

Noxious Plants Act 1978 015
Commenced: 1 Apr 1979

An Act to make better provision for the control of noxious plants, to co-ordinate actions aimed towards such control, and to foster a spirit of co-operation and assistance among persons adversely affected by the spread or growth of noxious plants in achieving such control

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

1. Short Title and commencement---(1) This Act may be cited as the Noxious Plants Act 1978.

(2) Subject to section 121 (1) of this Act, this Act shall come into force on the 1st day of April 1979.

2. Act to bind the Crown---This Act shall bind the Crown.

3. General purposes of Act---The purposes of this Act are---

- (a) To provide a national system of co-ordinated bodies responsible for all matters relating to noxious plants:
- (b) To prevent the introduction of new noxious plants into New Zealand, and to contain the spread of noxious plants already in New Zealand:
- (c) To provide advisory services and assistance to all persons who require them in relation to noxious plants:
- (d) To foster public interest in, and an awareness of, the problems resulting from the uncontrolled spread of noxious plants:
- (c) To make occupiers generally responsible for controlling or eradicating noxious plants.

PART I

NOXIOUS PLANTS

Interpretation

4. Interpretation---(1) In this Part of this Act, unless the context otherwise requires,---

- ``Appointed member" means a member of the Council appointed pursuant to section 5 (2) of this Act or, as the case may require, a member of a Regional Committee appointed pursuant to section 22 (2) of this Act:
- ``Class A", in relation to a noxious plant, means a Class A noxious plant as declared under section 18 of this Act:
- ``Class B", in relation to a noxious plant, means a Class B noxious plant as declared under section 19 of this Act:
- ``Commercial and Technical Group" means those organisations, including the New Zealand Stock and Station Agents' Association, the New Zealand Contractors' Federation Incorporated, the

Aviation Industry Association, the New Zealand Agricultural Merchants Federation Incorporated, the Noxious Weeds Inspectors Institute, the Agricultural Chemical and Animal Remedies Manufacturers' Federation of New Zealand Incorporated, and any other invited by the Minister, which together on the invitation of the Minister recommend a member to the Council for appointment by the Minister:

``Council" means the Noxious Plants Council established under section 5 of this Act:

``Crown land" means land vested in Her Majesty and administered by a Minister for the time being charged with the administration of the Department of State that has control of the land; and includes all land for the time being forming part of any National Park, any reserve within the meaning of the Reserves Act 1977, and all unoccupied lands of the Crown:

``Director-General" means the Director-General of Agriculture and Fisheries:

``District" or ``Noxious Plants District" means the total area administered by the local authority or local authorities comprising a District Authority:

``District Authority" means a District Noxious Plants Authority established under section 29 of this Act:

``Eradicate", in relation to Class A noxious plants, means to totally eradicate from New Zealand:

``Land" includes any river, stream, lake, lagoon, pond, estuary, swamp, or other waters, whether natural or wholly or partly of artificial formation:

``Local authority"---

(a) Means any District Council, County Council, City Council, Borough Council, or Town Council; and, where any Class A or Class B noxious plants are within the area of jurisdiction of a Harbour Board, includes that Harbour Board; and includes any other public body which the Minister by notice in the Gazette declares to be a local authority for the purposes of this Act; and

(b) In relation to the County of Fiord and any island adjacent to the coast of New Zealand which is not included in the district of any such local authority, means the Minister for the time being responsible for the administration of the Department of State that has the control of the land or, where he has made a delegation under subsection (3) of this section, his delegate:

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

``Minister" means the Minister of Agriculture:

``Ministry" means the Ministry of Agriculture and Fisheries:

``Nassella tussock" means the plant *Nassella trichotoma* (Nees) Hack:

``Noxious plant" means any plant which causes or may cause serious economic loss to any person or harm to the environment because of the effect of that plant on any person, domestic animal, crop (whether agricultural, horticultural, or silvicultural), pasture, native flora, aquatic habitat (whether natural or artificial), or to the general environment, and which has been declared to be a Class A or Class B noxious plant or which is being considered for the purpose of declaring it to be a Class A

or Class B noxious plant:

- “Occupier”, in relation to any land, means any lessee, licensee, or other occupant of the land, and includes the owner or the agent of the owner where there is no apparent occupier:
- “Officer” means a Noxious Plants Officer appointed under section 41 of this Act; and includes an Inspector appointed under the Noxious Weeds Act 1950; and also includes an officer of the Ministry appointed under section 44 of this Act:
- “Plant” includes any plant, tree, shrub, herb, flower, nursery stock, culture, vegetable, or other vegetation; and also includes any fruit, seed, spore, and portion or product of any plant; and also includes all aquatic plants:
- “Public notice” means a notice published in a newspaper circulating generally in the district or districts of the District Authority or District Authorities or region of a Regional Committee to which the subject-matter of the notice relates; and “published” and “publically notified” have corresponding meanings. A public notice setting out the object, purport, or general effect of a document shall in any case be sufficient notice of that document:
- “Region” means the area administered by a Regional Committee having boundaries which generally correspond, as at the commencement of this Act, with those of each of the 8 regional districts of the Advisory Services Division of the Ministry as adjusted to conform with the boundaries of the districts of those local authorities on the periphery of each region:
- “Regional Committee” means a Regional Co-ordinating Committee established under section 22 of this Act:
- “Sale” includes every method of disposition whether for valuable consideration or not; and “sell” has a corresponding meaning.

(2) Unless the context otherwise requires, *nassella tussock* shall be dealt with in accordance with Part II of this Act.

(3) A Minister of the Crown may, in respect of any area or place of which he is the local authority, delegate in writing all or any of his functions as a local authority under this Act to any other local authority on such terms as may be agreed between the Minister and that other local authority.

Noxious Plants Council

5. Establishment of Council---(1) There is hereby established the Noxious Plants Council.

(2) The Council shall consist of 10 members, being---

- (a) One member who shall be appointed as Chairman by the Minister:
- (b) Two members appointed by the Minister on the recommendation of the New Zealand Counties Association Incorporated:
- (c) One member appointed by the Minister on the recommendation of the Municipal Association of New Zealand Incorporated:
- (d) Two members appointed by the Minister on the recommendation of the Federated Farmers of New Zealand Incorporated:
- (e) One member appointed by the Minister on the recommendation of the Commercial and Technical Group:

- (f) The Director-General of Lands:
- (g) The Director-General of Forests:
- (h) The Director-General of Agriculture and Fisheries.

(3) The Council 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 or suffering all such other acts and things as bodies corporate may do and suffer.

(4) The Director-General of Lands, the Director-General of Forests, and the Director-General of Agriculture and Fisheries may each nominate a senior officer of his Department to attend the Council in his stead, and each nominee while so attending shall be deemed for all purposes to be a member of the Council.

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

6. Terms of office of appointed members of Council---(1) Subject to this section, each appointed member shall hold office for a term of 3 years, but may from time to time be reappointed.

(2) The following provisions shall apply with respect to the first members appointed on the recommendation of the New Zealand Counties Association Incorporated and the Federated Farmers of New Zealand Incorporated:

- (a) Two members, being one member appointed on the recommendation of each body, shall retire at the expiration of one year from the date of their appointment and the other 2 members shall retire at the end of 2 years from that date:
- (b) The order of retirement shall be decided by agreement between the members concerned or, failing agreement, by lot.
- (3) Unless he sooner vacates his office under section 7 of this Act, every member shall continue in office until his successor comes into office.

7. Extraordinary vacancies---(1) Any appointed member may at any time resign his office by giving written notice to that effect to the Minister.

(2) Any appointed member 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.

(3) If any appointed member dies or resigns, or is removed from office, the vacancy occurring shall be an extraordinary vacancy.

(4) Every extraordinary vacancy shall be filled by an appointment made in the same manner as that of the person whose office has become vacant.

(5) Every person who is appointed to fill an extraordinary vacancy shall be appointed for the remainder of the term for which his predecessor was appointed.

8. Deputy Chairman and deputies of members---(1) At the first meeting of the Council the members shall elect a Deputy Chairman from among its appointed members, and thereafter at the first meeting of the Council held after the 1st day of April in each year.

(2) The Deputy Chairman shall perform all the duties and may exercise all the powers of the Chairman during the absence or incapacity of the Chairman or while there is a vacancy in the office of the Chairman.

(3) If both the Chairman and the Deputy Chairman should be absent from any meeting, one of the appointed members present shall be appointed by the members attending to preside at that meeting.

(4) If 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 office, the Minister may, on the like nomination as that on which such member was appointed, appoint a deputy to act for the member during the period of incapacity; and each deputy shall, while so acting, be deemed for all purposes to be a member of the Council.

9. Meetings of Council---(1) The first meeting of the Council shall be held on a day to be appointed by the Minister.

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

(3) The Chairman of the Council, or any 3 members, may at any time call a special meeting.

(4) At any meeting of the Council the quorum necessary for the transaction of business shall be 6 members, of whom at least 4 must be appointed members.

(5) All questions arising at any meeting of the Council shall be decided by a majority of the votes recorded thereon.

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

(7) A resolution in writing signed or assented to by letter or telegram or telex by all members of the Council shall be as valid and effective as if it has been passed at a meeting of the Council duly called and constituted.

(8) Subject to this Act, the Council may regulate its own procedure.

10. Advisory and technical committees of Council---(1) The Council may from time to time appoint advisory or technical committees of one or more persons as it thinks fit to advise the Council on such matters relating to its functions and powers as are referred to them by the Council.

(2) Each advisory or technical committee may, in addition, furnish to

the Council a report or reports on any matter concerning the functions of the Council of which the committee, or any member or members of it, may have special knowledge or experience.

(3) A person may be appointed to be a member of any committee appointed under this section whether or not he is a member of the Council.

(4) Subject to the other provisions of this Act, and to any directions given by the Council, each committee may regulate its own procedure.

11. Inter-departmental Committee on Nassella Tussock---(1) For the purposes of this Act, the committee known as the Inter-departmental Committee on Nassella Tussock shall be deemed to be an advisory committee of the Council.

(2) The Committee shall report regularly to the Minister, through the agency of the Council, on the work and financial position of the Nassella Tussock Boards continued under Part II of this Act, the presence of nassella tussock and the effectiveness of any control or eradication measures taken in any area outside the Boards' jurisdiction, any administrative or legislative changes considered necessary to control and eradicate nassella tussock, the rate of subsidy to be paid to Nassella Tussock Boards in any year, and such other matters as the Committee, the Council, or the Nassella Tussock Boards think appropriate.

12. Remuneration and expenses of Council and committees---(1) The Council, and each advisory or technical committee appointed by it, 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 the appointed members of the Council, and to the members of any committee appointed by it (not being members of the Council), remuneration by way of salary, fees, 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.

(3) The salaries, fees, allowances, and travelling allowances and expenses payable under this section shall be paid from money appropriated by Parliament for the purpose.

13. Administration of Council---(1) The Director-General shall designate an officer of his Ministry to be Secretary to the Council, and shall also provide from his Ministry such services as may be necessary to enable the Council to discharge its functions.

(2) All expenses incurred in respect of the administration of the Council shall be paid out of money appropriated by Parliament for the purpose.

14. Financial year---The financial year of the Council shall end with the 31st day of March or with such other day in any calendar year as the Council, with the approval of the Minister, may determine.

15. Annual report---(1) As soon as practicable after the end of each financial year the Council shall deliver to the Minister a general report of its operations during the year.

(2) A copy of the general report shall be laid before Parliament as soon as practicable after its receipt by the Minister.

Functions and Powers of Council

16. Functions of Council---(1) The principal functions of the Council shall be---

- (a) To initiate and promote a policy on noxious plants administration throughout New Zealand:
- (b) To control and encourage co-ordination in implementing national and regional programmes for the control or eradication of noxious plants; and to report periodically to the Minister on the progress being made in implementing such programmes:
- (c) To prepare programmes and make recommendations to the Minister under section 18 of this Act as to which noxious plants should be declared Class A:
- (d) To declare noxious plants to be Class B noxious plants pursuant to section 19 of this Act and approve programmes for their eradication or control:
- (e) To make periodic recommendations to the Minister on the necessity or desirability for public money to be made available in implementing any programme in relation to Class B noxious plants, the amount of that money, and the method by which it should be allocated:
- (f) To keep the classification of Class A and Class B noxious plants under review, and to recommend changes from one classification to another or to revoke a classification, and to publish annually in the Gazette a list of plants which, as at the date of publication, have been declared to be Class A or Class B noxious plants:
- (g) To initiate and promote training for Noxious Plants Officers:
- (h) To encourage and promote research into noxious plants and their control, and, where appropriate, to indicate to the National Research Advisory Council established under the National Research Advisory Council Act 1963 the views of the Council as to the priorities to be allotted to such research:
- (i) To investigate and make recommendations to the Minister on preventing the introduction into and the establishment in New Zealand of potential noxious plants:
- (j) To investigate and approve requests to propagate, plant, sow, grow, sell, or offer for sale any noxious plant pursuant to section 49 of this Act:
- (k) To recommend to the Minister the amount of subsidy to be paid to a District Authority if recommended by a Regional Committee pursuant to section 25 (1) (e) of this Act:
- (l) To investigate any report made by a Regional Committee under section 25 (1) (f) of this Act in respect of any District Authority in default, and to recommend the action considered necessary to be taken by the Minister:
- (m) To publicise the functions of the Council, Regional Committees,

and District Authorities, with the intent of encouraging a public awareness of the need to eradicate or control noxious plants:

- (n) To investigate and report periodically to the Minister on the administration of Part II of this Act:
- (o) To investigate and make recommendations on any matters referred to it by the Minister:
- (p) To investigate and report periodically to the Minister, together with its recommendations, on such matters relating to noxious plants as it considers appropriate.

