto: And whereas after the commencement of the erection of the said wharves, sheds, and buildings it was discovered that the said Board had no power to enter into the said negotiations or the said agreement: And whereas the Minister of

10 Marine, in order as far as possible to give effect to the said agreement, granted to the said company a license under the Harbours Acts authorizing and empowering the said company to erect wharves and sheds upon certain terms and conditions contained in the said license: And whereas subsequently part of the said lands com-

15 prising the foreshore of the said Wairoa River, but no more, became vested in the Board under and by virtue of certificate of title Volume 61, folio 259, Hawke's Bay Registry, subject to the said license to the said company: And whereas, on a subsequent survey of the said wharves, goods-sheds, and buildings (including the

20 wharves and buildings erected by the said company), it was discovered that portions of all the said wharves, goods-sheds, and buildings extended over and beyond the lands vested in the Board and encroached upon the Marine Parade, a public street along a river-bank now vested in the Wairoa Borough Council: And

25 whereas the said wharves, goods-sheds, and buildings and the land so encroached upon are essential for the proper working and management of the Wairoa Harbour and to give access from the foreshore to the said Marine Parade: And whereas the Board is therefore desirous of having the said license to the said company cancelled,

30 and of purchasing the wharves and goods-sheds erected by the said company: And whereas, owing to the said encroachment on the said Marine Parade, it is legally impossible for the Board to carry out its desire of purchasing the said wharves and goods-sheds erected by the said company: And whereas it is desirable to vest in the

35 Board that portion of the said Marine Parade so encroached upon as aforesaid, and to empower the Board to carry out and complete its negotiations for the purchase from the said company of the said wharves and goods-sheds erected by it under the said license: Be it therefore enacted as follows:—

- 40 (a.) Notwithstanding anything contained in section one hundred and thirty of the Public Works Act, 1908, that portion of the said Marine Parade in the Borough of Wairoa described in paragraph (a) hereof is hereby closed.
- 45 (b.) The Governor-General may grant to the Board the said land comprising the said closed portion of the said Marine Parade described in the said paragraph (a) hereof for an estate in fee-simple in trust as a harbour endowment.
- (c.) The Board is hereby empowered to purchase the wharves, goods-sheds, and other buildings erected by the said
- 50 company upon the terms already arranged between the Board and the said company, and, if necessary, to mort-

gage the said goods-sheds and buildings to secure payment of any unpaid balance of purchase-money, or to raise money by way of loan upon mortgage of the goods-sheds and buildings or otherwise as the Board may think fit, and generally to carry on and complete its arrangements with the said company regarding the surrender of the said license and the purchase of the said goods-sheds, wharves, and buildings; and any such mortgage or other securities given under the provisions of this paragraph shall rank in priority to any debentures or other instruments heretofore or hereafter made or given by the Board and operating as security over the properties of the Board; and the Board is hereby empowered to pay the said unpaid balance of purchase-money, or the moneys secured by any such mortgage or other instrument securing the same, and also the moneys secured by the mortgages mentioned in section forty-six of the Reserves and other Lands Disposal and Public Bodies Empowering Act, 1917, out of the revenues of the Board or any moneys the property of the Board other than the proceeds of the special rate referred to in section five of the said Act.

- (d.) The said portion of the said Marine Parade to be closed and to be granted to the Board as hereinbefore provided is all that portion of the said Marine Parade, containing approximately twenty-six perches more or less, commencing at a point bearing  $186^{\circ} 14' 50''$ , distance 141 links, from the junction of the eastern building-line of Delhi Street in the Borough of Wairoa aforesaid with the said Marine Parade; bounded towards the south by Marine Parade, distance 165 links, by a line running in an easterly direction; towards the east by portion of the said Marine Parade, distance 50 links, to high-water mark of the said Wairoa River; towards the north by the high-water mark of the said Wairoa River; towards the west by other portion of the said Marine Parade, distance 25 links; and towards the south by Marine Parade aforesaid, distance 240.5 links, to the commencing-point: be the said bearing and all the said linkages more or less.

*Struck out.*

7. As from the commencement of this Act the district as defined by section two of the said Act shall be and is hereby enlarged by adding to and including therein the following areas, that is to say:—

(a.) All that area bounded by a line commencing at the confluence of the Makomuka Stream with the Ruakituri River, thence along the left bank of that river to a right line running from Puketapu Trig. Station to the summit of Mangapowhatu Mountain; thence along that line to the boundary between Tahora 2F Section 1 and 2F Section 2; thence along that boundary to the northernmost corner of Lot 18 of Tahora 2F Section 2: thence along the north-eastern boundary of the aforesaid Lot 18 to Sub.-Trig. Station A, the southernmost corner of

Tahora 2c 1, Section 2; thence along the northern boundaries of Lots 23 and 24 of Tahora 2c 1, Section 3, to the north-eastern corner of aforesaid Lot 24; thence along the eastern boundaries of the said Lot 24 and Lot 21 of Tahora 2f Section 2 to the Mangatahae Stream; thence along the said Mangatahae Stream and the southern boundary of Lot 21 of Tahora 2f Section 2 to the Makomuka Stream, and along that stream to the Ruakituri River, the place of commencement:

(b.) All that area formerly in the Hawke's Bay Land District (but now included in the County of Wairoa) bounded by a line commencing at the intersection of the boundary-line between Cook and Wairoa Counties by the northern boundary of Mangapoike No. 2d Block; thence along the present boundary between the said counties to the Hangaroa River; along the left bank of that river to the north-eastern corner of Mangapoike 2A No. 2; along the eastern boundary of that block to Lot 4 of Mangapoike 2A No. 3; along the northern boundary of that lot and the northern and eastern boundaries of Lot 5 of the said Mangapoike 2A No. 3 to Mangapoike No. 2d Block; and thence along the northern boundary of that block to the place of commencement:

