

## New Zealand.



### INJURIOUS BIRDS.

**1908, No. 87.**

AN ACT to consolidate certain Enactments of the General Assembly relating to the Destruction of Injurious Birds.

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

Short Title.

1. (1.) The Short Title of this Act is "The Injurious Birds Act, 1908."

Enactments consolidated.

(2.) This Act is a consolidation of the enactments mentioned in the Schedule hereto, and with respect to those enactments the following provisions shall apply:—

Savings.

(a.) All Proclamations, Orders in Council, orders, regulations, by-laws, appointments, resolutions, and generally all acts of authority which originated under any of the said enactments or any enactment thereby repealed, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

(3.) This Act is divided into Parts, as follows:—

PART I.—Sections 2 to 15.

PART II.—Sections 16 to 21.

#### PART I.

2. In this Part of this Act, if not inconsistent with the context,—

"Injurious birds" means any birds which the Governor from time to time, by Order in Council gazetted, declares to be injurious birds within the meaning of this Act:

Interpretation.

1902, No. 25, sec. 2

“Local authority” means, in the case of a county, borough, or town district, the Council or Board thereof respectively; and, in counties where “The Counties Act, 1908,” is suspended or is not in force, means the Road Board, or where there is no Road Board or other local authority, then the Minister:

“Minister” means the Minister of Agriculture.

3. (1.) This Part of this Act applies only to the South Island of New Zealand:

Application of Part I.  
1902, No. 25, sec. 15

Provided that if any local authority in the North Island by resolution so requests, the Governor may by Proclamation extend this Part of this Act to the district of that local authority; and in such case, and so long as such Proclamation continues in force, this Part of this Act shall extend and apply to such district accordingly.

(2.) The Governor may on a like resolution revoke such Proclamation.

4. From a day to be fixed by the Governor by Order in Council gazetted, and at all times thereafter, it shall be the duty of every local authority to take effective action for the destruction of all injurious birds within its district.

Local authority to destroy injurious birds.  
Ibid, sec. 3

5. In order to insure concerted and simultaneous action the following provisions shall apply:—

Provisions to secure concerted action.  
Ibid, sec. 4  
Combined districts.

(a.) The Governor, by Order in Council gazetted, may from time to time divide the whole or any portion of New Zealand into combined districts, with such names and boundaries as he thinks fit, such boundaries being as far as practicable so adjusted as that no local authority's district shall be partly in one combined district and partly in another.

(b.) In and for each combined district a conference, consisting of one delegate appointed by each local authority in such district, shall meet at such time and place as the Governor appoints in that behalf, for the purpose of deciding on and recommending to the Governor a suitable day on which the work of destroying injurious birds in such district should commence, and also the methods that should be employed by each local authority in carrying out such work within its own district.

Conferences.

(c.) The Governor, by Order in Council gazetted, may from time to time direct all the local authorities in the combined district to adopt the day and methods so recommended, or such other day and methods as he thinks fit; and it shall be the duty of each such local authority to comply with any such direction.

Direction as to day.

6. In every case where the methods so directed to be employed prove inadequate, it shall be the duty of each local authority to employ all such additional methods as may be necessary for the successful carrying out of such work as aforesaid within its own district.

Additional methods of destruction.  
Ibid, sec. 5

7. For the purposes of this Part of this Act the local authority may from time to time—

Appointment of Inspectors, and by-laws.  
Ibid, sec. 6

(a.) Appoint such Inspectors, with such powers of entry and other powers and functions, within its own district as it thinks fit; and also

(b.) Make such by-laws and impose such fines for any breach thereof, not exceeding ten pounds, as it thinks fit.

Expenses of local authority.  
1902, No. 25, sec. 7

8. All expenses incurred by any local authority in carrying out the provisions of this Part of this Act shall be paid out of its general fund, or, in the case of the Minister, out of moneys to be appropriated by Parliament for the purpose.

Power to levy general rate.  
Ibid, sec. 8

9. (1.) For the purposes of this Part of this Act any local authority may make and levy a general rate not exceeding one-sixteenth of a penny in the pound on the capital value of all rateable property within its own district, or the equivalent thereof in annual value or unimproved value, according to the rating system in force in that district.

(2.) The rating-power hereby conferred may be exercised irrespective of any limit imposed by any Act on the rating-power of the local authority.

Poisoned grain may be laid.  
Ibid, sec. 9

10. Any local authority may, for the purposes of this Part of this Act, lay poisoned grain, seed, or other material upon any roads or lands (whether public or private) within its own district :

Public notice thereof.

Provided that, before laying the same, public notice of the intention so to do shall be given by the local authority, and also that no poison shall be laid within a less distance than three hundred yards of an inhabited house without the consent in writing of the occupier thereof.

Minister may appoint Inspectors to carry out Act if local authority fails to do so.  
Ibid, sec. 10

11. In the event of any local authority failing to carry out the provisions of this Part of this Act to the satisfaction of the Minister, he may from time to time appoint an Inspector, who, with such assistants as are deemed necessary, shall proceed to destroy the injurious birds in the district of such local authority, and for that purpose may exercise all such powers of entry and other powers and functions as the Minister thinks fit to confer ; and all expenses thereby incurred shall be a charge against such local authority, and may be deducted by the Minister of Finance from any subsidy or other money payable at any time to such local authority.