(2) It shall be a function of the Council to report to the Minister within 3 years after the commencement of this Act and thereafter at such times as may be necessary on the manner in which and over what period the Nassella Tussock Boards continued under Part II of this Act shall be dissolved, and how and when their function of controlling and eradicating nassella tussock is to be undertaken by District Authorities pursuant to this Part of this Act.

(3) The Council shall also have such other functions as are conferred on it by or under this Act or any other enactment.

17. Powers of Council---(1) The Council shall have all the powers that are reasonably necessary or expedient to carry out its functions.

(2) Without limiting the generality of subsection (1) of this section, the Council may, in relation to Class A noxious plants or to Class B noxious plants or to any area or place where a plant has been declared a Class B noxious plant, by notice in the Gazette,---

- (a) Prohibit the transporting from any area or place, or to any area or place, within New Zealand, of any seed, seed lot, grass, crop, animal fodder, timber, or other plant, or topsoil, fertiliser, or shingle, or vehicle (including any boat), or machine whether used for agricultural purposes or not, unless in accordance with such conditions as may be specified in the notice, including conditions relating to dressing or redressing of seed, the composition of any animal fodder, the methods and kinds of packaging of any of them, and the cleaning of any vehicle or machine:
- (b) Prohibit the movement of any livestock to or from any area or place within New Zealand until such conditions relating to the inspection of the livestock as may be specified in the notice have been complied with:
- (c) Require the proprietors of such agricultural or earth-moving machinery as may be specified in the notice to keep such records relating to the use of their machines as may be so specified.

(3) Every notice given under subsection (1) of this section shall cease to have effect either on the day specified in the notice or with the expiry of the period of 12 months from the date of its publication, whichever is the sooner.

(4) Regulations under section 54 of this Act may be made for any of the purposes specified in subsection (2) of this section.

(5) Every person who fails or neglects to comply with the requirements of any notice given pursuant to this section commits an offence against this Part of this Act.

18. Declaration of Class A noxious plants---(1) For the purposes of this Act, the Council may from time to time prepare a programme to eradicate a particular noxious plant, and to recommend to the Minister that this noxious plant be declared a Class A noxious plant.

(2) Every such declaration shall be made by the Governor-General by Order in Council.

(3) No such declaration shall be made without the prior agreement of the Minister of Finance.

(4) The cost of implementing any programme to eradicate any Class A noxious plant shall be met from money appropriated by Parliament for the purpose.

(5) The Council, before making any recommendation under this section and in preparing any programme of eradication, shall have regard to the following matters in respect of the noxious plant under consideration:

- (a) That the presence of the noxious plant is causing or may cause the use of the land to be very adversely affected for the purposes of production or recreation, or is causing or may cause serious damage to the general environment:
- (b) That the degree of infestation of the plant is such that a programme of eradication is still practicable and enforceable:
- (c) Any report from the Director-General:
- (d) That, in the opinion of the Council, it would be in the national interest to have the noxious plant declared to be a Class A noxious plant.

19. Declaration of Class B noxious plants---(1) The Council may, from time to time by notice in the Gazette after due consideration, declare any noxious plant (not being a Class A noxious plant) to be a Class B noxious plant within the place, area, district, or region specified in the notice.

(2) Before making any declaration under subsection (1) of this section, the Council shall consider and approve such programme for the eradication or control of the noxious plant in the district or region as may be proposed by the District Authority or Regional Committee or the Council itself, if it is satisfied that the programme is reasonable, practicable, and in the interest of the public within the district or region.

(3) The Minister may, with the agreement of the Minister of Finance and after receiving the recommendation of the Council pursuant to section 16 (1) (e) of this Act, provide, from money appropriated by Parliament for the purpose, financial assistance towards the cost of implementing any programme for the eradication or control of any Class B noxious plant.

20. Delegation of powers of Council---(1) The Council may from time to

time delegate in writing to any committee of the Council, or to any member or officer of the Council, or to all or any Regional Committee, any of the functions or powers of the Council under this Act except this power of delegation.

(2) Subject to any general or special directions given or conditions imposed by the Council, the committee or person to whom any functions and powers are delegated may exercise them in the same manner and with the same effect as if they had been conferred on it or him directly by this Act and not by delegation.

(3) Every committee or person purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(4) If any person to whom any delegation under this section has been made ceases to hold office, the delegation shall continue to have effect as if it were made to the person for the time being holding the corresponding office.

(5) Every delegation under this section shall be revocable at will.

(6) No delegation under this section shall prevent the exercise of any function or power by the Council.

21. Council to implement policy of Government---(1) In the exercise of its functions and powers under this Act, the Council shall give effect to the policy of the Government in relation to those functions and powers, as communicated to it from time to time in writing by the Minister.

(2) A copy of every communication under this section to the Council in any financial year of the Council shall be included in the annual report laid before Parliament under section 15 of this Act.

Regional Co-ordinating Committees

22. Regional Co-ordinating Committees---(1) There are hereby established 8 Regional Co-ordinating Committees, one for each region.

(2) Each Regional Committee shall consist of the following persons:

- (a) An advisory officer of the Ministry within the region nominated by the Director-General of Agriculture and Fisheries as Chairman:
- (b) The Commissioner of Crown Lands (or his nominee) for each land district or part thereof within the region, who shall represent and co-ordinate the activities of all land-holding Departments of State within the region for the purposes of this Part of this Act:
- (c) Subject to section 23 of this Act, one representative appointed by each District Authority within the region:
- (d) One representative appointed in respect of each provincial district or part of a provincial district within the region, of the Federated Farmers of New Zealand Incorporated:
- (e) Any member appointed under subsection (3) or subsection (4) of

this section.

(3) A Regional Committee may, with the approval of the Council, appoint to itself for any period not exceeding 3 years, such co-opted members as it thinks necessary---

- (a) To allow a geographic spread of membership:
- (b) To attain a reasonable balance between the number of representatives of District Authorities and of the Federated Farmers of New Zealand Incorporated on the Committee.

(4) A Regional Committee shall, in any region containing a substantial area of Maori land, appoint to itself as a member any one person nominated by any Maori Land Advisory Committee established pursuant to section 13 of the Maori Affairs Amendment Act 1974 within the region.

(5) Every appointed member may have a deputy appointed for him in like manner as the member's appointment; and such deputy may act in the place of the member while that member is prevented by illness, absence, or other sufficient cause from performing the duties of office. Every deputy shall, while acting as such, be deemed for all purposes to be a member of the Regional Committee, but any appointment as deputy may be revoked at any time by the body which appointed him.

(6) The powers of any Regional Committee shall not be affected by any vacancy in its membership.

(7) Notwithstanding subsection (1) of this section, the Minister may, by notice in the Gazette after a recommendation from the Council,---

- (a) Abolish any region:
- (b) Amalgamate any region with another region or regions:
- (c) Create a new region,---

and the Regional Committee in respect of that region shall accordingly be abolished, amalgamated, or created, as the case may require.

23. Regions may be divided into parts---(1) For the purpose of the representation of a District Authority on a Regional Committee in any case where there are more than 6 District Authorities in a region, the Council shall divide the region into not more than 6 parts each containing, as far as may be possible, an equal number of local authority districts but not so as to split a Noxious Plants District consisting of more than one local authority district.

(2) One member shall represent all District Authorities within a part on the Regional Committee, and the member shall be appointed by that District Authority within a part consisting of the greatest number of local authorities or, where there are 2 or more such District Authorities, by agreement between those District Authorities or, failing agreement, by lot.

(3) The Council may amend the parts in any region by abolishing them, or altering their boundaries, but not more than one such amendment shall be made within any period of 12 months.

24. Meetings of Regional Committees---(1) Meetings of Regional

Committees shall be held at such times and places as each Committee decides or as may be directed by the Council.

(2) In the absence of the Chairman from any meeting, one of the members present shall be appointed by the members attending to preside at that meeting.

(3) The Chairman or any 3 members may at any time call a special meeting.

(4) At all meetings of a Regional Committee a majority of all members, of which at least one is appointed by a District Authority and one by the Federated Farmers of New Zealand Incorporated, shall form a quorum.

(5) Subject to any directions from the Council, each Regional Committee may otherwise regulate its own procedure.

25. Functions of Regional Committees---(1) The principal functions of each Regional Committee shall be---

- (a) To co-ordinate the activities of all District Authorities within the region:
- (b) To keep District Authorities fully informed of such matters and programmes as may be dealt with by the Council or by the Regional Committee:
- (c) To collate recommendations from District Authorities within the region with its own recommendations (if any) on which noxious plants should be declared Class A, to prepare an estimate of the cost of eradication from the region of any noxious plant declared to be Class A, and to advise the Council on both matters:
- (d) To collate recommendations from District Authorities within the region with its own recommendations (if any) on the necessity for declaring any noxious plant a Class B noxious plant within the region or part of the region, the action to be taken in respect of the eradication or control of any Class B noxious plant, and the extent of any financial assistance thought desirable to eradicate or control any Class B noxious plant and to advise the Council on all such matters:
- (e) To recommend to the Council the amount of any subsidy to be paid to a District Authority under section 31 of this Act:
- (f) To investigate and to recommend to the Council any action considered necessary for the Minister to take in respect of a District Authority pursuant to section 32 of this Act:
- (g) To ensure that activities relating to noxious plants on Crown land are co-ordinated, by the Department of Lands and Survey, with the activities of the appropriate District Authorities:
- (h) To consult with such persons or bodies of persons within the region as may have expertise, experience, or special interest in the eradication or control of noxious plants:
- (i) Such other matters as the Regional Committee or the Council think appropriate:
- (j) To report annually to the Council, and at such other times as the Council may require, on the progress being made by the Regional Committee in carrying out its functions.

(2) Each Regional Committee shall also have such other functions as are conferred on it by or under this Act or any other enactment.

26. Administration of Regional Committees---(1) The Director-General shall designate an officer of his Ministry to be Secretary to each Regional Committee, and shall also provide from his Ministry such secretarial, recording, accounting, and clerical services as may be necessary to enable a Regional Committee to discharge its functions.

(2) All expenses incurred in respect of the administration of a Regional Committee shall be paid out of money appropriated by Parliament for the purpose.

27. Advisory and technical committees of Regional Committees---(1) A Regional Committee, after receiving the approval of the Council, may appoint such advisory or technical committees of one or more persons as the Council approves to advise the Committee on such matters relating to its functions as it may refer to them.

(2) Each advisory or technical committee may, in addition, furnish to the Regional Committee a report or reports on any matter concerning the functions of the Regional Committee of which the committee, or any member or members of it, may have special knowledge or experience.

(3) A person may be appointed to be a member of any committee appointed under this section whether or not he is a member of the Regional Committee which appointed the committee.

(4) Subject to the other provisions of this Act and to any directions given by the Regional Committee which appointed it, each committee may regulate its own procedure.

28. Remuneration and expenses of Regional Committees---(1) Each Regional Committee 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 the appointed members of each Regional Committee remuneration by way of salary, fees, 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.

(3) The salaries, fees, allowances, and travelling allowances and expenses payable under this section shall be paid from money appropriated by Parliament for the purpose.

District Noxious Plants Authorities

29. District Noxious Plants Authorities---(1) Every local authority shall, for the purposes of this Act, be a District Noxious Plants Authority.

(2) Notwithstanding subsection (1) of this section, local authorities whose districts are adjacent to any other local authority within the same region may by agreement amalgamate to form a District Noxious Plant

Authority having jurisdiction over the combined area of the districts of its constituent local authorities.

(3) A District Authority consisting of more than one local authority shall appoint one of its constituent local authorities to administer it, and shall be supervised by a management committee of persons representing the constituent local authorities, the number of representatives to be decided by agreement between the local authorities concerned or, failing agreement within a reasonable time, by the Regional Committee.

(4) The Chairman of a management committee shall be elected annually by the members of the management committee, and the Chairman shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(5) Subject to any directions from the Council, each management committee may regulate its own procedure.

30. Functions of District Authorities---(1) Every District Authority shall, under the general supervision of the Council, be charged with carrying Part I of this Act into effect in its district together with any national, regional, or district programme in relation to the control or eradication of noxious plants insofar as that programme is to be implemented in the district.

(2) Every District Authority shall make recommendations to its Regional Committee on the noxious plants which should be declared Class A, and shall also submit an estimate of the cost of eradication from its district of each such noxious plant.

(3) Every District Authority shall make recommendations to its Regional Committee on the noxious plants which should be declared to be Class B within its district or any part of its district, the action to be taken to control or eradicate any Class B noxious plant, and the extent of any financial assistance thought desirable to control or eradicate any Class B noxious plant.

