

Auckland Harbour Trust.

ANALYSIS :

<p>Title. Preamble. 1. Short Title. 2. Board constituted a Corporation. 3. Constitution of the Board. 4. Election of Members. 5. Failure to elect. 6. Members hold Office till appointment of Successors. 7. Vacancies how filled up. 8. If more vacancies than two. 9. Vacancies how created. 10. Superintendent to determine disputes and to rectify errors. 11. Errors not to invalidate proceedings. 12. Board to regulate its own proceedings.</p>	<p>12. First meeting. 13. Powers of Board. 14. Powers of Board. 15. Existing Regulations continued. 16. Endowments vested in Board. 17. Sales, &c., to have concurrence of Superintendent. 18. On refusal or neglect of Board, Superintendent may perform duties. 19. Treasurer to give security keep accounts and lay them before Provincial Council. 20. Exemption from Rates. 21. Board may reclaim Lands. 22. Fines, &c., to be revenue of Board. 23. Endowments not to be rateable by the City. 24. Saving of Her Majesty's rights.</p>
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A BILL INTITULED

AN ACT to provide for the Care and Management Title.
of the Harbour of Auckland.

WHEREAS it is expedient to commit the care and management of Preamble.
the Harbour of Auckland, together with the wharves piers and
improvements thereof unto a local Board :

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

1. The short title of this Act shall be “The Auckland Harbour Short Title.
Trust Act, 1870.”

2. There shall be constituted for the Port and Harbour of Board constituted a Corporation.
10 Auckland a Board of Trustees, who shall, under the name of “The
Auckland Harbour Trust,” be a Corporation, with all the incidents
privileges duties liabilities and responsibilities of a Corporation.

3. The said Board shall consist of the Superintendent of the Constitution of the Board.
15 Province of Auckland, three persons to be appointed in October
annually by the Superintendent, with the advice and consent of the
Executive Council of the said Province, and five persons to be
elected by and out of the persons liable to pay, and who during the

- preceding year shall have paid ten pounds or upwards of port harbour pilotage or wharfage dues or charges, two of whom shall retire annually in rotation, but shall be eligible for re-election, the order of rotation to be fixed by the Board.
- Election of Members.** 4. On the first Monday in October next, and on the first Monday 5
in October in each year thereafter, a meeting of persons qualified to
elect as aforesaid shall be held at noon, in the Provincial Council
Chambers or other place appointed by public notification by the
Superintendent, at which first meeting five members, and at each
succeeding meeting two members, as aforesaid, shall be elected by the 10
persons present, not less than ten being present thereat, the said
meeting having power to elect its own Chairman, who shall have a
casting but no deliberative vote; the voting to be by ballot if demanded
by any elector.
- Failure to elect.** 5. If from any cause whatever no election takes place on the day 15
aforesaid such meeting shall stand adjourned from week to week until
an election takes place.
- Members hold office
till appointment of
Successors.** 6. The members appointed or elected as aforesaid shall hold office
till the appointment or election of their successors respectively.
- Vacancies how filled
up.** 7. Any vacancy in the Board shall be filled up by the Board 20
until the next annual appointment or election, when the person filling
such vacancy shall be deemed to be one of the members retiring by
rotation.
- If more vacancies
than two.** 8. If more than two vacancies occur during any year, all the
persons filling such vacancies shall retire at the next annual election, 25
and such election shall be for the number of members required to fill
the vacancies.
- Vacancies how
created.** 9. The death resignation bankruptcy or insolvency, refusal to
act or absence from the Province for six months of any member, shall
create a vacancy of his seat. 30
- Superintendent to
determine disputes
and to rectify errors.** 10. The Superintendent of the Province of Auckland shall have
power to determine all questions which may arise as to the validity of
any elections, and shall have power to take all necessary measures for
the amendment of any error or neglect which may occur in the
appointment or election of members, or in the proceedings of the 35
Board.
- Errors not to invali-
date proceedings.** 11. No error or defect in the appointment or election of members
or in the proceedings of the Board shall invalidate the proceedings.
- First meeting.** 12. The first meeting of the Board shall be held at such time and
place as the Superintendent shall appoint. 40
- Board to regulate its
own proceedings.** 13. The Board shall have power from time to time to elect its
own chairman and other officers, fix its own quorum, appoint its own
times and places of meeting, and generally to regulate its own
proceedings.
- Powers of Board.** 14. The Board shall have the sole charge and management of 45
the Harbour of Auckland, together with the wharves piers jetties
docks endowments and improvements thereof, the appointment of all
harbourmasters wharfingers pilots piermasters signalmen and other
officers, and the fixing and levying all port harbour wharf dock and
pilot dues and charges, anything in "The Marine Act, 1867," or any 50
other Act of the General Assembly of New Zealand to the contrary
notwithstanding.
- Powers of Board.** 15. The Board shall have and exercise in respect of the Port and
Harbour of Auckland all the powers conferred by "The Marine Act,
1867," sections seven, ten, twelve, thirty, thirty-one, thirty-two, 55
thirty-three, thirty-five, thirty-six, fifty, upon the Superintendent the
Governor and the Governor in Council.
- Existing Regulations
continued.** 16. All appointments charges dues bye-laws and regulations
now in force shall continue in force until altered amended or repealed 60
by the Board.

