

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

*House of Representatives, 17 August 1965*

Words struck out by the Committee of the Whole are shown with black rule at beginning and after last line of struck out matter; words inserted are shown in roman: underlined with a double rule, or with double rule before first line and after last line of new matter.

*Hon. Mr Scott*

## HARBOURS AMENDMENT

### ANALYSIS

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### A BILL INTITULED

#### An Act to amend the Harbours Act 1950

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

1. **Short Title**—This Act may be cited as the Harbours Amendment Act 1965, and shall be read together with and deemed part of the Harbours Act 1950\* (hereinafter referred to as the principal Act).

10 2. **Meaning of "debentures"**—Section 2 of the principal Act is hereby amended by inserting, after the definition of the term "collector of dues", the following definition:  
" 'Debentures' includes registered stock: "

\*1957 Reprint, Vol. 5, p. 813  
Amendments: 1959, No. 6; 1961, No. 114; 1962, No. 74; 1963, No. 90;  
1964, No. 56

**3. Penalty for breach of regulations where Governor-General exercises powers of Harbour Board**—Section 6 of the principal Act is hereby amended by adding the following subsection:

“(5) The provisions of section 239 of this Act (relating to the penalty for a breach of bylaws) shall, with the necessary modifications, apply with respect to a breach of any regulations made pursuant to this section as if it were a breach of a bylaw made pursuant to this Act.”

*New*

**3A. Annual allowance to Chairman**—Section 36 of the principal Act (as amended by section 7 (1) of the Harbours Amendment Act 1961) is hereby further amended—

(a) By inserting in paragraph (a) of subsection (1), after the word “Auckland”, the word “Northland”:

(b) By omitting from paragraph (c) of subsection (1) the words “Wanganui, and Whangarei”, and substituting the words “and Wanganui”.

**4. Remuneration of members of Boards**—(1) The principal Act is hereby further amended by inserting, after section 51, the following section:

“51A. A Board may pay to each member, not being the Chairman, remuneration at a rate not exceeding thirty shillings in respect of each meeting of the Board or of any committee thereof attended by him:

“Provided that the total amount that may be paid under this section to any member in any financial year shall not exceed the sum of seventy-eight pounds:

“Provided also that the maximum amount which may be paid under this section to any member in respect of any one day shall not exceed thirty shillings, notwithstanding that he may have attended more than one meeting of the Board or of any committee of the Board on that day.”

(2) Section 51 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Except as provided in section 51A of this Act, no member of a Board other than the Chairman shall be paid any remuneration for his services as a member of the Board.”

(3) This section shall come into force on the first day of October, nineteen hundred and sixty-five.

5. Liability of fishing vessels for harbour dues—(1) Section 118 of the principal Act is hereby amended—

5 (a) By omitting from subsection (3) the words “Vessels employed exclusively in one or more of the industries of fishing, sealing, and oyster dredging and not conveying goods for hire”:

(b) By repealing the second proviso to subsection (3).

(2) Section 118 of the principal Act is hereby further amended by adding the following subsection:

10 “(4) Vessels employed exclusively in commercial fishing or oyster dredging or both shall be exempt from all harbour dues, except berthage, storage, dock, slip, or other accommodation actually provided and for services rendered by the officers or servants of the Board, and from pilotage rates, except where  
15 the services of a pilot are actually made use of.”

6. Licences to take stone, etc.—

*Struck Out*

20 (1) Section 146A of the principal Act (as inserted by section 7 of the Harbours Amendment Act 1964) is hereby amended—

25 (a) By omitting from subsection (1) the words “the Minister”, and substituting the words “the Secretary for Marine or any officer of the Marine Department authorised by the Secretary for Marine, either by name or as the holder for the time being of a specified office in the Department”:

(b) By omitting from subsection (2) the words “The Minister”, and substituting the words “The Secretary for Marine, officer of the Marine Department”.

*New*

30 (1) The principal Act is hereby further amended by repealing section 146A (as inserted by section 7 of the Harbours Amendment Act 1964), and substituting the following section:

35 “146A. (1) Where a portion of the foreshore or the bed of a harbour or of a navigable river or of the sea is vested in the Crown, a Harbour Board, or a local authority, the Secretary for Marine or District Superintendent of Mercantile Marine, or, as the case may be, the Board or the local authority,  
40 may issue licences authorising the licensees to remove stone, shingle, sand, boulders, silt, mud, or other material from that foreshore, harbour, or river bed, or from the bed of the sea.

