



## NEW ZEALAND

### ANALYSIS

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1947, No. 47

AN ACT to amend the Rabbit Nuisance Act, 1928. Title.  
 [25th November, 1947

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

1. This Act may be cited as the Rabbit Nuisance Amendment Act, 1947, and shall be read together with and deemed part of the Rabbit Nuisance Act, 1928 (hereinafter referred to as the principal Act). Short Title.  
See Reprint of Statutes, Vol. I, p. 243

2. For the purposes of this Act and of the principal Act, unless the context otherwise requires, the term "Council" means the Rabbit Destruction Council established under this Act. Interpretation.

*Rabbit Destruction Council*

3. (1) There is hereby established a Council to be known as the Rabbit Destruction Council. Rabbit Destruction Council established.

(2) The Council, the members of which shall be appointed by the Governor-General on the recommendation of the Minister, shall consist of—

(a) Two members to be appointed on the nomination of the North Island Rabbit Boards Association:

(b) Three members to be appointed on the nomination of the South Island Rabbit Boards Association:

(c) Three other members.

(3) Except as provided in the next succeeding subsection, every member of the Council shall be appointed for a term of five years, but may from time to time be reappointed, or may be at any time removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

(4) If any member of the Council dies, or is removed from office, or resigns, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person appointed under this subsection shall be appointed for the residue of the term for which his predecessor was appointed.

(5) Unless he sooner vacates his office as provided in this section, every member of the Council shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

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

Chairman and  
Deputy  
Chairman of  
Council.

4. (1) The Council shall from time to time appoint from among its members a Chairman and a Deputy Chairman of the Council. 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 Council at which he is present. In the absence of the Chairman and the Deputy Chairman from any meeting of the Council the members present shall select one of their number to be the Chairman for the purposes of that meeting.

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

Meetings of  
Council.

5. (1) The first meeting of the Council shall be held on a day to be appointed in that behalf by the Minister.

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

(3) At every meeting of the Council five members shall constitute a quorum.

(4) Every question before the Council shall be determined by a majority of the votes of the members present at a meeting of the Council.

6. Subject to the provisions of this Act and of any regulations made thereunder, the Council may regulate its procedure in such manner as it thinks fit. Procedure of Council.

7. (1) The Council may from time to time appoint a committee or committees consisting of two or more persons, and may from time to time, with the consent of the Minister, delegate to any such committee any of its powers or duties. Committees.

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

8. (1) There shall be paid to the members of the Council and of any committee appointed by the Council who are not officers employed in the service of the Crown such remuneration by way of fees or allowances as the Minister of Finance from time to time approves. Remuneration and travelling-expenses of members of Council and committees.

(2) The members of the Council or of any committee appointed by the Council shall be paid such travelling expenses and allowances as may from time to time be prescribed by regulations under this Act.

(3) All payments under this section shall be made in accordance with section fourteen of this Act out of the proceeds of the levy referred to in that section.

9. The Council may appoint such officers as it deems necessary for the efficient carrying-out of its functions. Officers of Council.

10. (1) The general functions of the Council shall be— Functions of Council.

(a) To investigate the extent of the rabbit nuisance in New Zealand:

(b) To devise and promote measures for the purpose of destroying rabbits and generally to promote the control of the rabbit nuisance in New Zealand:

(c) To co-ordinate and generally to guide and supervise the activities of Rabbit Boards:

(d) To make recommendations to the Minister in relation to all or any of the foregoing matters:

(e) To make recommendations to the Minister as to the constitution, alteration, union, or abolition of rabbit districts:

(f) To make recommendations to the Minister as to the rates of the levy on rabbit-skins provided for by this Act and as to the disposal of the proceeds of the levy.

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

Advances to Council for preliminary expenses.

11. (1) For the purpose of enabling the Council to commence to exercise its functions without delay, the Minister of Finance may from time to time, upon and subject to such terms and conditions as he thinks fit, advance out of the Consolidated Fund without further appropriation than this Act any moneys required for the payment of any preliminary or general expenses of the Council, including fees and allowances, travelling expenses and allowances, and salaries of officers, which may lawfully be incurred or become payable under this Act before the proceeds of the levy provided for by this Act are available for the purpose.

(2) All moneys advanced for any purpose under this section shall be repaid in accordance with section fourteen of this Act out of the proceeds of the levy.

#### *Grants to Rabbit Boards*

Grants to Rabbit Boards for purposes of destruction of rabbits.

