



ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Interpretation</p> <p>3. Expenses of Rabbit Destruction Council</p> <p>4. Constitution of certain counties as rabbit districts</p> <p>5. Division of districts into wards</p> <p>6. Alteration of boundaries of district</p> <p>7. Constitution, alteration, and union of districts without petition</p> <p>8. Rabbit Boards</p> <p>9. Membership of Rabbit Boards</p> <p>10. Additional members of Rabbit Boards</p>	<p>11. Ward representation</p> <p>12. Ratepayers list</p> <p>13. Amendment of ratepayers list</p> <p>14. Elections and appointments of members of Boards</p> <p>15. Chairman of Board</p> <p>16. First meeting of Board of newly constituted district</p> <p>17. Meetings of Board</p> <p>18. Change of control of rabbit district</p> <p>19. Subsidy on general rates</p> <p>20. Subsidy on expenses of rabbit destruction recovered by Board from occupier</p> <p>21. Expenses of rabbit destruction by County Council</p>
--	--

1964, No. 72

An Act to amend the Rabbits Act 1955

[18 November 1964]

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—This Act may be cited as the Rabbits Amendment Act 1964, and shall be read together with and deemed part of the Rabbits Act 1955 (hereinafter referred to as the principal Act).

2. Interpretation—Section 2 of the principal Act is hereby amended by omitting the definition of the term “Board”, and substituting the following definition:

“‘Board’ means a Rabbit Board that is constituted under this Act; and includes a County Council that is deemed to be a Rabbit Board.”.

3. Expenses of Rabbit Destruction Council—Section 12 of the principal Act, as substituted by subsection (1) of section 2 of the Rabbits Amendment Act 1958, is hereby amended by repealing paragraph (d).

4. Constitution of certain counties as rabbit districts—(1) The principal Act is hereby amended by inserting, after section 13, the following section:

“13A. If at the commencement of the Rabbits Amendment Act 1964 or at any time thereafter the whole or any part of any county does not lie within any rabbit district, every part of that county which does not lie within any district is hereby constituted a rabbit district to be known as ‘The (*Name of County*) County Rabbit District.’”

(2) Section 14 of the principal Act is hereby repealed.

5. Division of districts into wards—(1) Section 14A of the principal Act, as inserted by section 3 of the Rabbits Amendment Act 1960, is hereby amended by adding to subsection (1) the following proviso:

“Provided that nothing in this subsection shall apply to any district constituted under section 13A of this Act.”

(2) Section 14A of the principal Act is hereby further amended as follows:

(a) By omitting from subsection (2) the words “section 15”, and substituting the words “section 17”:

(b) By repealing subsection (4).

(3) Section 14B of the principal Act, as inserted by section 3 of the Rabbits Amendment Act 1960, is hereby amended by adding, as subsection (2), the following subsection:

“(2) Nothing in this section shall apply to any district constituted under section 13A of this Act.”

6. Alteration of boundaries of district—The principal Act is hereby amended by repealing section 15.

7. Constitution, alteration, and union of districts without petition—(1) Section 18 of the principal Act is hereby amended by omitting from paragraph (a) of subsection (1) the words “being an area to which subsection one of section fourteen of this Act applies”.

(2) The principal Act is hereby further amended by repealing section 85.

8. Rabbit Boards—Section 23 of the principal Act is hereby amended by inserting in subsection (2), before the words “The Board”, the words “Except as provided in section 13A of this Act”.

9. Membership of Rabbit Boards—Section 24 of the principal Act is hereby amended by adding the following subsections:

“(3) Nothing in the foregoing provisions of this section shall apply to the Board of any district constituted under section 13A of this Act, and in every such case the County Council having jurisdiction for the time being within the county or part of the county which constitutes the district shall be deemed to be the Board of the district:

“Provided that, in any case where a County Council is so deemed to be the Board of a district, the Minister may appoint any Inspector appointed under Part III of this Act to be an adviser to the County Council at all times when it is acting as the Board of the district; and any Inspector so appointed shall hold that office at the pleasure of the Minister and shall be entitled to attend and be heard, but not vote, at meetings of the County Council at all times when it is so acting.

“(4) Where an Inspector is appointed as an adviser to a County Council, and that County Council (pursuant to section 76 of the Counties Act 1956) unites with any other local authority in appointing a joint standing or special committee for the purpose of the destruction of rabbits, that Inspector shall, while he remains an adviser to that County Council, be entitled to attend and be heard, but not vote, at meetings of that Committee.

10. Additional members of Rabbit Boards—Section 25 of the principal Act (as amended by section 5 of the Rabbits Amendment Act 1959) is hereby further amended by inserting in subsection (1), after the words “twenty thousand acres”, the words “and not being a district constituted under section 13A of this Act”.

11. Ward representation—Section 25A of the principal Act, as inserted by section 4 of the Rabbits Amendment Act 1960, is hereby amended by adding the following subsection:

“(4) Nothing in this section shall apply to any district constituted under section 13A of this Act.”

