

Agricultural Pests Destruction Act 1967 147

Commenced: 1 April 1968; 13 December 1968, Agricultural Pests Destruction Amendment Act 1968; 3 December 1971, Agricultural Pests Destruction Amendment Act 1971; 1 April 1972, Agricultural Pests Destruction Amendment Act 1971, ss. 3, 4, 5; 30 October 1974, Agriculture

ANALYSIS

Index

Analysis

Title

1 Short Title and commencement

2 Interpretation

3 Classification of pests

3A Domestic breeds of rabbits may be exempted from Act

I: Agricultural Pests Destruction Council

4 Agricultural Pests Destruction Council

5 Term of office of members

6 Transitional provisions

7 Extraordinary vacancies

8 Appointment of Chairman

9 Appointment of Deputy Chairman

10 Meetings of Council

11 Committees

12 Remuneration and travelling allowances

13 Insurance of members

14 Officers and employees

14A Power to enter land

15 Functions of Council

16 General powers of Council

17 Power to manufacture and sell products for pest destruction

17A Power to provide dwellings for employees, etc.

18 Expenses of Council

18A Unauthorised expenditure

18B Borrowing powers

II: Pest Destruction Districts and Boards

Pest Destruction Districts

19 Districts

20 Certain provisions not to apply to county districts

21 Division of district into wards

22 Redivision of wards, etc.

23 Constitution, alteration, and union of districts

24 Members of Boards of united districts to remain in office until first election

25 Alteration of boundaries of districts

26 Union of districts

27 Abolition of districts

28 Creditors not affected by alteration or abolition of districts

29 Destruction of pests in boroughs and town districts

Pest Destruction Boards

30 Pest Destruction Boards

31 Membership of Boards

32 Additional members of Boards in certain cases

33 Ward representation

Ratepayers List

- 34 Secretary to compile ratepayers list
- 35 Return of stock where rates levied on stock-carrying basis
- 36 Minimum area where land rated on any other basis
- 37 Deposit of ratepayers list for public inspection
- 38 Hearing of objections and revision of list
- 39 Ratepayers list to come into force when signed, and to be roll of electors
- 40 Amendment of list
- 41 Appeals to District Court in respect of ratepayers list

Elections and Appointments of Members of Boards

- 42 Electors and voting powers
- 43 First election of Board
- 44 In default of election Governor-General may appoint members
- 45 Special procedure where electors do not exceed 40 in number
- 46 Local Elections and Polls Act 1976 applied

Disqualification and Vacancies

- 47 Disqualification for election as member of Board
- 48 Extraordinary vacancies

Chairman of Board

- 49 Chairman of Board
- 50 Annual allowance to Chairman

Proceedings of Board

- 51 First meeting of Board of newly constituted district
- 52 Meetings and procedure of Board
- 53 Proceedings not invalid by reason of vacancy in membership, etc.

Officers, Employees, and Administrative Services

- 54 Officers, employees, and administrative services

Functions and Powers of Boards

- 55 Principal functions of Boards
- 56 Power to enter, inspect, and do work on land
- 57 Recovery of expenditure on land by Board
- 58 Exercise of powers in respect of Crown land or Maori land with consent of Minister
- 59 Recovery from occupier of Maori land of expenses paid by Crown
- 60 Board may be authorised to administer Part III of this Act within its district
- 61 Power of Board to purchase and sell goods intended to be used for destruction of pests
- 62 Power of Board to purchase and dispose of real or personal property
- 63 Delegation of powers of destroying pests
- 64 Change of control of pest district
- 65 Assumption of Board's powers, functions, and duties by Council
- 66 Other remedies against Board not affected
- 67 Appeal by Board from Council's recommendation

Houses for Employees

- 68 Power to provide dwellings for employees, etc.

Borrowing

- 69 Borrowing powers of Board
- 70 Special procedure for consent to loan where number of ratepayers does not exceed 100

Rates and Rating

- 71 General rate

- 71A Special provisions in respect of rating on union of districts
- 71B Non-rateable areas
- 71C Works rate
- 72 Power to levy differential rates
- 72A Power to levy administrative rate
- 73 Separate rates for destruction of pests of local importance
- 74 Special rates
- 75 Ratepayers list to be valuation roll for district
- 76 Power to remit or refund rates
- 77 Rating Act 1967 to apply
- 77A Board may enter into agreement with County Council for collection of rates

Change of Rating Basis

- 78 Basis of rating may be changed on poll of ratepayers
- 79 untitled record
- 80 Ratepayers list to be roll for purposes of poll
- 81 Poll carried if majority in favour
- 82 Rates to be levied as determined by poll
- 83 Further polls

Subsidy and Grants to Boards

- 84 untitled record
- 85 Subsidy on expenses recovered from occupier
- 86 Expenses of pest destruction by County Boards
- 87 Grants to Boards for purpose of control of pests

Receipts and Expenditure

- 88 91 untitled record
- 92 Board not to pay occupier for destroying pests on his own land
- 93 Travelling allowances and expenses for members
- 94 Insurance of members of Board against personal accident while engaged in duties
- 95 Subscriptions to Boards Associations and travelling expenses of representatives
- 96 Unauthorised expenditure

Accounts

- 97 99 untitled record

IIA: South Canterbury Wallaby Board

- 99A Interpretation
- 99B Board
- 99C Membership of Board
- 99D Extraordinary vacancies
- 99E Annual allowance for Chairman
- 99F District
- 99G Functions of Board
- 99H Annual estimates
- 99I Assessment of contributions
- 99J Objection against estimate or assessment
- 99K Payment of contributions
- 99L Certain sections of Act applied to Board
- 99M Public Bodies Leases Act 1969 applied to Board

III: Destruction of Pests Generally

- 100 Inspectors
- 101 Power to enter on land and inspect
- 102 Inspector may require occupier to destroy pests
- 103 Inspector may enter and destroy pests if occupier fails

- 104 Liability of occupier for cost of destruction of pests
- 105 Rights of occupier not in actual occupation of land
- 106 Destruction of pests on abandoned land
- 107 Destruction of pests on Crown land, or on Maori land in certain cases
- 108 Recovery from occupier of Maori land of expenses paid by Crown
- 109 Board not to administer this Part except in certain cases

IV: Miscellaneous Provisions

Pests in Chatham Islands

- 110 Pests not to be introduced into Chatham Islands

Liberation and Keeping of Pests

- 111 Liberation of pests prohibited
- 112 Keeping live pests

General Provisions

- 113 Apportionment of costs between several occupiers
- 114 References to land to extend to boundary roads
- 115 Unauthorised trespassing on land
- 116 Inspector or other authorised person not deemed a trespasser
- 117 Notices
- 118 Poisoning or removing pests without authority
- 119 Personating Inspector or authorised person
- 120 Obstructing or assaulting authorised person
- 121 Sale or export of rabbit skins and carcasses prohibited
- 122 Offences and penalties
- 123 Regulations
- 124 untitled record
- 125 Other Acts not affected
- 126 Repeals, savings, and consequential amendments

Schedule(s)

- 1 FIRST SCHEDULE:
- 2 SECOND SCHEDULE: Enactments Repealed

Amending Act/Rule(s)

- 1 The Agricultural Pests Destruction Amendment Act 1968
- 2 The Agricultural Pests Destruction Amendment Act 1971
- 3 The Agricultural Pests Destruction Amendment Act 1974
- 4 The Agricultural Pests Destruction Amendment Act 1975
- 5 The Agricultural Pests Destruction Amendment Act 1979
- 6 The Agricultural Pests Destruction Amendment Act 1980
- 7 The Agricultural Pests Destruction Amendment Act 1982
- 8 The Agricultural Pests Destruction Amendment Act 1986

REPRINTED ACT
[WITH AMENDMENTS INCORPORATED]

AGRICULTURAL PESTS DESTRUCTION

REPRINTED AS ON 1 APRIL 1987

NOTES: 1. Except where otherwise indicated, all references to the High Court in square brackets were substituted for references to the Supreme Court by s. 12 of the Judicature Amendment Act 1979 and all references to the District Court and to a District Court Judge in square brackets were substituted for references to the Magistrate's Court and to a Magistrate by s. 18 (2) of the District Courts Amendment Act 1979.

2. Except where otherwise indicated, all references to the Consolidated Account in square brackets were substituted for references to the Consolidated Revenue Account by s. 114 (6) of the Public Finance Act 1977.

3. Except where otherwise indicated, the Local Elections and Polls Act 1976 in square brackets, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Local Elections and Polls Act 1966.

INDEX

	Page
Forests Act 1949:	
S. 2 (2) (b)	48 (n)
S. 2 (2) (c)	7 (n)
Ministry of Agriculture and Fisheries Act 1953: s. 3 (2)	4 (n)
Criminal Justice Act 1954: s. 54 (4)	36 (n)
Agricultural Pests Destruction Act 1967	4
Local Authorities (Members' Interests) Act 1968: s. 9 (1)	81 (n)
Agriculture Pests Destruction Amendment Act 1968	84
Agricultural Pests Destruction Amendment Act 1971	85
Ministry of Agriculture and Fisheries Amendment Act 1972:	
S. 3 (6) (a)	5 (n)
S. 3 (6) (c)	7 (n)
Counties Amendment Act 1974: s. 9 (2)	32 (n), 63 (n), 87 (n)
Local Elections and Polls Amendment Act 1974: s. 2 (1)	32 (n)
Agricultural Pests Destruction Amendment Act 1974	86
Agricultural Pests Destruction Amendment Act 1975	87
Local Elections and Polls Act 1976: s. 124 (2) (b)	32 (n)
Public Finance Act 1977: s. 114 (6)	1 (n)
Local Government Amendment Act 1979: S. 8 (3)	5 (n), 17 (n), 24 (n), 25 (n), 26 (n), 39 (n), 40 (n), 50 (n), 63 (n), 65 (n)
S. 9 (4) (c)	32 (n), 63 (n)
Agricultural Pests Destruction Amendment Act 1979	87 (n)
Judicature Amendment Act 1979: s. 12	1 (n)
District Courts Amendment Act 1979: s. 18 (2)	1 (n)
Agricultural Pests Destruction Amendment Act 1980	89
Local Government Amendment Act 1980: s. 2 (2)	40 (n)
Agricultural Pests Destruction Amendment Act	

Commencement Order1981 (S.R. 1981/73)	89 (n), 91 (n)
Agricultural Pests Destruction Amendment Act 1982	92 (n)
Trustee Banks Act 1983: s. 54 (5)	5 (n)
Local Government Amendment Act 1985:S. 17	5 (n), 34 (n), 38 (n)
S. 39 (2)	38 (n), 69 (n)
S. 39 (3)	90 (n), 91 (n)
Local Government Amendment Act 1986: s. 12	35 (n), 36 (n), 37 (n)
Agricultural Pests Destruction Amendment Act 1986	92
Conservation Act 1987: s. 65 (1)	7 (n), 26 (n), 86 (n)

In this index "(n)" after a page number indicates that the enactment is referred to in a note on that page.

THE AGRICULTURAL PESTS DESTRUCTION ACT 1967

1967, No. 147

An Act to consolidate, amend, and extend the Rabbits Act 1955 and its amendments and to make better provision for the destruction of agricultural pests

[24 November 1967

1. Short Title and commencement---(1) This Act may be cited as the Agricultural Pests Destruction Act 1967.

(2) This Act shall come into force on the 1st day of April 1968.

This Act is administered by the Ministry of Agriculture and Fisheries, see s. 3 (2) of the Ministry of Agriculture and Fisheries Act 1953.

2. Interpretation---In this Act, unless the context otherwise requires,---

"Agriculture" includes breeding, rearing, and grazing of livestock, crop growing, forestry, fruit growing, horticulture, market gardening, and poultry keeping; and "agricultural" has a corresponding meaning:

"Board" means a Pest Destruction Board that is constituted under this Act; and includes a County Board:

"Council" means the Agricultural Pests Destruction Council constituted under this Act:

"County Board" means any County Council [or District Council] that controls a pest destruction district under this Act:

["County district" means a district that, by virtue of subsection (2) or subsection (2A) of section 19 of this Act, is a county pest destruction district:]

"Crown land" means any land, other than Maori land, that is not alienated from the Crown in fee simple or for any less estate or interest:

"District" means a pest destruction district constituted under this Act:

["Financial institution" means---

(a) Any Government department:

(b) Any building society formed under or subject to the Building Societies Act 1965:

(c) Any [[trustee bank constituted under the Trustee Banks Act 1983]]:

(d) Any private savings bank established under [[the Private Savings Banks Act 1983]]:

(e) Any company or body corporate (whether incorporated in New Zealand or elsewhere) empowered to lend money on mortgage:]

"Financial year" means a period of 12 months ending with the 31st day of March:

["Inspector" means an Inspector appointed under Part III of this Act:]

"Maori land" means Maori land within the meaning of the Maori Affairs Act 1953:

"Minister" means [the Minister of Agriculture and Fisheries]:

"Occupier", in relation to any land, means any person in actual occupation of the land; and includes the owner of the land; and also includes any other person in receipt of the rents and profits of the land, and any agent or trustee of an occupier:

"Pest" means any animal which for the time being is a pest of national or local importance under paragraph (a) or paragraph (b) of subsection (1) of section 3 of this Act.

Cf. 1955, No. 28, s. 2; 1964, No. 74, s. 2

"County Board": In the definition of this term the words in square brackets were inserted by s. 8 (3) of the Local Government Amendment Act 1979.

"County district": The definition of this term was substituted for the original definition by s. 8 (3) of the Local Government Amendment Act 1979.

"Financial institution": The definition of this term was inserted by s. 2 (1) of the Agricultural Pests Destruction Amendment Act 1979. In para. (c) the reference to a trustee bank constituted under the Trustee Banks Act 1983 was substituted for a reference to a trustee savings bank constituted under the Trustee Savings Banks Act 1948 by s. 54 (5) of the Trustee Banks Act 1983; and in para. (d) the Private Savings Banks Act 1983, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Private Savings Banks Act 1964.

"Inspector": The definition of this term was substituted for the original definition by s. 2 (2) of the Agricultural Pests Destruction Amendment Act 1979.

"Minister": In the definition of this term the reference to the Minister of Agriculture and Fisheries was substituted for a reference to the Minister of Agriculture by s. 3 (6) (a) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

Pest Destruction Boards and the South Canterbury Wallaby Board are local authorities for the purposes of ss. 214-214M of the Local Government Act 1974; see s. 17 of the Local Government Amendment Act 1985.

3. Classification of pests---(1) For the purposes of this Act, agricultural pests shall be classified as follows:

- (a) Pest of national importance, being---
 - (i) Rabbits; and
 - (ii) Such other animals as may be declared to be pests of national importance by the Governor-General by Order in Council on the advice of the Minister given on the recommendation of the Council:
- [(b) Pests of local importance in respect of a specified district, being such animals as may be declared to be pests of local importance in respect of the district by the Governor-General by Order in Council on the advice of the Minister given either---
 - (i) On the joint recommendation of the Council and the Board of the district; or
 - (ii) On the recommendation of the Council, if the Council is satisfied that there is evidence that the animal is having or is likely to have a significant effect on agricultural production.]

(2) Every Order in Council made under paragraph (a) or paragraph (b) of subsection (1) of this section may at any time in a like manner be revoked in whole or in part or amended.

(3) In this Act, references to pests in relation to any land shall, in the absence of express provision to the contrary, be taken as meaning pests of national importance, or pests of local importance in respect of

the district in which the land is situated.

In subs. (1), para. (b) was substituted for the original para. (b) by s. 2 of the Agricultural Pests Destruction Amendment Act 1974.

For Orders in Council, see Gaz 1968, p. 1120; 1974, p. 2069; 1976, p. 288.

[3A. Domestic breeds of rabbits may be exempted from Act---(1) The Governor-General may from time to time, by Order in Council, subject to such conditions as he thinks fit to impose, exempt any specified breed of domestic rabbit from the provisions of this Act, and may in like manner vary or revoke any such Order in Council.

(2) Nothing in this Act, other than section 122 of this Act, or in any regulations in force under this Act, shall apply in respect of any breed of rabbit which is for the time being exempted under subsection (1) of this section.]

This section was inserted by s. 3 of the Agricultural Pests Destruction Amendment Act 1979.

See S.R. 1985/97.

PART I AGRICULTURAL PESTS DESTRUCTION COUNCIL

4. Agricultural Pests Destruction Council---(1) There is hereby constituted for the purposes of this Act a Council, to be known as the Agricultural Pests Destruction Council.

(2) The Council shall consist of 11 members, being---

(a) Eight members to be appointed by the Minister as follows:

(i) Two on the nomination of the North Island [Pest Destruction] Boards Association:

(ii) Three on the nomination of the South Island [Pest Destruction] Boards Association:

(iii) One on the nomination of the New Zealand Counties Association Incorporated:

(iv) One on the nomination of the Federated Farmers of New Zealand Incorporated:

[(v) One on the nomination of the New Zealand Labourers, General Workers and Related Trades Industrial Union of Workers:]

(b) [The Director-General of Agriculture and Fisheries]:

(c) The Director-General of [Conservation]:

(d) The [Secretary of Forestry].

(3) The Council shall be a body corporate with perpetual succession and a common seal and shall be capable of holding real and personal property and of doing and suffering all acts and things that bodies corporate may lawfully do and suffer.

(4) All real and personal property of every description vested in the Rabbit Destruction Council established by section 3 of the Rabbits Act 1955 shall vest without conveyance or assignment in the Council constituted under this section, subject to all charges, encumbrances, estates, and interests affecting that property.

(5) All debts, liabilities, and obligations of the Rabbit Destruction Council established by section 3 of the Rabbits Act 1955 shall be deemed to be debts, liabilities, and obligations of the Council constituted under this section.

Cf. 1955, No. 28, s. 3 (1), (2); 1959, No. 84, s. 3; 1960, No. 48, s. 2

In subs. (2) (a) (i) and (ii) the words "Pest Destruction" were substituted for the word "Rabbit" by s. 2 (a) and (b) respectively of the Agricultural Pests Destruction Amendment Act 1968.

In subs. (2) (a), subpara. (v) was substituted for the original subpara. (v) by s. 4 of the Agricultural Pests Destruction Amendment Act 1979.

In subs. (2) (b) the reference to the Director-General of Agriculture and Fisheries was substituted for a reference to the Director-General of Agriculture by s. 3 (6) (c) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

In subs. (2) (c) the word "Conservation" was substituted for the word "Lands" by s. 65 (1) of the Conservation Act 1987.

In subs. (2) (d) the reference to the Secretary of Forestry was substituted for a reference to the Director-General of Forests by s. 2 (2) (c) of the Forests Act 1949 (as added by s. 32 (1) of the State-Owned Enterprises Act 1986).

5. Term of office of members---(1) Except as otherwise provided in this Act, each of the appointed members of the Council shall hold office for a term of 3 years, and shall be eligible for reappointment from time to time:

[Provided that one of the members, to be chosen by the South Island Pest Destruction Boards Association, who was appointed in 1979 under section 4 (2) (a) (ii) of this Act, shall hold office for a term of 2 years, but shall be eligible for reappointment.]