(4) Every District Authority shall be responsible for the control and eradication of nassella tussock from any part of its district not within the district of a Nassella Tussock Board continued under Part II of this Act.

(5) For the purposes of this section, every District Authority may consult or co-operate with any person or body of persons having expertise, experience, or special interest in the eradication or control of noxious plants.

(6) Every District Authority shall report annually, and at such other times as may be required, to its Regional Committee on the progress the Authority is making in controlling or eradicating noxious plants.

31. Grants to District Authorities for purposes of administration---(1) The Minister may with the agreement of the Minister of Finance pay, out of money appropriated by Parliament for the purpose,

such subsidy as he thinks fit toward costs incurred or to be incurred by any District Authority in administering this Act or in exercising the powers conferred by this Act.

(2) No subsidy shall be paid under subsection (1) of this section to any District Authority consisting of a single local authority unless the Council has agreed that the local authority concerned, having regard to the area administered by it and the population and resources of that area, can adequately carry out the functions of a District Authority by itself.

32. Crown may act if District Authority defaults---(1) If, in the opinion of the Council, a District Authority fails to effectively carry out the provisions of this Part of this Act or of any programme within its district or any part of its district, the Minister may, on the recommendation of the Council, do all such acts and things as he thinks fit to correct that failure, and the costs and expenses thereof shall be recoverable from the District Authority as a debt due to the Crown, or may be deducted from any subsidy or other money that may from time to time be payable to the District Authority out of public money.

(2) If a District Authority to which this section applies consists of 2 or more local authorities, any debt due to the Crown shall be apportioned among those local authorities in the same manner as if the debt was an estimate of the net annual expenditure of the District Authority, and the provisions of section 33 of this Act, including the objection provisions, shall apply accordingly with any necessary modifications.

33. District Authority financing---(1) As soon as practicable after the beginning of each financial year, each District Authority shall prepare an estimate of its proposed expenditure for the purposes of this Act for that year.

(2) If a District Authority consists of 2 or more local authorities, the District Authority shall apportion its net estimated expenditure among the constituent local authorities in such proportions as it may determine, having regard to---

- (a) The proportion which the area of each local authority district bears to the area of the Noxious Plants District:
- (b) The proportion which the capital value of the land in each local authority district bears to the capital value of the land in the Noxious Plants District:
- (c) The degree to which different areas of land are affected by any Class B noxious plant for which the District Authority is financially responsible for its control or eradication:
- (d) Such other matters as the District Authority thinks relevant.

(3) On such apportionment being made the District Authority shall forthwith send to each of its constituent local authorities a written notice showing the amount of the contribution to be paid by that local authority together with a copy of the estimate prepared under subsection (1) of this section.

(4) If any of the constituent local authorities is dissatisfied with

the apportionment it may, within 28 days after the date of the service on it of the notice, give notice in writing to the District Authority of its objection, setting out the grounds of the objection, and at the same time send copies of the notice of objection to each of the other constituent local authorities and to the Controller and Auditor-General.

(5) Upon receipt of a copy of a notice of objection the Controller and Auditor-General shall appoint an officer of the Audit Department to hold an inquiry and make an award as to the apportionment among the constituent local authorities of the amount payable by them. The person making the award shall have regard to all matters to which the District Authority is required by this section to have regard in making the apportionment, and to such other matters as in his opinion are relevant to the inquiry.

(6) Any such award may confirm or vary the apportionment, and may declare by whom any money shall be paid, including the whole or any part of the expenses of the inquiry, and the person making the award may make and give such directions generally as may be necessary for giving full effect to the object of the inquiry. Every such award shall be final and binding on the constituent local authorities and the District Authority.

(7) No person appointed to hold an inquiry and make an award under this section shall be an arbitrator within the meaning of the Arbitration Act 1908, and nothing in that Act shall apply to any such inquiry or award.

(8) Each constituent local authority shall pay to the District Authority its share of expenditure as apportioned under this section out of its ordinary revenues, or may raise the whole or any part of the required amount by a rate to be made and levied for that purpose and the provisions of the Rating Act 1967 shall apply to any such rate accordingly.

(9) Each of the constituent local authorities shall within 30 days after the date of the service on it of the notice referred to in subsection (3) of this section or, in the case of an objection and award under this section, within 30 days after the date of the award, pay to the District Authority one-half of the amount of the contribution required of it by the notice or, as the case may be, the award; and shall within 6 months after the date of service of the notice pay to the District Authority the remaining half.

(10) If any local authority liable to make a payment under this section fails to make the payment or any part of it within the time prescribed, the amount so unpaid together with interest at a rate equivalent to the rate then being charged by the banker of the local authority for overdraft accommodation, may be recovered from the local authority as a debt due to the District Authority.

34. District Authorities may raise loans without polls---(1) For the purposes of this Part of this Act, any District Authority may from time to time raise a special loan pursuant to the Local Authorities Loans Act 1956 without the necessity of holding a poll if required by that Act.

(2) Where a loan under this section is raised as a joint special loan under Part IV of the Local Authorities Loans Act 1956, the principal local authority for the purposes of that Part shall be the administering authority of the District Authority.

(3) The term for which any money may be borrowed under this section, as determined under Part I of the Local Authorities Loans Act 1956, shall not exceed 10 years.

(4) Every District Authority is hereby declared to be a local authority for the purposes of the Local Authorities Loans Act 1956.

Programmes

35. District programmes---(1) Every District Authority shall provide and maintain a district programme in respect of implementing its functions under this Part of this Act, and shall review the programme regularly and when asked to do so by its Regional Committee.

(2) A District Authority shall co-operate with, guide, and assist any occupier or occupiers acting together within its district to prepare a planning programme for the eradication or control of noxious plants on the land of that occupier or those occupiers, and any such planning programme shall form part of the district programme of the District Authority.

(3) A District Authority shall, as part of its programme, make provision for occupiers to keep hedges or live fences consisting of Class B noxious plants if they are trimmed to the satisfaction of the District Authority.

(4) Any District Authority may prepare its district programme by combining programmes formulated over a period of time in respect of particular areas or places in its district, or in relation to particular noxious plants.

(5) Every district programme or part of it prepared under this section shall be submitted to the appropriate Regional Committee for consideration in comparison with other district programmes the Regional Committee may have received. A Regional Committee may suggest amendments to a district programme to the District Authority which submitted it.

(6) In any conflict between the provisions of a district programme and those of a regional programme prepared under section 37 of this Act, the Council shall arbitrate and its decision shall be final.

36. District Authorities shall publicise programme---(1) A District Authority shall give public notice of its district programme or any part of it, and invite comment or objection to it.

(2) The District Authority, after considering any comment or objection, may amend the district programme or part as it thinks fit, but shall not be bound to make any amendment or to hear any person on such district programme or part.

37. Regional programmes---(1) Each Regional Committee shall, from district programmes submitted to it, endeavour to co-ordinate those programmes and prepare a regional programme for the eradication or control of noxious plants within its region, and to get the general agreement of each District Authority to such a regional programme.

(2) As each regional programme or part of it is agreed, it shall be submitted to the Council for the preparation by it of a national programme under section 16 (1) (b) of this Act.

Miscellaneous Powers

38. Power of District Authority on occupier's default---If any occupier on whom a notice is served under section 51 of this Act fails or neglects to do any act or thing specified in the notice before such date or in such manner as may be so specified, the District Authority may, after giving notice to the occupier, itself do, have done, or complete the doing of that act or thing.

39. Recovery of expenditure by District Authority---(1) Where pursuant to this Part of this Act any work is carried out by or on behalf of a District Authority on any land and the cost of the work is not met from public money, the whole or part of the cost together with interest thereon up to the date of payment at a rate equivalent to the rate being charged at the time the work was done by the banker of a local authority for overdraft accommodation, may, in the discretion of the District Authority, be recovered as a debt due to the District Authority from the occupier of the land.

(2) All money payable to a District Authority under this section shall be a charge on the land in respect of which the work was done, which charge shall, subject to subsection (3) of this section, have priority over all existing or subsequent mortgages, charges, or encumbrances, including mortgages, charges, or encumbrances in favour of the Crown.

(3) If any land subject to a charge under this section is also subject to a charge created by another enactment, then, notwithstanding anything to the contrary in that other enactment, the charges shall rank equally unless under the provisions of the other enactment the charge thereby created would be deferred to the charge created by this section.

(4) The provisions of section 33 of the Maori Affairs Act 1953 shall apply in respect of any charge imposed on Maori land under this section.

40. Powers of occupier who is trustee---Where any occupier being a trustee (other than a trustee of a reserve within the meaning of the Reserves Act 1977) is served with a notice under section 51 of this Act he may, notwithstanding anything to the contrary in the provisions of his trust,---

- (a) Do all such acts and things as are specified in the notice:
- (b) If in his opinion it is necessary to do so, pay or apply any capital money subject to the same trust for or towards any such purpose:
- (c) Sell, convert, call in, or mortgage all or any of the trust property and for the time being in possession, for or towards

any such purpose.

Noxious Plants Officers

41. Noxious Plants Officers---(1) Every District Authority shall appoint as an Officer (and may at any time remove and make another appointment) one or more persons whom the District Authority thinks competent to carry out the provisions of this Act in its district, and shall issue the Officer with a warrant of appointment.

(2) Every person appointed under subsection (1) of this section shall be appointed as a full-time Officer unless the Council, in the special circumstances of the case upon application being made to it by the District Authority, authorises the appointment of a person whose work, although primarily and predominantly that of an Officer, also includes other duties.

(3) Any 2 or more District Authorities may, subject to the agreement of the appropriate Regional Committee, enter into an agreement whereby the services of an Officer appointed by one District Authority are made available in the district of the other authority or authorities.

(4) Every Officer appointed under this section shall perform the duties of an Officer within the district of the District Authority which appointed him and within the district of any other District Authority which is a party to an agreement entered into under subsection (3) of this section.

42. Cost of employment of Officers---(1) One half or such other proportion as may be determined from time to time by the Minister of any salary, allowances, and expenses payable to, or in respect of, a Noxious Plants Officer engaged full time in the duties of an Officer and who is or who shortly will commence being trained as such, who has been trained as such, or who otherwise meets the Council's requirements for Officers, shall be met from money from time to time appropriated by Parliament for the purpose.

(2) The Council may, in the special circumstances of the case after application to it by the appropriate District Authority, authorise a subsidy pursuant to subsection (1) of this section to meet such proportion as the Council thinks equitable of the salary, allowances, and expenses payable in respect of his duties as an Officer where the work of that person is primarily and predominantly that of an Officer, but also includes other duties.

43. Duties of Officers---(1) Every Officer shall perform the duties set out in this Part of this Act, and shall perform such other duties as may be necessary to carry into effect the provisions of this Part of this Act.

(2) Every Officer shall have a duty to advise on matters on which he is qualified any other person required to do anything for the purposes of this Part of this Act.

44. Ministry officer may act as Noxious Plants Officer---(1) Such

officers of the Ministry as may be designated by the Director-General shall be Officers for the following purposes:

- (a) To investigate plants that are believed to be Class A noxious plants or which should be declared to be Class A noxious plants, and to provide a report for the Director-General for consideration by the Council pursuant to section 18 (1) (c) of this Act:
- (b) To eradicate or cause the eradication of Class A noxious plants, and to seek the co-operation of occupiers of affected land in carrying out such eradication:
- (c) To carry out the provisions of this Part of this Act in the district of any District Authority which has been in default under section 32 of this Act.

(2) The Director-General shall issue a warrant of appointment to each person designated an Officer under this section.

45. Officers, etc., protected from proceedings---No action or proceedings shall be brought against the Crown, or any District Authority, or any Officer, or any person acting under the instructions of any Officer, in respect of any action undertaken for the purpose of carrying out the provisions of this Part of this Act or of any regulations made under it where the Crown, the District Authority, or those persons, have acted in good faith and with reasonable care.

46. Powers of inspection---(1) Every Officer may, together with any person authorised in writing by the District Authority and any vehicle, means of conveyance (including a horse), machinery, or equipment, enter and inspect any land for the purposes of this Part of this Act, and may enter, inspect, and examine any premises (including any building), equipment, fixtures, or fittings which have been used, are being used, or which may be used in connection with the growing, harvesting, threshing, cleaning, dressing, sorting, packaging, or storing of any crop, grass, seed, or other plant, and may, after 24 hours notice given to the occupier, take such action or do such work on the land as may be authorised by this Part of this Act or any regulations made under it.

(2) An Officer shall, where practicable or if required to do so by the occupier, before entering on any land or premises produce his warrant of appointment or other evidence that he is an officer to the person in actual occupation of the land or premises.

(3) Every Officer may make any general or particular inquiry concerning the observance of this Part of this Act or of any regulations made under it and may take (without payment) sufficient samples of any matter which the Officer believes or suspects to be a Class A or Class B noxious plant or to contain the seeds of or the product or any part of a Class A or Class B noxious plant.

(4) Every person in or about any land or premises inspected under this section shall---

- (a) Facilitate the entry, inspection, and examination by the Officer:
- (b) Answer to the best of his knowledge all inquiries made by the Officer as to the observance of this Part of this Act and of any regulations made under it:

(c) Facilitate the taking of samples.