Obstructing Inspector.  
Ibid, sec. 11

12. (1.) Every person who in any way obstructs, interrupts, threatens, assaults, or uses improper or abusive language to any Inspector or other person while in the performance or execution of his duty under this Part of this Act is liable to a fine not exceeding ten pounds.

(2.) Proceedings for the recovery of any such fine or the payment thereof shall not be a bar to any action at law by any Inspector or other person aforesaid for or in respect of any such assault as aforesaid, but every such action may be commenced and proceeded with as if this Part of this Act had not been passed, any rule of law to the contrary notwithstanding.

Regulations.  
Ibid, sec. 12

13. (1.) The Governor may from time to time make regulations for all or any of the following purposes :—

- (a.) The convening of the hereinbefore-mentioned conference and the conduct of its proceedings ;
- (b.) The powers, duties, and functions of Inspectors, whether appointed by the local authority or the Minister ;
- (c.) The methods to be adopted for the destruction of injurious birds ; and
- (d.) Generally all such other matters as he deems necessary for the purposes of this Part of this Act.

(2.) Any such regulation may prescribe a fine not exceeding ten pounds for the breach thereof.

(3.) All such regulations shall be gazetted.

14. All moneys expended by or on behalf of the Minister in the administration of this Part of this Act shall be payable out of moneys to be appropriated by Parliament for the purpose.

Expenses of administration by Minister.  
1902, No. 25, sec. 13.

15. (1.) All fines under this Part of this Act shall be recoverable in a summary manner on the information or complaint of an Inspector, or such other person as the Minister authorises in that behalf, and not otherwise.

Recovery of fines.  
Ibid, sec. 14

(2.) All fines recovered under this Part of this Act by any local authority shall be paid into the fund of the local authority, and all other fines shall be paid into the Public Account as part of the Consolidated Fund.

## PART II.

16. This Part of this Act applies only to those portions of New Zealand to which Part I of this Act does not for the time being apply.

Application of Part II.

17. In this Part of this Act the word "birds" means any birds not for the time being coming within the operation of any Act in force relating to the protection of animals.

Interpretation.  
1891, No. 37, sec. 2

18. (1.) Notwithstanding anything in any other Act, any local authority may from time to time, by ordinary resolution, apply so much as it thinks fit out of its general funds towards the destruction of any kind of birds which, by their habits or by their excessive increase, have become or threaten to become injurious.

Local authority may apply funds to destruction of injurious birds, or levy special rate for the purpose.

Ibid, sec. 3

(2.) The local authority may, if it thinks fit, raise the funds necessary for the above purpose by means of a separate general rate or a special rate not in any case exceeding one-sixteenth of a penny in the pound within counties or any riding of a county, or road districts or any subdivision of a road district, or the equivalent thereof within boroughs and town districts; and in any such case the previous consent of the ratepayers shall not be necessary to the levying and collecting such rate.

(3.) All such moneys may be spent in such manner as the local authority expending the same thinks most expedient for attaining the object in view.

Moneys may be spent as deemed expedient.

Ibid, sec. 4

19. (1.) Any County Council or Road Board may, for the purposes of this Part of this Act, lay poisoned grain, seed, or other material upon any public roads or public reserves within its jurisdiction or under its control, and, with the consent of the owners of adjoining lands, upon any private roads within the district under its jurisdiction; but no poison shall be laid within a less distance than two hundred and twenty yards of an inhabited house without the consent in writing of the owner or occupier thereof.

Poisoned seed may be laid on roads in counties, &c., subject to public notice.

Ibid, sec. 5

(2.) Before laying poison as aforesaid on any road or reserve, public notice of the intention of so doing shall be given.

20. Every Borough Council and Town Board shall from time to time make by-laws for carrying out the objects of this Part of this Act by such means as it thinks fit.

Special provision within boroughs or town districts.

Ibid, sec. 6

Inspectors to report upon enforcement of Act.  
1891, No. 37, sec. 7

21. (1.) Every Chief Inspector and Inspector of Stock appointed under "The Stock Act, 1908," shall be an Inspector under this Part of this Act for the purpose of seeing the same carried into effect.

(2.) On the report of any such Inspector that the enforcement of this Part of this Act is necessary within any county, riding, road district, borough, or town district, the Minister of Lands may require the local authority having jurisdiction therein respectively to give effect to the provisions of this Part of this Act.

Minister of Lands may act when local authority fails to do so.

(3.) In case any such local authority fails, neglects, or refuses to comply with any such request, the said Minister shall have and may exercise all the powers of the local authority so making default which may be necessary to give effect to this Part of this Act in any such district, and the cost incurred thereby may be recovered from the aforesaid local authority as a debt due to the Crown.

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### SCHEDULE.

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#### ENACTMENTS CONSOLIDATED.

1891, No. 37.—"The Birds Nuisance Act, 1891."

1902, No. 25.—"The Birds Nuisance Act, 1902."