(2) Notwithstanding the provisions of subsection (1) of this section, every appointed member of the Council shall, unless he sooner vacates his office under section 7 of this Act, continue in office until his successor comes into office.

Cf. 1955, No. 28, s. 3 (3), (5)

In subs. (1), the proviso was added by s. 5 of the Agricultural Pests Destruction Amendment Act 1979.

6. Transitional provisions---(1) Notwithstanding anything to the contrary in this Act, of the first 8 members to be appointed to the Council by the Minister under paragraph (a) of subsection (2) of section 4 of this Act, 3 shall retire on the expiry of a period of 2 years after the date of their appointment, another 3 shall retire on the expiry of a period of 3 years after the date of their appointment, and the remaining 2 shall retire on the expiry of a period of 4 years after the date of their appointment.

(2) The members so to retire first and the members so to retire second in accordance with subsection (1) of this section shall (unless they otherwise agree among themselves) be determined by lot.

7. Extraordinary vacancies---(1) Any appointed member of the Council may at any time be removed from office by the Minister for disability,

bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister, or may at any time resign his office by writing addressed to the Minister.

(2) When the office of any appointed member of the Council becomes vacant by death, resignation, or removal from office, the vacancy so created shall as soon as practicable be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall hold office for the residue of the term for which his predecessor would have held office if the vacancy had not occurred.

(3) The powers of the Council shall not be affected by any vacancy in its membership.

Cf. 1955, No. 28, s. 3 (3), (4), (6)

8. Appointment of Chairman---(1) The Council shall, at its first meeting after the commencement of this Act and from time to time thereafter, appoint one of its members to be the Chairman of the Council.

(2) The person so appointed shall hold that office for a period of one year unless he sooner vacates his office as a member of the Council, in which case he shall also vacate the office of chairman; but, unless he dies or resigns that office or vacates his office as a member of the Council, he shall continue to hold the office of Chairman until his successor is appointed, and shall be eligible for reappointment.

(3) When the office of Chairman becomes vacant the vacancy shall be filled within 2 months after its occurrence.

Cf. 1955, No. 28, s. 4 (1)

9. Appointment of Deputy Chairman---(1) The Council shall, at its first meeting after the commencement of this Act and from time to time thereafter, appoint one of its members to be the Deputy Chairman of the Council.

(2) The person so appointed shall hold that office for a period of one year unless he sooner vacates his office as a member of the Council, in which case he shall also vacate the office of Deputy Chairman; but, unless he dies or resigns that office or vacates his office as a member of the Council, he shall continue to hold the office of Deputy Chairman until his successor is appointed, and shall be eligible for reappointment.

(3) When the office of Deputy Chairman becomes vacant the vacancy shall be filled within 2 months after its occurrence.

Cf. 1955, No. 28, s. 4 (1)

10. Meetings of Council---(1) The first meeting of the Council shall be held at a time and place to be appointed by the Minister.

(2) Subsequent meetings of the Council shall be held at such times and places as the Council or the Chairman of the Council may from time to time appoint.

(3) At any meeting of the Council 6 members shall form a quorum.

(4) The Chairman shall preside at every meeting of the Council at which he is present. If at any meeting of the Council the Chairman is not present, the Deputy Chairman shall preside at the meeting; and if the Deputy Chairman also is not present or there is no Deputy Chairman, the members present shall appoint one of their number to preside at that meeting. The Deputy Chairman or person so appointed shall have and may exercise in any such case all the powers and functions of the Chairman for the purposes of the meeting.

(5) At any meeting of the Council the person presiding at the meeting shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(6) Every question before any meeting of the Council shall be determined by a majority of the votes of the members present and voting on it.

(7) In the absence from any meeting of any member of the Council, other than an appointed member, he may authorise any other officer of his Department to attend the meeting in his stead. While any such officer is attending a meeting under this subsection he shall be deemed for all purposes to be a member of the Council. The fact that any person attends and acts as such a member at any meeting shall be sufficient evidence of his authority to do so in the absence of proof to the contrary.

(8) Where the Minister is satisfied that any appointed member of the Council is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, the Minister may appoint a deputy to act for that member during his incapacity, and any such deputy, while he acts as such, shall be deemed to be a member of the Council.

(9) Every appointment of a deputy under subsection (8) of this section shall be made only on the nomination of the body that nominated the member.

(10) No appointment of a deputy and no act done by him as such, and no act done by the Council while any deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

(11) Subject to the provisions of this Act and of any regulations for the time being in force under this Act, the Council may regulate its own procedure.

Cf. 1955, No. 28, ss. 4 (2), (3), 5, 6

11. Committees---(1) The Council may from time to time appoint or discharge or alter or continue or reconstitute such committees, consisting of one or more persons, as it thinks fit, and may from time to time, with the consent of the Minister, delegate to any such committee any of its powers, functions, or duties.

(2) The Minister may from time to time appoint or discharge or alter or continue or reconstitute such advisory or technical committees, consisting of one or more persons, as he thinks fit to advise the Minister and the Council on such matters concerning the functions,

powers, and duties of the Council as are referred to them by the Minister.

(3) Any person may be appointed to be a member of a committee under this section notwithstanding that he is not a member of the Council.

(4) Subject to any directions given by the Council, every committee appointed under subsection (1) of this section may regulate its own procedure.

(5) Subject to any directions given by the Minister, every committee appointed under subsection (2) of this section may regulate its own procedure.

(6) If the Council has delegated its powers under section 17 of this Act to a committee appointed under subsection (1) of this section, the Council shall appoint a Chairman from among the members of that committee and may, with the consent of the Minister, pay to that Chairman such grants or annual allowance as the Minister approves, not exceeding \$300 in the case of an annual allowance.

Cf. 1955, No. 28, s. 7

12. Remuneration and travelling allowances---(1) The Council and every committee of the Council appointed under subsection (1) or subsection (2) of section 11 of this Act are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to members of the Council and of every such committee remuneration by way of fees, salary or allowances, and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Cf. 1955, No. 28, s. 8; 1958, No. 89, s. 2 (2)

13. Insurance of members---The Council may from time to time enter into contracts of insurance insuring members of the Council and members of any committee appointed by the Council against loss from personal accident arising out of and in the course of the exercise and performance of their powers, functions, and duties as members, and pay the premiums payable in respect of any such contracts.

See also the Accident Compensation Act 1982.

14. Officers and employees---(1) The Council may from time to time appoint such officers and employees, including acting or temporary or casual officers and employees, as it thinks necessary for the efficient exercise and performance of its powers, duties, and functions under this Act, and, subject to any contract of service, may at any time remove any officer or employee from his office or employment; and may pay to its officers and employees such salaries, wages, and allowances as the Council, with the approval of the Minister, determines.

(2) The Council may from time to time enter into arrangements with any Board for the secondment to the Board of any of the Council's officers or employees, on and subject to such terms and conditions as the Council thinks fit.

Cf. 1955, No. 28, s. 9.

[14A. Power to enter land---(1) Any person employed by the Council and authorised either specially or generally in writing by the Chairman of the Council may, in the course of his employment, enter at all reasonable times on any land within any district for the purpose of inspecting the land and the operations of the Board on the land.

(2) Before entering on any land under this section, the person authorised to do so shall give reasonable notice to the Board and, if practicable, to the owner and occupier of the land of his intention to enter, and shall, if required by the owner or occupier, produce the authority under which he claims to enter or to have entered the land.]

This section was inserted by s. 6 of the Agricultural Pests Destruction Amendment Act 1979.

15. Functions of Council---(1) The general functions of the Council shall be to---

- (a) Investigate the effects of any animal infestation on agriculture and agricultural production and, having regard to the recommendations of the Boards of the districts in which the investigations are made, to recommend to the Minister that any animal be declared to be a pest of either national or local importance under subsection (1) of section 3 of this Act:
- (b) Devise and promote means for the destruction of any pest and generally to promote measures for its destruction where it threatens or is likely to threaten agricultural production:
- (c) Co-ordinate, guide, and supervise the activities of Boards:
- (d) Make recommendations to the Minister in relation to any of the foregoing matters, including the need for research:
- (e) Make recommendations to the Minister as to the constitution, alteration, union, or abolition of pest destruction districts:
- [(f) Evaluate annual budgets of Boards after such investigation and after such consultation with Boards as the Council considers necessary].

(2) The Council shall have such other powers, functions, and duties as are conferred or imposed on it by this Act or by any other Act.

(3) In the exercise and performance of its powers, functions, and duties under this Act the Council shall implement any decision of the Government in relation thereto that has been conveyed to it in writing by the Minister.

(4) As soon as practicable after the 30th day of June in each year, the Council shall furnish to the Minister a report of its proceedings and operations for the preceding financial year, and shall attach to the report a copy of its accounts for that financial year certified, in accordance with subsection (4) of section 17 of this Act, by the Audit Office.

Cf. 1955, No. 28, s. 10; 1956, No. 38, s. 3 (a); 1959, No. 84, s. 4

In subs. (1), para. (f) was added by s. 2 of the Agricultural Pests Destruction Amendment Act 1980.

16. General powers of Council---The Council shall have all powers that may be reasonably necessary to enable it to carry out its functions.

17. Power to manufacture and sell products for pest destruction---(1)
The Council shall have the power to undertake the manufacture and disposal (by sale or otherwise) of any product to be used for the destruction of pests.

(2) For the purposes of this section, sections 61, 62, and 68 of this Act shall apply to the Council as if it were a Board.

(3) In exercising its power under subsection (1) of this section, the Council shall comply with the provisions of sections 88 and 89, subsection (1) of section 97, and subsections (1) and (2) of section 98 of this Act, so far as they are applicable and with the necessary modifications, as if it were a Board. The annual accounts of the Council shall include a trading account, a profit and loss account, a profit and loss appropriation account, and a balance sheet, for each trading undertaking.

(4) The accounts of the Council kept in accordance with subsection (3) of this section shall be audited by the Audit Office, which for that purpose shall have and may exercise all the powers that it has under [the Public Finance Act 1977] in respect of public money and the audit of the accounts of local authorities.

(5) All funds derived by the Council from the exercise of its power under subsection (1) of this section and not required for defraying the expenses incurred in the exercise of that power shall be applied as directed by the Minister.

(6) All---

(a) Land;

(b) Interests in land; and

(c) Personal property, rights, or privileges---

vested in or held on behalf of the Otaio and Upper Pareora Rabbit Boards, and the Wanganui Rabbit Board, and, immediately before the commencement of this Act, in use for, or held for the purposes of, the manufacture, sale, and disposal of poison or poisoned baits, are hereby vested in the Council, subject to any leases, rights, easements, and interests subsisting in respect of the land or property at the date of the vesting.

(7) The District Land Registrar, on written request by or on behalf of the Council, shall without fee make such entries in his registers and on any outstanding documents of title and generally do all such things as may be necessary to give effect to the provisions of subsection (6) of this section. The receipt by the District Land Registrar of a written request under this subsection shall be conclusive evidence that the land described in it is land to which the said subsection (6) applies.

(8) On the commencement of this Act the following provisions shall apply:

(a) All debts, liabilities, and obligations, whether present or contingent, incurred in the name or on behalf of the Otaio or Upper Pareora Rabbit Boards and the Wanganui Rabbit Board in respect of any property, right, or privilege vested in the Council under subsection (6) of this section shall become debts,

liabilities, and obligations of the Council:

- (b) All money payable to the Otaio or Upper Pareora Rabbit Boards and the Wanganui Rabbit Board in respect of any such property, right, or privilege shall become payable to the Council:
- (c) The benefit of any contract entered into by or on behalf of the Otaio or Upper Pareora Rabbit Boards or the Wanganui Rabbit Board in respect of any such property, right, or privilege shall be deemed to be assigned to the Council:
- (d) All proceedings pending by or against the Otaio or Upper Pareora Rabbit Boards or the Wanganui Rabbit Board in respect of the manufacture, sale, and disposal of poison or poisoned baits shall be carried on by or against the Council.

In subs. (4) the Public Finance Act 1977, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Public Revenues Act 1953.

[17A. Power to provide dwellings for employees, etc.---(1) The Council may from time to time---

- (a) Acquire land and erect dwellings thereon for occupation by persons employed by the Council:
- (b) Erect, on any land vested in the Council, dwellings for occupation by persons employed by the Council:
- (c) Purchase land with dwellings thereon for occupation by persons employed by the Council:
- (d) Purchase dwellings for removal to any land vested in the Council so that they may be made available for occupation by persons employed by the Council:
- (e) Convert any building for the purpose of residential occupation by any person employed by the Council:
- (f) Alter, enlarge, repair, and improve any dwelling erected or acquired by the Council from time to time pursuant to the provisions of this section.

(2) The Council may dispose of any dwelling and its appurtenant land to any employee of the Council by way of lease or upon any tenancy, or by way of sale upon such terms and conditions as may be approved by the Minister.

(3) If any dwelling acquired or erected or converted by the Council for the purposes of this section is no longer required for such purposes, the Council may sell, let, exchange, or otherwise dispose of it in such manner and on such terms and conditions as may be approved by the Minister.

(4) Where---

- (a) Any employee of the Council wishes to purchase, erect, enlarge, improve, or convert a house upon land for his own occupation; and
- (b) He applies to a financial institution for an advance by way of first mortgage upon the security of the land and the proposed or existing house; and
- (c) The Minister of Finance has approved the terms and conditions of the proposed advance---

the Council may, by deed or other instrument, guarantee to that financial institution repayment of the money which the financial

institution may so advance to the employee.

(5) Every guarantee under this section shall contain such provisions relating to the mortgage and guarantee as the Council and the financial institution consider expedient, and may from time to time be varied by deed or other instrument executed by the Council and the financial institution.

(6) To provide funds for the purposes of subsection (1) of this section or for the purposes of making any payment for which it becomes liable pursuant to any guarantee given under subsection (4) of this section, the Council may use money received under section 18 of this Act or money borrowed for the purpose under section 18B of this Act.]

This section was inserted by s. 7 of the Agricultural Pests Destruction Amendment Act 1979.

18. Expenses of Council---There shall be paid from [the Consolidated Account], out of money appropriated by Parliament for the purpose, such sums as the Minister from time to time approves for the purpose of defraying the expenses incurred by the Council in the exercise and performance of its powers, functions, and duties, including salaries and wages of officers and employees of the Council.

Cf. 1955, No. 28, s. 12; 1958, No. 89, s. 2; 1964, No. 72, s. 3

[18A. Unauthorised expenditure---(1) There may in any financial year be paid to the Council from [[the Consolidated Account]], out of money appropriated by Parliament for the purpose, any sum or sums not amounting in the aggregate to more than [[500]] for any purposes of the Council not authorised by any Act or law for the time being in force.

(2) Notwithstanding the provisions of subsection (5) of section 17 of this Act, the Council may in any financial year, out of the income derived from its trading undertakings operated under section 17 of this Act, expend for purposes not authorised by any Act or law for the time being in force any sum or sums not amounting in the aggregate to more than [[200]] in respect of each such trading undertaking.]

This section was inserted by s. 3 of the Agricultural Pests Destruction Amendment Act 1974.

In subs. (1) the expression "\$500" was substituted for the expression "\$200" by s. 8 (a) of the Agricultural Pests Destruction Amendment Act 1979.

In subs. (2) the expression "\$200" was substituted for the expression "\$150" by s. 8 (b) of the Agricultural Pests Destruction Amendment Act 1979.

[18B. Borrowing powers---The Council may from time to time, with the prior written consent of the Minister of Finance and subject to such conditions as he thinks fit to specify, borrow money and (for the purpose of securing any money so borrowed) mortgage, charge, or pledge any right, title, estate, or interest in any of its property.]

This section was inserted by s. 2 of the Agricultural Pests Destruction Amendment Act 1975.

PART II
PEST DESTRUCTION DISTRICTS AND BOARDS

Pest Destruction Districts

19. Districts---(1) Every rabbit district constituted under the Rabbits Act 1955 shall, on and after the commencement of this Act, be known as a pest destruction district.

(2) Where at any time the whole or any part of any county does not lie within any pest destruction district, every part of that county which does not lie within any district shall constitute a pest destruction district to be known as the [Name of County] County Pest Destruction District.

[(2A) Where at any time the whole or any part of the district of a district council does not lie within any pest destruction district, every part of that first-mentioned district that does not lie within any pest destruction district shall constitute a pest destruction district to be known as the [Name of district]Council Pest Destruction District:

Provided that nothing in this subsection shall apply to any district of a district council constituted by a borough council, by special order, declaring itself a district council pursuant to section 54 of the Local Government Act 1974.]

Cf. 1955, No. 28, ss. 13, 13A; 1964, No. 72, s. 4

Subs. (2A) and the proviso thereto were inserted by s. 8 (3) of the Local Government Amendment Act 1979.

20. Certain provisions not to apply to county districts---Sections 21 to 26, 32 to 35, 37 to 45, 47 to 50, 79, 88, 89, 97, and 98, subsections (1) and (2) of section 31, subsection (2) of section 71, subsections (1) and (2) of section 75, and subsection (1) of section 80 of this Act shall not apply to any county district nor to any County Board.

21. Division of district into wards---(1) On the recommendation of the Council made after consultation with the Board of the district concerned, the Minister may direct that any district, whether constituted before or after the commencement of this Act, shall be divided into such number of wards as the Minister may specify for the purposes of the election of members.

(2) Where pursuant to section 23 of this Act 2 or more districts are united to form one district, the Minister may thereupon or at any time thereafter, on the recommendation of the Council made after consultation with the Board of the united district, direct that the united district shall be divided into such number of wards as the Minister may specify for the purpose of the election of members.

(3) On receipt of a direction from the Minister pursuant to subsection (1) or subsection (2) of this section, the Board of the district shall forthwith, by notice published in the Gazette, divide the district into wards with such names and boundaries as are assigned to them by the Board.

- (4) The number of wards in any district shall not at any time exceed 9.
Cf. 1955, No. 28, s. 14A; 1960, No. 48, s. 3; 1964, No. 72, s. 5

22. Redivision of wards, etc.---(1) If so directed by the Minister, on the recommendation of the Council, the Board of any district, however constituted and whether constituted before or after the commencement of this Act, shall, by notice published in the Gazette,---

- (a) Where the boundaries of the district are altered by the inclusion therein of any area, divide or redivide the district into wards, or include the area in one or more existing wards, or form the area into one or more new wards:
- (b) Where the boundaries of the district are altered by the exclusion therefrom of any area, divide or redivide the district into wards, or include the remaining portion of any ward, part of which has been so excluded from the district, in one or more of the existing wards:
- (c) Alter the boundaries of any ward of the district, or wholly redivide the district into wards:
- (d) Name or rename any ward:
- (e) Alter the number of elective members for any ward:
- (f) Abolish all wards in the district.

(2) Before making any recommendation under subsection (1) of this section, the Council shall consult with the Board of the district concerned.