General Provisions

47. Emergency powers in respect of Class A aquatic plants---(1) Notwithstanding anything to the contrary in the Water and Soil Conservation Act 1967 or any other enactment but subject to this section, the Council may authorise the immediate use, by any specified District Authority, of chemicals to control or eradicate Class A aquatic plants in or near any waters.

(2) The Council shall not make any such authorisation unless---

- (a) The chemicals proposed to be used have had the prior approval of the Agricultural Chemicals Board constituted under the Agricultural Chemicals Act 1959:
- (b) General rules of procedure have been drawn up by the Council in consultation with the National Water and Soil Conservation Organisation, and are followed in a particular case by the District Authority concerned:
- (c) Where practicable, occupiers of land which may be affected and the appropriate acclimatisation society are advised before the application of the chemicals:
- (d) Any requirements of the Regional Water Board for the area are satisfied.

48. Seed lots---(1) After taking any sample under section 46 of this Act from any seed lot for which a Purity and Germination Certificate is not available, the Officer shall have the seed analysed in the Ministry.

(2) If an analysis, undertaken pursuant to subsection (1) of this section or for a Purity and Germination certificate, reveals the presence of seed of a Class A or Class B noxious plant, the Ministry shall issue a certificate to that effect and the certificate shall be prima facie evidence that the whole of the seed lot from which the sample was taken contains the seed of the noxious plant specified in the certificate.

(3) On receiving any certificate issued under subsection (2) of this section, any Officer shall arrange, at the owner's expense, to have the relevant seed lot redressed to remove the seed of the particular noxious plant or, if this is not practicable, to destroy all the seed in the seed lot from which the original sample was taken under the supervision of and to the satisfaction of the Officer.

(4) If upon analysis the seed lot does not reveal the presence of seed of any Class A noxious plant or Class B noxious plant, the Ministry shall issue a certificate to that effect, and the certificate shall be prima facie evidence of the absence of seed of Class A noxious plants and Class B noxious plants from the whole of the seed lot from which the sample was taken.

(5) Every person who, after any sample has been taken from a seed lot, divides, packs, removes, or disperses the seed lot before a certificate under subsection (4) of this section has been issued, commits an offence against this Act.

(6) In this section, "Purity and Germination Certificate" means a certificate issued by the Ministry after testing any seed, bulbs, or tubers pursuant to section 11 (1) (d) of the Ministry of Agriculture and Fisheries Act 1953.

49. Propagation and sale of noxious plants---(1) Subject to this section, every person commits an offence against this Part of this Act who, without the consent in writing of the Council, propagates, plants, sows, offers for sale, or sells any Class A or Class B noxious plant or any seed, cutting, or part of any such plant.

(2) The Council shall not give such consent unless it has received the agreement of the District Authority of the district in which the noxious plant, seed, cutting, or part is to be propagated, planted, sown, offered for sale, or sold, as the case may be.

(3) Any such consent may be subject to such conditions as the Council thinks fit and may be given so as to apply to any area or areas, to any person or class of persons, or to one or more Class A or Class B noxious plants.

(4) Nothing in this section shall apply in respect of any Class B noxious plant propagated, planted, sown, offered for sale, or sold for use as part of a hedge or live fence.

50. Occupier of land adjoining road---(1) Where land abuts on a road or is intersected by a road, the boundaries of the land on each side of the road shall, for the purposes of this Part of this Act, be deemed to extend to the middle line of the road, and the occupier of the land shall accordingly be deemed to be the occupier of so much of the road as is within the extended boundaries.

(2) Notwithstanding subsection (1) of this section, the person in whom a road is vested may undertake the work of controlling or eradicating noxious plants on any such road and on any land lying between the road and any fence or, where there is no fence, any boundary adjacent to the road, and that person shall be deemed to be the occupier of any such road and land when the work is undertaken.

51. Notices to control or eradicate Class B noxious plants---(1) Any District Authority may serve or cause their Officers to serve on the occupier of any land a notice in writing requiring the occupier, to the satisfaction of an Officer, to control or eradicate such Class B noxious plants on the land as may be specified in the notice within such time as may be so specified.

(2) A notice under subsection (1) of this section may be served on a particular occupier or, if to occupiers in general, by public notice.

(3) If, upon the representations of an occupier served with a notice under subsection (1) of this section, an Officer is satisfied that steps have been taken to comply with the requirements of a notice issued under subsection (1) of this section but the occupier has been prevented by reasonable cause from completing the necessary work within the time

specified, the Officer may extend the time specified for such further period as he thinks fit.

(4) If, upon the representations of an occupier served with a notice under subsection (1) of this section, an Officer is satisfied that any Class B noxious plants the subject of the notice are on the land for the purpose of assisting soil conservation, or of preventing or mitigating soil erosion, or of preventing or mitigating damage by floods, he may cancel the requirements of the notice in respect of those noxious plants or make such amendment as he thinks appropriate.

(5) Every occupier who fails or neglects to comply with any notice served under this section within the time specified or as extended by an Officer or which is not cancelled or suspended under section 52 of this Act commits an offence.

(6) A person convicted of an offence under subsection (5) of this section shall not thereby be relieved from the obligation to comply with the provisions of a notice issued under this section, but shall do so immediately after conviction unless the said requirements have already been carried out pursuant to section 38 of this Act.

52. Appeals---(1) Every person receiving a notice to control or eradicate Class B noxious plants may appeal in writing against the requirements of the notice within 14 days after its receipt on the grounds that, having regard to the matters set forth in the writing, those requirements are unreasonable.

(2) Every appeal shall be commenced by sending the writing accompanied by a fee of \$10 to the District Authority by which or on whose behalf the notice was issued. The writing, and any relevant report the District Authority may wish to attach, shall be referred to the arbitrator appointed under subsection (3) of this section.

(3) For the purposes of hearing any appeal under this section, there shall in respect of each region be appointed by the Council such independent arbitrators as the Council considers necessary, being barristers or solicitors of the Supreme Court in the region nominated by the President of the New Zealand Law Society.

(4) The arbitrator shall, subject to subsection (5) of this section, appoint a time and place for hearing the appeal and give notice of the appointed time and place to the appellant and the District Authority.

(5) The appeal shall be heard by the arbitrator within 14 days after the appeal has been referred to him or, in exceptional circumstances, within such extended period as he may allow. The arbitrator may affirm, vary, or cancel the requirements of the notice, or extend or reduce the time in which any work is to be done, apportion the costs of the appeal as he thinks fit between the appellant and the District Authority, and shall notify both parties accordingly. The decision of the arbitrator shall be final and shall bind both the appellant and the District Authority.

(6) To the extent that any requirements of a notice to control or

eradicate Class B noxious plants are the subject of an appeal under this section, the notice shall be suspended until the appeal is determined.

(7) Every occupier who fails or neglects to comply with any notice affirmed or varied under this section within the time specified by the arbitrator commits an offence.

53. Notices generally---(1) Any notice required or authorised under this Part of this Act to be served on any person may be served by delivering to that person or by posting it by registered letter addressed to that person at his last known address in New Zealand. A notice so posted shall be deemed to have been served when the registered letter would in the ordinary course of post be delivered.

(2) If the person is unknown or his whereabouts are not known or his last address is not known to the person giving the notice, the notice may be left with some person in actual occupation of any land to which the notice relates, or affixed on some conspicuous place on the land or on some road or street abutting the land, or may be served by public notice. It shall be sufficient if any such notice is addressed to "the occupier" without specifying a name.

(3) Where a notice relates to land, it shall be a sufficient description of the land if the notice refers to the land by name, by number of section or allotment, by boundaries, or otherwise, as allows no reasonable doubt as to the land to which the notice refers.

(4) The provisions of Part IX of the Maori Affairs Amendment Act 1974 shall apply in respect of notices served in the circumstances set out in that Part of that Act.

54. 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) Prohibiting the sowing, sale, or offering for sale of grass seed or other seed or seed cleanings or grain or any plant, or the sale or offering for sale of any fodder within the meaning of the Animals Act 1967, except under such circumstances and subject to such limitations, conditions, and restrictions as may be prescribed by the regulations:
- (b) Regulating or prohibiting the moving of livestock from any area or place into or over any other area or place:
- (c) Prescribing means to be adopted for the eradication or control of any noxious plant:
- (d) Generally for requiring the doing on or in respect of any land of any act or thing likely to prevent the spread of noxious plants or to facilitate their eradication or control, and for prohibiting the doing on or in respect of any land of any act or thing likely to facilitate the spread of noxious plants:
- (e) Regulating or prohibiting the destruction of, or interference with, trees, shrubs, plants, or grasses in any district:
- (f) Prescribing the circumstances in which fees or levies may be charged for the purposes of this Act, and prescribing the amounts of those fees or levies:
- (g) Prescribing fines for the breach of any regulation made under this

section, not exceeding---

(i) In the case of a breach relating to Class A noxious plants, \$5,000 or, where the breach is a continuing one, \$200 for every day or part of a day during which the breach continues; and

(ii) In the case of a breach relating to Class B noxious plants, \$2,500 or, where the breach is a continuing one, \$150 for every day or part of a day during which the breach continues; and

(iii) In any other case, \$1,000 or, where the breach is a continuing one, \$50 for every day or part of a day during which the breach continues:

(h) Providing for such matters as are contemplated by or are necessary for giving effect to the provisions of this Part of this Act and for its due administration.

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

(3) The operation of any regulations made under this section may be wholly suspended by the Minister by notice in the Gazette in respect of such places and for such periods as may be specified in the notice.

55. Offences in relation to Officers---Every person commits an offence against this Part of this Act who---

(a) Obstructs or hinders any Officer, or any person duly employed or authorised, in the exercise or performance of any function or power under this Part of this Act; or

(b) Threatens, assaults, or uses abusive language to any person mentioned in paragraph (a) of this subsection while that person is engaged in that exercise or performance; or

(c) Wilfully and with intent to deceive gives any false or misleading information to any person mentioned in the said paragraph (a); or

(d) Personates or falsely represents himself to be an Officer, or falsely represents himself to be a person duly employed and authorised.

56. Offences and penalties---(1) Every person who contravenes or fails to comply with any provision of this Part of this Act commits an offence.

(2) Every person who commits an offence under this Part of this Act shall be liable to a fine not exceeding---

(a) Where the offence relates to a Class A noxious plant, \$5,000 or, where the offence is a continuing one, \$200 for every day or part of a day during which the offence continues; and

(b) Where the offence relates to a Class B noxious plant, \$2,500 or, where the offence is a continuing one, \$150 for every day or part of a day during which the offence continues; and

(c) In any other case, \$1,000 or, where the offence is a continuing one, \$50 for every day or part of a day during which the offence continues.

(3) Every offence against this Part of this Act or any regulation made under it shall be punishable on summary conviction before a Magistrate.

57. Extra expense incurred may be recovered---In addition to any fine that may be imposed under this Act, all costs and expenses incurred by any person (including the Crown) in implementing any programme relating to Class A noxious plants or to Class B noxious plants which would probably not have been incurred but for the offence for which the defendant was convicted may be recoverable by that person from the defendant as a debt, or may be assessed by the Court by which the defendant is convicted and be recoverable in like manner as a fine and paid to the person entitled.

PART II

NASSELLA TUSSOCK CONTROL AND ERADICATION

Interpretation

58. Interpretation---(1) In this Part of this Act, unless the context otherwise requires,---

``Authorised rate of interest'', in relation to the amount of any advances made or money expended which is payable to or recoverable by any Board together with interest, means interest calculated at a rate equal to one percent more than the Board would have been paying if it were a County Council and had at the time of the advance or expenditure borrowed the money under this Part of this Act at a rate not exceeding the maximum rate determined from time to time by the Local Authorities Loans Board in respect of loans sanctioned under Part I of the Local Authorities Loans Act 1956:

``Board'' means the North Canterbury Nassella Tussock Board or the Marlborough Nassella Tussock Board:

``Council'' means the Council of a county:

``Crown land'' means any land other than private land:

``District'' means the district of a Board:

``Inspector'' means an Inspector appointed under this Part of this Act:

``Owner'', in relation to any private land, means the person who for the time being is entitled to the rackrent thereof or would be so entitled if the same were let to a tenant at a rackrent:

``Private land'' means any land alienated from the Crown in fee simple or for any less estate or interest; and includes any other land, whether alienated from the Crown or not, of which any person is in actual occupation or in receipt of the rents or profits.

(2) Words and expressions used in this Part of this Act and defined in Part I of this Act shall, unless the context otherwise requires, have the meanings as so defined.

Cf. 1946, No. 2, ss. 2, 3

Nassella Tussock Boards

59. North Canterbury and Marlborough nassella tussock districts---(1) There shall continue for the purposes of this Part of this Act to be a district known as the North Canterbury nassella tussock district comprising the Amuri, Cheviot, and Hurunui Counties, and a district known as the Marlborough nassella tussock district comprising the Marlborough and Kaikoura Counties.

(2) The Governor-General may from time to time, by Order in Council, declare any specified area or areas to be excluded from any district, and thereupon the area or areas so specified shall, as from the date such Order comes into force or from such later date as may be specified, cease to be part of the district.

