

1191

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES,
and, having this day passed as now printed, is transmitted to
the LEGISLATIVE COUNCIL for its concurrence.*

House of Representatives.

23rd October, 1919.

Hon. Sir J. G. Findlay.

WAIROA HARBOUR BOARD EMPOWERING AND LOAN.

[LOCAL BILL.]

ANALYSIS.

Title.	
1. Short Title.	8. Adjustment of accounts.
2. Condition to which Act is subject.	9. Power to construct deep-sea harbour at Waikokopu.
3. Act to be deemed special Act.	10. Power to borrow £30,000.
4. Merger of Waikokopu district with Wairoa district.	11. Power to borrow further sums up to £200,000.
5. Increasing number of members of the Board.	12. Provisions with regard to raising of moneys and security therefor.
6. Power to borrow £2,000 for preliminary work and expenses.	13. No rate to be quashed.
7. Accounts to be kept by Board.	14. Power to make separate by-laws.

A BILL INTITULED

AN ACT to merge the Waikokopu Harbour District with the Wairoa Harbour District and to provide in certain Events for the Construction of a Deep-sea Harbour at Waikokopu. Title.

5 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, 1919, and shall be read with and form Short Title.
10 part of the Wairoa Harbour Board Empowering and Loan Act, 1909 (hereinafter referred to as the said Act).

2. This Act shall not take effect or have any operation unless Condition to which Act is subject.
15 statutory authority is obtained for the construction as a Government railway of a railway from Wairoa to Waikokopu, but shall be deemed to take effect and become operative immediately upon the passing of an authorization Act for the construction of such railway.

3. This Act shall be deemed to be a special Act within the Act to be deemed special Act.
meaning of the Harbours Act, 1908, and the amendments thereof.

4. Immediately upon this Act becoming operative the harbour Merger of Waikokopu district with Wairoa district.
20 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 two of the said Act, which expression and the Schedule to the said Act shall thenceforth be deemed to be amended and enlarged
25 accordingly; and all the property and assets of the Waikokopu Harbour Board (exclusive of the items in its General Account) shall

be vested in the Wairoa Harbour Board (hereinafter called the Board) subject to the trusts and equities, if any, affecting the same, and the Board shall discharge and perform all the liabilities and obligations of the Waikokopu Harbour Board; and the Waikokopu Harbour Board Empowering and Loan Act, 1902, and the Waikokopu Harbour Board Act, 1903, shall as from the date of such merger as aforesaid be deemed to be repealed: 5

Provided, however, that the ratepayers or owners of land in the harbour district as defined in the Waikokopu Harbour Act, 1903, shall not be liable to be rated in respect of any moneys which may have been or may hereafter be borrowed exclusively for or in connection with harbour-works at the Port of Wairoa on the Wairoa River or in respect of any loss incurred by the Board in the working of the last-mentioned port. 10

Incr. asing number
of members of the
Board.

5. (1.) 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 Waikokopu district as defined by the Waikokopu Harbour Act, 1903, and forthwith upon such merger taking effect all the necessary steps shall be taken for the election of such two members. 15 20

(2.) For the purpose of the election of members representing the said Waikokopu district, such district shall be deemed to be a constituent district within the meaning of the Harbours Amendment Act, 1910, and the said election shall be held on such day, and in such manner, as shall be fixed and prescribed by the Governor-General in Council, and the Clerk of the Wairoa County Council shall be the Returning Officer. 25

(3.) The members thus elected shall hold office until the ensuing election of county members of the Board, when they shall retire; and thereafter the election of members for the said district shall be held at the times and in the manner prescribed by the Harbours Amendment Act, 1910. 30

Power to borrow
£2,000 for
preliminary work
and expenses.