Cf. 1955, No. 28, s. 14B; 1960, No. 48, s. 3; 1964, No. 72, s. 5

23. Constitution, alteration, and union of districts---(1) Notwithstanding anything in this Act, the Governor-General may, by Order in Council, if he thinks fit so to do on the recommendation of the Minister,---

- (a) Constitute any area a pest destruction district, and assign a name to it:
- (b) Alter the boundaries of any district by adding or excluding any area:
- (c) Declare any 2 or more districts to be united and to form one district.

(2) Where any new district is constituted under paragraph (a) of subsection (1) of this section, the Minister may appoint such persons as he thinks fit to be members of the Board of the new district.

(3) Where members are appointed under subsection (2) of this section, the following provisions shall apply:

- (a) No election of the first elective members of the Board shall be held:
- (b) The members so appointed shall be deemed to be the first elective members of the Board, and every such member shall, unless he sooner vacates his office, hold office until the coming into office of the members elected at the next election of members of the Board held pursuant to this section:
- (c) The first election of members shall be held on the date fixed for the general election of members of Boards next following the date of the appointment of the members under this section:
Provided that if the appointment under this section is made within 12 months before the date fixed for that general election

the first election shall be held on the date fixed for general elections next following that general election.

(4) Before making any recommendation to the Governor-General under subsection (1) of this section, the Minister shall have regard to any relevant advice given to him by the Council; and before any advice is given to the Minister by the Council for the purposes of subsection (1) of this section, the Council shall consult with the Board or Boards concerned and report their views to the Minister at the time the advice is given.

Cf. 1955, No. 28, s. 18; 1964, No. 72, s. 7 (1)

24. Members of Boards of united districts to remain in office until first election---(1) On the union of 2 or more districts, and until the members elected at the first election for the united district come into office, the members of the Boards of the original districts shall be the members of the Board of the united district, notwithstanding that there are more members than the number prescribed by or under this Act.

(2) Pending the first election, the members so continuing in office shall appoint one of their number as Chairman, and failing such appointment the Chairman of the district which had the greatest area shall be the Chairman.

Cf. 1955, No. 28, s. 19

25. Alteration of boundaries of districts---(1) Every Order in Council made under section 23 of this Act to alter the boundaries of any district shall redefine the boundaries of each of the districts affected; and the altered boundaries so redefined shall, as from the date on which the Order in Council takes effect, be the boundaries of those districts.

(2) When the boundaries of any district are altered under section 23 of this Act---

- (a) All contracts then subsisting in respect of any part of the district severed therefrom and included in any other district shall be deemed to be contracts of the Board of that other district and may be enforced by and against that Board; and all rates then due in the part so severed shall be deemed to be rates due to the Board of that other district:
- (b) The Boards of the districts may agree together to transfer a fair share of the property, debts, and liabilities of any district which is diminished to any district which is increased in area by the alteration of boundaries. Every such agreement shall be in writing, and shall be final as between the Boards.

(3) If the Boards do not agree, the Audit Office, or such person as the Governor-General appoints, shall, on the application of the Board of any of the districts affected, hold an inquiry and make an award as to the matters set out in subsection (2) of this section.

(4) Any such award may provide for all or any of the matters included in the subject for inquiry, and may declare in whom any property shall be vested and by whom any money shall be paid or other acts or things done, including the payment by any party of the whole or any part of the expenses of the inquiry; and the person making the award may give such directions as may be necessary for giving full effect to the objects of

the inquiry.

(5) Every such award shall be final, and, to such extent as may be necessary for its operation and enforcement, shall be deemed to be a judgment of the [High Court].

(6) All real or personal property transferred from one Board to another by any such agreement or award shall be deemed to have been vested in that other Board on the date on which the alteration of boundaries was effected.

(7) Neither the Audit Office nor any person appointed under this section to hold an inquiry and make an award shall be deemed to be an arbitrator within the meaning of the Arbitration Act 1908, and nothing in that Act shall apply to any such inquiry or award.

Cf. 1955, No. 28, s. 16 (3)-(8)

26. Union of districts---(1) Any Order in Council made under section 23 of this Act declaring any 2 or more districts to be united and to form one district shall describe the boundaries of the united district, assign a name to the district, and, where the general rates in the districts united are not levied on the same basis, declare the basis on which the rates are first to be levied in the united district.

(2) On the union of 2 or more districts the following provisions shall apply:

- (a) The Boards of the original districts shall be dissolved:
- (b) All real and personal property belonging to the Board of any of the original districts shall become vested in the Board of the united district:
- (c) All rates and other money payable to the Board of any of the original districts shall become payable to the Board of the united district:
- (d) All liabilities and engagements of the Board of any of the original districts shall become liabilities and engagements of the Board of the united district:
- (e) All proceedings pending by or against the Board of any of the original districts may be carried on or prosecuted by or against the Board of the united district.

Cf. 1955, No. 28, s. 17 (5)

27. Abolition of districts---(1) The Governor-General may, by Order in Council, if he thinks fit so to do on the recommendation of the Minister, abolish any district.

(2) Where any district is abolished, the Board of the district shall be deemed to be dissolved.

(3) The Governor-General may by the same or any subsequent Order in Council, if he thinks fit so to do on the recommendation of the Minister,---

- (a) Direct that all money belonging to or payable to the dissolved Board and remaining after payment of the debts and liabilities of that Board shall be paid either into the Public Account or into such account as may be specified of any other Board:
- (b) Direct that, if the money belonging or payable to the dissolved Board is insufficient for the payment of that Board's debts and

liabilities, the amount of the deficiency be paid either from [the Consolidated Account], out of money appropriated by Parliament for the purpose, or by any other Board:

- (c) Make such provision as he thinks fit for vesting any real or personal property of the dissolved Board in the Crown or in any other Board or for the disposal of any such real or personal property and the disposal of the proceeds of any sale or other disposition of it, and such other provisions as he thinks necessary by reason of the abolition of the district.

(4) Before making any recommendation to the Governor-General under this section the Minister shall have regard to any relevant advice given to him by the Council.

Cf. 1955, No. 28, s. 20; 1958, No. 89, s. 2 (3)

28. Creditors not affected by alteration or abolition of districts---No action taken under the foregoing provisions of this Part of this Act shall affect the rights or interests of any debenture holder or other creditor of any Board, or shall affect any special rate; and every such rate shall continue to be charged on the whole of the area on which it was charged before the action was taken and shall not by reason thereof become a charge on any additional area.

Cf. 1955, No. 28, s. 21

29. Destruction of pests in boroughs and town districts---(1) Any borough or town district lying wholly or in part within or adjacent to any pest destruction district shall be deemed not to form part of the district:

Provided that the Board of the district shall be deemed to be charged with the administration of Part III of this Act for the purpose of enforcing the destruction of pests on land within the borough or town district; and for the purposes of this subsection the provisions of that Part shall be read subject to the provisions of subsection (2) of section 60 of this Act.

(2) Notwithstanding anything to the contrary in subsection (1) of this section or in section 55 of this Act, the Board may, with the prior consent of the Council of any borough or town district, as the case may be, exercise on any land (other than Crown land or Maori land) which is within the borough or town district, the powers conferred on the Board by section 56 of this Act; and, on any such consent being given in respect of any land, the Board shall cease to be charged with the administration of Part III of this Act for the purpose of enforcing the destruction of pests on that land.

[(3) Nothing in section 57 of this Act shall apply in any case where, pursuant to a consent given under subsection (2) of this section, any work is carried out on any land by or on behalf of the Board; and in every such case the Council of the borough or town district, as the case may be, shall pay to the Board out of its general revenues a sum equal to the expenses of the Board or such lesser amount as may be determined by the Board in respect of the work.]

(4) Where the Council of any borough or town district consents to work being done by a Board, that Council may recover its share of the expenses of the work from the occupiers of the land concerned in the

same manner as rates; and the amount of that share shall be apportioned between those occupiers in such proportions as the Council thinks are fair and reasonable.

[(5) If the Council of any borough or town district has arranged for a Board to do work in its district, that Council shall have the right to exercise in its district all or any of the powers which a Board may exercise in a pest destruction district under the Rabbit Destruction Regulations 1962.]

[(6) For the purposes of this section the term "borough" includes the district of a district council constituted by a borough council, by special order, declaring itself a district council pursuant to section 54 of the Local Government Act 1974.]

Cf. 1955, No. 28, s. 22; 1963, No. 52, s. 2

Subs. (3) was substituted for the original subs. (3) (as amended by s. 8 (3) of the Local Government Amendment Act 1979) by s. 3 (1) of the Agricultural Pests Destruction Amendment Act 1980.

Subs. (5) was added by s. 4 of the Agricultural Pests Destruction Amendment Act 1974.

Subs. (6) was added by s. 8 (3) of the Local Government Amendment Act 1979.

Pest Destruction Boards

30. Pest Destruction Boards---(1) For every pest destruction district there shall be a Board, which shall be a body corporate with perpetual succession and a common seal and shall be capable of holding real and personal property and of doing and suffering all acts and things that bodies corporate may lawfully do and suffer.

(2) In every county district the Board shall be known as "The [name of county] County Pest Destruction Board" [or "The [name of district] Council Pest Destruction Board", as the case may be]; and in every other district, the Board shall be known as "The [name of district]Pest Destruction Board".

(3) Every rabbit board shall, on and after the commencement of this Act, be known as a Pest Destruction Board with jurisdiction in the pest destruction district that was immediately before the commencement of this Act, the rabbit district under the Rabbits Act 1955 in which the Board had jurisdiction; and shall be the same Board as that constituted under that Act.

[(3A) Every reference to a rabbit board in any agreement, deed, instrument, notice, or document whatsoever shall hereafter be read as a reference to a Pest Destruction Board.

(3B) The presentation to any Registrar of Deeds or District Land Registrar or any other person of any instrument executed or purporting to be executed by a Pest Destruction Board and relating to any estate or interest in any real or personal property held, immediately before the commencement of this Act, by the rabbit board that became the Pest Destruction Board shall be accepted by all persons concerned as conclusive proof that the estate or interest is vested in the Pest

Destruction Board.]

(4) The Governor-General may, by Order in Council on the recommendation of the Minister made at the request of any Board, other than a County Board, change the name of the district administered by the Board and the name of the Board.

Cf. 1955, No. 28, s. 23; 1964, No. 72, ss. 4, 8

In subs. (2) the words in square brackets were inserted by s. 8 (3) of the Local Government Amendment Act 1979.

Subss. (3A) and (3B) were inserted, as from the commencement of this section, by s. 2 (2) of the Agricultural Pests Destruction Amendment Act 1968.

Boards are subject to the jurisdiction of the Local Government Commission in certain cases. See s. 2 of the Local Government Act 1974.

31. Membership of Boards---(1) Except as otherwise provided in this Act, every Board shall consist of 6 members, of whom 5 shall be elected by the electors of the district under this Act and one, who shall be an Inspector appointed under Part III of this Act, shall be appointed by the Minister.

[(1A) If, in the Minister's opinion, the district of any Board includes large areas of land that is a conservation area (within the meaning of the Conservation Act 1987), an additional member of the Board, to represent the Department of Conservation, may be appointed by the Minister, on the recommendation of the Council given after consultation with the Board concerned.]

(2) Every member of a Board appointed by the Minister under subsection (1) [or subsection (1A)] of this section shall hold office during the pleasure of the Minister.

[(3) In respect of every county district, the County Council or District Council, as the case may be, having jurisdiction for the time being within the county district, or the part thereof that constitutes the pest destruction district, shall be the Board that controls the district.]

(4) In respect of any county district the Minister may appoint any Inspector appointed under Part III of this Act to be an adviser to the County Board at all times when it is acting as the Board of the district; and any Inspector so appointed shall hold that office during the pleasure of the Minister and shall be entitled to attend and be heard [, and to vote,] at meetings of the County Board at all times when it is so acting. Every County Board shall give the adviser reasonable notice of every meeting of the County Board when it is so acting.

(5) Where an Inspector is appointed as an adviser to a County Board, and the County Board (pursuant to [section 105 of the Local Government Act 1974]) unites with any other local authority in appointing a joint standing or special committee for the purpose of the destruction of pests, the Inspector shall, while he remains an adviser to the County Board, be entitled to attend and be heard [, and to vote,] at meetings of that committee.

Cf. 1955, No. 28, s. 24; 1964, No. 72, s. 9

Subs. (1A) was substituted for the former subs. (1A) (as inserted by s. 5 (1) of the Agricultural Pests Destruction Amendment Act 1974) by s. 65 (1) of the Conservation Act 1987.

In subs. (2) the words in square brackets were inserted by s. 5 (2) of the Agricultural Pests Destruction Amendment Act 1974.

Subs. (3) was substituted for the original subs. (3) by s. 8 (3) of the Local Government Amendment Act 1979.

In subss. (4) and (5) the words ", and to vote," were substituted for the words ", but not vote," by s. 9 (1) and (2) respectively of the Agricultural Pests Destruction Amendment Act 1979.

In subs. (5) the words in the first set of square brackets were substituted for the words "section 76 of the Counties Act 1956" by s. 8 (3) of the Local Government Amendment Act 1979.

See also s. 3 of the Franklin-Manukau Pests Destruction Act 1971.

32. Additional members of Boards in certain cases---(1)

Notwithstanding anything in this Act, the Board of any district containing not less than [8,000 hectares] may by resolution determine that the number of elective members of the Board shall be increased to such number, not exceeding 9, as may be specified in the resolution.

(2) On the passing of the resolution, the following provisions shall apply:

- (a) The number of elective members of the Board shall, while the resolution continues in force, be deemed to be increased to the number specified in the resolution:
- (b) For the purpose of filling for the first time the additional offices thereby created, those offices shall be deemed to be offices in which extraordinary vacancies have occurred pursuant to section 48 of this Act, and the provisions of this Act and of [the Local Elections and Polls Act 1976] shall apply accordingly.

(3) The Board may at any time in like manner rescind any resolution made under subsection (1) of this section, or may from time to time further vary the number of elective members by reducing or further increasing that number, but so that the number shall not in any case be less than the number fixed under section 31 of this Act nor more than 9; and in any such case the following provisions shall apply:

- (a) If the resolution is rescinded, or if the number of elective members is reduced, the rescission or reduction shall not take effect until the next general election of members of the Board, except to such extent as may be necessary for providing for the holding of that election:
- (b) If the number of elective members is further increased the provisions of subsection (2) of this section shall apply.

(4) A copy of every resolution made under this section shall forthwith be forwarded to the Minister, who shall cause it to be published in the Gazette.

Cf. 1955, No. 28, s. 25; 1959, No. 84, s. 5; 1964, No. 72, s. 10

In subs. (1) the expression "8,000 hectares" was substituted for the expression "20,000 acres" by s. 13 (1) of the Agricultural Pests Destruction Amendment Act 1974.

33. Ward representation---(1) Upon the division or redivision of any district into wards pursuant to a direction of the Minister, the Board of the district shall, by notice published in the Gazette, fix the number of members to be elected for each ward of the district:

Provided that there shall be at least one member for each ward.

(2) In determining the representation of the different wards the Board shall take into account the rateable value, the area of land, the number of ratepayers in each ward, and such additional factors of any kind as the Board considers relevant.

(3) Where---

- (a) An undivided district is divided by a Board into wards; or
- (b) A district divided into wards is redivided; or
- (c) The wards of a divided district are abolished; or
- (d) The number of elective members for any ward of a divided district is altered,---

the change shall not take effect until the next general election of members of the Board or, in the case of a newly constituted united district, the first election of all the members of the Board for that district, except to such extent as may be necessary for providing for the holding of that election.

Cf. 1955, No. 28, s. 25A; 1960, No. 48, s. 4; 1964, No. 79, s. 11

Ratepayers List

34. Secretary to compile ratepayers list---(1) The Secretary to the Board shall cause to be made a list to be called the ratepayers list. Where a district is divided into wards, the list shall be divided so as to show the ratepayers of each ward.

(2) The ratepayers list shall be made---

- (a) In the case of a district in which the rates are levied on the basis of the number of stock carried on the ratepayer's land, on or before the 15th day of July in every year:
- (b) In the case of a district in which the rates are levied on any other basis, on or before the 15th day of July in each year in which a general election of members of Boards is to be held.

(3) The ratepayers list shall be compiled from the valuation roll of every county in which any part of the district is situated, or alternatively from the district valuation roll prepared under section 8 of the Valuation of Land Act 1951 for every county in which any part of the district is situated, and, subject to the provisions of this Act, shall contain the name of every person within the district whose name appears in the "occupiers" column on any such roll, and such other particulars from the roll as are necessary for any of the purposes of this Act.

Cf. 1955, No. 28, s. 26; 1959, No. 84, s. 6; 1960, No. 48, s. 5; 1964, No. 72, s. 12

35. Return of stock where rates levied on stock-carrying basis---(1) Where the rates within the district are levied on the basis of the number of stock carried on the ratepayer's land, no person's name shall

be entered on the ratepayers list, unless, on the date specified in subsection (2) of this section, there are carried on the land in respect of which his name appears on the county valuation roll---

- (a) At least 100 sheep or lambs, or 20 head of cattle of whatever age;
or
- (b) If both sheep and cattle are carried on the land at least 100 stock units, counting each sheep or lamb as one stock unit and each head of cattle, irrespective of age, as 5 stock units.

(2) For the purpose of preparing the list, or of amending it as hereinafter set out, every person within the district whose name appears on any such county valuation roll shall, on demand in writing from the Secretary, deliver or cause to be delivered to the Secretary a written return of the number of cattle, of whatever age, and of sheep and lambs carried on his land on the 30th day of November preceding the date of the demand:

Provided that where it is proposed to amend the list by inserting the name of a person occupying land on which no stock or insufficient stock was carried on that date but on which stock is subsequently depastured, the date of the return shall be that set out in the Secretary's written demand.

(3) The particulars so obtained shall be entered on the ratepayers list in addition to any other particulars taken from the county valuation rolls.

(4) Every person commits an offence against this Act who refuses or neglects to deliver or cause to be delivered such a return within 14 days after the date of the demand, or who makes a false return.

(5) If any person on whom a demand has been made pursuant to subsection (2) of this section fails within 30 days after the date of the demand to furnish a return of stock carried on his land, the Secretary may enter the name of that person on the ratepayers list as the owner of such number of stock or stock units as he thinks fit, and shall notify that person accordingly. Nothing in this subsection shall relieve that person from any liability he may have incurred for a breach of the provisions of this section.

Cf. 1955, No. 28, s. 27

36. Minimum area where land rated on any other basis---Where the rates within the district are levied on the basis of the [area] of land occupied by the ratepayer, or on the basis of the rateable value of the land occupied by the ratepayer, no person's name shall be entered on the ratepayers list and no person shall be liable to pay rates under this Act unless the land in respect of which his name appears on the county valuation roll is at least [4 hectares] in area:

Provided that, in determining the eligibility of any person to have his name entered on the ratepayers list or the liability of any person to pay rates under this Act, the Board may, at its discretion, aggregate every area of land in the district of which the person is the occupier, whether or not any such area is less than [4 hectares] in area.

Cf. 1955, No. 28, s. 28

The word "area" was substituted for the word "acreage", and

the expression "4 hectares" was substituted, in 2 places, for the expression "10 acres" by s. 13 (1) of the Agricultural Pests Destruction Amendment Act 1974.

