

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 20th October, 1911.

Mr. Hogan.

WANGANUI HARBOUR DISTRICT AND EMPOWERING.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to constitute the Wanganui Harbour District and to confer certain Powers on the Wanganui 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. This Act may be cited as the Wanganui Harbour District and Empowering Act, 1911. Short Title.

2. This Act shall be deemed to be a special Act within the meaning of the Harbours Act, 1908, and the amendments thereof, which accordingly are incorporated herewith. Special Act.

3. In this Act, if not inconsistent with the context,— Interpretation.

“The Board” means the Wanganui Harbour Board:

15 “The Chairman” means the Chairman of the Wanganui Harbour Board for the time being:

“The combined district” means and includes the areas comprised in the Boroughs of Wanganui and Wanganui East and the Town Districts of Gonville and Castlecliff:

20 “The constituent districts” means the Counties of Wanganui and Waitotara:

“The district” means the Wanganui Harbour District as constituted by section four of this Act:

“Harbour-works” means harbour-works as that expression is defined in the Harbours Amendment Act, 1910.

Harbour district constituted.

4. The Wanganui Harbour District is hereby constituted for the purpose of this Act, and such district shall comprise those lands within the combined district and the constituent districts as hereinbefore defined.

Power to construct works.

5. It shall be lawful for the Board, subject to the provisions of the Harbours Act, 1908, and its amendments, to construct such harbour-works as the Board may from time to time consider necessary or advisable for the requirements of or for improvements in the Harbour of Wanganui, and also to erect and construct all such cranes, sheds, and works for the improvement of the said harbour as are judged necessary 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, and for providing proper access to and from such works, and for the purposes thereof to purchase or lease and open up quarries and work the same, and provide all necessary means for the conveyance of the output of such quarries to any part of the Harbour of Wanganui or lands adjacent thereto under the control of the Board.

Power to borrow.

6. The Board shall have power to borrow, subject to the provisions of the Harbours Act, 1908, and to the provisions of this Act, in addition to any sum it is by any other Act in force authorized to borrow, any sum not exceeding two hundred and fifty thousand pounds, to be applied in or about the construction and carrying-out of the works mentioned in section four of this Act, and also the costs and expenses of and incidental to this Act or incurred in connection with the borrowing of any money so borrowed, and the first year's interest on any amount so borrowed during the construction of the works for which the loan is raised.

Interest.

7. No money shall be borrowed under the authority of this Act which shall produce to the lender a higher rate of interest than five pounds per centum per annum.

Consent of ratepayers required.

8. (1.) The Board shall not borrow any money under the authority of this Act ~~until the proposal to borrow the same has been duly carried at a poll of ratepayers held in pursuance of this Act. except with the consent of the ratepayers of the harbour district ascertained in the manner prescribed by the Local Bodies' Loans Act, 1908.~~

(2.) All the provisions of Part I of the said Act shall extend and apply to the loan hereby authorized.

Struck out.

Notice of meeting.

9. Before a poll of ratepayers is taken on any proposal to borrow money under this Act, the Board shall cause a notice to be published once in each of two successive weeks in a newspaper circulating in the district, specifying a time and place in the combined district, and a time and place in each of the constituent districts, at which meetings of ratepayers will be held to consider a proposal to raise a loan for the purposes specified in section four of this Act:

Provided that it shall not be necessary in such notice to set out such purposes, and provided also that such time so appointed shall not be less than fourteen days after the first publication of such notice.

Meeting of ratepayers.

10. Every such meeting shall be presided over by the Chairman of the Board or by some person appointed by the Chairman of

the Board for such meeting. If the person so appointed is absent or refuses to preside, then the meeting shall elect some person present to preside. At every such meeting, after due consideration and discussion of the proposal, the person presiding shall notify that a poll in accordance with the provisions of this Act will be taken. If at the place and within one hour after the time appointed for any such meeting not less than six ratepayers are present, such meeting shall for the purposes of this Act be deemed to have been duly held and the proposal to have been duly discussed and considered, and the notification of a poll to have been duly made.

11. The district electors rolls in force in the several boroughs, town districts, and counties comprised within the harbour district shall, taken together, be the roll on which the poll shall be taken, and copies of such rolls shall, at the cost of the Board, be furnished to the Returning Officer by the Borough Councils, Town Boards, and County Councils exercising control within such boroughs, town districts, and counties respectively :

Ratepayers rolls.