Cf. 1946, No. 2, s. 20

60. Constitution of North Canterbury and Marlborough Nassella Tussock Boards---(1) There shall continue to be for the North Canterbury nassella tussock district a Board to be known as the North Canterbury Nassella Tussock Board.

(2) There shall continue to be for the Marlborough nassella tussock district a Board to be known as the Marlborough Nassella Tussock Board.

(3) Each 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 or suffering all such other acts and things as bodies corporate may do and suffer.

(4) Each Board is hereby declared to be the same body corporate as the Board of the same name established by section 21 of the Nassella Tussock Act 1946.

(5) The powers of a Board shall not be affected by any vacancy in its membership.

(6) Each Board shall be deemed to be a local authority for the purposes of the Public Works Act 1928.

Cf. 1946, No. 2, s. 24

Members of Boards

61. Members of Boards---(1) The North Canterbury Nassella Tussock Board shall consist of not less than 12 nor more than 15 members, to be appointed as provided in this section.

(2) The Marlborough Nassella Tussock Board shall consist of not less than 9 nor more than 12 members, to be appointed as provided in this section.

(3) Of the members of each Board,---

(a) Two shall be appointed to their respective Board by each of the Councils of the counties of Amuri, Cheviot, and Kaikoura, and 4 shall be so appointed by each of the Councils of the counties of Hurunui and Marlborough:

(b) One shall be an officer of the Ministry of Agriculture and

Fisheries to be appointed by the Minister:

- (c) One shall be an officer of the Department of Scientific and Industrial Research, to be appointed by the Minister:
- (d) One shall be an officer of the Department of Lands and Survey, to be appointed by the Minister:
- (e) One shall be an officer of the New Zealand Forest Service, to be appointed by the Minister, but only in respect of the North Canterbury Nassella Tussock Board:
- (f) Not more than 3 (hereinafter referred to as the co-opted members) may be appointed by the Board under subsection (4) of this section.

(4) Subject to paragraph (f) of the last preceding subsection, the Board may from time to time, if it thinks fit, appoint any person to be a co-opted member of the Board.

Cf. 1946, No. 2, s. 22; 1953, No. 15, s. 3

62. Appointment of members by constituent Councils---(1) In every year in which a general election of Councillors is held under the Counties Act 1956, each of the constituent Councils of a Board shall, in the month immediately following the month in which the election is held, by resolution appoint pursuant to section 61 (3) (a) of this Act 2 or, as the case may require, 4 persons to be members of that Board.

(2) If any appointment required by this section to be made is not made within the time prescribed by this section for its making, the Governor-General may make the required appointment.

Cf. 1946, No. 2, s. 23

63. Term of office of members---(1) Every member of the Board shall come into office on the day of his appointment.

(2) The members appointed by any of the constituent Councils shall, unless their offices sooner become vacant, hold office until the members appointed by that Council at the next appointment made under the last preceding section come into office.

(3) Every member appointed by the Minister shall hold office at the pleasure of the Minister.

(4) Every co-opted member shall be appointed and hold office for such term, not exceeding 3 years, as the Board thinks fit.

(5) Any member may from time to time be reappointed, or may be at any time removed from office by the Minister for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Chairman or the Secretary of the Board.

Cf. 1946, No. 2, s. 24

64. Vacancies---(1) If any member of the Board (not being a co-opted member) dies, or is removed from office, or resigns the vacancy so created shall, within 2 months after its occurrence, be filled in the manner in which the appointment to the vacant office was originally made.

(2) If no appointment is made under this section within 2 months after

the happening of the vacancy, the Governor-General may make the required appointment.

(3) Every person appointed under this section shall hold office only for the unexpired portion of the term of office of his predecessor.

Cf. 1946, No. 2, s. 25

65. Remuneration and expenses of Chairman and members of Board---(1) Each 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, out of the funds of each Board, to the Chairman and members of that Board remuneration by way of salary, fees, 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. 1946, No. 2, s. 46A; 1948, No. 30, s. 4; 1974, No. 108, s. 2 (1)

Proceedings of Boards

66. Chairman and Deputy Chairman---(1) The Board shall from time to time appoint from among its members a Chairman and a Deputy Chairman of the Board. During any vacancy in the office of Chairman or whenever the Chairman is unable to act, whether by reason of absence or otherwise, the Deputy Chairman may exercise and perform all the powers and duties of the Chairman.

(2) The Chairman shall preside at every meeting of the Board at which he is present. In the absence of the Chairman and the Deputy Chairman from any meeting of the Board the members present shall select one of their number to be the Chairman for the purposes of that meeting.

(3) At any meeting of the Board the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

Cf. 1946, No. 2, s. 26

67. Meetings of Board---(1) Meetings of the Board shall be held at such times and places as the Board or the Chairman from time to time appoints.

(2) At every meeting of the North Canterbury Nassella Tussock Board 7 members shall form a quorum.

(3) At every meeting of the Marlborough Nassella Tussock Board 5 members shall form a quorum.

(4) Every question before the Board shall be determined by a majority of the votes of the members present at a meeting of the Board. All members of the Board (including co-opted members) shall have equal voting powers.

Cf. 1946, No. 2, s. 27

68. Proceedings not invalid by reason of irregularities in appointment

of members, etc.---No act or proceeding of the Board, or of any person acting as a member of the Board, shall be invalidated in consequence of there being a vacancy in the membership of the Board at the time of the act or proceeding, or of the subsequent discovery that there was some defect with regard to the appointment of any member of the Board or of any person so acting or that he was incapable of being a member.

Cf. 1946, No. 2, s. 29

69. Procedure of Board---Subject to this Part of this Act, the Board may regulate its own procedure.

Cf. 1946, No. 2, s. 30

Officers

70. Board may appoint officers---The Board may from time to time appoint such officers, Inspectors, and employees as it thinks fit; and may out of its funds pay such salaries and allowances to the said officers, Inspectors, and employees respectively as it thinks reasonable.

Cf. 1946, No. 2, s. 31

Functions and Powers of Boards

71. Functions of Board---The principal function of the Board shall be to do all such acts and things as appear to the Board to be necessary or expedient for detecting and eradicating nassella tussock within its district or for preventing its spread.

Cf. 1946, No. 2, s. 58 (1)

72. Powers of Board---(1) The Board shall have all the powers reasonably necessary to carry out its functions.

(2) Without limiting the generality of subsection (1) of this section, the Board may---

- (a) Cause inspections of the whole or any part of the lands in its district (including Crown lands) to be made from time to time for the purpose of ascertaining whether there is any nassella tussock in the district:
- (b) Do on or in respect of any land in its district (whether Crown land or not) all such acts and things as appear to the Board to be necessary or expedient for eradicating nassella tussock therefrom, or for preventing the spread of nassella tussock from that land to any other land or to that land from any other land:
- (c) Make contributions towards the expense of any investigations, experiments, or scientific research that may be carried out by or under the control of any Government Department in respect of methods of eradicating or preventing the spread of nassella tussock.

(3) Where any work is carried out by the Board on any Crown land all costs, charges, and expenses incurred by the Board in respect of the work shall be defrayed out of money from time to time appropriated by Parliament for the purpose.

Cf. 1946, No. 2, ss. 5 (1), 6, 19

73. Boards may act together---(1) The 2 Boards may act together for the purposes of this Part of this Act and may, upon such terms and conditions as they think fit, jointly appoint Inspectors and other officers or authorise any Inspector or officer appointed by one Board to exercise his powers as such in the district of the other Board.

(2) The Boards may, for the purposes of subsection (1) of this section, enter into such agreements as they think fit.

Cf. 1946, No. 2, s. 7

74. Notice to owner to eradicate or control nassella tussock---(1) A Board may from time to time cause to be served on the owner of any private land in its district a notice in writing requiring the owner to do in respect of the land any act or thing appearing to the Board to be necessary or expedient for the control or eradication of nassella tussock or from preventing its spread to or from any other land.

(2) A copy of every notice under this section shall be served on all persons having any estate or interest in the land, so far as those persons are known to the Board.

(3) The description of any land in any notice under this section need not define the land, but shall be sufficient if it makes such reference to the land, either by name, number of section or allotment, boundaries, or otherwise, as allows of no reasonable doubt as to what land is referred to.

(4) The owner of any land who has been served with a notice under this section shall, before such date (being not less than 22 days after the date of service of the notice on the owner) as may be fixed by the Board, and in such manner as it may direct, do all the acts and things required by the notice to be done and take all such other measures as may be required in writing by the Board of any of the aforesaid purposes.

(5) Every owner of any private land who fails or neglects to comply with any notice that is served on him under this section and is not cancelled or for the time being suspended as a result of an appeal under section 75 of this Act, commits an offence against this Act.

(6) A person who is convicted of any offence under this section shall not thereby be relieved from the obligation to comply with the requirements of any such notice, but shall do so within 2 months after the date of his conviction; and if he fails to comply with this requirement he shall be deemed to have committed a further offence against this Act.

Cf. 1946, No. 2, ss. 8, 9A; 1951, No. 81, s. 18

75. Appeals from notices---(1) Within 21 days after any notice under the last preceding section is served on the owner of any land, the owner or any other person having an estate or interest in the land affected by the notice may give to the Board notice of appeal.

(2) Pending the determination of the appeal the notice shall be suspended.

(3) Every such appeal shall be heard and determined in a Magistrate's Court before a Magistrate alone, and the Court, for the purposes of hearing and determining the appeal, shall have all the powers vested in it in its ordinary civil jurisdiction.

(4) The procedure for the institution, hearing, and determination of the appeal in the Magistrate's Court shall be in accordance with the rules for the time being in force under the Magistrates' Courts Act 1947 in respect of originating applications to a Magistrate's Court, and, subject to those rules or so far as they do not extend, shall be in accordance with the ordinary procedure of that Court.

(5) On any such appeal the Magistrate's Court may cancel the notice or may confirm it, either absolutely or partially or subject to such conditions and modifications as the Court deems just, and the decision of the Court shall be final.

Cf. 1946, No. 2, s. 9

76. Powers of Board on owner's default---If any owner on whom a notice is served under section 74 of this Act fails or neglects to do any act or thing required of him under or by virtue of that section before such date as may be fixed by the Board or in such manner as it may direct, the Board may itself do or complete the doing of that act or thing.

Cf. 1946, No. 2, s. 10

77. Recovery of expenditure on private land by Board---Where pursuant to this Part of this Act any work is carried out by the Board on any private land the whole or any part of the money expended by it in respect of the work, and interest thereon at the authorised rate calculated up to the date of payment, may, in the discretion of the Board, be recovered as a debt due to the Board from the owner of the land.

Cf. 1946, No. 2, s. 11

78. Advances by Board to owners---(1) The Board may make advances to any owner on whom a notice is served under section 74 of this Act for the purpose of enabling him to comply in all respects with the requirements of the notice, or the Board may, by agreement with the owner, itself comply with those requirements, and all money expended by the Board pursuant to any such agreement shall be deemed to be an advance for the purpose of this section.

(2) The Board and the owner may agree that the amount of any advance under this section or of any money due under the last preceding section shall be payable to the Board in one amount at a fixed time with interest at the authorised rate, or by instalments extending over a number of years, with interest as aforesaid. The agreement may contain any incidental provisions and may provide for the earlier payment of instalments, or any of them, on terms to be mentioned in the agreement:

Provided that where the agreement makes no provision for early payment of instalments the Board shall accept the whole of the unpaid instalments at any time with interest up to and including the date of payment.

(3) Any such agreement may, where the money is payable in one amount, contain provisions for securing payment and, where the money is payable by instalments, each such instalment shall for all purposes be deemed to be a rate, subject, nevertheless, to the following conditions:

- (a) The owner for the time being of the land shall in all cases be deemed to be the person primarily liable for payment:
- (b) A separate book shall be kept by the Board in which particulars of the instalments (distinguishing principal from interest), and of the dates for payment thereof, and of the names of persons paying the instalments and of the land on which the money is a charge, shall be entered; and that book shall be prima facie evidence of the correctness of its contents.

(4) Where an advance has been made to an owner under this section, the Board may, on application made to it in that behalf and notwithstanding anything to the contrary in subsection (2) or subsection (3) of this section, remit the whole or any part of that advance and the interest on it if the Board is satisfied that in the circumstances it would be equitable to do so.

Cf. 1946, No. 2, s. 12; 1953, No. 15, s. 2

79. Power to take or acquire land for purposes of Act---Any Board shall, in addition to any other powers given to it by this Part of this Act, have power to take under the Public Works Act 1928, or purchase or otherwise acquire as for a public work duly authorised under that Act, any land within its district if in its opinion it is necessary or expedient so to do for the purpose of exercising any of its powers or functions under this Part of this Act.

Cf. 1946, No. 2, s. 15

80. Expenditure by Boards and Councils for purposes of this Part---(1) Any Board may from time to time expend such money as it thinks necessary for the purpose of exercising any of the powers conferred upon it by this Part of this Act:

Provided that a Board shall not incur any expenditure in excess of \$1,000 or such other amount as may from time to time be fixed by the Minister of Finance, for any one purpose relating to the acquisition or development of any land or building or the acquisition of any equipment or plant, unless the Minister of Agriculture has previously consented to the expenditure.