12. Ratepayers list—Section 26 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) Notwithstanding anything in subsection (2) of this section, where any district is constituted under section 13A of this Act, the first ratepayers list for the district shall be made on or before the first day of December, nineteen hundred and sixty-four, or (in the case of a district constituted after that date) as soon as practicable after the district is constituted, and subsequently the ratepayers list shall be made on or before the first day of September in each year in which a general election of members of County Councils is to be held.”

13. Amendment of ratepayers list—Section 32 of the principal Act is hereby amended by adding to subsection (4) the following proviso:

“Provided that, where the ratepayers list has been prepared in respect of any district constituted under section 13A of this Act, the objection may be lodged at any time.”

14. Elections and appointments of members of Boards—Section 34 of the principal Act is hereby amended by adding the following subsection:

“(4) Nothing in this section, or in sections 36 to 40 of this Act, shall apply to any district constituted under section 13A of this Act.”

15. Chairman of Board—Section 41 of the principal Act is hereby amended by adding the following subsection:

“(5) Nothing in the foregoing provisions of this section shall affect the chairmanship of a County Council in any case where it is deemed to be the Board of any district.”

16. First meeting of Board of newly constituted district—Section 43 of the principal Act is hereby amended by inserting, after the word “district”, the words “other than a district constituted under section 13A of this Act”.

17. Meetings of Board—Section 44 of the principal Act is hereby amended by adding to subsection (2) the following proviso:

“Provided that, where any district is constituted under section 13A of this Act, the County Council shall hold its first meeting as the Rabbit Board of the district not later than four months after the date of the constitution of the district.”

18. Change of control of rabbit district—The principal Act is hereby amended by repealing section 56, and substituting the following section:

“56. (1) If at any time the Board of any district so requests, or if at any time it appears to the Council that a Board (by an unreasonable failure or refusal to exercise any of the powers conferred upon it by this Act) is not properly carrying out the destruction of rabbits or the measures necessary to ensure the effective control of the rabbit nuisance in its district, the Council may, if it thinks fit, recommend to the Minister,—

“(a) In the case of a district other than a district constituted under section 13A of this Act, either—

“(i) That the district be abolished under section 20 of this Act; or

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

“(b) In the case of a district constituted under section 13A of this Act, that the County Council shall cease to be deemed the Rabbit Board of the district, and either—

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

“(ii) That the district be abolished under section 20 of this Act and either reconstituted as a rabbit district, or added to another rabbit district, under section 18 of this Act.

“(2) Where any recommendation is made by the Council under subparagraph (ii) of paragraph (a) of subsection (1) of this section, the Governor-General may, on the recommendation of the Minister, remove the elective members of the Board from office and appoint as many fit persons as are required to be members in their place. The persons so appointed shall, subject to the provisions of section 40 of this Act, hold office and be deemed to be elective members until the coming into office of the members elected at the general meeting of members next following the date of their appointment.

“(3) Where any recommendation is made by the Council under subparagraph (i) of paragraph (b) of subsection (1) of this section, the Governor-General may, on the recommendation of the Minister, declare that the County Council shall cease to be deemed to be the Rabbit Board of the district, and the persons so appointed shall hold office as members of the Rabbit Board of the district during the

pleasure of the Governor-General. Where any vacancy occurs in the office of any member so appointed, the vacancy may be filled by the appointment by the Governor-General of some fit person, and every person so appointed shall come into office as a member of the Rabbit Board at the time of his appointment and shall continue to hold office during the pleasure of the Governor-General.

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

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

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

19. Subsidy on general rates—(1) Section 76 of the principal Act is hereby amended by omitting from subsection (4A), as added by section 9 of the Rabbits Amendment Act 1959, the words “section fifteen or”.

(2) Section 76 of the principal Act is hereby further amended by adding the following subsection:

“(6) Notwithstanding anything to the contrary in this section, where the Council is of the opinion that any Board is not properly carrying out the destruction of rabbits in its district or the measures necessary to ensure the effective control of the rabbit nuisance therein, the Minister may, on the recommendation of the Council, determine that the subsidy payable to the Board under subsection (2) of this section in respect of any financial year, or any part of that subsidy, shall not be paid to the Board; and effect shall be given to the determination of the Minister in accordance with its tenor.”

20. Subsidy on expenses of rabbit destruction recovered by Board from occupier—The principal Act is hereby further amended by inserting after section 76, the following section:

“76A. Where, pursuant to section 49 of this Act any Board recovers from any occupier of land expenses incurred by the Board in the destruction of rabbits on that land, there shall be payable to the Board from the Consolidated Revenue Account, out of money appropriated by Parliament for the purpose, a sum equal to the amount so recovered by the Board.”

21. Expenses of rabbit destruction by County Council—The principal Act is hereby further amended by inserting, after the said section 76A, the following section:

“76B. (1) Where any County Council is deemed under subsection (3) of section 24 of this Act to be a Rabbit Board, it shall, while it is acting in that capacity, be authorised to make payments from its General Account or from any appropriate Riding Account for the destruction of rabbits.

“(2) There shall be payable by way of subsidy from the Consolidated Revenue Account, out of money appropriated by Parliament for the purpose, to every County Council making any payment pursuant to subsection (1) of this section a sum equal to the amount of that payment.”

This Act is administered in the Department of Agriculture
