

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.

14th October, 1912.

Mr. MacDonald.

WHAKATANE HARBOUR.

[LOCAL BILL.]

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Harbours Act incorporated.</p> <p>3. Interpretation.</p> <p>4. Constitution of Board.</p> <p>5. First election of members. Duration of office of first members.</p> <p>6. First election.</p> <p>7. Harbour district constituted.</p> <p>8. Borrowing.</p> <p>9. Annual estimate to be prepared.</p>	<p>10. Differential dues may be levied.</p> <p>11. County Council's control to cease.</p> <p>12. Wharves, &amp;c., to vest in Board.</p> <p>13. Saving of existing rights, &amp;c.</p> <p>14. Reclamations to vest in Board, with powers under Whakatane Foreshore Reclamation Act, 1908.</p> <p>15. Amendment.</p> <p>16. Section 3 of Whakatane Foreshore Reclamation Act, 1908, amended.</p> <p>Schedule.</p>
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A BILL INTITULED

AN ACT to constitute a Harbour District and a Harbour Board for the Harbour of Whakatane. 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 Whakatane Harbour Act, 1912. 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,— Interpretation.
  - “ Board ” means the Harbour Board constituted under this Act :
  - “ Harbour ” means the Port and Harbour of Whakatane :
  - “ Harbour district ” means the Whakatane Harbour District as constituted under this Act :
  - “ The said Act ” means the Harbours Act, 1908.
- 15 4. A Harbour Board is hereby constituted for the Harbour of Whakatane. Such Board shall consist of five members, of whom three shall form a quorum, elected as follows:— Constitution of Board.
  - 20 (a.) Two members shall be elected by the electors of the Omataroa Riding of the harbour district ;
  - (b.) Two members shall be elected by the electors of the Opoririao Riding of the harbour district ;
  - 25 (c.) One member shall be elected by the electors of the Rangitaiki Riding of the harbour district ;
- 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. First election of members.

Duration of office of first members.

(2.) The first 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, in the case of elections of members of constituent districts. 5

First election.

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

Harbour district constituted.

7. The Whakatane Harbour District is hereby constituted, and shall comprise the Omataroa, Opouriao, and Rangitaiki Ridings, as defined in the Schedule hereto. 10

Borrowing.

8. (1.) Subject to the provisions of the said Act, and to the Governor's previous approval of a plan of the works proposed to be constructed, the Board may borrow moneys not exceeding in the whole the sum of *ten* thousand pounds for the construction or completion of harbour-works in or towards the improvement of the harbour, or for the improvement of the navigation of the Whakatane River, including all arms and lagoons thereof, from the Township of Whakatane to the sea, or for the general protection or conservation of the banks thereof. All such works shall be deemed to be harbour-works within the meaning of the said Act : 15 20

(2.) 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.

(3.) No money shall be borrowed under the authority of this Act except with the consent of the ratepayers of the harbour district, previously obtained in manner prescribed by the Local Bodies' Loans Act, 1908, 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 Part I of that Act. 25 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 required to meet such expenditure. 35

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

Differential dues may be levied.

10. Notwithstanding any provisions 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 outside and brought into the harbour district for any person, not being an elector of the harbour district or any riding thereof, 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 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 : 40 45 50

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. 55

1695

11. (1.) From the first meeting of the Board the Whakatane County Council shall cease to have control of the harbour and to exercise the powers of the Whakatane 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.

County Council's control to cease.

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

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 Whakatane County Council, as or in the capacity of a Harbour Board only, 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.

(2.) The Governor 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.

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.

14. All land reclaimed by the Whakatane County Council up to the passing of this Act, with the rights of the said Council to all buildings, erections, and fixtures thereon, and all other rights, powers, privileges, functions, and authorities whatsoever vested in the said Council by the Whakatane Foreshore Reclamation Act, 1908, including the right and privilege of making further reclamations under that Act, are hereby vested in the Board as from the first meeting of the Board, and therewith are likewise transferred to and vested in the Board all liabilities and obligations whatsoever of the said Council incurred under that Act, whether incidental to such land, rights, powers, and privileges, or otherwise.

Reclamations to vest in Board, with powers under Whakatane Foreshore Reclamation Act, 1908.