(2) Any Council outside the district of a Board, whether or not there is any nassella tussock in its county, may from time to time contribute such money as it thinks fit towards the funds of any Board for the purpose of assisting the Board in the exercise of its powers.

Cf. 1946, No. 2, ss. 16, 46; 1959, No. 77, s. 3

81. Agreements between Boards and land owners for eradication of nassella tussock---(1) Any Board and the owner of any private land in its district may at any time agree in writing that the owner shall do on or in respect of that private land all such acts or things as appear to the Board to be necessary or expedient for eradicating nassella tussock from that land, or for preventing the spread of nassella tussock from

that land to any other land or to that land from any other land.

(2) Every such agreement shall---

- (a) Specify the estimated cost of the work to be carried out by the owner and the time within which the work is to be completed; and
- (b) Provide for the payment by the Board to the owner of an amount equal to half of the estimated cost of the work or half of the actual cost of the work, whichever is the smaller, on the completion of the work to the satisfaction of the Board within the time specified, or, where in the opinion of the Board there was reasonable excuse for any delay in the completion of the work, within such extended time as the Board thinks fit; and
- (c) Provide that if the work is not so completed, any cost incurred by the owner shall be borne by him.

(3) No such agreement shall be entered into by any Board without first obtaining the written consent of the Minister. Any such consent may be given to a Board either generally or in respect of any such agreement or class of agreements, and may also be given on such terms and conditions as the Minister thinks fit.

Cf. 1946, No. 2, s. 16A; 1965, No. 49, s. 2; 1968, No. 19, s. 2 (1)

Finance

82. Annual estimate of Board's proposed expenditure---(1) The Board shall, during the month of January in every financial year, cause to be prepared and sent to the Minister, in such form as he may require, an estimate of the proposed expenditure of the Board for all purposes and of its receipts for that year, showing separately---

- (a) The sum or sums that may be required for carrying out or maintaining any works proposed to be undertaken by the Board during the year and all other works vested in or controlled by the Board, and all other expenses that may be incurred by the Board pursuant to this Act:
- (b) Any sums already available for the aforesaid purposes:
- (c) The estimated receipts of the Board from all sources other than the contributions of the constituent Councils and subsidies payable to the Board as hereinafter provided:
- (d) The amount (hereinafter referred to as the net estimated expenditure) by which the estimated expenditure exceeds the aggregate of the sums available and estimated receipts as aforesaid.

(2) Any deficiency or surplus in the revenues of the Board for the preceding financial year shall be included in the estimate under this section. Every such deficiency shall be deemed to form part of the expenditure of the Board, and every such surplus shall be deemed to form part of the receipts of the Board, in the year to which the estimate relates.

(3) The estimate prepared under this section shall be confirmed by resolution of the Board.

(4) For the purposes of this section, the Minister may from time to time require the Board to send to him, for his confirmation, preliminary

estimates in respect of any matters to be included in such annual estimate as aforesaid.

(5) The Minister may at any time approve or amend or require the Board to amend any preliminary estimate or annual estimate under this section.

(6) The amount of the net estimated expenditure shall be provided partly by way of the contributions of the constituent Councils, partly by such recoveries for work done by the Board as may be directed by the Minister, and partly by way of subsidy as hereinafter provided.

Cf. 1946, No. 2, s. 35; 1959, No. 77, s. 2 (2); 1970, No. 91, s. 2

83. Subsidy payable to Board---(1) There shall in respect of each financial year be payable to the Board by way of subsidy a sum equivalent to such portion of the amount of the net estimated expenditure for that year as the Minister of Finance determines.

(2) The subsidy payable under this section shall be paid out of money appropriated by Parliament for the purpose, and shall be payable at such times and in such manner as the Minister of Finance may from time to time determine.

(3) Every claim made by the Board for any sum payable by way of subsidy under this section shall be supported by a statutory declaration made by the Chairman of the Board, verifying a statement of all material particulars.

Cf. 1946, No. 2, s. 36

84. Advances in anticipation of subsidy---(1) On receipt by the Minister of an application by a Board for an advance in anticipation of the subsidy payable in any financial year under section 83 of this Act, a sum not exceeding 75 percent of the amount of the subsidy paid to the Board during the preceding financial year may be advanced to the Board in the year in which the application is made.

(2) Notwithstanding anything in subsection (1) of this section, if in any financial year the portion of the net estimated expenditure apportioned among the constituent Councils is less than the amount so apportioned in respect of the preceding financial year, the amount advanced under the said subsection (1) shall not exceed 75 percent of the subsidy that would be payable in respect of the lesser amount so apportioned.

(3) Every application made by a Board under subsection (1) of this section shall be supported by a statutory declaration made by the Chairman of the Board, verifying a statement of all material particulars.

(4) All advances under this section shall be made from the Consolidated Account, out of money appropriated by Parliament for the purpose, and shall be repaid to that Account out of the first money accruing to the Board thereafter by way of subsidy and may be deducted therefrom or recovered accordingly.

(5) If the amount of the advance made in any financial year exceeds

the amount of the subsidy payable in that year the amount by which the advance exceeds the subsidy may be recovered from the Board as a debt due to the Crown.

Cf. 1946, No. 2, s. 36A; 1968, No. 19, s. 5

85. Apportionment of contributions among constituent Councils---(1)

The Board shall in every year, as soon as practicable after receiving notification of the determination of the Minister of Finance under the last preceding section, hold a meeting and by resolution apportion the remainder of the net estimated expenditure, after deduction of the amount of the subsidy so determined, among the constituent Councils in such proportions as the Board may determine, having regard to---

- (a) The proportion which the area of the county of each Council or, as the case may require, of such portion of the county as forms part of the district, bears to the area of the district:
- (b) The proportion which the capital value of the land in each county or, as the case may require, in such portion of the county as forms part of the district, bears to the capital value of the land in the district:
- (c) The extent to which the land in each county or, as the case may require, in such portion of the county as forms part of the district, is infested or in danger of being infested with nassella tussock:
- (d) Such other matters as in the opinion of the Board are relevant.

(2) On such apportionment being made the Board shall forthwith send to each of the constituent Councils a written notice showing the amount of the contribution to be paid by every constituent Council, together with a copy of the estimate prepared under section 82 of this Act. A copy of the notice shall at the same time be sent to the Minister.

(3) If any of the constituent Councils is dissatisfied with the apportionment it may, within 28 days after the date of the service on it of the notice, give notice in writing to the Board of its objection, setting out the grounds of the objection. The Council shall at the same time cause copies of the notice of objection to be sent to each of the other constituent Councils, the Controller and Auditor-General, and the Minister.

(4) Upon receipt of a copy of a notice of objection under this section the Controller and Auditor-General shall appoint an officer of the Audit Department who shall hold an inquiry and make an award as to the apportionment among the constituent Councils of the amount payable by those Councils as aforesaid, In making the award the person making it shall have regard to all matters to which the Board is required by this section to have regard in making the apportionment, and to such other matters as in his opinion are relevant to the inquiry.

(5) Any such award may confirm or vary the apportionment, and may declare by whom any money shall be paid, including the whole or any part of the expenses of the inquiry, and the person making the award may make and give such directions generally as may be necessary for giving full effect to the object of the inquiry. Every such award shall be final and binding on the constituent Councils and the Board.

(6) No person appointed to hold an inquiry and make an award under this section 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. 1946, No. 2, s. 37

86. Provisions as to payment and recovery of contributions of constituent Councils---(1) Each of the constituent Councils shall within 30 days after the date of the service on it of the notice referred to in subsection (2) of the last preceding section or, in the case of an objection and award under that section, within 30 days after the date of the award thereunder, pay to the Board one-half of the amount of the contribution required of it by the notice or, as the case may be, the award; and shall within 6 months after the date of service of the notice pay to the Board the remaining half.

(2) Interest at such rate as the Minister of Finance may from time to time prescribe shall be payable by the Council to the Board on any amount payable by the Council and remaining unpaid after the expiration of 14 days from the date by which the payment should have been made under this section.

(3) If any Council liable to make any payment under this section fails to make the payment or any part thereof within the time prescribed by this section, the amount so unpaid, together with interest, may be recovered as a debt due to the Board by the Council.

Cf. 1946, No. 2, s. 38

87. Unpaid contribution may be deducted from subsidies payable to constituent Council---If any Council liable to make any payment under the last preceding section fails to make the payment, or any part thereof, within the time prescribed, the Minister of Finance may, on the application of the Board, deduct from the subsidies payable to that Council under any Act or authority a sum equal to the amount so unpaid, together with interest thereon at the rate prescribed by the Minister of Finance under that section, and may pay the sum so deducted to the Board in satisfaction or part satisfaction of the amount due to the Board by the Council.

Cf. 1946, No. 2, s. 39

88. Contributions may be paid out of ordinary funds or raised by rate---Every Council liable to pay any contribution to the Board under the foregoing provisions of this Act may pay the amount of the contribution, or any part thereof, out of its ordinary revenues, or may, if it thinks fit, in addition to its other rating powers, raise the required amount, or any part thereof, by a rate to be made and levied for that purpose.

Cf. 1946, No. 2, s. 40

89. Raising of loans by Councils for additional expenditure on works by Board---(1) If at any time the Board thinks necessary, for the purpose of carrying out any works it is authorised to carry out under this Act, to raise money in addition to the money to be obtained by means of the contributions and subsidy hereinbefore mentioned, the Board may raise that money in the manner provided by this section.

(2) In the exercise of its powers under this section the Board shall be deemed to be a local authority for the purposes of Part I of the Local Authorities Loans Act 1956, and any decision of the Board to raise money under this section shall, for the purposes of that Act, be deemed to be a proposal to borrow money. The provisions of that Act shall, so far as applicable and with the necessary modifications, apply accordingly.

(3) Where the raising of money under this section is authorised pursuant to Part I of the Local Authorities Loans Act 1956, the sum authorised to be raised shall be payable to the Board by the constituent Councils, and shall be apportioned by the Board among the Councils in the same proportions as those in which the aggregate contributions of the Councils towards the net estimated expenditure of the Board are apportioned in the same year:

Provided that where under this section the raising of a sum of money is authorised in respect of works that are not to be completed within one financial year the Board shall in each financial year determine what portion of the total sum so authorised to be raised is required by it for the said works in that year, and the portion so determined in any year shall be apportioned among the Councils in such proportions as aforesaid.

(4) On such apportionment being made the Board may send to each Council a written notice requiring payment to the Board of the sum payable by the Council under the apportionment. Every notice under this section shall specify the total sum authorised to be raised and the amount required by the Board in respect thereof in the year in which the apportionment is made and the proportion to be paid by each Council.

(5) If any Council fails, within 3 months after the date of the service on it of a notice under this section, to pay to the Board the sum payable by the Council as specified in the notice, the amount unpaid may be recovered as a debt due to the Board from the Council.

(6) For the purpose of providing any amount necessary to satisfy the requirement of the Board under this section, any of the constituent Councils may, by special order, and without taking the steps prescribed by sections 34 to 38 of the Local Authorities Loans Act 1956, raise a special loan for the whole or any part of the amount required.

(7) Where any Council raises a loan pursuant to subsection (6) of this section the interest and other annual charges paid from time to time by the Council in respect thereof shall be repayable by the Board to the Council.

(8) Where any Council pays out of its general fund the whole or any part of any sum payable by it to the Board under this section, there shall be payable by the Board to the Council in each financial year until the sum so paid is repaid an amount approved by the Local Authorities Loans Board as equivalent to the amount which would have been payable by the Council by way of interest and other annual charges if the Council had raised a loan for the sum so paid by it to the Board.

(9) Every sum payable by the Board to any Council under subsection (7) or subsection (8) of this section shall be recoverable by the Council as a debt due to it from the Board, and shall be deemed for the purposes of section 82 of this Act to form part of the expenditure of the Board in the year in which the sum is payable.

Cf. 1946, No. 2, s. 42; 1948, No. 30, s. 2

Receipts and Expenditure

90. Money to be paid into bank---(1) All money belonging to the Board amounting to \$10 and upwards shall, within 7 days after they have come to the hand of the proper officer of the Board, be paid into the account of the Board at such bank as the Board from time to time appoints.

(2) No money shall be withdrawn from the bank except by authority of the Board and by cheque signed by the Treasurer and countersigned by any one of such of the members as the Board from time to time authorises to sign cheques.

Cf. 1946, No. 2, s. 43

91. Imprest Account---(1) The Board may, pursuant to a resolution in that behalf, establish an Imprest Account, which shall be kept at such bank as the Board from time to time appoints.

(2) The Imprest Account may be held jointly in the names of and be operated on by the Treasurer and one other person to be appointed in that behalf by the Board, or may with the express approval in writing of the Audit Office, but not otherwise, be in the sole name of and be operated on by the Treasurer or other approved officer of the Board. Where the Imprest Account is held jointly in the names of the Treasurer and of one other person as aforesaid, the last-mentioned person shall be either a responsible officer of the Board or a member of the Board.

