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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.*

Mr. MacDonald.

TOLAGA BAY HARBOUR.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to constitute a Harbour District and a Harbour Board for the Harbour of Tolaga Bay. 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 Tolaga Bay Harbour Act, 1919. Short Title.
- 2. This Act shall be deemed to be a special Act within the meaning of the Harbours Amendment Act, 1910. Harbours Act incorporated.
- 10 3. In this Act, if not inconsistent with the context,—
 - “Board” means the Harbour Board constituted under this Act. Interpretation.
 - “Harbour” means the Port and Harbour of Tolaga Bay:
 - “Harbour district” means the Tolaga Bay Harbour District as constituted under this Act:
 - 15 “The said Act” means the Harbours Act, 1908.
- 20 4. A Harbour Board is hereby constituted for the Harbour of Tolaga Bay. Such Board shall consist of seven members, of whom four shall form a quorum. Two of such members shall be appointed by the Governor-General and five members shall be elected as follows: One member shall be elected by the electors of each of the ridings of the Uawa County as presently constituted—namely, Tolaga, Hauti, Mangatuna, Arakihi, and Tauwhareparae. Constitution of Board.

First election of members of Board.

5. (1.) The first election of members shall be held in the same manner as members of the County Council are elected, save that each elector shall have and may exercise one vote and no more.

Duration of office of first members.

(2.) The first elective members shall hold office until the next ensuing general election of County Councillors, when they shall retire, and thereafter elections of members shall be held at the times and in the manner prescribed by the Harbours Amendment Act, 1910. 5

First election.

6. The Governor-General shall appoint a day for the election of the first members of the Board, and for the time and place for the first meeting of the Board, and shall appoint some fit person as Returning Officer. 10

Harbour district constituted.

7. The Tolaga Bay Harbour District is hereby constituted, and shall comprise the Uawa County as defined by the First Schedule to the Uawa County Act, 1918.

Board may acquire harbour-works at Tolaga Bay.

8. (1.) It shall be lawful for the Board to purchase from the Gisborne Farmers' Co-operative Company (Limited) the wharf now erected in the Uawa River, together with all sheds, launches, boats, machinery, plant (including lightering plant), and other properties and material used by the said company in connection with their business of wharfingers at Tolaga Bay, together with the goodwill of such business, at such price as may be agreed upon, or in case a price cannot be agreed upon then at a price to be arrived at between two valuers, one appointed by the Board and one appointed by the said company, and an umpire to be chosen by the valuers before proceeding to value the said wharf, sheds, launches, boats, machinery, plant, and other properties and material and goodwill as aforesaid. 15 20 25

(2.) The Board is hereby empowered to borrow any sum of money required to be paid under this section :

Provided that no money shall be borrowed under this section which shall produce to the lender a higher rate of interest than five and a half per centum per annum. 30

Annual estimate to be prepared.

9. (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 and of the anticipated expenditure of the year (exclusive of capital expenditure on loan account) and shall upon such estimate determine the deficiency of revenue (if any) required to meet such expenditure. 35

(2.) The Board shall make and levy in each year such rate, not exceeding *twopence* in the pound, on the rateable property within the harbour district as it deems sufficient to provide for such deficiency. 40

Differential dues may be levied.

10. Notwithstanding any provisions of 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 outside and brought into the harbour district for any person, not being an elector of the harbour district, residing outside the harbour district, and in respect of goods shipped on behalf of any person, not being an elector as aforesaid, residing outside the harbour district, in excess of the dues to be made and levied in respect of the same goods 45 50

if produced or manufactured within the harbour district or brought into the same for, or shipped on behalf of, any person residing within the harbour district:

5 Provided that such excess dues shall be payable 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 person on behalf of or for whom the same are brought into the harbour district or shipped may reside.

10 11. (1.) From the first meeting of the Board the Cook County Council shall cease to have control of the harbour and to exercise the powers of the Tolaga Bay Harbour Board, but, nevertheless, all by-laws and regulations in force at the date of the said meeting shall remain in full force and effect until altered or revoked by the Board.

Cook County Council's control to cease.

15 (2.) The Second Schedule to the Harbours Amendment Act, 1910, is hereby amended by omitting the words "Tolaga Bay Harbour Board."

20 12. (1.) All wharves, jetties, sheds, and buildings within the harbour district at the date of such meeting under the control, and all assets and liabilities, rights, powers, functions, duties, and authorities of the Cook County Council, in its capacity as the Tolaga Bay Harbour Board, are hereby vested in the Board as from the date of its first meeting without the necessity of any further or other transfer or assurance.

Wharves, &c., to vest in Board.

25 (2.) The Governor-General, after making such inquiry as he thinks fit, may, if necessary, determine what constitute the wharves, jetties, sheds, buildings, assets, liabilities, real and personal property, and rights of action to become vested in the Board under this section, and may also do or direct to be done whatever he may deem requisite in order that the same wharves, jetties, buildings, sheds, assets, liabilities, real and personal property, and rights of action may be effectively transferred to and vested in the Board, and such determination shall be final and binding.

30 13. All such wharves, jetties, sheds, buildings, assets, liabilities, and real and personal property as are mentioned in section *twelve* of this Act, and all lands hereby vested in the Board, shall be vested in the Board subject to any contracts, leases, mortgages, or other debts, obligations, or charges for the time being affecting the same; and the Board constituted under this Act shall be liable for the payment of such mortgages, debts, obligations, or charges and in respect of such contracts and leases accordingly.

Saving of existing rights, &c.

35 14. Nothing herein contained shall prejudice or affect the right of the Gisborne Harbour Board to continue to levy rates over the area comprised in the harbour district hereby constituted, for the purpose of providing for payment of interest and sinking fund on the existing loan of two hundred thousand pounds borrowed by the Gisborne Harbour Board under the provisions of the Gisborne Harbour Board Enabling Act, 1913, or on so much of any future loan or loans as the Gisborne Harbour Board may hereafter raise for the purpose of paying off the balance of the existing loan of two hundred thousand pounds.

Certain powers of the Gisborne Harbour Board not affected.

Vesting foreshore of
Uawa River in
Board.

15. All that parcel of land described in the Schedule hereto, being the foreshore of part of the Uawa River, is hereby set apart as an endowment for and is hereby vested in the Board.

Expenses of
constituting Board.

16. The Board is hereby empowered to pay all the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act.

Schedule.

SCHEDULE.

ALL that parcel of land, situate in the County of Uawa, in the Provincial District of Auckland, being the foreshore of part of the Uawa River, commencing on the south side of the mouth of the said river and following the high-water mark on the right bank of the said river to a tributary called the Waimanu Stream; thence by a line running due east to the high-water mark on the left bank of the said river; thence following the left bank of the said river to its mouth.