17. The endowments specified in the Schedule hereto are hereby vested in the said Auckland Harbour Trust, with power to lease mortgage exchange or otherwise dispose of the same, and of other real estate acquired by the Trust except by way of absolute sale, and to
5 apply the proceeds thereof in furtherance of the objects of the said Trust, subject nevertheless to all existing leases and contracts in respect thereof, and to the liquidation of all burdens and debts thereon by way of mortgage debentures or otherwise.
18. No mortgage and no disposal of the said endowments or
10 estate or any part thereof, by lease or otherwise, for a longer period than twenty-one years shall be valid without the concurrence in writing of the Superintendent of the Province and his Executive Council.
19. In case of the refusal or neglect of the said Board to
15 exercise the powers hereby conferred, or to perform the duties incumbent upon them, it shall be lawful for the Superintendent, upon such refusal or neglect being represented to him by the Provincial Council, to exercise the said powers and perform the said duties in name of the said Board until other provision shall be lawfully made in that
20 behalf.
20. The Treasurer of the Board shall give such security as may be fixed by the Board and shall keep full true and particular accounts of all moncy received and paid by him on account of the Trust, and all such accounts, with all vouchers and papers relating thereto,
25 together with a full abstract and balance sheet showing all liabilities of the Trust up to the 30th September in each year, duly audited, shall be laid before the Board, and the abstract and balance sheet shall be published in the Provincial Government *Gazette* annually in the month of October, and shall be transmitted by the Treasurer to the
30 Provincial Council within fourteen days of its first meeting thereafter, under a penalty of fifty pounds recoverable in a summary way at the suit of any member of the Provincial Council.
21. All vessels belonging to or employed in the service of Her Majesty, the Colonial and Provincial Governments, and all officers in
35 the employment of the Imperial Colonial or Provincial Governments, and all goods stores or other articles or things belonging to or for the service of Her Majesty, or the Colonial or Provincial Governments, shall be exempt from all pilot port harbour and wharf dues rates and tolls.
- 40 22. The Board may reclaim from the sea any portion of the endowments in the Schedule mentioned without compensation to any person or persons for any water frontage rights or privileges which may be thereby affected.
- 45 23. All fines fees or penalties incurred under this Act, or any Bye-laws or Regulations made or continued in force hereunder, shall be paid to the Board as part of the Revenue thereof, anything to the contrary in section forty-nine of "The Marine Act, 1867," or any other Act notwithstanding.
- 50 24. The said Auckland Harbour Trust shall not be liable to any rates or taxes in respect of the aforesaid endowments or other real estate.
25. Nothing in this Act contained shall be deemed in any way to affect any right or prerogative of Her Majesty her heirs or successors.