(3) The Board shall from time to time by resolution fix the maximum amount that may be held at any time in the Imprest Account, not exceeding \$1,000 in any case where the Imprest Account may be operated on by one person acting alone, and not exceeding such amount as the Audit Office may approve in any other case.

(4) money in the Imprest Account shall be available only for the payment of salaries and wages and of emergency expenditure. A statement of all payments made from the Imprest Account shall be submitted to the Board for approval at its first ordinary meeting thereafter. The payment of money out of the Imprest Account for any purpose not hereby authorised shall be deemed to be the misappropriation of the funds of the Board.

(5) With the prior approval of the Audit Office, the Board may, pursuant to a resolution in that behalf, establish one or more additional Imprest Accounts, which shall be operated for such purposes and in accordance with such provisions as are approved by the Audit Office, and shall be kept at such bank as the Board from time to time appoints. Subsections (2) to (4) of this section shall apply with respect to every such additional Imprest Account as if it had been established

under subsection (1) of this section, and as if for the words "salaries and wages and of emergency expenditure" in subsection (4) there were substituted the words "money for the purposes for which the Imprest Account was established".

(6) The provisions of section 90 of this Act shall be read subject to the provisions of this section.

Cf. 1946, No. 2, s. 44; 1972, No. 86, s. 2

92. 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 one percent of the gross receipts of the Board in that year, nor in any case to more than \$500.

Cf. 1946, No. 2, s. 49

Accounts and Audit

93. Books of account to be kept---(1) The Board shall cause books of account to be provided and kept, and true and regular accounts to be entered therein, of all sums of money received and paid, and of the several purposes for which those sums of money have been received and paid.

(2) Any member of the Board, and any member of any of the constituent Councils, may at all reasonable times inspect the books and take copies of or extracts from them without fee.

(3) Every person having the custody of the books who does not, on the reasonable demand of any such member as aforesaid, permit him to inspect the books, or to take copies or extracts from them commits an offence against this Act.

Cf. 1946, No. 2, s. 50

94. Accounts to be kept in accordance with requirements of Audit Office---(1) The Board shall keep such accounts in such manner as may be prescribed by the Audit Office, but so always that---

- (a) A General Account shall be kept, and credited with all money not required by this Act to be carried to any other account, and debited with expenditure that is not required by or under this or any other Act to be charged, or that is not otherwise properly chargeable, against any other account; and
- (b) Separate accounts shall be kept and credited with all money raised or levied for, or appropriated or allocated to, or held in trust or received for, any special purpose, and debited with expenditure properly chargeable against such accounts.

(2) The decision of the Audit Office as to whether or not any expenditure is properly chargeable against any such account shall be final.

Cf. 1946, No. 2, s. 51

95. Transfers from General Account to meet deficiencies---(1) If the balance in any of the separate accounts is at any time insufficient to meet the lawful charges thereon, the Board may transfer such sums as are

necessary from the General Account to meet them, and may at any time repay any sum so transferred out of any excess in the receipts over the liabilities of that separate account.

(2) It shall not be lawful to make any transfer from any one to any other of the separate accounts except as provided by this Part of this Act.

Cf. 1946, No. 2, s. 52

96. Establishment of renewal or replacement funds---(1) The Board may from time to time set aside any money to form a fund or funds for the repair, renewal, replacement, or improvement of any property, plant, fixtures, or appliances of the Board, or for the purpose of purchasing additional property, plant, fixtures, or appliances of the class for which the fund or funds is or are established.

(2) The money so set aside and any other money payable into the fund or funds shall be paid into a separate bank account in the name of the Board.

(3) The Board may from time to time apply the money forming the fund or funds only to the purposes aforesaid, or any of them, and the Board, until the money is required for any of those purposes, may invest the money:

- (a) In New Zealand Government securities; or
- (b) On deposit in any bank lawfully carrying on the business of banking in New Zealand; or
- (c) In the Common Fund of the Public Trust Office; or
- (d) In any other securities that may from time to time be authorised by the Governor-General in Council.

Cf. 1946, No. 2, s. 53

97. Yearly balance sheet and statements---(1) On or before the 31st day of January in each year the Treasurer of the Board shall prepare and send to the Audit Office a yearly balance sheet, being an abstract of the accounts above-mentioned during the financial year ended on the 31st day of December last past, together with---

- (a) A statement of the whole assets and liabilities of the Board at the end of that year:
- (b) A statement of the real estate belonging to the Board, showing the terms, conditions, and rents for which any part is let, and the amounts of the rents in arrear in each case.

(2) The yearly balance sheet and statements shall be audited by the Audit Office, which for that purpose shall have all such powers as it has under the Public Finance Act 1977 in respect of public money and the audit of local authorities' accounts.

(3) A copy of the yearly balance sheet and statements shall when duly audited be submitted to the Minister, accompanied by a report of the operations of the Board for the year.

Cf. 1946, No. 2, s. 54; 1970, No. 91, s. 3

Legal Proceedings

98. Representation of Board in proceedings in Magistrate's Court, etc.--In all proceedings in which the Board is concerned under any Act relating to bankruptcy, and in all proceedings in a Magistrate's Court or before any Justice, the Secretary, or any other person from time to time appointed by the Board for the purpose, may appear and act on behalf of the Board.

Cf. 1946, No. 2, s. 62

99. Service of legal proceedings on Board---Any summons, writ, or other legal proceeding requiring to be served on the Board may be served by being left at the public office of the Board or given personally to the Chairman or Secretary.

Cf. 1946, No. 2, s. 63

Miscellaneous Provisions

100. Power to enter on land---(1) Subject to this Part of this Act, any Inspector, and any other person authorised in that behalf by the Board may for the purposes of this Part of this Act enter at all reasonable times upon any land in the Board's district, and inspect the land, and may take such measures and execute such works as may be authorised under this Part of this Act.

(2) The power of entry conferred by this section shall not be exercised for the purpose of taking any measures or executing any works on any private land except after 24 hours' previous notice of the intended entry given to the person in actual occupation of the land.

(3) Every Inspector shall be furnished by the Board with a warrant of his appointment.

(4) Every Inspector and every other person authorised shall produce his warrant of appointment or authority in writing, as the case may be, when so required by the owner or by the person in actual occupation of the land upon which he enters in the course of his duty.

(5) Every person who falsely represents himself to be an Inspector or a person authorised in writing under this section commits an offence against this Part of this Act.

(6) Neither the Board nor any Inspector or person authorised in writing shall be deemed to be a trespasser or be liable for any damage resulting from the exercise of the powers conferred by this section unless the damage is caused otherwise than in the reasonable exercise of such powers.

Cf. 1946, No. 2, s. 65

101. Power of Minister of Lands at request of Board to acquire land for purpose of controlling nassella tussock---(1) If in the opinion of the Board it is desirable that any land should be acquired by Her Majesty the Queen for the purpose of controlling or eradicating nassella tussock thereon, the Board may, by writing addressed to the Minister of Lands, request that the land be acquired under this section.

(2) On any such request the Minister of Lands, acting on the

recommendation of the Land Settlement Board established under section 12 of the Land Act 1948, may purchase or acquire the land under the provisions of that Act, or the land may be taken as for a public work under the provisions of the Public Works Act 1928. If the land is taken under the Public Works Act 1928, it shall be deemed to become Crown land subject to the Land Act 1948.

(3) Notwithstanding anything in any enactment the Minister of Lands may with the concurrence of the Minister of Forest and the appropriate Board, by notice in the Gazette, declare the whole or any portion of any land purchased, acquired, or taken to be a nassella tussock control reserve. While any such notice remains in force the land in respect of which the notice is given shall be deemed to be State forest land within the meaning of the Forests Act 1949, and shall be administered by the New Zealand Forest Service accordingly. Any such notice may at any time in like manner be amended or revoked after having regard to the possibility of the regrowth or reappearance of nassella tussock in the reserve area if the use of the land is changed.

(4) For the purpose of providing other land for any person whose land is purchased, acquired, or taken as aforesaid the Minister of Lands may, on the recommendation of the Land Settlement Board, purchase under the provisions of the Land Act 1948 any land which in his opinion is suitable for that purpose, and may, on the like recommendation, allot that land or any portion of it, or any other area of suitable Crown land, to any such person in accordance with the provisions of that Act.

Cf. 1946, No. 2, s. 65A; 1948, No. 30, s. 5

102. Crown may meet expense in certain cases---(1) Where in the opinion of the Board it is desirable that steps should be taken for the purpose of controlling or eradicating nassella tussock on any land, but undue hardship would be imposed on the owner by requiring him to comply with any notice served on him under section 74 of this Act the Board may, with the written consent of the Minister, and subject to such conditions as he may impose, enter into an agreement with the owner whereby the Board may sow or plant or maintain trees, shrubs, plants, or grasses on the land, or may spray or do any other act or thing to eradicate nassella tussock from that land or control it on that land; and may erect and maintain fences to protect any such trees, shrubs, plants, or grasses:

Provided that no trees shall be planted under any such agreement without the written consent of the Minister of Forests or otherwise than in accordance with such conditions, if any, as he thinks fit to impose in granting his consent.

(2) The cost of any work carried out by the Board under this section and not payable or recoverable from the owner of the land in terms of the agreement entered into between the Board and the owner shall be paid out of money appropriated by Parliament for the purpose and shall not form part of the annual estimate of expenditure of the Board under section 82 of this Act.

Cf. 1946, No. 2, s. 65B; 1953, No. 15, s. 4

103. Lands deemed to include parts of boundary roads for purposes of

Act---Where any land abuts on a road or is intersected by a road, the boundaries of the land on each side of the road shall for the purposes of this Part of this Act be deemed to extend to the middle line of the road, and any Board, Inspector, owner, or other person required or authorised under or pursuant to this Part of this Act to enter on land or take measures for any of the purposes of this Part of this Act shall be deemed to have power to enter on so much of the road as is within such extended boundaries and to take those measures thereon:

Provided that the power conferred by this section shall not authorise the doing of any act which in any way injures the road.

Cf. 1946, No. 2, s. 66

104. Provision where owner is a trustee---Where any owner who is a trustee is served with a notice under section 74 of this Act he may, notwithstanding anything to the contrary in the instrument (if any) creating the trust,---

- (a) Do all such acts and things as are specified in the notice:
- (b) If in his opinion it is necessary so to do, pay or apply any capital money subject to the same trust for or towards any such purpose:
- (c) Raise any money required for or towards any such purpose by obtaining an advance under this Act from the Board serving the notice, or by sale, conversion, calling in or mortgage of all or any part of the property subject to the same trust and for the time being in possession.

Cf. 1946, No. 2, s. 67

105. Power of registered mortgagee or occupier to do acts required of owner---(1) Where under this Part of this Act the owner of any land is required by the Board to do any act or thing and the owner fails or refuses to do that act or thing, any registered mortgagee of the land, or, with the prior approval in writing of the Board, the occupier of the land, may do the act or thing.

(2) Notwithstanding any covenant or agreement to the contrary, any expenses incurred by any mortgagee pursuant to this section shall be recoverable by the mortgagee from the owner as a debt due to the mortgagee by the owner or, on notice in writing to the mortgagor by the mortgagee, shall be deemed to be added to the principal sum owing under the mortgage and to be secured thereby, and if the mortgagor is not the owner, the amount so deemed to be added shall be recoverable by the mortgagor from the owner as a debt due to the mortgagor by the owner.

(3) Notwithstanding any covenant or agreement to the contrary, any expenses incurred by the occupier pursuant to this section shall be recoverable by the occupier from the owner as a debt due to the occupier by the owner or may be deducted by the occupier from, or set off against, any rent due or thereafter to become due by the occupier in respect of the land.

(4) The exercise by a mortgagee or the occupier of the powers conferred by this section shall not relieve any person from liability to any penalty for failure to comply with the requirements of any notice under this Part of this Act.

(5) For the purposes of this section the expression "registered mortgagee" means a mortgagee of the land under a mortgage which is registered under the Deeds Registration Act 1908 or the Land Transfer Act 1952, or in respect of which a caveat is lodged with the appropriate District Land Registrar; and includes the holder of any charge on the land which is duly registered pursuant to the Statutory Land Charges Registration Act 1928.

Cf. 1946, No. 2, s. 68

106. Owner may recover expenditure in certain cases---(1) If an owner of any land pays to the Board any money in respect of work done on the land under this Part of this Act or in respect of any advance made under this Part of this Act for the purpose of enabling the owner to do any such work in order to comply with any requirements made under this Part of this Act, or if the owner without obtaining an advance does any such work as aforesaid, and if at the time of the completion of the work (to be certified under the hand of an Inspector or other authorised officer of the Board) the land whereon the work has been done is held by a tenant under the owner by virtue of a tenancy for at least 5 years certain of which at least 3 years are then unexpired, the owner shall be entitled to recover in any Court of competent jurisdiction from the tenant, as a debt, such part of the money so paid, or, as the case may require, such part of the cost of the work, as in the opinion of the Court is just and equitable having regard to all the circumstances of the case.

(2) If the tenant paying any money to the owner under this section has, at the time of the payment, a tenant under him by virtue of a tenancy for at least 5 years certain of which at least 3 years are then unexpired, he shall be entitled to recover in any Court of competent jurisdiction from the last-mentioned tenant, as a debt, such part of the money paid by him to the owner as in the opinion of the Court is just and equitable having regard to all the circumstances of the case.