12. (1) For the purpose of assisting Rabbit Boards to carry out effectively the destruction of rabbits in their districts there may from time to time be paid to such Rabbit Boards as the Minister, on the recommendation of the Council, determines such sums as the Minister, on the like recommendation, approves.

(2) For the purpose of making any recommendation under this section the Council shall have regard to the extent to which the district of the Board is infested or in danger of being infested with rabbits, the financial position of the Board, and such other matters as in the opinion of the Council are relevant.

(3) All moneys payable under this section shall be paid out of the proceeds of the levy on rabbit-skins provided for by this Act, in accordance with section fourteen of this Act, and, in so far as those

proceeds are insufficient for the purpose or until such time as those proceeds are available, out of moneys appropriated by Parliament for the purpose.

*Levy on Rabbit-skins*

13. (1) For the purposes of this Act there shall be charged in accordance with this Act a levy on rabbit-skins produced and sold in New Zealand, whether for export or for use in New Zealand.

Levy on  
rabbit-skins  
sold in New  
Zealand.

(2) The rates of the levy shall from time to time be fixed by the Minister, who may fix different rates in respect of different classes of skins. Any such rate may be fixed as a percentage of the price paid or payable by the purchaser of the skins or in such other manner as the Minister may determine.

(3) Every rate so fixed shall apply in respect of such period as the Minister determines.

(4) In fixing any rate and determining any period under this section the Minister shall have regard to the recommendations of the Council in that behalf.

(5) Notice of every rate so fixed and of the period in respect of which it is to be payable shall be published in the *Gazette* as soon as practicable after the fixing thereof.

(6) The levy shall be payable by such classes of persons engaged in or in connection with the sale of rabbit-skins, and shall be paid and collected in such manner, as may be prescribed in that behalf by regulations under this Act or the principal Act.

(7) The Governor-General may from time to time by Order in Council make such regulations as may in his opinion be necessary or expedient for the purpose of giving effect to the provisions of this section. Without limiting the generality of the powers conferred by this subsection and by section one hundred and four of the principal Act, regulations may be made under this subsection for all or any of the following purposes:—

(a) Prescribing the classes of persons by whom the levy shall be payable:

(b) Providing for the licensing of persons carrying on the business of selling or dealing in rabbit-skins:

- (c) Prescribing the sales or classes of sales in respect of which the levy shall be payable:
- (d) Prescribing the method of collection of the levy, and the times and places at which it shall be payable:
- (e) Requiring any classes of persons engaged in or in connection with the sale, purchase, or treatment of rabbit-skins to furnish such returns and information in relation to rabbit-skins as may be specified in the regulations, and specifying the authorities to whom such returns and information shall be furnished:
- (f) Providing that if the levy payable by any person is not paid within a time to be specified in the regulations there shall be added thereto, by way of additional levy, such amount, being an amount not exceeding ten per centum of the amount in respect of which default is made, as may be specified in the regulations:
- (g) Prescribing fines for the breach of any such regulation, not exceeding twenty pounds in any case and, where the breach is a continuing one, not exceeding two pounds for every day or part of a day during which the breach continues.

(8) Any regulations made under the last preceding subsection may be made to apply either generally or with respect to any particular part or parts of New Zealand.

(9) All moneys payable by way of levy under this section shall be recoverable in any Court of competent jurisdiction as a debt due to the Crown.

Application of  
proceeds of  
levy.

**14.** (1) All moneys received by way of levy under this Act shall be paid in the first place into the Public Account to the credit of a Deposit Account.

(2) The moneys collected shall from time to time, without further appropriation than this section, be applied as follows:—

- (a) In payment of such sums as the Minister from time to time approves for the purpose of defraying any expenses incurred in the collection of the levy:

- (b) In payment of such sums as the Minister from time to time approves for the purpose of defraying the expenses incurred by the Council in the performance of its functions, including salaries of officers of the Council:
- (c) In payment of fees and allowances and travelling expenses and allowances payable to members of the Council and of committees of the Council in accordance with this Act:
- (d) In payment of interest and other charges, and in repayment of principal, in respect of moneys advanced to the Council by the Minister of Finance under this Act:
- (e) In payment of grants to Rabbit Boards under section twelve of this Act.

#### *Functions and Powers of Rabbit Boards*

15. (1) Subject to the provisions of section twenty-one of this Act, the principal function of every Rabbit Board shall be to do all such acts and things as may appear to it to be necessary or expedient to destroy rabbits in its district, and to prevent the incursion or increase of rabbits therein.

Functions and powers of Board.