(c.) All that area formerly in the Hawke's Bay Land District (but now included in the County of Wairoa) bounded towards the north-west by the north-western boundary of Waipaoa Block, from Pukepuke Trig. Station to Koranga West Trig. Station; thence again towards the north-west by the north-western boundary of the aforesaid block and that boundary produced to its intersection with a right line running between Mangapowhatu and Puketapu Trig. Stations; thence towards the north-east by the last-mentioned line to the Puketapu Trig. Station; thence towards the south-west by a right line running in the direction of the northernmost point of Lake Waikaremoana to a point at the intersection of the north-western boundary of Waipaoa Block; thence again towards the north-west by the north-western boundary of the Waipaoa Block to the Pukepuke Trig. Station, the place of commencement:

and the expression "the district" as defined in section two of the said Act is hereby accordingly amended. For the purpose of representation on the Board the areas hereby added to and included in the district shall be deemed to be part of the Waikaremoana Riding of the County of Wairoa.

## PART II.

8. Whereas it is expedient that the Board should in the event hereinafter mentioned be empowered to construct a deep-sea harbour and works incidental thereto at Waikokopu and to borrow the

Succeeding sections of Act to apply in certain events.

moneys necessary for the construction thereof: Be it enacted that in the event of arrangements being made for proceeding with the construction as a Government railway of a railway from Wairoa to Waikokopu, but not otherwise, the provisions contained in the succeeding sections of this Act shall take effect.

Power to construct deep-sea harbour at Waikokopu.

9. It shall be lawful for the Board, subject to the provisions of the Harbours Act, 1908, and to its obtaining the precedent consent of the Governor-General in Council to the carrying into effect of its proposals, to construct such harbour-works at Waikokopu as the Board considers necessary for the requirements of the port; and also to erect and construct all such breakwaters, wharves, cranes, sheds, buildings, and works for the improvement of the harbour as are judged necessary by the Board for the safety, convenience, and reception of vessels resorting to the said harbour, and for the more convenient loading and unloading of such vessels, and for the safety of any works constructed or proposed to be constructed by the Board, and for providing proper access to and from such works.

Power to borrow.

10. (1.) The Board, subject to the consent of the ratepayers and county electors being first obtained, as hereinafter mentioned, and subject to the provisions of this Part of this Act, shall have power to borrow any sum not exceeding two hundred thousand pounds, for the purpose of the construction and carrying-out of the works mentioned in the *last preceding* section.

(2.) No money shall be borrowed under the authority of this Part of this Act which shall produce a higher rate of interest to the lender than six per centum per annum.

(3.) Before any money is borrowed under the authority of this Part of this Act the Board shall obtain the consent of the ratepayers of the district and of the county electors within the harbour district as defined in the Waikokopu Harbour Act, 1903; and such consent shall be obtained, and the said moneys may be raised, in the manner prescribed by the Local Bodies' Loans Act, 1913; and the provisions of that Act shall apply as if the Board were a local authority and as if the harbour district as defined in the Waikokopu Harbour Act, 1903, were included in the district, and the said works were public works within the meaning of the Local Bodies' Loans Act, 1913, subject, however, to the modification that where anything is required by the last-mentioned Act to be done by special order it may be done by the Board by resolution.

(4.) As security for the moneys authorized to be borrowed under this Part of this Act the Board may make and levy a special rate, not exceeding *twopence* in the pound, on the capital value of all rateable property in the enlarged harbour district hereinafter referred to.

(5.) It shall be lawful for trustees to invest trust funds in debentures issued under this Part of this Act, and for this purpose such debentures shall be deemed an authorized investment as if the same were expressly mentioned in section ninety-five of the Trustee Act, 1908.

No rate to be quashed.

11. No rate or levy made under this Part of this Act shall be set aside or quashed in any proceeding in any Court or otherwise, and no defect in the same or in the making thereof, or in any direction

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for levy, shall be set up as a defence to any action which may be brought to recover the same.

5 12. Upon the consent of the ratepayers and electors respectively being obtained as aforesaid and the Board deciding to borrow moneys for the purposes mentioned in this Part of this Act, the harbour district as defined in and established under the Waikokopu Harbour Act, 1903, shall be deemed to be merged in and shall become added to and comprised in and be part of "the district" as defined in section 10 two of the said Act, which expression shall thenceforth be deemed to be amended accordingly; and all the property and assets of the Waikokopu Harbour Board shall be vested in the Board, subject to the trusts and equities affecting the same, and the Board shall discharge and perform all the liabilities and obligations of the 15 Waikokopu Harbour Board; and the Waikokopu Harbour Board Empowering and Loan Act, 1902, and the Waikokopu Harbour Board Act, 1903, shall as from the time of such merger as aforesaid be deemed to be repealed:

20 Provided, however, that the ratepayers or owners of land in the harbour district as defined in the Waikokopu Harbour Act, 1903, shall only be liable to be rated in respect of any moneys borrowed under the said Act or Part I of this Act to such extent as may be determined by any Commission of Inquiry that may be appointed for that purpose by the Governor-General in Council; and power is hereby expressly conferred on the Governor-General in Council 25 to appoint a Commission of Inquiry accordingly.

13. Upon such merger as aforesaid taking effect the number of the members of the Board shall be increased to nine, two of whom shall be elected by the electors of the harbour district as defined by the Waikokopu Harbour Act, 1903.

Merger of Waikokopu district with Wairoa district.

Increasing number of members of Board.