37. Deposit of ratepayers list for public inspection---(1) Immediately after the preparation of the ratepayers list it shall be deposited at the office of the Secretary and shall be open to public inspection without fee during ordinary office hours.

(2) Forthwith after depositing the list the Secretary shall give public notice of the place where the list is deposited and of the day and place for the hearing of objections and the revision of the list by the Board.

(3) The date fixed for the hearing of objections shall not be earlier than 21 days nor later than 35 days after the date on which public notice is given.

(4) Where no objections to the list are received within the time specified in subsection (1) of section 38 of this Act, it shall be signed by the Secretary and, subject to any amendments made pursuant to section 40 of this Act, shall, in the absence of proof to the contrary, be sufficient evidence for the purposes of this Act that the persons named in it are ratepayers and of the correctness of the other matters set out in it.

Cf. 1955, No. 28, s. 29

38. Hearing of objections and revision of list---(1) Any person may, not later than 3 days before the date fixed for the hearing of objections, lodge with the Secretary an objection in writing under his hand to the list on any of the following grounds:

- (a) That any person whose name is on the list does not, at the time the objection is lodged, possess the qualification in respect of which his name has been included:
- (b) That any person whose name is not on the list possesses, at the time the objection is lodged, the qualification in respect of which his name should be included:
- (c) That the list is in any other way incomplete or incorrect.

(2) If any objection directly affects any person other than the objector, the objector shall serve a copy of the objection on that person not later than 3 days before the date fixed for the hearing of objections; and that person or his appointee shall be entitled to be present and to be heard at the hearing of the objection.

(3) On the day fixed for hearing objections the Board shall proceed to hear and determine every objection lodged under this section, and may amend the list in respect of any matter objected to.

(4) When every objection has been heard and determined, the list (including every amendment thereto that has been made as the result of an objection) shall be signed by the Secretary and, subject to the result of any appeal made under section 41 of this Act and to any amendments made under section 40 of this Act, the list and any amendments to it made under this section shall, in the absence of proof to the contrary, be sufficient evidence that the persons named in it are ratepayers and of the correctness of the other matters set out in it.

Cf. 1955, No. 28, s. 30

39. Ratepayers list to come into force when signed, and to be roll of electors---The ratepayers list shall come into force immediately after it is signed by the Secretary, and, subject to the result of any appeal made under section 41 of this Act and to any amendments made under section 40 of this Act, shall be the roll of electors for the district until a new list comes into force in like manner.

Cf. 1955, No. 28, s. 31

40. Amendment of list--(1) After the ratepayers list has come into force and before the date fixed for the preparation of a new list, the Board shall from time to time, on application by any person or on its own motion, amend the ratepayers list for its district by adding the name of any person who then possesses the necessary qualification but whose name does not appear in the list, and by removing from the list the name of any person who does not then possess the necessary qualification.

(2) The Board shall also from time to time cause any necessary alterations to be made to the names, addresses, and qualifications of persons enrolled on the list.

(3) In the case of a district in which the rates are levied on the basis of the number of stock carried on the ratepayer's land, no amendment shall be made to the list under this section merely because of any change in the number of stock carried on any land since the preparation of the list, except where the change raises the number of stock to or above the minimum specified in section 35 of this Act and makes the occupier of the land eligible to have his name entered on the ratepayers list.

Cf. 1955, No. 28, s. 32 (1), (2)

41. Appeals to District Court in respect of ratepayers list--(1) Any person aggrieved by any act or decision of the Board touching or concerning the ratepayers list may, within 21 days after the act or decision if done or made under section 38 of this Act, or not later than the day on which the roll of electors is to be closed for the purposes of any election or poll in any other case, appeal from the act or decision by lodging with the Registrar of the [District Court] nearest to the place where the list is kept an objection in writing under his hand setting forth the grounds of the appeal. A copy of the appeal shall immediately thereafter be lodged with or sent to the Secretary to the Board.

(2) Every appeal shall be heard by a [District Court Judge] at such time and place as he may appoint, and not less than 3 days' notice shall be given to the Secretary to the Board and to the appellant of the time and place so appointed.

(3) On the hearing of the appeal the [District Court Judge] may order such amendments to be made to the list as he thinks just.

(4) Every such amendment shall be made by the Secretary and signed by the [District Court Judge].

Cf. 1955, No. 28, s. 32 (4)-(7); 1964, No. 72, s. 13

Elections and Appointments of Members of Boards

42. Electors and voting powers---(1) Every person who is not less than [18 years of age] and whose name appears on the roll of electors for the time being in force in any district shall be an elector for the purposes of this Part of this Act [and shall have one vote only at any election or poll under this Act].

(2)-(5) Repealed by s. 9 (2) of the Counties Amendment Act 1974.

(6) Notwithstanding anything in this section, if on any valuation roll from which the ratepayers list is compiled pursuant to section 34 of this Act 2 or more persons are named as the occupiers of any one property, then, for the purpose of voting at any election or poll under this Act, only the person whose name appears first on that roll in respect of that property shall be entitled to vote at the election or poll.

Cf. 1955, No. 28, s. 33; 1959, No. 84, s. 7

In subs. (1) the words "18 years of age" were substituted for the words "20 years of age" (as amended by s. 2 of the Local Elections and Polls Amendment Act 1970) by s. 2 (1) of the Local Elections and Polls Amendment Act 1974. The latter Act was repealed by s. 124 (1) of the Local Elections and Polls Act 1976, but this amendment was expressly saved by s. 124 (2) (b) of that Act.

The words in the second set of square brackets were added by s. 9 (2) of the Counties Amendment Act 1974. The latter Act was repealed by s. 9 (1) of the Local Government Amendment Act 1979, but this amendment was expressly saved by s. 9 (4) (c) of that Act.

43. First election of Board---(1) The Minister shall appoint such person as he thinks fit to be the Returning Officer to hold the first election of members of the Board of a newly constituted district, and to prepare the first ratepayers list for the district.

(2) Forthwith on his appointment the Returning Officer shall cause the ratepayers list to be prepared, and with respect thereto all the provisions of subsection (3) of section 34 and sections 35 to 41 of this Act shall, with the necessary modifications, apply as in the case of the preparation of the list by the Secretary to the Board, and every reference in those sections to the Secretary or to the Board shall, for the purposes of this section, be taken as a reference to the Returning Officer appointed under this section.

(3) The Minister shall also appoint the day for the first election of the Board, and may do all things necessary for bringing the provisions of this Act into operation in the district according to its true intent and purpose.

Cf. 1955, No. 28, s. 34; 1964, No. 72, s. 14

44. In default of election Governor-General may appoint members---(1) If on the day appointed for any election of members no persons are duly elected, or if a less number is elected than by law is required to be elected, the Governor-General may appoint as many qualified persons to be members as are required, and every person so appointed shall hold office as if he had been duly elected.

(2) Notwithstanding anything in this Act, any person who is not an elector may be appointed and hold office as a member of the Board under this section if the Governor-General is satisfied that no elector, or an insufficient number of electors, qualified for appointment, is available and willing to accept office:

Provided that the number of members appointed under this subsection shall not exceed half the number of elective members for the time being fixed for that Board.

Cf. 1955, No. 28, s. 35

45. Special procedure where electors do not exceed 40 in number---(1) Where the total number of electors on the roll for any district does not exceed 40, but not otherwise, the provisions of subsection (3) of this section shall apply with respect to the election of any member or members to the Board.

(2) Where the total number of electors on the roll for any ward of a district does not exceed 40, but not otherwise, the provisions of subsection (3) of this section shall apply with respect to the election of any member or members to represent that ward on the Board.

(3) If within the time limited for the receipt of nominations there is received by the Returning Officer a nomination paper in proper form signed by a majority in number of the electors who are on the roll for the district or ward, as the case may be, and who also possess in their own right a majority of the votes exercisable by all the electors for the district or ward, as the case may be, and nominating the required number of qualified persons to fill all the vacancies on the Board in respect of the district or ward, as the case may be, then, notwithstanding that other nominations have been received, the Returning Officer may, at the place and on the day appointed for the receipt of nominations, publicly declare the person or persons so nominated by a majority of the electors to be duly elected, and such person or persons shall be deemed to be duly elected without the taking of a poll.

Cf. 1955, No. 28, s. 36; 1960, No. 48, s. 6

46. Local Elections and Polls Act 1976 applied---(1) Subject to the provisions of this Act, all elections under this Act and all polls taken on any proposals that under this Act are submitted to the votes of the electors or ratepayers of the district, or of any defined part of the district, shall be held and taken in accordance with the provisions in that behalf in [the Local Elections and Polls Act 1976].

(2) Nothing in subsection (1) of this section shall affect the provisions of the Local Authorities Loans Act 1956, and all proceedings for the raising of loans in the district shall be taken under that Act.

(3) Notwithstanding anything in this section, provision may be made by regulations made under this Act for the election of members of Boards, and for the taking of polls on proposals submitted to ratepayers, by a system of postal voting to be prescribed by the regulations.

Cf. 1955, No. 28, s. 37

As to remuneration and allowances of Board members, see s. 17 of the Local Government Amendment Act 1985.

Disqualification and Vacancies

47. Disqualification for election as member of Board---(1) Subject to the provisions of subsection (2) of section 44, subsection (3) of section 48, and subsection (4) of section 64 of this Act, the following persons shall be incapable of being elected to be members of a Board or of being appointed to the office of an elective member of a Board:

- (a) A person who is not an elector or who does not possess a qualification as an elector:
- [(b) Any person who is disqualified from election or appointment by section 112 of the Local Elections and Polls Act 1976:
- (c) Any person who is convicted of any offence punishable by death or imprisonment for a term of 2 years or more, unless (in the case of a person seeking election or appointment) the person has obtained a pardon, or has served the sentence or otherwise suffered the penalty imposed:
- (d) Any person who is detained in a hospital under the Mental Health Act 1969].
- (e) Repealed by s. 12 of the Local Government Amendment Act 1986.

(2) Except as provided in this section, every elector of a district shall be qualified to be a member of the Board of that district.

Cf. 1955, No. 28, s. 39

In subs. (1), paras. (b)-(d) were substituted for the former paras. (b)-(e) (as variously amended) by s. 12 of the Local Government Amendment Act 1986.

As to subs. (1) (a), see s. 4 (3) of the Franklin-Manukau Pests Destruction Act 1971.

48. Extraordinary vacancies---(1) The office of any elective member of the Board, or of any member appointed to the office of an elective member, shall become vacant, and the vacancy shall be deemed to be an extraordinary vacancy, if the member---

- (a) Dies; or
- (b) Resigns his office by writing delivered to the Secretary or the Chairman of the Board; or
- (c) Is absent without leave from 4 consecutive meetings of the Board;
- or
- (d) Ceases to be an elector of the Board's district; or
- [(e) Is detained in a hospital under the Mental Health Act 1969; or
- (f) Is convicted of any offence punishable by death or imprisonment for a term of 2 years or more; or
- (g) Is absent without leave from 4 consecutive meetings of the Board];
- or
- [(h) Is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence].

[(1A) In any case to which subsection (1) (f) of this section applies---

- (a) The disqualification shall not take effect until the expiration of the time for appealing against conviction and, in the event of an appeal against conviction, until the appeal is determined; and
- (b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be

capable of acting as a member during the period of that leave of absence.

(1B) If any person does any act as a member after the person's office has become vacant under this section (other than under subsection (1) (e) of this section) or while on leave of absence under subsection (1A) of this section, the person commits an offence and shall be liable on summary conviction to a fine not exceeding \$100.]

(1C) Inserted by s. 54 (4) of Criminal Justice Act 1954 (as inserted by s. 23 of the Criminal Justice Amendment Act 1975), and repealed by s. 12 of the Local Government Amendment Act 1986.

(2) Any extraordinary vacancy may, at the request of the Board, instead of being filled in accordance with [the Local Elections and Polls Act 1976], be filled by the appointment by the Governor-General of some qualified person to be a member of the Board; and every person so appointed shall come into office at the time of his appointment and, unless he sooner vacates office, shall continue in office until the members elected at the next general election of members come into office. Nothing in this subsection shall be construed to limit the powers of the Board under section 51 of [the Local Elections and Polls Act 1976].

(3) Notwithstanding anything in this Act, where the vacancy is to be filled by appointment under subsection (2) of this section, any person who is not an elector may be so appointed and hold office as a member of the Board if the Governor-General is satisfied that no elector qualified for appointment is available and willing to accept office:

Provided that the number of members appointed under this subsection shall not exceed half the number of elective members for the time being fixed for that Board.

Cf. 1955, No. 28, s. 40

In subs. (1), paras. (e)-(g) were substituted for paras. (e)-(g) (as amended by s. 54 (4) of the Criminal Justice Act 1954 which was amended by s. 23 of the Criminal Justice Amendment Act 1975) by s. 12 of the Local Government Amendment Act 1986.

In subs. (1), para. (h) together with the former para. (g) were substituted for the original para. (g) by s. 54 (4) of the Criminal Justice Act 1954 which was amended by s. 23 of the Criminal Justice Act 1975. The Criminal Justice Act 1954 was repealed by the Criminal Justice Act 1985. As to the continuing in force of this substituted para. (h), see s. 20 (b) of the Acts Interpretation Act 1924.

Subss. (1A) and (1B) were substituted for the former subss. (1A)-(1C) (as inserted by s. 54 (4) of the Criminal Justice Act 1954 which was amended by s. 23 of the Criminal Justice Amendment Act 1975) by s. 12 of the Local Government Amendment Act 1986.

Chairman of Board

49. Chairman of Board--(1) The Board shall at the first meeting after its election and from time to time thereafter appoint one of its members, other than the member (if any) appointed by the Minister, to be the Chairman of the Board.

(2) During the selection of a Chairman at the first meeting of the Board of a newly constituted district the Returning Officer who conducted the first election of members of the Board shall preside. During the selection of a Chairman at any other meeting of a Board the Secretary shall preside. In the case of an equality of votes at any ballot for the purpose of selecting a Chairman the person so presiding shall determine the selection by lot in such manner as the Board directs.

(3) The Chairman shall come into office on his appointment and shall hold office until the appointment of his successor. He shall preside at all meetings of the Board and shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

[(4) The Board may, if it thinks fit, appoint one of its members to be Deputy Chairman, and, subject to the provisions of this Act, the Deputy Chairman shall have and may exercise all the powers, duties, and functions of the Chairman during the absence or incapacity of the Chairman or while there is a vacancy in the office of Chairman.

(5) In the absence of the Chairman or Deputy Chairman from any meeting, the members present may appoint one of their number to act as Chairman at that meeting, and while so acting he shall have all the powers of the Chairman.]

Cf. 1955, No. 28, s. 41; 1964, No. 72, s. 15

Subss. (4) and (5) were substituted for the original subs. (4) by s. 6 of the Agricultural Pests Destruction Amendment Act 1974.

[50. Annual allowance to Chairman---(1) Where any maximum annual allowance is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the Chairman of the Board, there may, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to the Chairman such annual allowance, not exceeding that maximum allowance, as the Board determines.

(2) Where any actual annual allowance is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the Chairman of the Board, there shall, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to the Chairman the annual allowance so determined.]

This section was substituted for the former s. 50 (as substituted by s. 4 (1) of the Agricultural Pests Destruction Amendment Act 1980) by s. 39 (2) of the Local Government Amendment Act 1985.

As to remuneration and allowances, see s. 17 of the Local Government Amendment Act 1985.

Proceedings of Board

51. First meeting of Board of newly constituted district---The first meeting of the Board of a newly constituted district shall be held at such time and place as the Minister may appoint.

Cf. 1955, No. 28, s. 43; 1964, No. 72, s. 16

52. Meetings and procedure of Board---(1) The Board shall hold ordinary meetings for the transaction of general business at such times

as the Board from time to time appoints, but not less frequently than once in 3 months.

(2) The first ordinary meeting of the Board of any district, other than a newly constituted district, shall be held not later than one month after the date of the general election of members.

(3) The Secretary shall give notice in writing to each of the members of the time and place from time to time appointed for ordinary meetings.

(4) The Secretary shall, on requisition in writing by the Chairman or any 2 members of the Board, call a special meeting of the Board by notice in writing addressed to each member.

(5) At all meetings of the Board a quorum shall consist of half the total number of members when that number is even, and a majority of the members when that number is odd.

(6) Subject to the provisions of this Act and of any regulations for the time being in force under this Act, the Board may regulate its own procedure.

Cf. 1955, No. 28, s. 44; 1964, No. 72, s. 17

53. Proceedings not invalid by reason of vacancy in membership, etc.--No act or proceeding of the Board, or of any committee of the Board, or of any person acting as a member of the Board or of a committee, shall be invalidated because of a vacancy in the membership of the Board or committee at the time of the act or proceeding, or of the subsequent discovery that there was some defect in the election or appointment of any member of the Board or committee or of any person so acting or that he was incapable of being a member.

Cf. 1955, No. 28, s. 45

Officers, Employees, and Administrative Services

54. Officers, employees, and administrative services---(1) Subject to subsection (3) of this section, the Board shall appoint a Secretary and a Treasurer, and may from time to time appoint such . . . other officers and employees (including acting or temporary or casual officers and employees) as it thinks fit.

(2) One person may be appointed to hold 2 or more offices or appointments under subsection (1) of this section.

[(3) The Board may enter into arrangements, on such terms and conditions as may be agreed, with the council of any county or district of a district council, any part of which is within the Board's district, whereby the [[principal administrative officer]] of the County Council or District Council, as the case may be, shall provide secretarial and accounting services for the Board; and every [[principal administrative officer]] who provides such services shall, for the purposes of this Act, be deemed to be the Secretary to the Board.]

(4) Where a [principal administrative officer] provides secretarial and accounting services for a Board under subsection (3) of this section, the Board, for the purposes of making and levying rates under this Act,

and the [principal administrative officer], for the purpose of collecting such rates, may, except where the rates in the district are levied on the stock-carrying basis, use the valuation roll of the county [or district of a district council, as the case may be,] if the persons whose names are on that roll and who are liable to pay rates under this Act are clearly distinguishable from the persons whose names are on that roll and who are not so liable; and in any such case subsections (1) and (2) of section 75 of this Act shall not apply:

Provided that nothing in this subsection shall relieve any Board from the obligation to comply with the provisions of section 34 of this Act.

Cf. 1955, No. 28, s. 46

In subs. (1) the words "Inspectors, overseers, and" were omitted by s. 11 of the Agricultural Pests Destruction Amendment Act 1979.

Subs. (3) was substituted for the original subs. (3) by s. 8 (3) of the Local Government Amendment Act 1979.

In subss. (3) and (4) the references to a principal administrative officer were substituted for references to a principal officer by s. 2 (2) of the Local Government Amendment Act 1980.

In subs. (4) the words "principal officer" (now "principal administrative officer") were substituted for the words "County Clerk", in 2 places, and the words in the third set of square brackets were inserted by s. 8 (3) of the Local Government Amendment Act 1979.