*New*

“(2) The Secretary for Marine, District Superintendent of Mercantile Marine, Board, or local authority, as the case may be, shall determine the area to which the licence relates, the term of the licence, and the conditions upon which any licence shall be held. 5

“(3) The annual fee to be charged and the royalties to be paid under the licence shall be determined by the Minister in the case of a licence issued by the Secretary for Marine or by an officer of the Department, and by the Harbour Board or local authority in the case of a licence issued by a Board or local authority. 10

“(4) No licence shall be granted under this section for the removal of any material specified in subsection (1) of this section in any case where a licence, permit, or other authority is required for the removal of that material pursuant to the provisions of any other enactment: 15

“Provided that no licence, permit, or other authority shall be granted under any other enactment (other than the Petroleum Act 1937 and the Iron and Steel Industry Act 1959) for the removal of any such material from the foreshore or the bed of a harbour or of a navigable river or of the sea without the consent of the Minister of Marine, who, in granting his consent, may impose such terms and conditions as he thinks necessary in order to protect any land from erosion or other damage.” 20 25

(2) Section 244 of the principal Act is hereby amended by repealing subsection (1) (as substituted by section 18 of the Harbours Amendment Act 1959), and substituting the following subsection: 30

“(1) Every person commits an offence against this Act who removes any stone, shingle, sand, boulders, silt, mud, or other material from any part of the foreshore, or from the bed of any harbour or of a navigable river or of the sea, except pursuant to a licence for the time being in force under section 146A of this Act or pursuant to the provisions of any other enactment or to any licence, permit, or other authority granted pursuant to the provisions of any other enactment”. 35

*Struck Out*

(3) Section 18 of the Harbours Amendment Act 1959 is hereby repealed. 40

*New*

- (3) The following enactments are hereby repealed:  
(a) Section 18 of the Harbours Amendment Act 1959:  
(b) Section 7 of the Harbours Amendment Act 1964.

5     **7. Grant of control of foreshore**—Section 165 of the principal Act (as substituted by section 9 (1) of the Harbours Amendment Act 1961) is hereby amended by omitting from the first proviso to subsection (1) the words “may be granted under this section only to the Harbour Board”, and substituting the words “shall not be granted under this section to any other public body except with the consent of the Harbour Board”.

15     **8. Bylaws and regulations as to use of surfboards**—(1) Section 165 of the principal Act (as substituted as aforesaid) is hereby further amended by inserting, after subsection (2), the following subsection:

20     “(2A) Without limiting the power to make bylaws conferred on it by subsection (2) of this section, the public body to which the control of the foreshore is so granted or in which the foreshore is vested may make bylaws—

25     “(a) Regulating and controlling, and prohibiting nuisances arising from, the use and management of surfboards on the foreshore and in the waters of the sea in the vicinity of the foreshore:

30     “(b) Reserving any specified areas of the foreshore or of the waters of the sea in the vicinity of the foreshore for use by persons using surfboards, regulating or prohibiting the use of such areas by other persons, and regulating or prohibiting the use of other areas by persons using surfboards.”

(2) Section 232 of the principal Act is hereby amended by inserting in paragraph (42) (as substituted by section 15 of the Harbours Amendment Act 1959), after the words “arising from”, the words “the use or management of surfboards”.

35     (3) Section 232 of the principal Act is hereby further amended by inserting in the said paragraph (42), after subparagraph (a), the following subparagraph:

40     “(aa) Reserve any specified areas of the harbour for use by persons using surfboards, regulate or prohibit the use of such areas by other persons or by vessels, and regulate or prohibit the use of other areas by persons using surfboards.”

(4) Section 232 of the principal Act is hereby further amended by inserting in subparagraph (b) of the said paragraph (42) and also in subparagraph (c), after the words “such vessel”, the words “or any surfboard”.