(2) For the purpose of enabling it to carry out its functions under the principal Act, as amended by this Act, and without limiting the generality of the provisions of the last preceding subsection, every Board shall have, in addition to the powers conferred on it by the principal Act, the powers conferred on it by this Act.

(3) For the purposes of the exercise of the powers conferred by this Act all references to an Inspector, or to a person authorized by an Inspector, in sections nineteen, twenty-one, twenty-four and twenty-five of the principal Act shall be deemed to be references to an inspector appointed by a Board or, as the case may require, to a person authorized by a Board.

16. (1) Subject to the provisions of this Act, any inspector appointed by a Board, and any other person authorized in that behalf by the Board, may for the purposes of the principal Act, as amended by this Act, enter at all reasonable times on any land in the Board's district and—

Power to enter, inspect, and do work on land for purposes of Act.

- (a) Inspect the land:



- (b) Do thereon all such acts and things as appear to the Board to be necessary or expedient to ensure the destruction of rabbits on the land.
- (2) The power of entry conferred by subsection one of this section shall not be exercised for the purposes of paragraph (b) of that subsection in respect of any private land except—
- (a) After not less than three days' previous notice given by or on behalf of the Board to the person in actual occupation of the land; or
- (b) On the expiration of a period of not less than seven days after the publication by or on behalf of the Board, in a newspaper circulating in the locality in which the land is situated, of a notice to the effect that the Board intends to destroy rabbits in an area, being an area in which the land is situated, which is sufficiently described in the notice to enable any person in actual occupation of the land reading the notice to identify the land as being within the area.

Exercise of powers in respect of Crown land or certain Native land.

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17. (1) The power to do work conferred by section sixteen of this Act shall not be exercised in respect of Crown land, or in respect of Native freehold land that is not held in severalty and of which no person is in actual occupation, unless the Board first obtains the consent of the Minister, who may in his discretion refuse his consent or grant his consent either unconditionally or upon or subject to such terms and conditions as he thinks fit.

(2) Where any work is carried out by or on behalf of the Board on any such land with such consent as aforesaid, all costs, charges, and expenses incurred by the Board in respect of the work shall be defrayed out of moneys from time to time appropriated for the purpose by Parliament.

Board may expend moneys for purposes of Act.

18. For the purpose of exercising any of its powers under the principal Act or this Act the Board may, subject to the provisions of section eighty of the principal Act, expend its funds in such manner as it thinks fit.

**19.** Where pursuant to section sixteen of this Act any work is carried out by or on behalf of the Board on any private land the whole or any part of the costs, charges, and expenses incurred by the Board in respect of the work may, in the discretion of the Board, be recovered as a debt due to the Board from any owner of the land.

Recovery of expenditure on private land by Board.

**20.** (1) The skins and carcasses of all rabbits caught or destroyed by any inspector or other officer or any employee of any Board on any land in its district shall belong to the Board, which may, subject to the provisions of the principal Act and of this Act and of any regulations under the principal Act or this Act, sell or dispose of the skins and carcasses in such manner as it thinks fit.

Skins and carcasses of rabbits destroyed by Board to be property of Board.

(2) The net proceeds of the sale of any skins or carcasses under this section shall form part of the general funds of the Board.

**21.** (1) Except with the prior consent of the Minister, given on the recommendation of the Council, no Board shall, after the first day of April, nineteen hundred and forty-nine, be charged with the administration of sections six to sixteen of the principal Act within its district.

Board not to exercise powers under sections 6 to 16 of principal Act except with consent of Minister.

(2) Where with the consent of the Minister any Board is charged with the administration of the said sections the following provisions shall apply:—

(a) References in those sections to the Minister or to the Crown shall be deemed to be references to the Board:

(b) References in those sections to an Inspector shall be deemed to be references to an inspector appointed by the Board:

(c) All moneys received pursuant to sections eight and nine of the principal Act shall be paid to the Board and shall form part of the general funds of the Board.

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

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

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

(6) On the taking effect of any such revocation the Board shall cease to be charged with the administration of the said sections six to sixteen, and the Board and the inspectors appointed by the Board shall cease to have any powers under those sections.

Destruction of rabbits in boroughs and town districts.

**22.** (1) Any borough or town district lying wholly or in part within any rabbit district shall be deemed not to form part of the district.

(2) Notwithstanding anything contained in subsection one of this section or in the last preceding section, the Board of the rabbit district shall be deemed to be charged with the administration of sections six to sixteen of the principal Act for the purpose of enforcing the destruction of rabbits on land within any such borough or town district as aforesaid. For the purposes of this subsection the provisions of the said sections six to sixteen shall be read subject to the provisions of paragraphs (a) to (c) of subsection two of the last preceding section.