As to the salaries of certain officers, see s. 12 (1) (a) (iv) of the Higher Salaries Commission Act 1977. See also ss. 30-32 of that Act.

Functions and Powers of Boards

55. Principal functions of Boards---(1) The principal functions of every Board shall be---

- (a) To destroy, within its district, pests of national importance:
- (b) To destroy, within its district, pests of local importance that have been so declared in respect of the district:
- (c) To employ pest-destruction officers for the purpose of inspecting any land and destroying any pest, using such methods of destruction as may be recommended by the Council:
- (d) To inspect any land and require the occupier to destroy any pest when the Board has been authorised by the Minister to administer Part III of this Act in accordance with section 60 of this Act:
- (e) To join with other Boards in joint operations against pests in the Boards' districts, where a joint effort is warranted to achieve greater efficiency:
- (f) To investigate the effects of any animal infestation on agriculture and agricultural production within its district and to report the results of the investigations to the Council; and, where the Board considers that any such infestation is having a detrimental effect on agriculture or agricultural production, to recommend to the Council that the species of animal concerned be declared to be a pest of either national or local importance under subsection (1) of section 3 of this Act.

(2) Every Board that has been authorised by the Minister to destroy opossums or wallabies shall, on and after the commencement of this Act,

continue to have authority to do so until that authorisation has been revoked by the Governor-General by Order in Council on the advice of the Minister given on the joint recommendation of the Council and the appropriate Board.

(3) For the purposes of this Act, where a Board has authority to destroy opossums or wallabies under subsection (2) of this section, opossums or wallabies, as the case may be, shall be deemed to be pests of local importance in respect of the Board's district while that authority continues in force.

[(4) If any animal has been declared to be a pest of local importance under paragraph (b) of subsection (1) of section 3 of this Act in respect of any district, it shall be the duty of the Board for that district to undertake such control measures as, in the opinion of the Council after consultation with the Board, are necessary to remove any threat or likely threat to agricultural production caused or likely to be caused by that pest.]

Cf. 1955, No. 28, s. 47

Subs. (4) was added by s. 7 of the Agricultural Pests Destruction Amendment Act 1974.

56. Power to enter, inspect, and do work on land---(1) Subject to the provisions of this Act, any . . . person authorised in that behalf by the Board, may, for the purposes of this Act, enter at all reasonable times on any land in the Board's district and---

(a) Inspect the land:

(b) Do on the land all such acts and things as appear to the Board to be necessary or expedient to ensure the destruction of pests on the land, including, with the agreement of the occupier, the supply and erection of fences where this is essential to the effectiveness of the destruction programme.

(2) The power of entry conferred by subsection (1) of this section shall not be exercised for the purposes of paragraph (b) of that subsection in respect of any private land except---

(a) After not less than 5 days' previous notice, in form 1 in the First Schedule to this Act, has been given on behalf of the Board to the person in actual occupation of the land; or

(b) On the expiration of a period of not less than 10 days after the publication on behalf of the Board, in a newspaper circulating in the locality in which the land is situated, of a notice, in form 2 in the First Schedule to this Act, to the effect that the Board intends to destroy nominated pests in an area, being an area in which the land is situated, which is sufficiently described in the notice to enable any person in actual occupation of the land reading the notice to identify the land as being within the area:

Provided that this subsection shall not apply in any case where the occupier of the land agrees to entry on the land by an inspector or other authorised person.

(3) For the purposes of paragraph (b) of subsection (1) of this section, the . . . authorised person may, after the expiration of the period specified in the notice given under subsection (2) of this

section, but subject to the provisions of subsections (4) and (5) of this section, remove [, or require the occupier to remove,] any livestock then on any land or part of any land that is referred to in the notice, or, as the case may be, that is within the area to which the notice relates, to any other land or part of any land occupied by the person in occupation of the first-mentioned land. In any such case the costs and expenses incurred by the Board in the removal may be recovered as a debt due to the Board from the person in occupation of the land.

(4) [The authorised person shall not remove, or require the occupier to remove, any livestock under subsection (3) of this section except]---

(a) After 10 days' previous notice in writing has been given by the . . . authorised person to the person in occupation of the land;
or

(b) Pursuant to an order of a [District Court Judge] if, within the said period of 10 days, the person in occupation applies to a [District Court Judge] under subsection (5) of this section to have his objection heard.

(5) Any person to whom notice is given under subsection (4) of this section, and who objects to the removal of the livestock, may apply to a [District Court Judge] within the said period of 10 days, to have his objection heard and determined. On hearing any such application, the [District Court Judge] may make such order as he thinks fit; and every such order shall be final and binding on all parties.

[(6) If the occupier of any land---

(a) Has failed to remove any livestock pursuant to a requirement made under subsection (3) of this section within 48 hours after the expiry of the period specified in paragraph (a) of subsection (4) of this section or, if he has exercised his right to object under subsection (5) of this section, has failed to remove any livestock pursuant to an order of a [[District Court Judge]] within 48 hours after he has been notified of the [[District Court Judge's]] decision; or

(b) Has done anything or omitted to do anything which in any way prevents the . . . authorised person from removing any livestock under subsection (3) of this section from any land of which he is the occupier; or

(c) Has done anything or omitted to do anything, after livestock has been removed under subsection (3) of this section from any land of which he is the occupier, which resulted in the re-entry or entry to that land of any such livestock or any other livestock while any work was being carried out on that land under paragraph (b) of [[subsection (1)]] of this section---

the Board, the . . . authorised person, and every other employee or agent of the Board, shall not be liable in respect of the loss of, or damage or injury to, any livestock on the land on which such work was carried out that was caused by the carrying out of the work.]

Cf. 1955, No. 28, s. 48

In subs. (1) the words "Inspector appointed by the Board, and any other" were omitted by s. 12 (1) of the Agricultural Pests Destruction Amendment Act 1979.

In subs. (3) the words "Inspector or other" were omitted by s. 12 (2) of the Agricultural Pests Destruction Amendment Act 1979, and

the words in square brackets were inserted by s. 2 (1) of the Agricultural Pests Destruction Amendment Act 1971.

In subs. (4) the words in the first set of square brackets were substituted for the former words (as substituted by s. 2 (2) of the Agricultural Pests Destruction Amendment Act 1971) by s. 12 (3) (a) of the Agricultural Pests Destruction Amendment Act 1979.

In subs. (4) (a) the words "Inspector or other" were omitted by s. 12 (3) (b) of the Agricultural Pests Destruction Amendment Act 1979.

Subs. (6) was added by s. 2 (3) of the Agricultural Pests Destruction Amendment Act 1971, and the words "Inspector or other" were omitted, in 2 places, by s. 12 (4) (a) of the Agricultural Pests Destruction Amendment Act 1979.

In subs. (6) (c) the expression "subsection (1)" was substituted for the expression "subsection (2)" by s. 12 (4) (b) of the Agricultural Pests Destruction Amendment Act 1979.

As to hunting or killing, etc., wild animals on land without the authority of the owner or occupier, see s. 8 (2) of the Wild Animal Control Act 1977.

57. Recovery of expenditure on land by Board---(1) Where pursuant to section 56 of this Act any work is carried out by or on behalf of the Board on any land, other than Crown land, [the whole] or any lesser part of the expenses incurred by the Board in respect of the work may, in the discretion of the Board, be recovered as a debt due to the Board from the occupier of the land.

(2) Any judgment under this section may be given in favour of the Board and enforced as if it were a judgment for rates; and, in the case of Maori land, the amount recoverable from the occupier may be recovered in the manner in which rates on the land may be recovered.

(3) For the purposes of subsection (2) of this section---

(a) Sections 73, 78, and 80 to 86 of the Rating Act 1967;

(b) Part VIII of the Rating Act 1967, other than paragraph (c) of subsection (4) of section 153 and subsection (1) of section 155; and

(c) Any other enactment relating to the enforcement of judgments for rates or, as the case may require, to the recovery of rates on Maori land---

shall apply, as far as they are applicable and with the necessary modifications.

(4) For the purposes of subsections (2) and (3) of this section, the Maori Land Court may, where section 155 of the Rating Act 1967 is applicable, make an order in accordance with subsection (2) of that section without considering whether alienation of the land concerned would facilitate the payment of future rates on the land and without considering the matters specified in subsection (1) of that section.

(5) Where the mortgagee of any land pays any amount payable by the occupier in respect of the land under this section, or satisfies any judgment obtained against the occupier of the land under this section, the amount so paid by the mortgagee shall be recoverable by him from the mortgagor and, until it is so recovered, shall be deemed to be added to and to form part of the principal sum secured by the mortgage and to be

chargeable with interest accordingly from the date of its payment by the mortgagee.

Cf. 1955, No. 28, s. 49

In subs. (1) the words "the whole" were substituted for the word "half" by s. 5 of the Agricultural Pests Destruction Amendment Act 1980.

58. Exercise of powers in respect of Crown land or Maori land with consent of Minister---(1) The power to do work conferred by section 56 of this Act shall not be exercised in respect of Crown land unless the Board first obtains the consent of the Minister.

(2) The Board may, if it thinks fit, apply to the Minister for his consent to the doing by the Board on any Maori land of any work pursuant to the power conferred by section 56 of this Act; and, where the consent is granted, the provisions of this section shall apply to the land to which the consent relates.

(3) The Minister may, in his discretion, refuse his consent to the doing of the work under this section, or may grant his consent either unconditionally or on and subject to such terms and conditions as he thinks fit.

(4) Where, pursuant to this section, any work is carried out by or on behalf of the Board on any Crown land or Maori land to the satisfaction of the Minister, all expenses which the Minister considers have been reasonably incurred by the Board in respect of the work shall be defrayed from [the Consolidated Account] out of money from time to time appropriated by Parliament for the purpose.

Cf. 1955, No. 28, s. 50

59. Recovery from occupier of Maori land of expenses paid by Crown---(1) The amount of all expenses paid by the Crown in respect of any Maori land may be recovered by the Crown in the manner in which rates on the land may be recovered; and the provisions of Part VIII of the Rating Act 1967, other than paragraph (c) of subsection (4) of section 153 and subsection (1) of section 155, and of any other enactment relating to the recovery of rates on Maori land, shall apply with the necessary modifications.

(2) For the purposes of subsection (1) of this section, the Maori Land Court may, where section 155 of the Rating Act 1967 is applicable, make an order in accordance with subsection (2) of that section without considering whether alienation of the land concerned would facilitate the payment of future rates on the land and without considering the matters specified in subsection (1) of that section.

Cf. 1955, No. 28, s. 51

60. Board may be authorised to administer Part III of this Act within its district---(1) The Minister may, on the recommendation of the Council, authorise any Board to administer, within its district, the provisions of Part III of this Act instead of exercising the powers conferred by section 56 of this Act.

(2) Where any Board is authorised to administer the provisions of the said Part III, the following provisions shall apply:

- (a) References in that Part to the Crown (except in section 108) shall be deemed to be references to the Board:
- (b) References in that Part to a person authorised by an Inspector shall be deemed to be references to a person authorised by the Board.

(3) The Minister may at any time, on the recommendation of the Council, revoke any authority given by him under this section.

(4) Any authority so given, and any such revocation, shall take effect on a date to be fixed in that behalf by the Minister.

(5) Where the Minister gives or revokes any authority under this section he may cause notice of the giving of the authority or of the revocation to be published in the Gazette and in a newspaper circulating in the Board's district, specifying in the notice the date on which the authority or revocation is to take effect.

(6) On the taking effect of any such revocation the Board shall cease to be charged with the administration of Part III of this Act, and the Board and [any persons so authorised] by the Board shall cease to have any powers under that Part, except for the purpose of recovering any expenses incurred in the destruction of pests before the revocation took effect.

Cf. 1955, No. 28, s. 53; 1958, No. 89, s. 3

In subs. (6) the words in square brackets were substituted for the words "the Inspectors appointed" by s. 13 of the Agricultural Pests Destruction Amendment Act 1979.

61. Power of Board to purchase and sell goods intended to be used for destruction of pests---(1) The Board shall have power to purchase and to sell or otherwise dispose of goods or substances intended to be used for the destruction of pests or for the prevention of the incursion or increase of pests within its district, or, with the consent of the other Board concerned, within any other district.

(2) The Board shall also have power to sell or otherwise dispose of poison or poisonous substances to any other Board, or to the holder of any licence under [Part IV of the Toxic Substances Act 1979], or to any person who may sell poisons in accordance with [Part III] of that Act, or to any other person for use in agriculture or horticulture or in the destruction of pests.

(3) Without limiting in any way the general powers conferred on it by subsection (1) of this section, the Board may, for the purpose of exercising those powers, apply for and be granted a licence under [the Arms Act 1983] to deal in ammunition, notwithstanding anything to the contrary in that Act.

(4) No Board shall, without the written consent of the Council, purchase any goods or substances intended to be used for any of the purposes specified in subsection (1) of this section otherwise than from the Council if the Council is able to supply such goods or substances at the same cost as, or at less cost than, similar goods or substances of like quality that are available from other sources.

Cf. 1955, No. 28, s. 54; 1960, No. 97, s. 56 (1) (d), (2); 1963, No. 52, s. 3

In subs. (2) the words in the first set of square brackets were substituted for the words "section 17 of the Poisons Act 1960" by s. 2 (a) of the Agricultural Pests Destruction Amendment Act 1986, and the expression "Part III" was substituted for the expression "section 13" by s. 2 (b) of that Act.

In subs. (3) the Arms Act 1983, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Arms Act 1958.

62. Power of Board to purchase and dispose of real or personal property---(1) The Board may, out of its funds, purchase, take on lease, hire, or otherwise acquire such land, buildings, parts of buildings, plant, machinery, and equipment as in the opinion of the Board are necessary for the exercise and performance of its powers, functions, and duties.

(2) Subject to subsection (3) of this section, the Board may, if it thinks fit, sell, transfer, grant on lease, let out on hire, or otherwise dispose of any of its real or personal property.

(3) Except with the consent of the Minister given on the recommendation of the Council and on such terms and conditions as the Minister may think fit to impose, the Board shall not sell or otherwise dispose of any land, building, plant, or machinery used by the Board for the manufacture or distribution of any poison or poisonous substances if the land, building, plant, or machinery was purchased by the Board wholly or in part out of money granted to the Board under section 87 of this Act.

Cf. 1955, No. 28, s. 54A; 1959, No. 84, s. 8; 1963, No. 52, s. 4

63. Delegation of powers of destroying pests---(1) Subject to the provisions of this section, any Board may delegate such of its powers as it thinks fit to the Council, to another Board, or to a committee appointed by the Board.

(2) Any Board which, under subsection (1) of this section, accepts from any other Board a delegation of any powers may from time to time appoint a committee or committees, and may delegate to any such committee all or any of the powers that the Board may exercise by delegation as aforesaid.

(3) Any person, whether or not he is a member of the Board, may be appointed as a member of any committee established by a Board under subsection (1) or subsection (2) of this section:

Provided that, except with the consent of the Minister, no person shall be appointed as a member of a committee unless he is an elective member of a Board or is an Inspector appointed under Part III of this Act [or is a representative of the [[Ministry of Forestry]] on a Board].

(4) Every committee established under subsection (1) or subsection (2) of this section is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951. There may be paid to members of every such committee, out of the funds of the Board that has delegated any of its powers to the committee, travelling allowances and expenses in accordance with the Fees and Travelling

Allowances Act 1951, and the provisions of that Act shall apply accordingly.

(5) It shall be lawful for a Board from time to time to enter into contracts of insurance insuring members of any committee established under subsection (1) or subsection (2) of this section against loss from personal accident arising out of and in the course of the exercise or performance of their powers, functions, or duties as members, and to pay the premiums payable in respect of such contracts.

(6) Any Board that establishes a committee under subsection (1) or subsection (2) of this section shall appoint a Chairman from among the members of the committee, and may, with the consent of the Minister, pay to that Chairman such grants or annual allowance as the Minister approves, not exceeding \$300 in the case of an annual allowance.

Cf. 1955, No. 28, s. 55A (1)-(6); 1960, No. 48, s. 8

In subs. (3) the words in single square brackets were added to the proviso by s. 14 of the Agricultural Pests Destruction Amendment Act 1979, and the reference to the Ministry of Forestry was substituted for a reference to the New Zealand Forest Service by s. 2 (2) (b) of the Forests Act 1949 (as added by s. 32 (1) of the State-Owned Enterprises Act 1987).

64. Change of control of pest district---(1) If at any time the Board of any district so requests, or if at any time it appears to the Council that a Board [is using inefficient methods for the control of pests or is undertaking uneconomic control of pests or], by an unreasonable failure or refusal to exercise or perform any of the powers, functions, or duties conferred or imposed on it by this Act, is not properly carrying out the destruction of pests or the measures necessary to ensure the effective control of pests in its district, the Council may, if it thinks fit, recommend to the Minister---

(a) In the case of a district other than a County district, either---

(i) That the district be abolished under section 27 of this Act; or

(ii) That the elective members of the Board be removed from office, and that other persons be appointed in their place:

(b) In the case of a County district, that the County Council [or District Council] shall cease to be the Board of the district, and either---

(i) That other persons be appointed as the Board of the district; or

(ii) That the district be abolished under section 27 of this Act and either reconstituted as a new district or added to another district under section 23 of this Act.

(2) Where any recommendation is made by the Council under subparagraph (ii) of paragraph (a) of subsection (1) of this section, the Governor-General may, on the recommendation of the Minister, remove the elective members of the Board from office and appoint as many fit persons as are required to be members in their place. The persons so appointed shall, subject to the provisions of section 48 of this Act, hold office and be deemed to be elective members until the coming into office of the members elected at the general election of members next following the date of their appointment.

(3) Where any recommendation is made by the Council under subparagraph (i) of paragraph (b) of subsection (1) of this section, the Governor-General may, on the recommendation of the Minister, declare that the County Council [or District Council] shall cease to be the Board of the district and may appoint as many fit persons as are required to be the Board of the district. The persons so appointed shall hold office as members of the Board of the district during the pleasure of the Governor-General. Where any vacancy occurs in the office of any member so appointed, the vacancy may be filled by the appointment by the Governor-General of some fit person, and every person so appointed shall come into office as a member of the Board at the time of his appointment and shall continue to hold office during the pleasure of the Governor-General.

(4) Notwithstanding anything in this Act, any person who is not an elector may be appointed and hold office as a member of the Board under subsection (2) of this section if the Governor-General is satisfied that no elector, or an insufficient number of electors qualified for appointment, is available and willing to accept office:

Provided that the number of members appointed under this subsection shall not exceed half the number of elective members for the time being fixed for that Board.

(5) Where, pursuant to subsection (3) of this section, the Governor-General appoints the members of any Board, he may at any time thereafter, on the recommendation of the Minister, revoke the appointment of every member of the Board on a date to be specified in that behalf by the Governor-General, and on such revocation taking effect the County Council [or District Council] having jurisdiction within the area comprising the district shall be deemed to be the Board of the district.

(6) This section shall be read subject to subsection (5) of section 67 of this Act.