(5) Section 241A of the principal Act (as inserted by section 17 of the Harbours Amendment Act 1959) is hereby amended by repealing paragraph (a) of subsection (1), and substituting the following paragraph:

“(a) To regulate and control in harbours, and prevent nuisances arising therein from,—

“(i) The speed, use, and management of motor launches, outboard-motor boats, speed boats, and seaplanes:

“(ii) The towing by vessels of any kind or by seaplanes of aquaplanes, water skis, other similar objects, and persons:

“(iii) The use and management of surfboards:”.

(6) The said section 241A of the principal Act is hereby further amended by inserting in subsection (1), after paragraph (b), the following paragraph:

“(bb) Reserving any specified areas of such harbours and tidal waters and the sea for use by persons using surfboards, regulating or prohibiting the use of such areas by other persons or by vessels, and regulating or prohibiting the use of other areas by persons using surfboards:”.

(7) The said section 241A of the principal Act is hereby further amended by inserting in paragraph (c) of subsection (1) and also in paragraph (d), after the words “such vessel”, the words “or any surfboard”.

(8) Section 2 of the principal Act is hereby further amended by inserting, after the definition of the term “special resolution”, the following definition:

“‘Surfboard’ means any object of wood, metal, fibreglass, plastic, or any other material of any kind whatsoever used for the purpose of surfing or surfriding:”.

**9. General Harbour Regulations**—Section 241 of the principal Act is hereby amended by omitting from paragraph (b) of subsection (1) the words “other competent person to be authorised in that behalf by the Minister”, and substituting the words “an officer of the Marine Department holding office as a Port Safety Inspector”.

**10. Depositing of ballast or rubbish**—(1) Section 242 of the principal Act is hereby amended—

- (a) By inserting in subsection (1), after the words “injury of navigation”, the words “or to create or tend to create a nuisance on tidal lands”:
- (b) By inserting in paragraph (a) of subsection (1), after the word “rubbish”, the word “dunnage”:
- (c) By inserting in subsection (3), after the words “be produced”, the words “or the nuisance is or would be created”.
- (2) Section 242 of the principal Act is hereby further amended by adding the following subsection:
- “(4) For the purposes of this section a nuisance shall be deemed to be created if the substance or thing is offensive or injurious to health or fouls tidal lands or introduces insect or other pests or any fungus, bacterium, or virus that may be injurious to or cause an unhealthy condition in trees or plants.”

**11. Harbour Boards whose members comprise the members of a local authority**—(1) The principal Act is hereby further amended by repealing the Second Schedule, and substituting the Second Schedule set out in the Schedule to this Act.

- (2) The following enactments are hereby repealed:
- (a) Subsection (4) of section 10 of the Marlborough Harbour Act 1958:
- (b) Section 11 of the Harbours Amendment Act 1961.
- (3) The following orders are hereby revoked:
- (a) The Harbours Act Amendment Order 1957:
- (b) The Harbours Act Amendment Order 1962.

*New*

**12. Repeal**—(1) Section 5 of the Marlborough Harbour Act 1958 is hereby amended by repealing subsections (2) and (4).

(2) Notwithstanding anything in subsection (1) of this section, the member of the Marlborough Harbour Board appointed under subsection (4) of section 5 of the Marlborough Harbour Act 1958 who is in office immediately before the commencement of this section shall, unless he sooner vacates office pursuant to the provisions of any enactment, continue in office until the members elected at the first general election of members of the Board held after the commencement of this section come into office.

(3) This section shall come into force on the first day of September, nineteen hundred and sixty-five.

## SCHEDULE

## NEW SECOND SCHEDULE TO PRINCIPAL ACT

## "SECOND SCHEDULE

HARBOUR BOARDS WHOSE MEMBERS COMPRISE THE MEMBERS OF A LOCAL  
AUTHORITY

|   |                                  |
|---|----------------------------------|
| Croisilles - French Pass Harbour Board      | Ohiwa Harbour Board.             |
| Half-moon and Horseshoe Bays Harbour Board. | Raglan Harbour Board.            |
| Hicks Bay Harbour Board.                    | Riverton Harbour Board.          |
| <u>Mangawai Harbour Board.</u>              | Thames Harbour Board.            |
| Mokau Harbour Board.                        | Waimakariri Harbour Board.       |
|   | Wairoa Harbour Board.            |
|   | <u>Whangaroa Harbour Board."</u> |