6. The Board is hereby empowered to borrow a sum not exceeding *two thousand* pounds for preliminary expenses such as the obtaining of engineers' reports upon proposed harbour-works at Waikokopu, and the election of members of the Board mentioned in the *last preceding* section hereof, and the costs and expenses preliminary to and of and incidental to the preparation and promotion of this Act; and the State Advances Superintendent is hereby expressly empowered to lend and the Board to borrow the sum hereinbefore mentioned, 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 purpose for which the said moneys are required were public works of a description included in section sixty of the Local Bodies' Loans Act, 1913, to the intent that the sum borrowed under the provisions of this section shall be deemed to be added to the moneys mentioned in section three of the Wairoa Harbour Board Empowering and Loan Act, 1918; and that the Board shall be and is hereby empowered to issue debentures for the said sum of *two thousand* pounds as if such sum 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 35 40 45 50

119 2

subsection four of section five of the said Act to be made and levied shall be and be deemed to be security for the sum mentioned in this section as well as for the sums mentioned in section three of the Wairoa Harbour Board Empowering and Loan Act, 1918:

5 Provided that the Board may make and levy a special rate on the capital value of all rateable property in the harbour district as hereinbefore amended and which is hereinafter referred to as the combined district for the purpose of paying or providing for the moneys borrowed under the provisions of this section and interest
10 thereon, or the Board may until the adjustment of accounts mentioned in section *eight* of this Act pay and provide the said moneys out of the General Account of the Board in respect of the working of the ports of Wairoa and Waikokopu respectively in
15 proportion to the capital value from time to time of all rateable property in the Wairoa Harbour District and the Waikokopu Harbour District respectively as the same existed prior to such merger as aforesaid, and after such adjustment of accounts may pay and provide such moneys out of the Boards' combined General Account.

7. All moneys received by the Board by way of loan under this
20 Act shall be paid into the Harbour Fund Account as provided by section one hundred and sixty-six of the Harbours Act, 1908, and not into a separate account as provided by section thirty-one of the Local Bodies' Loans Act, 1913; but there shall be kept by the Board proper accounts, in a form to be approved by the
25 Controller and Auditor-General, which shall, amongst other things, show clearly what sums are available in respect of the rates levied by the Board to meet the charges in respect of its loans existing at the commencement of this Act and the loan under the *last preceding* section of this Act, and until an adjustment has been made
30 in pursuance of the *next succeeding* section a General Account of the Wairoa Harbour and a General Account of the Waikokopu Harbour.

Accounts to be kept by Board.

8. Upon a date to be determined by the Board an adjustment shall be made of the general accounts relating to the Wairoa Harbour and the Waikokopu Harbour respectively, and any surplus
35 may be appropriated by the Board for the benefit of the ratepayers in the Wairoa Harbour District or the Waikokopu Harbour District as the same existed prior to such merger as aforesaid, or any deficiency may be provided for by a rate to be made and levied by the Board on the capital value of all rateable property
40 in the said Wairoa Harbour District or the Waikokopu Harbour District, as the case may be; and the net proceeds of the sale of any property or assets paid for out of the funds of the Wairoa Harbour Board as it existed previously to the commencement of this Act shall be applied by the Board for the benefit of the Wairoa
45 Harbour District as it existed prior to such merger as aforesaid.

Adjustment of accounts.

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
50 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

Power to construct deep-sea harbour at Waikokopu.

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. 5

Power to borrow
£30,000.

10. The Board, subject to the consent of the ratepayers being first obtained as hereinafter mentioned, and subject to the precedent consent of the Governor-General in Council having been obtained in manner provided by the *last preceding* section hereof, shall have power to borrow any sum not exceeding *thirty thousand* pounds for the purpose of making immediate provision for the shipping facilities to be provided at Waikokopu by the railway hereinbefore mentioned. 10

Power to borrow
further sums up to
£200,000.

11. The Board, subject to the consent of the ratepayers being first obtained as herein mentioned, and subject also to the precedent consent of the Governor-General in Council being obtained as afore- said, shall have power to borrow any further sums, not exceeding *two hundred thousand* pounds, for the purpose of the construction and carrying-out of permanent works as mentioned in section *nine* hereof. 15

Provisions with
regard to raising of
moneys and security
therefor.

12. (1.) No money shall be borrowed under the authority of this Act which shall produce a higher rate of interest to the lender than *five and a half* pounds per centum per annum. 20

(2.) Before any money is borrowed under the authority of this Act the Board shall obtain the consent of the ratepayers of the combined district; 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 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 to be done by special order it may be done by the Board by resolution. 25 30

(3.) As security for the moneys authorized to be borrowed under 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 combined district.

(4.) 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. 35

No rate to be
quashed.

13. 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 for levy, shall be set up as a defence to any action which may be brought to recover the same. 40

Power to make
separate by-laws.

14. The Board is hereby expressly empowered to make separate by-laws in respect of the working of the harbours at Wairoa and Waikokopu respectively. 45