Cf. 1955, No. 28, s. 56; 1964, No. 72, s. 18

In subs. (1) the words in the first set of square brackets were inserted by s. 2 of the Agricultural Pests Destruction Amendment Act 1982.

In subss. (1) (b), (3), and (5) the words "or District Council" were inserted by s. 8 (3) of the Local Government Amendment Act 1979.

65. Assumption of Board's powers, functions, and duties by Council--(1) Where a Board has made a request under subsection (1) of section 64 of this Act or where the Council has made a recommendation to the Minister under that subsection, the Council may assume all the powers, functions, and duties of the Board under this Act (other than the power to levy rates) until such time as the district is abolished or other persons are appointed to be members of the Board in accordance with the said section 64.

(2) While the Council is acting under subsection (1) of this section, all acts done by the Council in the purported exercise or performance of any of the powers, functions, or duties of the Board shall be as valid as if the acts were done by the Board in the ordinary course of the

conduct of its business.

(3) This section shall be read subject to subsection (5) of section 67 of this Act.

66. Other remedies against Board not affected---Nothing in section 64 or section 65 of this Act shall be so construed as to exclude or affect any other remedy available against a Board, or the members of a Board, or any other person, in respect of any act or omission done or made or intended to be done or made by the Board or the members of the Board or any other person.

67. Appeal by Board from Council's recommendation---(1) Where the Council has made a recommendation to the Minister under subsection (1) of section 64 of this Act, the Council shall forthwith notify the Board concerned in writing setting out the grounds upon which the recommendation was made.

(2) Within 21 days after the receipt by the Board of a notification under subsection (1) of this section, the Board may appeal from the recommendation of the Council, on the ground that it has not unreasonably failed or refused to exercise or perform any of the powers, functions, or duties conferred or imposed on it by this Act, by lodging with the Registrar of the [District Court] nearest to the office of the Board an objection in writing setting forth the ground of the appeal. A copy of the appeal shall immediately thereafter be lodged with or sent to the Council.

(3) Every appeal shall be heard by a [District Court Judge] at such time and place as he may appoint, and not less than 3 days' notice shall be given to the Board and the Council of the time and place so appointed.

- (4) On the hearing of the appeal the [District Court Judge] may---
- (a) Allow the appeal; or
 - (b) Dismiss the appeal; or
 - (c) Where the appeal has been made by a Board other than a County Board, substitute, for the recommendation appealed from, any other recommendation that may be made under paragraph (a) of subsection (1) of section 64 of this Act; or
 - (d) Where the appeal has been made by a County Board, substitute, for the recommendation appealed from, any other recommendation that may be made under paragraph (b) of subsection (1) of section 64 of this Act.

(5) Until the time within which a notice of appeal under this section may be lodged by a Board has expired or, if such an appeal has been lodged, unless and until a [District Court Judge] has either dismissed the appeal or substituted, for the recommendation appealed from, another recommendation, neither the Council nor the Minister shall take any further action under section 64 or section 65 of this Act; and, where another recommendation has been so substituted, further action shall be taken only in accordance with the substituted recommendation.

Houses for Employees

[68. Power to provide dwellings for employees, etc.---(1) The Board

may from time to time---

- (a) Acquire land and erect dwellings thereon for occupation by persons employed by the Board:
- (b) Erect, on any land vested in the Board, not being land held in trust for any special purpose, dwellings for occupation by persons employed by the Board:
- (c) Purchase land with dwellings thereon for occupation by persons employed by the Board:
- (d) Purchase dwellings for removal to any land vested in the Board so that they may be made available for occupation by persons employed by the Board:
- (e) Convert any building for the purpose of residential occupation by any person employed by the Board:
- (f) Alter, enlarge, repair, and improve any dwelling erected or acquired by the Board from time to time pursuant to the provisions of this section.

(2) The Board may dispose of any dwellings and the land appurtenant thereto to any employee of the Board by way of sale or lease, or upon any tenancy.

(3) If any dwelling acquired or erected or converted by the Board for the purposes of this section is no longer required for such purposes, the Board may sell, let, exchange, or otherwise dispose of it in such manner and on such terms as it thinks fit.

(4) Where---

- (a) Any employee of the Board wishes to purchase, erect, enlarge, improve, or convert a house upon land for his own occupation; and
- (b) He applies to a financial institution for an advance by way of first mortgage upon the security of the land and the proposed or existing house---

the Board may, by deed or other instrument, guarantee to that financial institution repayment of the money which the financial institution may so advance to the employee.

(5) Every guarantee under this section shall contain such provisions relating to the mortgage and guarantee as the Board and the financial institution consider expedient, and may from time to time be varied by deed or other instrument executed by the Board and the financial institution.]

This section was substituted for the original s. 68 by s. 15 of the Agricultural Pests Destruction Amendment Act 1979.

Borrowing

[69. Borrowing powers of Board---[[To provide funds for the purposes of section 68 (1) of this Act, or for the purposes of making any payment for which it becomes liable pursuant to any guarantee given under section 68 (4) of this Act,]] or for any other works it is authorised to undertake under this Act, the Board may from time to time borrow money, subject to the provisions of the Local Authorities Loans Act 1956:

Provided that where a new county district comes into existence by virtue of subsection (2) of section 19 of this Act, or where any area is added to a county district, the County Board of the district shall, for the purposes of subsection (5) of section 20 of the Local Authorities Loans Act 1956, be deemed to be a newly constituted local authority if it operates a separate bank account for pest destruction purposes.]

This section was substituted for the original s. 69 by s. 8 of the Agricultural Pests Destruction Amendment Act 1974.

The words in double square brackets were substituted for the former words by s. 16 of the Agricultural Pests Destruction Amendment Act 1979.

70. Special procedure for consent to loan where number of ratepayers does not exceed 100--(1) This section shall apply in any case where the prior consent of the ratepayers to the raising of a loan by any Board is required or demanded or resolved to be obtained under the Local Authorities Loans Act 1956, and where the total number of ratepayers who will be liable to be rated in respect of the loan does not exceed 100.

(2) Instead of the taking of a poll under the Local Authorities Loans Act 1956, a majority in number of the ratepayers liable to be rated who also possess in their own right a majority of the votes exercisable at a poll by all of such ratepayers may, by notice in writing under their hands addressed to the Chairman of the Board, consent to the raising of the loan and declare their desire to dispense with the formality of a poll.

(3) The receipt of any such notice by the Chairman shall have the same effect as the due carrying of the proposal to raise the loan.

(4) As soon as practicable after receiving the notice, the Chairman shall send to the Minister of Finance, for publication in the Gazette, a certificate under the hand of the Chairman---

- (a) Stating that the formal poll has been dispensed with at the request of the ratepayers;
- (b) Specifying the total number of ratepayers signing the request, the total number of votes possessed by them, the total number of ratepayers liable to be rated for the proposed loan, and the total number of votes possessed by the ratepayers liable to be rated; and
- (c) Declaring the proposal to raise the loan to be carried.

(5) The Chairman shall also cause a similar certificate to be published in a newspaper or newspapers circulating in the district.

(6) Every certificate published in the Gazette pursuant to this section shall be conclusive evidence that the consent of the ratepayers of the district to the raising of the loan has been obtained, and that all proceedings and things in relation thereto have been lawfully taken and done.

(7) Every Chairman of a Board who knowingly inserts or causes or allows to be inserted any false statement in any certificate published under this section commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.

Cf. 1955, No. 28, s. 63

Rates and Rating

[71. General rate---(1) For the purposes of its general revenue the Board may from time to time, as it thinks fit, make and levy a general rate on all rateable property within its district on the basis of---

- (a) The land value of the ratepayers' land; or
- (b) The annual value or the capital value of the ratepayers' land; or
- (c) The area of land occupied by the ratepayer.

(2) Where in any financial year any area is added to the district after the Board has made its general rate for that year, the Board may make and levy, for such part of that year as is unexpired at the time of the addition of the area, a general rate on all rateable property within the added area:

Provided that---

- (a) Subject to the provisions of the Rating Act 1967, the amount demanded from and payable by any ratepayer for any rate levied pursuant to this subsection shall not exceed such proportion of the amount that would have been payable by him if he were liable for the general rate for the whole of the year as the said unexpired part of the year bears to the whole of the year:
- (b) No rate under this subsection shall be levied on any rateable property that, before its addition to the district, formed part of any other district and that is liable for any general rate made for that year by the Board of that other district.

(3) Where the general rate is levied on the basis of the area of land occupied by the ratepayer or of the use or uses to which the ratepayer's property is put, section 51 of the Rating Act 1967 shall be read as if paragraphs (b) and (d) were repealed, and the following paragraphs were substituted:

- (b) That the rate be of a stated amount for each specified area of land in each class of land classified as rateable which is comprised in the property as appearing in the valuation roll:
- (d) Where the total amount of rates due by any one ratepayer would be less than \$5, the ratepayer shall be rated at \$5.]

This section was substituted for the former s. 71 (as substituted by s. 6 (1) of the Agricultural Pests Destruction Amendment Act 1980) by s. 3 (1) of the Agricultural Pests Destruction Amendment Act 1986.

[71A. Special provisions in respect of rating on union of districts---On the union of 2 or more districts, the Board of the united district may, by resolution made before any rate has been made in the new district, determine that any rates made and levied under section 71, section 72, or section 73 of this Act shall be made and levied separately in each of the former districts for such period, not exceeding 5 years, as is specified in the resolution.]

This section was inserted by s. 3 of the Agricultural Pests Destruction Amendment Act 1968.

[71B. Non-rateable areas---(1) Notwithstanding anything in this Act, the Board may, with the approval of the Minister given on the recommendation of the Council, designate any area within its district as

a non-rateable area; and no rates shall be payable under this Part of this Act in respect of any area so designated.

(2) The Board may at any time revoke any such designation:

Provided that any such revocation shall not take effect until the commencement of the financial year next following the date of revocation.]

This section was inserted by s. 9 of the Agricultural Pests Destruction Amendment Act 1974.

[71C. Works rate---(1) Subject to this Act, for the purpose of---

- (a) Undertaking any pest destruction function or work; or
- (b) Providing any pest destruction service; or
- (c) Contributing to any such function, work, or service---

for the benefit of all or part of the district, the Board may from time to time, by resolution, make and levy, as a separate rate, a works rate of such amount as is specified in the resolution in respect of that function, work, or service on every separately rateable property within---

- (d) The district, where the function, work, or service will benefit the district as a whole; or
- (e) The part of the district which will benefit, where the function, work, or service will benefit only part of the district.

(2) Every works rate may be made and levied---

- (a) As a uniform rate; or
- (b) On a differential basis in accordance with section 72 of this Act.]

This section was inserted by s. 4 of the Agricultural Pests Destruction Amendment Act 1986.

[72. Power to levy differential rates---(1) The Board may levy any general rate [[or any works rate]] on a graduated scale according to a classification made, under this section, of the land on which the rate is to be levied, and shall so levy any such rate if the Minister, acting on the recommendation of the Council, at any time so directs.

(2) The Board shall, by resolution, classify all the land in its district---

- (a) Before making its first rate on a graduated scale according to a classification made under this section; and
- (b) Before making any subsequent rate on a graduated scale according to a classification made under this section if more than 5 years have elapsed since the last such classification was made by the Board.

(3) In classifying the land in its district the Board shall have regard to---

- (a) The degree to which different pieces of land are affected by any pest:
- (b) The degree of benefit derived or likely to be derived by any piece of land from the operations of the Board in destroying pests on that land or on any other land:

- (c) The risks of infestation or reinfestation of any piece of land by any pests from any other land:
- (d) The extent to which steps have been taken by or on behalf of a ratepayer to reduce or control the number of pests on his land or the movement of pests to or from that land:
[[(da) The use or uses to which different pieces of land are put:]]
- (e) Such other circumstances of any nature whatever as the Board considers relevant.

(4) Any general rate [[or any works rate]] made and levied on a graduated scale according to a classification made under this section shall be made and levied on each class of land in such proportions as the Board determines.

(5) Every classification so made shall be set forth in a list to be sealed with the common seal of the Board. The classification list shall include a statement of the proportions in which any general rate [[or any works rate]] made and levied on a graduated scale according to the classification is to be imposed on the several classes of land to which the list relates.

- (6) On the completion of the classification list the Board shall forthwith cause public notice to be given---
 - (a) Of the completion of the classification list; and
 - (b) Of the proportions in which any general rate [[or any works rate]] made and levied on a graduated scale according to the classification is to be imposed on the several classes of land; and
 - (c) Of the place where and the period during which the classification list may be inspected,---

and shall allow the classification list to be inspected during ordinary office hours at that place for a period of not less than 21 days.

(7) Any person aggrieved by the classification may appeal against it on the ground that the land of the appellant, or any other land in the district, has not been fairly classified.

(8) A notice setting out the grounds of the appeal shall, within 7 days after the expiration of the period of 21 days appointed for the inspection of the classification list, be filed by the appellant in the Land Valuation Tribunal nearest to the office of the Board, and a copy of the notice shall within the same 7 days be lodged at the office of the Board.

(9) The appeal shall be heard by the Land Valuation Tribunal at such time and place as the Land Valuation Tribunal appoints on the application of any party; and not less than 7 days' notice of that time and place shall be given to the appellant, to the Secretary to the Board, and to every other person affected by the appeal.

(10) On the hearing of any such appeal the Land Valuation Tribunal may confirm the classification list or cause it, or any matter in it, to be amended in such manner as the Tribunal thinks reasonable, and the District Court Judge who is the Chairman of the Tribunal shall sign the list so confirmed or amended; and the determination of the Land Valuation Tribunal shall be final and conclusive.

(11) Every classification list sealed with the seal of the Board, or signed by a District Court Judge who is the Chairman of the Tribunal in the case of any appeal, shall, for the purpose of any proceedings for the recovery of rates, be sufficient evidence of a classification duly made by the Board in accordance with the requirements of this section, and of the proportions in which the rate is imposed on the several classes of land to which the list relates.

(12) The classification list may from time to time be amended by the Board.

(13) No amendment under subsection (12) of this section shall have effect until the expiration of 2 months after the service of notice of the amendment on all ratepayers affected thereby.

(14) The provisions of this section relating to appeals and to the authentication of the classification list shall apply to every amendment of the list under subsection (12) of this section.

(15) Where in any financial year the Board proposes, pursuant to section 71 [(2)] of this Act, to make a general rate on rateable property in any area added to its district, and the rate already made by the Board for that year has been made on a graduated scale under this section, the Board, before making the rate on the added area, shall by resolution classify all land in the added area and shall, in accordance with this section, complete and give public notice of a supplementary classification list for the purposes of the proposed rate. All the provisions of this section shall apply, with the necessary modifications, to the classification and to the supplementary classification list.]

This section was substituted for the original s. 72 by s. 7 of the Agricultural Pests Destruction Amendment Act 1980.

In subss. (1), (4), (5) and (6) the words in double square brackets were inserted by s. 5 (1) (a) of the Agricultural Pests Destruction Amendment Act 1986.

In subs. (3), para. (da) was inserted by s. 5 (2) of that Act.

In subs. (15), the expression "(2)" was substituted for the expression "(5)" by s. 5 (1) (b) of that Act.

[72A. Power to levy administrative rate---(1) Notwithstanding anything in this Act, where, in respect of any area within the district of a Board,---

- (a) The need to destroy pests within that area has, in the opinion of the Board, largely disappeared due to an absence of pests within that area; and
- (b) The Board is continuing to inspect that area for pests; and
- (c) The Board intends, if---
 - (i) Pests are found within that area; and
 - (ii) Work is necessary on the part of the Board to ensure the destruction of pests on land within that area,---

to effect, under section 57 of this Act a recovery of part of the expenses incurred by the Board in respect of that work,---

the Board may, to recover the cost of providing an efficient inspection service in respect of that area, levy an administrative rate on all

rateable property within that area.

(2) Where, in any financial year, an administrative rate under subsection (1) of this section is levied in respect of any area, no general rate under section 71 of this Act shall be made and levied in respect of that area in that year and, for the purposes of section 71 (1) of this Act, rateable property within that area shall be deemed not to be rateable property within the Board's district.

(3) [[Section 71 (2) and (3)]] and section 72 of this Act shall, as far as they are applicable and with the necessary modifications, apply to an administrative rate levied under subsection (1) of this section as if it were a general rate levied under section 71 of this Act.]

This section was inserted by s. 8 of the Agricultural Pests Destruction Amendment Act 1980.

In subs. (3) the words in double square brackets were substituted for the words "Subsections (2) to (6) of section 71" by s. 6 of the Agricultural Pests Destruction Amendment Act 1986.

73. Separate rates for destruction of pests of local importance---Subject to [section 71 (2)] of this Act, every Board may, in addition to levying a general rate under [section 71 or an administrative rate under section 72A of this Act], levy a separate rate to be applied towards the destruction of any pest of local importance; and all the provisions of sections 72 and 84 of this Act shall, as far as they are applicable and with the necessary modifications, apply to the separate rate as if it were a general rate levied under section 71 of this Act.

The words in the first set of square brackets were substituted for the words "subsections (2) to (5) of section 71" by s. 7 of the Agricultural Pests Destruction Amendment Act 1986.

The words in the second set of square brackets were substituted for the words "the said section 71" by s. 9 of the Agricultural Pests Destruction Amendment Act 1980.

74. Special rates---(1) Every rate made and levied by the Board under the authority of this Act or any other Act and intended as security for the repayment of money borrowed shall be deemed to be a special rate within the meaning of the Local Authorities Loans Act 1956, and the provisions of that Act relating to special rates shall apply accordingly.

(2) No special rate shall be quashed by any proceedings in any Court or otherwise.

(3) if in any district the general rate is made and levied on the basis of the [area] of land occupied by the ratepayer, any special rate or any other rate leviable on rateable property by the Board pursuant to any lawful authority shall also be made and levied on an [area] basis, and the provisions of any enactment relating to such special or other rates shall be read subject to the provisions of this subsection.

(4) Repealed by s. 10 of the Agricultural Pests Destruction Amendment Act 1980.

(5) Notwithstanding anything in sections 34 to 36 of this Act, where any Board has raised a loan under the powers conferred by this Act or any other Act, and has made and levied a special rate as security for the repayment of the loan, and for the payment of interest, sinking fund, and other charges thereon, any land liable for the special rate at the time of its making shall not cease to be liable by reason merely of the occupier or occupiers of the land ceasing to retain the qualification for the insertion of their names on the ratepayers list prepared pursuant to the said sections 34 to 36 and of the omission of their names from that list; and for the purposes of the levying of the special rate a supplementary list shall be prepared at the same time as the main ratepayers list for the district containing the names of the occupiers of all land liable for the payment of the special rate but not liable for the payment of the general rate in the district. Such supplementary list shall be prepared in the same manner as the main ratepayers list, and the provisions of subsection (3) of section 34 and sections 36 to 41 of this Act shall apply to it. During the currency of the loan, and for the purposes of the levying of the special rate in connection therewith, the main ratepayers list and the supplementary list made under this subsection shall be deemed to be the valuation roll of the Board's district.