15. The Whakatane Foreshore Reclamation Act, 1908, shall be read with and form part of this Act, and shall be read and construed as if the words "the Whakatane Harbour Board" had been inserted therein in lieu of the words "the Whakatane County Council," and the words "the Board" in lieu of the words "the Council," and the said last-mentioned Act is hereby amended accordingly:

Amendment.

Provided that if and so far as the last-mentioned Act is repugnant to or inconsistent with the provisions of this Act the provisions of this Act shall prevail.

16. Section three of the said last-mentioned Act is hereby amended by substituting the word "Harbour" in lieu of the word "County," and all the words after the word "Fund" shall be deleted.

Section 3 of Whakatane Foreshore Reclamation Act, 1908, amended.

Schedule.

## SCHEDULE.

## OMATAROA RIDING.

ALL that area in the Auckland Land District, bounded towards the north-east generally by high-water mark, Bay of Plenty, from the northernmost corner of Allotment 28, Parish of Rangitaiki, to the Whakatane-Ohiwa Beach Road; towards the south-east by the aforesaid road to the north-west corner of Small Grazing-run No. 6; towards the east generally by Small Grazing-runs Nos. 6 and 5, by the eastern boundaries of Allotments 361, 352, 348, and 345A, Waimana Parish, by the road from the south-east corner of Allotment 345A aforesaid to the south-east corner of Allotment 322 of Waimana Parish aforesaid; towards the south generally by the southern boundaries of Allotments 322 aforesaid and 342, and by the road forming the south-western boundaries of the last-mentioned allotment and Allotments 332 and 331 of Waimana Parish aforesaid, and by the road forming the southern boundary of Section 8, Block IX, Whakatane Survey District, and by the Taneatua Village and Section 23 of last-mentioned block across and by the Whakatane River to the northern boundary of Block XIII, Whakatane Survey District, and by that block and Block XII of same district and part of Block XVI, Rangitaiki Upper Survey District, to the western boundary of Allotment 33, Rangitaiki Parish, and towards the west generally by the western boundaries of Allotments 33 aforesaid and Allotments 32, 31, 38, 30, 29, and 28 of Rangitaiki Parish aforesaid to the place of commencement.

## OPOURIAO RIDING.

All that area in the Auckland Land District, bounded towards the north generally by the Omataroa Riding, hereinbefore described, from the eastern boundary of Allotment 60B, Rangitaiki Parish, to the north-west corner of Allotment 346, Waimana Parish, and the northern boundary of that allotment; towards the east generally by Allotments 330, 316, 317, 328, and 329, Waimana Parish, and by the eastern side of the road intersecting Allotment 307 of that parish to Allotment 307A (closed road), and by the general eastern boundary of Allotment 307A aforesaid and the crossing of a public road to the Waimana River, by the said river to the confiscation boundary-line, and by that line to the western boundary of Block III, Waimana Survey District, by that block and Blocks VII, XI, and XV of the said survey district, and Blocks III, VII, XI, and XV, Uriwera Survey District; towards the south by the southern boundaries of Blocks XIV and XIII of the last-mentioned survey district, and Blocks XVI, XV, and part XIV, Galatea Survey District, to the East Taupo County boundary; and towards the west generally by the aforesaid county boundary to the Kuhawaea No. 1 Block, by that block and Waiohau Nos. 1B, 1A, and 2 Blocks, the Tuararangaia No. 1B Block, and Allotments 60C and 60B, Rangitaiki Parish, to the place of commencement.

## RANGITAIKI RIDING.

All that area in the Auckland Land District, bounded towards the south-east generally by the Omataroa Riding, hereinbefore described, from the sea to the southernmost corner of Allotment 94, Rangitaiki Parish; towards the south-west generally by Allotments 89A and 93 of aforesaid parish, and by the road forming the southern boundary of Allotment 83 to Allotment 83A, and towards the north-west generally by Allotment 83A aforesaid and Allotments 85, 82, 78, 76, 72, 70, 67, and 65 of Rangitaiki Parish aforesaid, and the production of the south-east boundary of the last-mentioned allotment to the high-water mark, Bay of Plenty, and thence towards the north-east by the sea to the place of commencement.