Cf. 1946, No. 2, s. 69

107. Money payable to Board to be charge on land---(1) All money payable to the Board by the owner of any land in respect of any work done by the Board under this Part of this Act, or in respect of advances made under this Part of this Act for the purpose of enabling the owner to comply with any requirements made thereunder, shall be a charge on the land in respect of which the work was done or the requirements made.

(2) Every charge on land created by this Part of this Act shall, save as hereinafter provided, have priority over all existing or subsequent mortgages, charges, or encumbrances, howsoever created, including mortgages, charges, or encumbrances in favour of the Crown. Notwithstanding anything to the contrary in any other enactment, if any land subject to a charge created by this Part of this Act is also subject to a charge created by that other enactment, the charges shall rank equally with each other unless by virtue of that other enactment the charge created thereby would be deferred to the charge created by this Part of this Act.

Cf. 1946, No. 2, s. 70

108. Obstruction of Board or authorised persons---(1) Every person commits an offence against this Part of this Act who obstructs or hinders any Board, or any member or officer of the Board, or any other person employed or duly authorised by the Board, in carrying out any provision of this Part of this Act or doing any act or thing authorised thereby, or who threatens, assaults, or uses abusive language to any member, officer, or other person as aforesaid who is carrying out any such provision or doing any such act or thing.

(2) No proceedings for the recovery of any such fine, nor the payment thereof, shall be a bar to any action by any of the persons aforesaid for or in respect of any such assault.

Cf. 1946, No. 2, s. 71

109. Failure to disclose name of owner of premises---If the occupier or the agent of the owner of any premises, on being requested by an Inspector or any other person acting on behalf of the Board to state the name and address of the owner of the premises, refuses or wilfully omits to disclose or wilfully mis-states the same, he commits an offence against this Part of this Act.

Cf. 1946, No. 2, s. 72

110. Interference with owner by occupier---If in performing or attempting to perform any duty imposed on him by or pursuant to this Part of this Act the owner of any land is in any way obstructed or hindered by the occupier or by any other person, the occupier or other person commits an offence against this Part of this Act.

Cf. 1946, No. 2, s. 73

111. Damage to plantations, etc.---(1) Every owner or occupier of any land commits an offence against this Part of this Act who, without the consent of the Board in whose district the land is situated, wilfully destroys or damages any trees, shrubs, plants, or grasses planted, sown, or maintained on the land, or any other work established or maintained thereon, pursuant to this Part of this Act or to any notice given under this Part of this Act.

(2) Every other person commits an offence against this Part of this Act who wilfully destroys or damages any plantation or other work established or maintained pursuant to this Part of this Act or to any notice given under this Part of this Act.

(3) Where any person destroys or damages any plantation or other work established or maintained as aforesaid, the Board in whose district the plantation or work is situated shall have power to execute any works and do any things which are in its opinion necessary in order to restore or repair the damage, and the amount of any expenses reasonably incurred by the Board in so doing shall be recoverable as a debt due to the Board, by that person, whether or not he has been guilty of an offence under this section.

Cf. 1946, No. 2, s. 75

112. General penalty for offences---Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section shall be liable to a fine not exceeding \$1,000 and (if

the offence is a continuing one) to a further fine not exceeding \$50 for every day during which the offence continues.

Cf. 1946, No. 2, s. 76

113. Offences punishable summarily---All proceedings in respect of offences against this Act or against any regulations made under this Act shall be taken in a summary way under the Summary Proceedings Act 1957.

Cf. 1946, No. 2, s. 77

114. Time for laying informations---Notwithstanding anything to the contrary in the Summary Proceedings Act 1957, any information in respect of any offence against this Part of this Act or against any regulations made under this Part of this Act may be laid at any time within 12 months after the commission of the offence.

Cf. 1946, No. 2, s. 78

115. Jurisdiction of Court not ousted by question of title---In any proceedings for the recovery of money under section 77 or section 105 or section 106 of this Act, the jurisdiction of the Court before which the proceedings are brought shall not be ousted on the ground that any question of title is involved.

Cf. 1946, No. 2, s. 79

116. Authentication of documents---Every notice or other document under this Part of this Act requiring authentication by the Board shall be sufficiently authenticated if signed by 2 members of the Board, or by the Secretary of the Board, and it need not be under the common seal of the Board.

Cf. 1946, No. 2, s. 80

117. Service of notices---(1) Any notice required or authorised under this Part of this Act to be served on any person may be served by delivering it to that person or by posting it by registered letter addressed to that person at his last known address in New Zealand. A notice so posted shall be deemed to have been served at the time when the registered letter would in the ordinary course of post be delivered.

(2) If the person is absent from New Zealand, or is deceased, the notice may be served in like manner on his agent in New Zealand or, as the case may require, on his personal representative.

(3) If the person is not known, or is absent from New Zealand and has no known agent in New Zealand, or is deceased and has no personal representative, the notice may be served in such manner as may be directed by the Supreme Court, or, in the case of a notice relating to any land, may be served in any such manner as aforesaid on the person in actual occupation of the land, or left with some inmate of his abode, or affixed on some conspicuous place on the land or on some road or street abutting thereon, or may be served by public notice. It shall not be necessary in any such notice to name the owner or person in actual occupation of the land.

(4) Notwithstanding anything in this section, the Supreme Court may in any case make an order directing the manner in which any notice is to be served, or dispensing with service thereof.

Cf. 1946, No. 2, s. 81

Regulations

118. 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) Prohibiting the sowing, sale, or offering for sale of grass seed or other seed or grain, or the sale or offering for sale of any fodder within the meaning of the Animals Act 1967, except under such circumstances and subject to such limitations, conditions, and restrictions as may be prescribed by the regulations:
- (b) Regulating or prohibiting the moving of livestock from any area infested with nassella tussock into or over any area not so infested:
- (c) Prescribing means to be adopted for the eradication or control of nassella tussock:
- (d) Generally for requiring the doing on or in respect of any land of any act or thing likely to prevent the spread of nassella tussock or to facilitate its eradication or control, and for prohibiting the doing on or in respect of any land of any act or thing likely to facilitate the spread of nassella tussock:
- (e) Regulating or prohibiting the destruction of, or interference with, trees, shrubs, plants, or grasses in any district:
- (f) Regulating or prohibiting any change in the use of any land in any district:
- (g) Regulating or restricting the use of any land in any district for agricultural or pastoral purposes:
- (h) Prescribing fines for the breach of any regulation made under this part of this Act, not exceeding \$1,000 in any case or, where the breach is a continuing one, not exceeding \$50 for every day or part of a day during which the breach continues:
- (i) Providing for such matters as are contemplated by or are necessary for giving effect to the provisions of this Part of this Act and for its due administration.

(2) Any regulations made under this section shall apply generally throughout the Boards' districts or within any specified part or parts thereof, or to any class or classes of land.

(3) Regulations made under this Part of this Act may provide that it shall be the duty of the Board within whose district the regulations apply to enforce them effectively, and if in any such case the Board fails so to do the Minister may do all such acts and things as he thinks fit to enforce those regulations in the district of the Board and the costs, charges, and expenses thereof shall be recoverable from the Board in any Court of competent jurisdiction as a debt due to the Crown, or the amount thereof may be deducted from any subsidy or other money that may from time to time be payable to the Board out of public money.

Cf. 1946, No. 2, ss 83, 84, 85 (1), (5)

PART III

MISCELLANEOUS PROVISIONS

119. Repeals and revocations---(1) The enactments specified in Part I of the Schedule to this Act are hereby consequentially repealed.

(2) The Orders in Council specified in Part II of the Schedule to this Act are hereby consequentially revoked.

(3) The Nassella Tussock (Grass Seed) Regulations 1958 are hereby revoked.

120. Amendments to other Acts---(1) The Schedule to the Ministry of Agriculture and Fisheries Act 1953 (as substituted by section 4 (1) of the Ministry of Agriculture and Fisheries Amendment Act 1972) is hereby amended by omitting the references to the Nassella Tussock Act 1946 and to the Noxious Weeds Act 1950, and substituting a reference to this Act.

(2) Part I of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended---

(a) By inserting, in its appropriate alphabetical order, the following item:

``District Noxious Plants | 1978, No. 15---The Noxious Plants Authorities | Act 1978.":

(b) By omitting from the item relating to Nassella Tussock Boards the reference to the Nassella Tussock Act 1946, and substituting a reference to this Act.

(3) Part I of the Schedule to the Public Bodies Meetings Act 1962 is hereby amended---

(a) By inserting, in their appropriate alphabetical order, the following items:

``District Noxious Plants | 1978, No. 15---The Noxious Plants Authorities | Act 1978.":

``Regional Co-ordinating Committees | 1978, No. 15---The Noxious Plants (noxious plants administration) | Act 1978.":

(b) By omitting from the item relating to Nassella Tussock Boards the reference to the Nassella Tussock Act 1946, and substituting a reference to this Act.

(4) Part I of the First Schedule to the Local Authorities (Employment Protection) Act 1963 is hereby amended---

(a) By inserting, in its appropriate alphabetical order, the following item:

``District Noxious Plants | 1978, No. 15---The Noxious Plants Authorities | Act 1978.":

(b) By omitting from the item relating to Nassella Tussock Boards the reference to the Nassella Tussock Act 1946, and substituting a reference to this Act.

(5) Section 33 of the Plants Act 1970 is hereby amended by omitting the words ``the Noxious Weeds Act 1950", and substituting the words ``the Noxious Plants Act 1978".

(6) Part II of the First Schedule to the Local Government Act 1974 (as substituted by section 2 (1) of the Local Government Amendment Act 1976) is hereby amended by omitting from the item relating to Nassella Tussock Boards the reference to the Nassella Tussock Act 1946, and substituting a reference to this Act.

121. Transitional provisions---(1) Notwithstanding the repeals effected by section 119 of this Act, every local authority (within the meaning of the Noxious Weeds Act 1950) shall, in respect of any noxious weeds declared as such under that Act in the district of that local authority, continue to administer that Act as if it had not been repealed for a period of 6 months after the commencement of this Act or until any such noxious weeds have, under this Act, been declared to be Class A noxious plants or to be Class B noxious plants in the district of the local authority, whichever is the sooner.

(2) Members of a Nassella Tussock Board in office as at the commencement of this Act shall remain in office for the term for which they were originally appointed, unless they sooner go out of office pursuant to section 63 (5) of this Act.

SCHEDULE
Section 119

PART I

Enactments Repealed

- 1946, No. 2---The Nassella Tussock Act 1946. (1957 Reprint, Vol. 10, p. 643.)
- 1948, No. 30---The Nassella Tussock Amendment Act 1948. (1957 Reprint, Vol. 10, p. 684.)
- 1950, No. 62---The Noxious Weeds Act 1950. (1957 Reprint, Vol. 11, p. 331.)
- 1951, No. 79---The Fees and Travelling Allowances Act 1951: So much of the First Schedule as relates to the Marlborough Nassella Tussock Board and to the North Canterbury Nassella Tussock Board; and so much of the Second Schedule as relates to the Nassella Tussock Act 1946 (1957 Reprint, Vol. 4, pp. 858, 859.)
- 1951, No. 81---The Statutes Amendment Act 1951: Section 18. (1957 Reprint, Vol. 10, p. 685.)
- 1953, No. 15---The Nassella Tussock Amendment Act 1953. (1957 Reprint, Vol. 10, p. 685.)
- 1956, No. 24---The Noxious Weeds Amendment Act 1956.(1957 Reprint, Vol. 11, p. 353.)
- 1959, No. 77---The Nassella Tussock Amendment Act 1959.
- 1960, No. 81---The Noxious Weeds Amendment Act 1960.
- 1965, No. 49---The Nassella Tussock Amendment Act 1965.
- 1968, No. 19---The Nassella Tussock Amendment Act 1968.
- 1970, No. 91---The Nassella Tussock Amendment Act 1970.
- 1971, No. 119---The Noxious Weeds Amendment Act 1971.
- 1972, No. 86---The Nassella Tussock Amendment Act 1972.
- 1974, No. 108---The Nassella Tussock Amendment Act 1974.

PART II

Orders in Council Revoked

Title	Serial Number
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The Noxious Weeds Act Extension Order 1952.....		1952/67
The Noxious Weeds Act Extension Order 1953.....		1953/68
The Noxious Weeds Act Extension Order 1954.....		1954/91
The Noxious Weeds Act Extension Order 1956.....		1956/70
The Noxious Weeds Act Extension Order 1957.....		1957/70
The Noxious Weeds Act Extension Order 1958.....		1958/172
The Noxious Weeds Act Extension Order 1959.....		1959/64
The Noxious Weeds Act Extension Order 1960.....		1960/113
The Noxious Weeds Act Extension Order 1961.....		1961/160
The Noxious Weeds Act Extension Order 1962.....		1962/130
The Noxious Weeds Act Extension Order 1964.....		1964/179
The Noxious Weeds Act Extension Order 1968.....		1968/139
The Noxious Weeds Act Extension Order 1972.....		1972/219
The Noxious Weeds Act Extension Order 1974.....		1974/170

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