Cf. 1955, No. 28, s. 66

In subs. (3) the word "area" was substituted, in 2 places, for the word "acreage" by s. 13 (1) of the Agricultural Pests Destruction Amendment Act 1974.

75. Ratepayers list to be valuation roll for district---(1) For the purposes of the making and levying of rates, the ratepayers list from time to time prepared and signed under this Act, with any amendments lawfully made to it, shall be the valuation roll for the district.

(2) The valuation roll so signed shall, in the absence of proof to the contrary, be sufficient evidence of its contents, and that it has been made in accordance with this Act.

(3) In respect of every county district the valuation roll for the county shall be used for the purposes of the making and levying of rates under this Act.

(4) For the purposes of subsection (3) of this section the County Board shall ensure that the persons whose names are on the county valuation roll and who would be liable to pay rates to the County Board under this Act are clearly distinguishable from the persons whose names are on that roll and who would not be so liable.

Cf. 1955, No. 28, s. 67

76. Power to remit or refund rates---(1) On application being made in writing to the Board by any ratepayer, the Board may in any financial year remit or refund any rates payable or paid by the ratepayer, either wholly or in part.

(2) Any ratepayer aggrieved by a decision of the Board made under subsection (1) of this section may, within 21 days after the receipt by him of notification of the Board's decision, object in writing to the Council. As soon as practicable after the receipt of such an objection, the Council shall consider it and may either confirm the decision of the

Board or direct the Board to remit or refund all of the rates payable or paid by the objector or such proportion of them as the Council may specify.

(3) No remission or refund of rates under this section shall, in respect of any ratepayer, exceed [\$100] without the approval of the Minister given on the recommendation of the Council.

Cf. 1955, No. 28, s. 68; 1963, No. 52, s. 6

In subs. (3) the expression "\$100" was substituted for the expression "\$20" by s. 11 of the Agricultural Pests Destruction Amendment Act 1980.

77. Rating Act 1967 to apply---Except as otherwise provided in this Act, the provisions of the Rating Act 1967 shall apply to all rates made under this Act.

Cf. 1955, No. 28, s. 69

[77A. Board may enter into agreement with County Council for collection of rates---(1) Notwithstanding anything to the contrary in this Act, the Board may enter into an agreement with the Corporation of the County within whose district the Board's district or any part of it lies to provide for the County Council to collect on behalf of the Board rates made and levied under this Act and for the County Council to make one or more payments to the Board of the amount collected.

(2) While any such agreement continues in force, all rates to which the agreement applies shall be recoverable by the County Council in the same manner in all respects as the Board could have recovered them had the agreement not been entered into.]

This section was inserted by s. 10 of the Agricultural Pests Destruction Amendment Act 1974.

Change of Rating Basis

78. Basis of rating may be changed on poll of ratepayers---(1) Subject to the provisions of this Act, the Board may from time to time, pursuant to a poll of ratepayers, change the basis on which the general rate within its district is made and levied.

(2) Subject to subsection (1) of this section, a proposal to change the basis of rating may be submitted to the ratepayers on the initiative of the Board, and shall be so submitted by the Board on receipt of a requisition signed by not less than 15 percent of the ratepayers in the district.

(3)-(5) Repealed by s. 8 (1) of the Agricultural Pests Destruction Amendment Act 1986.

Cf. 1955, No. 28, s. 70

79. Repealed by s. 8 (3) of the Agricultural Pests Destruction Amendment Act 1986.

80. Ratepayers list to be roll for purposes of poll---(1) The ratepayers list for the district shall be the roll of ratepayers for the

purposes of any poll to change the basis of rating, and, subject to the provisions of subsection (6) of section 42 of this Act, every person on the list shall be entitled to vote. . . .

[(2) In respect of every county district the roll of electors for the county or district of a district council, as the case may be, shall be used for the purposes of any poll to change the basis of rating, and, subject to section 110 of the Local Elections and Polls Act 1976, every person whose name appears on that roll and who is liable to pay rates to the County Board under this Act shall be entitled to vote.]

(3) For the purposes of subsection (2) of this section the County Board shall ensure that the persons whose names are on the roll of electors and who are entitled to vote at a poll under that subsection are clearly distinguishable from the persons whose names are on that roll and who are not so entitled.

Cf. 1955, No. 28, s. 72

In subs. (1) words were omitted by s. 9 (2) of the Counties Amendment Act 1974. The affect of this amendment was preserved by s. 9 (4) (c) of the Local Government Amendment Act 1979.

Subs. (2) was substituted for the original subs. (2) by s. 8 (3) of the Local Government Amendment Act 1979.

81. Poll carried if majority in favour---A proposal to change the basis of rating under this Act shall be deemed to be carried if a majority of the valid votes recorded at the poll is in favour of the proposal.

Cf. 1955, No. 28, s. 73

82. Rates to be levied as determined by poll---If the result of the poll is in favour of the proposal, the Board of the district shall, in the financial year next following the date of the poll and thereafter until any fresh determination of the matter, make and levy its general rate on the basis determined at the poll.

Cf. 1955, No. 28, s. 74

83. Further polls---(1) No further poll shall be taken on any proposal to change the basis of rating within 5 years immediately following the coming into force of the last preceding change of the basis of rating.

(2) If any such proposal is submitted to a poll of the ratepayers and is not carried, the proposal shall not again be submitted to the ratepayers until the expiry of at least 2 years after the date of the taking of the poll.

Cf. 1955, No. 28, s. 75

Subsidy and Grants to Boards

84. Repealed by s. 12 (1) of the Agricultural Pests Destruction Amendment Act 1980.

[85. Subsidy on expenses recovered from occupier---Where, pursuant to section 57 or section 104 of this Act, any Board recovers from any occupier of land only a portion of the expenses incurred by the Board in

the control of pests on that land, or where pursuant to section 29 (3) of this Act, the Board recovers any money from the council of a borough or district of a district council or town district, the Council may recommend to the Minister that a portion of the expenses incurred by the Board shall be paid from the Consolidated Account out of money appropriated by Parliament pursuant to section 87 (1) of this Act.]

This section was substituted for the original s. 85 (as amended by s. 8 (3) of the Local Government Amendment Act 1979) by s. 13 (1) of the Agricultural Pests Destruction Amendment Act 1980.

86. Expenses of pest destruction by County Boards---(1) Every County Board shall establish a separate account to be called the Pest Destruction Account.

(2) Repealed by s. 17 (1) of the Agricultural Pests Destruction Amendment Act 1979.

[(3) Every County Board may from time to time make transfers of money from the general revenues of the district or from any appropriate riding, ward, or community account to the Pest Destruction Account.]

(4) Repealed by s. 17 (1) of the Agricultural Pests Destruction Amendment Act 1979.

(5) All money withdrawn from the Pest Destruction Account shall be used solely for the purpose of the destruction of pests in accordance with the provisions of this Act.

[(6) Where any part of a county or of the district of a district council forms part of a pest destruction district of which the County Council or District Council, as the case may be, is not also the Board, any payments by the County Council or the District Council for the destruction of pests in their district shall not include any portion of the proceeds of any rate levied under the Local Government Act 1974 on the land that is within the district of the other Board.]

(7) For the purposes of subsection (6) of this section, the County Council [or District Council] shall allow a rebate to any ratepayer of a proportion of the general rates payable by him in any financial year, such proportion being equivalent to the proportion which the total amount to be expended on pest destruction in that year bears to the total amount of general rates levied in the county [or district of the District Council, as the case may be,] in that year.

Cf. 1955, No. 28, s. 76B; 1964, No. 72, s. 21

Subs. (3) was substituted for the original subs. (3) (as amended by s. 8 (3) of the Local Government Amendment Act 1979) by s. 14 (1) of the Agricultural Pests Destruction Amendment Act 1980.

Subs. (6) was substituted for the original subs. (6) by s. 8 (3) of the Local Government Amendment Act 1979.

In subs. (7) the words in the first and second sets of square brackets were inserted by s. 8 (3) of the Local Government Amendment Act 1979.

[87. Grants to Boards for purpose of control of pests---(1) For the purpose of assisting Boards to carry out effectively the control of

pests in their districts, there may be paid to Boards from the Consolidated Account, out of money appropriated by Parliament for the purpose, such sums as the Minister approves on the recommendation of the Council.

(2) For the purpose of making any recommendation under subsection (1) of this section, the Council may evaluate the annual budgets of Boards.

(3) In evaluating the annual budget of a Board, the Council shall have regard to---

- (a) The extent to which the district of the Board is infested with, or is in danger of being infested with, pests:
- (b) The effects or likely effects of any pest infestation on agricultural production in the district of the Board:
- (c) The financial position of the Board, including the ability of the ratepayers in the district of the Board to finance control operations:
- (d) The methods of control employed by the Board and an assessment of the efficiency of the Board:
- (e) Such other matters as, in the opinion of the Council, are relevant to the achievement of cost-effective pest control.]

This section was substituted for the original s. 87 by s. 15 (1) of the Agricultural Pests Destruction Amendment Act 1980.

Receipts and Expenditure

88-91. Repealed by s. 17 (1) of the Agricultural Pests Destruction Amendment Act 1979.

92. Board not to pay occupier for destroying pests on his own land--In the exercise of its powers under this Act it shall not be lawful for the Board to make any payment to any ratepayer in its district for destroying pests on the land occupied by him; but it shall be lawful for the Board to supply materials, without charge, and to lend plant and equipment, to an occupier of land in the district for the purpose of destroying pests on the land occupied by him.

Cf. 1955, No. 28, s. 82

93. Travelling allowances and expenses for members---(1) The Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to members of the Board, out of the funds of the Board, travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Cf. 1955, No. 28, s. 83

94. Insurance of members of Board against personal accident while engaged in duties---It shall be lawful for the Board from time to time to enter into contracts of insurance insuring members of the Board against loss from personal accident arising out of and in the course of the exercise or performance of their powers, functions, or duties as members, and to pay the premiums payable in respect of such contracts.

Cf. 1955, No. 28, s. 84

See also Accident Compensation Act 1982.

95. Subscriptions to Boards Associations and travelling expenses of representatives---(1) Any Board affiliated to the North Island [Pest Destruction] Boards Association or to the South Island [Pest Destruction] Boards Association, or to any other Association or Council of Boards, may from time to time pay the annual subscription of the Board to the Association or Council.

(2) For the purpose of paying travelling allowances and expenses to members of the Board, the attendance by any member at conferences of the Association or meetings of any Association or Council of Boards shall be deemed to be attendance at a meeting of the Board, and the provisions of section 93 of this Act shall apply accordingly.

Cf. 1955, No. 28, s. 86

In subs. (1) the words in square brackets, in both places where they occur, were substituted for the word "Rabbit" by s. 2 (3) of the Agricultural Pests Destruction Amendment Act 1968.

96. Unauthorised expenditure---The Board may in any financial year, out of its income available for general purposes, expend for purposes not authorised by any Act or law for the time being in force any sum or sums not amounting in the whole to more than 5 percent of the total amount receivable from the general rate levied by the Board in that year, nor in any case to more than [\$500]:

Provided that if 5 percent of the amount receivable from the general rate levied does not in any financial year amount to [\$50], the Board may in that year expend the sum of [\$50] for those purposes.

Cf. 1955, No. 28, s. 87

The expression "\$500" was substituted for the expression "\$400" by s. 18 (a) of the Agricultural Pests Destruction Amendment Act 1979.

In the proviso the expression "\$50", in both places where it occurs, was substituted for the expression "\$40" by s. 18 (b) of the Agricultural Pests Destruction Amendment Act 1979.

Accounts

97-99. Repealed by s. 17 (1) of the Agricultural Pests Destruction Amendment Act 1979.

[PART IIA [SOUTH CANTERBURY WALLABY BOARD

This Part (comprising ss. 99A-99M) was inserted by s. 4 of the Agricultural Pests Destruction Amendment Act 1971. See s. 1 (3) of that Act, and Part III of the First Schedule to the Local Government Act 1974.

[99A. Interpretation---In this Part of this Act, unless the context otherwise requires,---

"Board" means the South Canterbury Wallaby Board established under section 99B of this Act:

"District" means the South Canterbury Wallaby District constituted under section 99F of this Act:

"Wallaby" means the wallaby species *macropus rufogrisea*.

[99B. Board---(1) There is hereby established a Board to be known as the South Canterbury Wallaby Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall be capable of acquiring, holding, and disposing of real and personal property, of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may do and suffer.

[99C. Membership of Board---(1) The Board shall consist of---

[[a) Eight persons to be appointed as follows:

(i) Four by the South Canterbury Pest Destruction Board:

(ii) Two by the Kurow Pest Destruction Board:

(iii) One by the Hakatamea Pest Destruction Board:

(iv) One by the MacKenzie Pest Destruction Board:]]

(b) Two members of the Council to be appointed by the Council:

(c) One person to be appointed by the Minister.

(2) No person shall be appointed as a member of the Board under paragraph (a) of subsection (1) of this section unless he is a member of [[, or a ratepayer in the pest destruction district of,]] the Pest Destruction Board which intends to appoint him.

(3) The member of the Board appointed by the Minister under paragraph (c) of subsection (1) of this section shall hold office during the pleasure of the Minister.

(4) Subject to section 99D of this Act, the 2 members of the Board appointed under paragraph (b) of subsection (1) of this section shall hold office for a term of 3 years, and shall be eligible for reappointment from time to time.

(5) On a day not later than the 30th day of April 1972, and on some day after every triennial general election of members of the constituent Pest Destruction Boards held after that date (being in each case a day not later than the 31st day of January next following that election), the Pest Destruction Boards shall hold meetings of their respective Boards which shall proceed to appoint the members of the Board in accordance with paragraph (a) of subsection (1) of this section.

(6) Notwithstanding anything to the contrary in this Act, every member of the Board shall, unless he sooner vacates his office under section 99D of this Act, continue in office until his successor comes into office.

In subs. (1), para. (a) was substituted for the original para. (a) by s. 19 (1) of the Agricultural Pests Destruction Amendment Act 1979.

In subs. (2) the words in double square brackets were inserted by s. 19 (2) of the Agricultural Pests Destruction Amendment Act 1979.

The Board is subject in certain cases to the jurisdiction of the Local Government Commission. See s. 2 of the Local Government Amendment Act 1974.

[99D. Extraordinary vacancies---(1) If any member of the Board ceases to be a member of the Pest Destruction Board which appointed him, or of the Council, as the case may be, he shall cease to be a member of the Board.

(2) Any member of the Board may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister, or may at any time resign his office by written notice to the Secretary or Chairman of the Board.

(3) When the office of any member of the Board becomes vacant, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall hold office for the residue of the term for which his predecessor would have held office if the vacancy had not occurred.

[[99E. Annual allowance for Chairman---(1) Where any maximum annual allowance is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the Chairman of the Board, there may, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to the Chairman such annual allowance, not exceeding that maximum allowance, as the Board determines.

(2) Where any actual annual allowance is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the Chairman of the Board, there shall, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to the Chairman the annual allowance so determined.]]

This section was substituted for the former s. 99E (as substituted by s. 17 (1) of the Agriculture Pests Destruction Amendment Act 1980) by s. 39 (2) of the Local Government Amendment Act 1985.

[99F. District---(1) The Minister shall as soon as practicable after the commencement of this Part of this Act, by notice in the Gazette, constitute the South Canterbury Wallaby District.

(2) The Minister may from time to time, by notice in the Gazette, alter the boundaries of the district by adding or excluding any area.

[99G. Functions of Board---The functions of the Board shall be---

- (a) To destroy wallabies within its district:
- (b) To employ pest-destruction officers for the purpose of inspecting any land and destroying wallabies, using such methods of destruction as may be recommended by the Council:
- (c) To inspect any land and require the occupier to destroy wallabies when the Board has been authorised by the Minister to administer Part III of this Act, in accordance with section 60 of this Act.

[99H. Annual estimates---(1) The Board shall, on or before the 30th day of April in each year, cause an estimate to be prepared of the proposed expenditure and estimated receipts of the Board during the financial year ending with the 31st day of March next following.

(2) Any deficiency or surplus at the end of any financial year shall be carried forward as a debit or credit, as the case may be, into, and calculated or allowed for in assessing, the estimated net expenditure for the next year.

[99I. Assessment of contributions---(1) The Board shall, on or before the 30th day of May in each year, hold a meeting at which the contributions payable by the constituent Pest Destruction Boards for the current year commencing on the 1st day of April then last past shall be assessed.

(2) The calculation of the amount payable by each Pest Destruction Board shall be made on such basis as the Board determines at that meeting.

(3) Written notice shall forthwith be given by the Board to every constituent Pest Destruction Board showing the amount of the Pest Destruction Board's contribution for the current year. Every such notice shall have attached to it a copy of the Board's estimates of expenditure for that year.

[99J. Objection against estimate or assessment---(1) If any constituent Pest Destruction Board is dissatisfied with the Board's estimate of expenditure or the basis on which its contribution has been assessed or the amount of its contribution it may, within 28 days after notice has been given to it under section 99I of this Act, object in writing against the estimates, or the basis on which its contribution has been assessed, or the amount of its contribution, to the Council.

(2) A copy of every such objection shall be forwarded to the Board and to every other constituent Pest Destruction Board.

(3) The Council shall, after considering the objection and any submissions made by the Board and any other constituent Pest Destruction Board, allow the objection in whole or in part or decline it.

(4) If the Council allows an objection in whole or in part, it shall recalculate the Board's estimates or the amount of each constituent Pest Destruction Board's contribution, as the case may require, to give effect to its decision.

(5) Every decision of the Council under this section shall be final and conclusive.

[99K. Payment of contributions---(1) Every constituent Pest Destruction Board shall pay its contribution to the Board in such instalments and at such times as the Board from time to time determines.

(2) If payment of the full amount due is not made by a constituent Pest Destruction Board under subsection (1) of this section, the amount or the portion unpaid may be recovered as a debt due by the constituent Pest Destruction Board to the Board in any Court of competent jurisdiction.

(3) For the purposes of section 71 of this Act, every payment by a constituent Pest Destruction Board under this section shall be deemed to

be made for the general purposes of that Board.

[99L. Certain sections of Act applied to Board---The provisions of sections 29, 49, 51 to 54, 56 to 63, 68, 69, 87 to 94, 96 to 98, 113 to 117, 120, 122, and 123 of this Act shall, so far as they are applicable and with the necessary modifications, apply in respect of the Board as if references in those sections---

- (a) To a Pest Destruction Board were references to the Board:
- (b) To a pest destruction district were references to the district:
- (c) To pests were references to wallabies.

[99M. Public Bodies Leases Act 1969 applied to Board---The Board is hereby declared to be a leasing authority for the purposes of the Public Bodies Leases Act 1969.]

Ss. 99A to 99M were inserted by s. 4 of the Agricultural Pests Destruction Amendment Act 1971. See s. 1 (3) of that Act.

PART III DESTRUCTION OF PESTS GENERALLY

100. Inspectors---There may from time to time be appointed, under the State Services Act 1962, such Inspectors as may be required for the purposes of this Part of this Act.