Repeal.

(3) This section is in substitution for section thirty-six of the principal Act, and that section is hereby accordingly repealed.

Power to destroy hares.

**23.** All powers conferred on Boards by the principal Act and by this Act for the purpose of destroying rabbits may in like manner be exercised by any Board within its district for the purpose of destroying hares.

Provision if Board fails to destroy rabbits or effectively control rabbit nuisance.

**24.** (1) 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 the principal Act or 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 recommend to the Minister that the elective members of the Board be removed from office and that other members be appointed in their place.

(2) Where any recommendation is made by the Council under 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 fifty-six of the principal Act, hold office and be deemed to be elective members until the coming into office of the members elected at the general election of members next following the date of their appointment.

**25.** The following enactments are hereby repealed, *Repeals.*  
namely:—

(a) Section sixty-four and sections eighty-nine to ninety-one of the principal Act:

(b) Section fifty-three of the Statutes Amendment 1938, No. 20 Act, 1938.

### *Miscellaneous*

**26.** Section thirty of the principal Act is hereby amended by inserting, after subsection three, the following new subsection:— *Petitions for constitution of district to be publicly notified.*

“(3A) The object and purport of the petition, and a statement of the intention to present it, shall be publicly notified at least one month before it is presented to the Governor-General.”

**27.** Where a rabbit district is constituted upon a petition of persons qualified to be ratepayers pursuant to section thirty of the principal Act, the Board of the district may pay out of its funds the expenses incurred by any such persons as aforesaid within the district prior to the first election of members of the Board, whether incurred before or after the constitution of the district, in promoting, preparing, and maintaining the petition, including the costs of advertising: *Board may pay certain expenses incidental to constitution of its district upon petition.*

Provided that no such expenses or costs shall be so paid unless the Audit Office certifies that they are reasonable and have been incurred in good faith for any of the purposes aforesaid.

Provision for union of districts on resolutions of Boards concerned.

**28.** Section thirty-two of the principal Act is hereby amended as follows:—

- (a) By adding to the proviso to subsection one the words “ or upon a resolution recommending the union passed by each of the Boards of the districts proposed to be united ”:
- (b) By inserting in subsection two, after the words “ the petitions ”, the words “ or resolutions ”.

Provision for constitution, alteration, and union of districts without petition, &c.

**29.** (1) Notwithstanding anything contained in the principal Act, the Governor-General may by Order in Council, at the request of the Minister made on the recommendation of the Council,—

- (a) Constitute and declare any area of land, being an area to which subsection one of section thirty of the principal Act applies, a rabbit district:
- (b) Alter and redefine the boundaries of any rabbit district by adding any area of land thereto:
- (c) Declare any two or more rabbit districts to be united and to form one district.

(2) Where any request is made pursuant to this section it shall not be necessary for any petition or consent of ratepayers to be presented or obtained or any request, application, or resolution to be made or passed by the Board with respect to the subject-matter of the Minister’s request.

(3) Where any new district is constituted under paragraph (a) of subsection one of this section the Governor-General may, at the request of the Minister made on the recommendation of the Council, appoint such persons as he thinks fit to be members of the Board of the new district. Where members are appointed under this subsection the following provisions shall apply:—

- (a) No election of the first elective members of the Board shall be held:
- (b) The members so appointed shall be deemed to be the first elective members of the Board and shall, subject to the provisions of section fifty-six of the principal Act, hold office until the coming into office of the members elected at the next election of members of the Board held pursuant to this section:

(c) The first election of members shall be held on the date fixed for the general election of members of Rabbit Boards next following the date of the appointment of the members under this section:

Provided that if the appointment under this section is made within twelve months before the date fixed for that general election the said first election shall be held on the date fixed for the general election next following that general election.

**30.** (1) On the union of two or more districts, and until the members elected at the first election for the united district come into office, the members of the Boards of the several original districts shall be the members of the Board of the united district notwithstanding that they may exceed in number the number of members prescribed by the principal Act.

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

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

**31.** (1) Section thirty-nine of the principal Act is hereby amended by omitting the word "March" wherever it occurs, and substituting in each case the word "September".

Date for compilation of ratepayers list.

(2) This section shall be deemed to have come into force on the first day of January, nineteen hundred and forty-seven.

Commencement.

**32.** Notwithstanding anything in section forty-six or section seventy-three of the principal Act, if on any valuation roll from which the ratepayers list is compiled pursuant to section forty of the principal Act two or more persons are named as the occupiers of any one property, then, for the purpose of voting at any election or poll under the principal Act, only the person whose name appears first on that roll in respect of that property shall be entitled to vote in respect thereof.