Endowments vested in Board.

Sales, &c., to have concurrence of Superintendent.

On refusal or neglect of Board, Superintendent may perform duties.

Treasurer to give security keep accounts and lay them before Provincial Council.

Exemption from Rates.

Board may reclaim Lands.

Fines, &c., to be revenue of Board.

Endowments not to be rateable by the City.

Saving of Her Majesty's rights.

SCHEDULE.

Schedule.

1. All that portion of section number two of the City of Auckland, in the Parish of Waitemata, in the County of Eden, containing by admeasurement four acres and three rods (more or less), bounded on the North by Custom House Street, one thousand one hundred and eighty links; on the East, South-east, and South by Fore Street, two hundred and sixteen links, six hundred and thirty-nine links, and five hundred and fifty-three links; and on the West by allotments numbers one, two, three, four, and five of

the same section number two, five hundred and ten links. Also, all that piece or parcel of land situated below high water-mark in the harbour of the Waitemata, in the said Province of Auckland, bounded on the West by a line from Acheron Point bearing North to its intersection with another line drawn between the Watchman and the Bastion; on the North by the last-mentioned straight line drawn between the Watchman and the bastion to its intersection with another line bearing south to Resolution Point; on the East by the said line bearing South to Resolution Point; and on the South from Resolution Point by the seaward boundary of section numbers two and one of the Suburbs of Auckland, and by the seaward termination of all roads in the said suburban sections to the west of Resolution Point by the seaward boundaries of lot number one of section number thirty-one of the City of Auckland; thence by the stream or watercourse to the strand in Mechanics' Bay by the seaward boundary of sections numbers twelve and eight of the City of Auckland, and by the seaward terminations of the streets in the said section, by the seaward boundary of the Ordnance ground known as Point Britomart, by Custom House Street, by the seaward boundary of sections numbers eighteen, twenty-five, twenty, and nineteen in the City of Auckland, and by the seaward terminations of all streets thereon, by Drake Street, by the seaward boundary of a Government Reserve in Freeman's Bay; thence crossing the mouth of the Western Creek in the said Bay by the seaward boundary of section number eight of the Suburbs of Auckland to Acheron Point above-named.

2. Allotment sixteen of section eight of the City of Auckland, Parish of Waitemata, County of Eden.

3. Allotment thirty-seven of section two, Parish of Takapuna, County of Eden.

4. Allotments seven, eight, nine, and ten of section nineteen of the City of Auckland, Parish of Waitemata, County of Eden.

5. All those parcels of land in the Province of Auckland, situated in the Waitemata Harbour, in the said Province of Auckland, and being all that parcel of land lying below high water-mark of the sea bounded towards the North from Stanley Point to Cook Point (North Head), by the seaward boundary of section two of the Parish of Takapuna; towards the South from Cook Point aforesaid to Stanley Point aforesaid by a line in a curve; and all that parcel of land lying below high water-mark of the sea, bounded towards the North-west from Kauri Point to Stokes Point by the seaward boundaries of allotments numbers one hundred and sixty-four one hundred and sixty-five and one hundred and sixty-one, the abutment of a road one hundred links wide, allotments numbers sixty-seven and sixty-six, the abutment of a road one hundred links wide, allotments numbers sixty-four, sixty-three, and sixty-two, the abutment of a road one hundred links wide, allotments numbers sixty-one, sixty, fifty-nine, fifty-eight, fifty-six, fifty-five, fifty-four, fifty-one, fifty-two, and fifty-three, the abutment of a road one hundred links wide, and allotments numbers thirty and thirty-one (all which several allotments and abutments of roads aforesaid are within the Parish of Takapuna); and towards the South from Stokes Point aforesaid to Kauri Point aforesaid, by a line in a curve.