Cf. 1955, No. 28, s. 91

101. Power to enter on land and inspect---Any Inspector, or any person authorised by him in writing, may enter at all reasonable times on any land for the purpose of seeing whether there are pests on the land.

Cf. 1955, No. 28, s. 92

102. Inspector may require occupier to destroy pests---(1) Any Inspector may serve or cause to be served on the occupier of any land on which he believes there are pests a notice in writing, in form 3 in the First Schedule to this Act or to that effect, requiring the immediate destruction of pests on that land.

(2) Every occupier on whom such a notice is served shall forthwith begin and thereafter continue to do all such acts and things as may be necessary to destroy, within the shortest time possible, all pests on the land referred to in the notice.

(3) Every such occupier who fails or neglects to comply with any provision of subsection (2) of this section commits an offence and is liable on summary conviction to a fine not exceeding \$200 and, if the offence is a continuing one, to a further fine not exceeding \$10 for every day or part of a day during which the offence has continued.

(4) Whenever any person is convicted of any offence under this section he shall not thereby be relieved from the obligation to comply with the provisions of subsection (2) of this section pursuant to the notice originally served on him, and if he again fails or neglects, or continues to fail or neglect, to comply therewith at any time later than one month after the date of any conviction under this section he shall be deemed to have committed a further offence.

Cf. 1955, No. 28, s. 93

103. Inspector may enter and destroy pests if occupier fails---(1) If the occupier of any land on whom a notice is served under section 102 of this Act fails or neglects to comply with any provision of subsection (2) of that section, any Inspector, or any person authorised by him in writing, may at all reasonable times enter on the land referred to in the notice and do all such acts and things as appear to him to be necessary or expedient to ensure the destruction of the pests on that land.

(2) The powers conferred by this section may be exercised in addition to or instead of the taking of proceedings for an offence under section 102 of this Act.

Cf. 1955, No. 28, s. 94; 1956, No. 38, s. 3 (d)

104. Liability of occupier for cost of destruction of pests---[(1) Subject to the provisions of this section, the whole or any lesser part of the expenses incurred in the destruction of pests on any land pursuant to section 103 of this Act may be recovered from the occupier of the land on whom the notice was served under section 102 of this Act, as a debt due to the Crown.]

(2) Any judgment under this section may be given in favour of the Crown and enforced as if it were a judgment for rates; and, in the case of Maori land, the amount recoverable from the occupier may be recovered in the same manner in which rates on the land may be recovered.

(3) For the purposes of subsection (2) of this section---

(a) Sections 73, 78, and 80 to 86 of the Rating Act 1967;

(b) Part VIII of the Rating Act 1967, other than paragraph (c) of subsection (4) of section 153 and subsection (1) of section 155; and

(c) Any other enactment relating to the enforcement of judgments for rates or, as the case may require, to the recovery of rates on Maori land---

shall apply, as far as they are applicable and with the necessary modifications.

(4) For the purposes of subsections (2) and (3) of this section, the Maori Land Court may, where section 155 of the Rating Act 1967 is applicable, make an order in accordance with subsection (2) of that section without considering whether alienation of the land concerned would facilitate the payment of future rates on the land and without considering the matters specified in subsection (1) of that section.

(5) Where the mortgagee of any land pays any amount payable by the occupier in respect of the land under this section, or satisfies any judgment obtained against the occupier of the land under this section, the amount so paid by the mortgagee shall be recoverable by him from the mortgagor and, until it is so recovered, shall be deemed to be added to and to form part of the principal sum secured by the mortgage and to be chargeable with interest accordingly from the date of its payment by the mortgagee.

Cf. 1955, No. 28, s. 95; 1956, No. 38, s. 3 (e)

Subs. (1) was substituted for the original subs. (1) by s. 18 of

the Agricultural Pests Destruction Amendment Act 1980.

105. Rights of occupier not in actual occupation of land---(1) Where, under section 102 of this Act, a notice is served on any person who is not the person in actual occupation of the land concerned for the purposes of this Act, he shall forthwith notify the actual occupier of that land of the service of the notice. If the notification under this subsection is made in writing, it may be served in any of the ways in which a notice may be served under this Act.

(2) Unless, within 14 days after the service of the notice by the Inspector, the actual occupier makes satisfactory arrangements with the person on whom the notice was served for the destruction of pests on the land, that person shall have in respect of the land all the powers of an Inspector under section 103 of this Act.

(3) Nothing in this section shall affect any other rights that the said person not in occupation may have against the actual occupier of the land in respect of the actual occupier's failure to destroy the pests on the land.

Cf. 1955, No. 28, s. 96

106. Destruction of pests on abandoned land---(1) Where, under this Part of this Act, any Inspector or other authorised person enters on any land and finds it to be deserted or abandoned, he may, for the purpose of destroying pests thereon, exercise all the powers conferred by section 103 of this Act without giving any prior notice to the occupier of the land.

(2) The expenses incurred in respect of the destruction of pests pursuant to this section may be recovered from the occupier as a debt due to the Crown, and the provisions of section 104 of this Act shall apply accordingly.

Cf. 1955, No. 28, s. 97

107. Destruction of pests on Crown land, or on Maori land in certain cases---(1) With the consent of the Minister, any Inspector or any person authorised by him in writing may enter on any Crown land and do all such acts and things as may be necessary to ensure the destruction of pests on that land.

(2) With the consent of the Minister, any Inspector or any person authorised by him in writing may, instead of exercising the powers conferred by the foregoing provisions of this Part of this Act, enter on any Maori land and do all such acts and things as may be necessary to ensure the destruction of pests on that land.

(3) The Minister may in his discretion refuse his consent under this section or give his consent either unconditionally or on and subject to such terms and conditions as he thinks fit.

(4) All expenses incurred in respect of the destruction of pests under this section shall be defrayed from [the Consolidated Account], out of money appropriated by Parliament for the purpose.

Cf. 1955, No. 28, s. 98

108. Recovery from occupier of Maori land of expenses paid by Crown---(1) The amount of all expenses paid by the Crown under this Act in respect of any Maori land may be recovered by the Crown in the same manner in which rates on the land may be recovered; and the provisions of Part VIII of the Rating Act 1967, other than paragraph (c) of subsection (4) of section 153 and subsection (1) of section 155, and of any other enactment relating to the recovery of rates on Maori land, shall apply accordingly, with the necessary modifications.

(2) For the purposes of subsection (1) of this section, the Maori Land Court may, where section 155 of the Rating Act 1967 is applicable, make an order in accordance with subsection (2) of that section without considering whether alienation of the land concerned would facilitate the payment of future rates on the land and without considering the matters specified in subsection (1) of that section.

Cf. 1955, No. 28, s. 99

109. Board not to administer this Part except in certain cases---Except as provided in sections 29 and 60 of this Act, no Board shall administer this Part of this Act.

Cf. 1955, No. 28, s. 100

PART IV MISCELLANEOUS PROVISIONS

Pests in Chatham Islands

110. Pests not to be introduced into Chatham Islands---Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who introduces or allows to go at large in the Chatham Islands any pest of national importance or any pest of local importance which has been so declared in respect of any district.

Cf. 1955, No. 28, s. 104

Liberation and Keeping of Pests

111. Liberation of pests prohibited---Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months who lets loose or permits to be let loose in any part of New Zealand any pest of national importance, or any pest of local importance which has been so declared in respect of any district, or who removes any such live pest from any place to another place in New Zealand and then lets it loose or permits it to be let loose there, or who without lawful excuse is found with any such live pest in his possession.

Cf. 1955, No. 28, s. 105; 1960, No. 48, s. 11

112. Keeping live pests---(1) Subject to any other Act which expressly provides to the contrary, no person shall keep any live pest on any land except pursuant to a permit granted under this section and in accordance with the conditions specified in the permit.

(2) The Minister may, on application made to him for the purpose, grant to the controlling authority of any hospital, zoo, or research centre a permit to keep any live pest.

(3) The Minister may refuse to grant a permit under this section, or may grant a permit for such period and subject to such conditions as he thinks fit.

(4) Any permit under this section may, by notice in writing, be at any time revoked by the Minister.

(5) Any Inspector, or any person authorised by the Minister, may enter at all reasonable times on the land or premises of the holder of a permit under this section and inspect any part of the land or premises for the purpose of ascertaining whether the conditions of the permit are being complied with.

[(6) If an Inspector or person authorised by the Minister finds any live pest being kept on any land contrary to the provisions of this section, he may direct that the pest be destroyed; and it shall be the duty of the occupier of that land to destroy the pest or cause it to be destroyed within 3 days after being directed to do so.]

Cf. 1955, No. 28, s. 106; 1959, No. 84, s. 10; 1960, No. 48, s. 12

Subs. (6) was added by s. 12 of the Agricultural Pests Destruction Amendment Act 1974.

General Provisions

113. Apportionment of costs between several occupiers---Where there are more occupiers than one of any land, and one of them is in any way compelled under this Act to pay the whole or any part of the expenses of destroying pests on the land, he may recover, as a debt due to him from the other occupiers of the land, such proportion of the expenses incurred by him in respect of the destruction of the pests as in the opinion of the Court in which the proceedings are taken is fairly proportionate to the respective interests in the land of the occupiers who are parties to the action:

Provided that, for the purposes of this section,---

- (a) Any occupier who is entitled to the actual occupation of the land for any period exceeding 3 years, or for a life or lives, shall be deemed to be liable for the whole of the expenses of destroying the pests on the land:
- (b) Any occupier whose right to actual occupation will terminate in 6 months or less shall be entitled to recover from the other occupiers the whole of the expenses paid by him.

Cf. 1955, No. 28, s. 107

114. References to land to extend to boundary roads---All references to land in this Act or in any notice under this Act shall be deemed to extend to the roads bounding the land; and any Inspector or occupier or other person having power under this Act to enter on land and to destroy pests thereon shall have power to enter on the roads bounding the land and to destroy the pests thereon:

Provided that such power shall not authorise the doing of any act that injures any road in any way.

Cf. 1955, No. 28, s. 108

115. Unauthorised trespassing on land---Every person commits an offence against this Act who, not being a person acting under powers conferred by this Act, trespasses on any land, without the consent of the occupier, for the apparent purpose of destroying pests on the land.

Cf. 1955, No. 28, s. 109

116. Inspector or other authorised person not deemed a trespasser---An Inspector or occupier, or a person authorised in writing in that behalf by any Board or Inspector or occupier, shall not be deemed a trespasser, or be liable for any damage occasioned by him in the exercise of the powers conferred on him by this Act, unless the damage is occasioned otherwise than in the reasonable exercise of those powers.

Cf. 1955, No. 28, s. 110

117. Notices---(1) Any notice under this Act may be served by delivering it personally to the person on whom it is to be served; or by leaving it, or sending it by post in a registered letter addressed to him, at his usual or last known place of abode or business in New Zealand; or, if his whereabouts are not known, or his last place of abode or business is not known, to the person issuing the notice, by publishing it at least twice in a newspaper circulating in the district in which the land affected by the notice is situated.

(2) Where the name of an occupier is unknown to an Inspector issuing a notice under this Act, the notice may be addressed to "the occupier" as such, without specifying his name.

(3) Where any land is required to be described in any notice under this Act, it shall not be necessary to define the boundaries of the land; and it shall be a sufficient description if the land is so referred to, whether by name, by number of section or allotment, by boundaries, or otherwise, that there can be no reasonable doubt as to what land is referred to.

(4) Where a notice is sent by post in the manner prescribed by subsection (1) of this section, it shall be deemed to be served at the time at which the letter would have been delivered in the ordinary course of post; and where it is published in a newspaper in accordance with that subsection it shall be deemed to be served at the time of the last publication of the notice.

Cf. 1955, No. 28, s. 111

118. Poisoning or removing pests without authority---Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding [\$500], or to both, who, not being a person acting under powers conferred by this Act, enters on any land that is not in his own legal possession or occupation, without the authority of the legal owner or occupier, and lays poison or destroys pests on the land, or removes any pests that have been poisoned or destroyed, or their skins, from the land.

Cf. 1955, No. 28, s. 112

The expression "\$500" was substituted for the expression "\$100" by s. 20 of the Agricultural Pests Destruction Amendment Act 1979.

119. Personating Inspector or authorised person---Every person commits an offence against this Act who personates or falsely represents himself to be an Inspector, or falsely represents himself to be a person authorised by any Inspector or any Board under this Act.

Cf. 1955, No. 28, s. 113

120. Obstructing or assaulting authorised person---(1) Every person commits an offence against this Act who---

- (a) Wilfully obstructs or hinders, or causes to be obstructed or hindered, any Board, or any member of a Board, or any occupier, or any Inspector, or any other person authorised to exercise any power under this Act, in the exercise or performance of any power, function, or duty under this Act:
- (b) Threatens, assaults, or uses abusive language to any person to whom paragraph (a) of this subsection applies, while that person is engaged in the exercise or performance of any such power, function, or duty:
- (c) Without lawful authority, and while the work of destroying pests is in progress on any Crown land, persists in entering on any such land after being warned by an Inspector not to do so.

(2) No proceedings in respect of any offence under this section shall be a bar to an action for damages by any such person in respect of any assault.

Cf. 1955, No. 28, s. 114

121. Sale or export of rabbit skins and carcasses prohibited---No person shall---

- (a) Sell or offer for sale; or
- (b) Export from New Zealand for sale,---

any rabbit skin or rabbit carcass produced in New Zealand.

Cf. 1955, No. 28, s. 114A; 1956, No. 38, s. 2

122. Offences and penalties---(1) Every person commits an offence against this Act who acts in contravention of or fails to comply in any respect with---

- (a) Any provision of this Act;
- (b) Any provision of any regulations in force under this Act;
- (c) Any prohibition or restriction imposed by any regulations in force under this Act; or
- (d) Any condition imposed by any Order in Council in force under section 3A of this Act.]

(2) Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section shall be liable on summary conviction to a fine not exceeding [\$500] and, if the offence is a continuing one, to a further fine not exceeding [\$20] for every day or part of a day during which the offence has continued.

(3) For the purposes of this section, the continued existence of anything in a state contrary to any provision of this Act or of any regulations for the time being in force under this Act shall be deemed to be a continuing offence.

Cf. 1955, No. 28, s. 115

Subs. (1) was substituted for the original subs. (1) by s. 21 (1) of the Agricultural Pests Destruction Amendment Act 1979.

In subs. (2) the expressions "\$500" and "\$20" were substituted for the expressions "\$200" and "\$10" by s. 21 (2) (a) and (b) respectively of the Agricultural Pests Destruction Amendment Act 1979.

123. Regulations (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing the means to be adopted for the destruction of pests:
- (b) Prescribing the standard of strength, quality, or quantity of any poison mixture or preparation, or of any ingredient or component part thereof:
- (c) Regulating the sale of poison mixtures or preparations, and prescribing the mode of labelling such mixtures or preparations in packages, and the matter to be contained or not to be contained on such labels:
- (d) Prohibiting or restricting or authorising the Board for the district to prohibit or restrict the destruction by any means of pests in any district or part thereof:
- [(e) Prescribing, or empowering the Council to prescribe, methods for the storage and cartage of poisons:
- (f) Prescribing, or empowering the Council to prescribe, measures for ensuring the health and safety of personnel handling poisons:
- (g) Prescribing, or empowering the Council to prescribe, measures for ensuring the safety of species of animals which are not pests when poison is laid:
- (h) Regulating, or empowering the Council to regulate, the application of poisons on the ground or by air:
- (i) Providing for the establishment by Boards of general and separate accounts:
- (j) Prescribing the manner of recovering, banking, and depositing of money by Boards:
- (k) Prescribing the manner in which the annual statement of financial accounts is to be prepared, considered, settled, and published by Boards:
- (l) Providing generally for the collection of, and accounting for, money by Boards:
- (m) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.]

(2) Regulations made under this section may apply either generally or with respect to any particular part or parts of New Zealand, or with respect to any particular class or classes of land described in the regulations.

Cf. 1955, No. 28, s. 117; 1960, No. 48, s. 13; 1963, No. 52, s. 8

In subs. (1), paras. (e) to (m) were substituted for the original para. (e) by s. 22 of the Agricultural Pests Destruction Amendment Act 1979.

124. Repealed by s. 9 of the Agricultural Pests Destruction Amendment Act 1986.

125. Other Acts not affected---Nothing in this Act shall be construed to limit the provisions of the Health Act 1956 or of the [Toxic

Substances Act 1979] or of any regulations for the time being in force under either of those Acts.

The words in square brackets were substituted for the words "Poisons Act 1960" by s. 10 of the Agricultural Pests Destruction Amendment Act 1986.

126. Repeals, savings, and consequential amendments---(1) The enactments specified in the Second Schedule to this Act are hereby repealed.

(2) Repealed by s. 9 (1) of the Local Authorities (Members' Interests) Act 1968.

(3) This subsection amended Part I of the First Schedule to the Public Bodies Contracts Act 1959, reprinted 1975, Vol. 3, p. 2251.

(4) This subsection amended Part I of the Schedule to the Public Bodies Meetings Act 1962, reprinted 1975, Vol. 3, p. 2269.

(5) This subsection amended Part I of the First Schedule to the Local Authorities (Employment Protection) Act 1963, reprinted 1984, R.S. Vol. 16, p. 377.

(6) Every reference in any Act, Order in Council, Proclamation, notice, regulations, or rules to a Rabbit Board or to the Rabbit Destruction Council shall hereafter, unless the context otherwise requires, be read as a reference to a Pest Destruction Board or, as the case may require, the Agricultural Pests Destruction Council.

Cf. 1955, No. 28, s. 118

SCHEDULES

FIRST SCHEDULE**Form 1**

Section 56

NOTICE OF INTENTION TO ENTER ON LAND DESTROY PESTS

To [Name of occupier]

TAKE notice that, pursuant to section 56 of the Agricultural Pests Destruction Act 1967, [a] person authorised by the [Name of Board] will, as soon as practicable after the expiration of 5 days from the date of this notice, enter on the land occupied by you, for the purpose of destroying pests on that land.

Dated at this day of 19 .

.....

Secretary to the [Name of Board].
or . . . authorised person.

The letter "a" was substituted for the words "an Inspector or other" and the words "Inspector or" were omitted by s. 19 (a) and (b) respectively of the Agricultural Pests Destruction Amendment Act 1980.

Form 2

Section 56

NOTICE OF INTENTION TO DESTROY PESTS IN SPECIFIED AREA

PURSUANT to section 56 of the Agricultural Pests Destruction Act 1967, all occupiers of land in the locality or area described in the Schedule hereto are hereby notified that the [Name of Board] intends to destroy [type of pest] in the said locality or area, and that for that purpose.

. . persons authorised by the Board will, as soon as practicable after the expiration of 10 days from the date of this notice, enter on the lands in the said locality or area.

SCHEDULE

[Locality or area to be sufficiently described to enable an occupier to identify his land as being within the locality or area.]

Dated at this day of 19 .

.....

Secretary to the [Name of Board].
or . . . authorised person.

The words "Inspectors or other", and in the description of the signatory the words "Inspector or", were omitted by s. 19 (c) and (d) respectively of the Agricultural Pests Destruction Amendment Act 1980.