Voting at elections or polls where there are joint occupiers of one property.

Secretary to  
preside during  
election of  
Chairman.

**33.** Section fifty-eight of the principal Act is hereby amended by inserting, after subsection one, the following new subsection:—

“(1A) During the selection of a Chairman at the first meeting of the Board of a newly constituted district the Returning Officer who conducted the first election of members of the Board shall preside. During the selection of a Chairman at any other meeting of a Board the Secretary shall preside. In any case of an equality of votes at any ballot for the purpose of selecting a Chairman the person so presiding shall determine the selection by lot in such manner as the Board directs.”

Proceedings  
not invalid  
by reason of  
vacancy in  
membership,  
&c.

**34.** 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 election or appointment of any member of the Board or of any person so acting or that he was incapable of being a member.

Increasing  
subsidy  
payable to  
Boards on  
general rates.

**35.** (1) Section seventy of the principal Act is hereby amended by repealing subsections two to four and substituting the following new subsection:—

“(2) The subsidy payable in respect of any financial year shall be a sum equal to the amount received by the Board in respect of the general rates made and levied in that year.”

(2) The said section seventy is hereby further amended by omitting from subsection five the words “Subject to the foregoing provisions as to the maximum subsidy payable”.

Commencement.

(3) This section shall come into force on the first day of April, nineteen hundred and forty-eight.

Subscriptions  
to Rabbit  
Boards  
Associations  
and travelling-  
expenses of  
representatives.

**36.** Any Board affiliated to the North Island Rabbit Boards Association or to the South Island Rabbit Boards Association may from time to time pay the annual subscription of the Board to the Association and the actual and reasonable travelling-expenses incurred by its representatives in attending meetings of the conferences of the Association.

**37.** Section seventy-nine of the principal Act is hereby amended as follows:—

Increasing limit of unauthorized expenditure.

- (a) By omitting the words “three per centum” wherever they occur, and substituting in each case the words “five per centum”:
- (b) By omitting the words “twenty-five pounds”, and substituting the words “fifty pounds”:
- (c) By omitting the words “five pounds” wherever they occur, and substituting in each case the words “ten pounds”.

**38.** It shall be lawful for any Rabbit Board from time to time to enter into contracts of insurance insuring members of the Board against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members, and to pay the premiums payable in respect of such contracts.

Insurance of members of Boards against personal accident while engaged in duties.

**39.** (1) Section eighty-five of the principal Act is hereby amended by inserting, after subsection one, the following new subsection:—

Extending powers of Board as to purchase of land or houses for workers' dwellings.

“(1A) Any house or land purchased by the Board under subsection one of this section may be purchased on terms providing for the payment by the Board of the whole or any part of the purchase-money, with interest thereon, by instalments extending over a period not exceeding twenty years. The purchase of any house or land in accordance with this subsection shall for the purposes of the Local Government Loans Board Act, 1926, be deemed to be the borrowing of moneys and the provisions of that Act shall, so far as applicable and with the necessary modifications, apply accordingly.”

See Reprint of Statutes, Vol. V, p. 415

(2) The said section eighty-five is hereby further amended by adding to subsection two the following proviso:—

“Provided that where the loan is for any of the purposes specified in paragraph (b) of subsection one of this section it may be raised by resolution and without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926.”

Ibid., p. 365



Board to retain ownership of material used in converting fences into rabbit-proof fences.

Power to convert fences within district into rabbit-proof fences.

Regulations as to destruction of rabbits.

**40.** Section ninety-two of the principal Act is hereby amended by adding the words “and of all material used by it pursuant to this Act in the conversion of any fence into a rabbit-proof fence”.

**41.** (1) Section ninety-seven of the principal Act is hereby amended by inserting, after subsection one, the following new subsection:—

“(1A) The power to erect fences conferred by subsection one of this section shall include power to convert any non-rabbit-proof fence into a rabbit-proof fence.”

(2) The said section ninety-seven is hereby further amended by inserting in subsection two, after the word “fence”, the words “or, in the case of a converted fence, for removing material used in the conversion,”.

**42.** Subsection one of section one hundred and four of the principal Act is hereby amended by repealing paragraph (d) and substituting the following new paragraph:—

“(d) Prohibiting or restricting the poisoning, trapping, or shooting of rabbits, or the hunting of rabbits, whether with dogs or otherwise, in any rabbit district:”.

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