Provided, however, that no person shall have more than one vote at such poll, and that no person shall vote in respect of other than a ratepayer's qualification, and no wife shall vote in respect of a qualification possessed by her husband, or *vice versa*.

12. The poll shall be taken as follows :—

Method of taking polls.

(a.) The Board shall appoint a suitable person to be Returning Officer for the polls to be conducted under this Act.

(b.) At the written request of the Chairman, authorized by ordinary resolution of the Board, the Returning Officer shall publish a notice setting forth the day (not less than one week nor more than four weeks from the latest date appointed for any of the aforesaid meetings) on which the poll will be taken.

(c.) The Returning Officer shall provide such polling-places within the harbour district as he thinks fit and necessary for the due taking of such poll.

(d.) All the provisions of the Local Elections and Polls Act, 1908, as regards taking a poll on a proposal shall, so far as they are applicable, and except as in this Act is otherwise provided, apply to the taking of the poll.

(e.) The statement of the proposal in the voting-paper shall be as follows: "Proposal to borrow moneys, not exceeding in the aggregate two hundred and fifty thousand pounds, for the purposes defined in the Wanganui Harbour District and Empowering Act."

13. If the total number of valid votes recorded in favour of the proposal is a majority of the total number of valid votes recorded at the poll, the proposal shall be deemed to be carried.

Result of poll.

14. As soon as conveniently may be after the result of the poll has been ascertained, the Returning Officer shall give public notice of the number of votes recorded for and against the proposal as above provided, and shall declare the proposal to be carried or rejected, as the case may be.

Publication of result.

15. (1.) As soon as conveniently may be after the poll the Chairman shall send to the Minister of Internal Affairs, for publication in the *Gazette*, a notice of the number of votes recorded for or

Gazetting of result.

against the proposal, and in such notice shall declare the proposal to be carried or rejected, as the case may be.

(2.) If in the notice so published in the *Gazette* it is declared that the proposal was carried, such notice so published shall be conclusive evidence that the raising of the loan has been duly authorized, and that all proceedings and things required by this Act as conditions precedent to the exercise by the Board of the borrowing-power hereby conferred have been duly and lawfully taken and done, and that the Board is fully empowered and authorized to borrow any sum or sums of money not exceeding in the aggregate the sum of two hundred and fifty thousand pounds.

(3.) If in the said notice it is declared that the proposal was rejected, it shall be lawful for the Board, at any time after the expiration of twelve calendar months from the date of the publication in the *Gazette* of such notice, to direct that another poll be held in the same manner and subject to the same conditions upon the same proposal; and if at such second poll the proposal is again rejected, the Board may, at any time within two years from the date of such second poll, direct that a third poll be held in the same manner and subject to the same conditions upon the same proposal:

Provided that nothing in this Act shall authorize the taking of more than three polls.

Levying of rate.

16. If such proposal is declared to be carried, the Board may make and levy in accordance with the Rating Act, 1908, a rate upon all rateable property in the district according to its capital value as appearing in the district valuation roll prepared by the Valuer-General in accordance with the Valuation of Land Act, 1908; and the proceeds of such rate shall be applied towards payment of the annual charges to accrue in respect of any loan or loans raised under this Act, and to provide for the sinking fund hereinafter mentioned.

Differential rate.

17. The rate to be levied under this Act on the rateable property in the combined district shall be double the rate to be levied on the rateable property in the constituent districts.

Sinking fund.

18. (1.) For the purpose of providing a sinking fund for the liquidation of the principal sum raised under the authority of this Act, the Board shall in every year set aside out of the revenue of the Board a sum equal to ten shillings per centum on the amount of all unredeemed bonds, debentures, and other securities given under this Act previous to the then current year, and shall pay the same to Sinking Fund Commissioners to be appointed by the Board under the provisions of this Act.

(2.) Any moneys so paid to the said Commissioners may be either invested, together with the interest and profits accruing therefrom, in such securities as the Board may from time to time determine, or may be, as to the whole or any part thereof accumulated at any time, utilized for the purchase and redemption of any debentures issued under the authority of this Act for the time being outstanding.

(3.) The Board may also at any time appropriate any part of the Harbour Fund not appropriated for any special purpose and pay the same to the Commissioners hereinbefore mentioned to be applied to the purposes mentioned in subsection *two* of this section.

(4.) The Board shall appoint two or more Commissioners for the purposes in this section mentioned.

19. (1.) The Board shall in each year cause an estimate to be prepared in such manner and according to such method as the Board approves of the anticipated revenue of the year (exclusive of any rate to be levied under this Act) and of the anticipated expenditure of the year (including the annual charges and sinking-fund payments upon the moneys borrowed under the authority of this Act, but exclusive of capital expenditure on Loan Account), and shall upon such estimate determine the deficiency of revenue required to meet such expenditure.

Estimate of revenue and expenditure, and amount of rate.

(2.) The Board ~~may direct the~~ shall make and levy in each year of such rate as is it deems sufficient to provide such deficiency.

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15 (3.) The Board may for the purposes of such direction and levy adopt some convenient fraction of a penny, notwithstanding that the sum thereby produced may exceed such deficiency.

New.

20 (3.) The rate to be levied under this Act on the rateable property in the combined district shall be double the rate to be levied on the rateable property in the constituent districts.

Differential rate.

Struck out.

25 20. Such rate shall not exceed three-fourths of a penny in the pound on the capital value of all rateable property in the combined district, nor three-eighths of a penny in the pound on the capital value of all rateable property in the constituent districts.

Maximum rate

30 21. For the purpose of making, levying, and recovering the said rates, the Board shall have and may exercise all the powers of making, levying, or recovering rates in the district as are conferred on local authorities by the Rating Act, 1908; and for such purpose the said Rating Act is incorporated herewith.

Rating Act incorporated

35 22. No rate ~~or levy~~ made under this Act shall be set aside or quashed by any proceeding in any Court or otherwise, and no defect in the same or 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.

Rate not to be questioned.

Struck out.

40 23. When and so often as the Board shall fail to pay at the proper time and place for so paying either the principal sum borrowed under this Act, or 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.

Supreme Court may appoint Receiver.

50 24. From and after the date of such appointment, and upon its being advertised by publication in the *Gazette* and in the newspapers circulating in the district for such time as the said 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.

55 25. All powers vested in the Board for the making, levying, and recovering the said rate shall, after the appointment of the Receiver, and upon its being publicly notified in such manner as directed by the previous section of the Act, cease to be exercised by the Board and shall be exercised by the Receiver.

Powers of Board exercisable by Receiver.

Moneys received by Receiver, how applied.

26. All the moneys received by the Receiver shall be applied—
- (a.) In payment of the costs of the application and order :
 - (b.) In payment of the Receiver's remuneration, to be fixed as aforesaid :
 - (c.) In payment *pro rata* of the sums then overdue by the Board which are secured by the said rate :
 - (d.) The residue (if any) to be paid to the Board, and the Receiver shall account for all moneys received by him in such manner as the Judge shall direct.

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When Receiver's powers cease.

27. When all sums overdue are paid, or at any time on the application of the Board, a Judge of the Supreme Court may order the powers of the Receiver to cease, and he shall thereupon pay over to the Board any moneys then in his hands, and the Board shall again be capable of exercising the powers of which the appointment of Receiver had deprived them.

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Priority of debentures.

28. Any debentures or securities for money issued or given under this Act and the interest thereon shall be a first charge on the rates hereby authorized to be levied and on the revenue of the Board, subject, however, with regard to such revenue, to the priority of all existing charges thereon, whether by way of debentures or otherwise, and including the annual charges in respect of the loan raised under the Wanganui Harbour Act, 1907, and also all expenditure thereupon for works that may be deemed necessary by the Board.

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Differential dues may be levied.

29. Notwithstanding any provision contained in the Harbours Act, 1908, it shall be lawful for the Board to make and levy harbour dues to be charged and collected in respect of goods produced or manufactured upon lands outside the harbour district, and in respect of goods shipped on behalf of persons residing outside the harbour district, in excess of the dues to be made and levied in respect of the same goods if produced or manufactured within the harbour district, or shipped on behalf of persons resident within the harbour district :

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Provided that such excess dues shall be chargeable equally in respect of the same description of goods wheresoever outside the harbour district the same are produced or manufactured and wheresoever outside the harbour district the persons on whose behalf the same are shipped may reside :

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Provided also that such excess dues shall not be chargeable in respect of goods required by law to be graded before export.