

## AGRICULTURAL PESTS DESTRUCTION AMENDMENT BILL

### EXPLANATORY NOTE

*Clause 1* relates to the Short Title and date of commencement. *Clause 2* will come into force on the passing of the Bill and *clauses 3, 4, and 5* will come into force on 1 April 1972.

*Clause 2* amends section 56 of the principal Act which relates to the power of Pest Destruction Boards to carry out pest destruction work on land.

At present, an Inspector has power to remove livestock from land to enable pest destruction work to be carried out.

*Subclauses (1) and (2)* empower an Inspector to require the occupier of land to remove livestock.

*Subclause (3)* protects Pest Destruction Boards from liability for loss of or damage to livestock caused by pest destruction work if the occupier of the land has failed to remove livestock when required to do so or has caused livestock to re-enter the land after removal.

*Clause 3* increases the maximum general rate which may be levied by Pest Destruction Boards from 10 cents an acre to 15 cents an acre.

*Clause 4* inserts a new Part IIA in the principal Act. The new Part provides for the establishment of a South Canterbury Wallaby Board.

*New section 99A* defines the terms "Board", "district", and "wallaby".  
"Wallaby" means the wallaby species *macropus rufogrisea*.

*New section 99B* establishes the South Canterbury Wallaby Board and declares it to be a body corporate.

*New section 99C* provides for the membership of the Board. The Board will consist of—

- (a) Persons to be appointed by the Pest Destruction Boards whose districts or any part thereof are within the wallaby district, each of which Boards shall appoint one member:
- (b) Two members of the Agricultural Pests Destruction Council to be appointed by the Council:
- (c) One person to be appointed by the Minister.

Every person appointed by a Pest Destruction Board must be a member of the Pest Destruction Board.

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*New section 99D* provides for extraordinary vacancies.

*New section 99E* provides for the Chairman's allowance.

*New section 99F* empowers the Minister to constitute the South Canterbury Wallaby District and to alter the boundaries.

*New section 99G* sets out the functions of the Board.

*New sections 99H to 99K* provide for the Wallaby Board's revenue. The Board's revenue will consist of annual contributions by the constituent Pest Destruction Boards.

There will be a right of objection to the Agricultural Pests Destruction Council against the Board's estimates, the basis of assessing contributions and the amount of any contribution.

*New section 99L* applies certain provisions of the principal Act to the Wallaby Board. The Board will not have the power to rate.

*New section 99M* applies the Public Bodies Leases Act 1969 to the Wallaby Board.

*Clause 5* applies the Public Bodies Contracts Act 1959, the Public Bodies Meeting Act 1962, the Local Authorities (Employment Protection) Act 1963, and the Local Authorities (Members' Interests) Act 1968 to the South Canterbury Wallaby Board.

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*Hon. Mr Carter*

**AGRICULTURAL PESTS DESTRUCTION  
AMENDMENT**

**ANALYSIS**

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1. Short Title and commencement	99e. Chairman's allowance
2. Power to enter, inspect, and do work on land	99f. District
3. General rate	99g. Functions of Board
4. South Canterbury Wallaby Board	99h. Annual estimates
	99i. Assessment of contributions
	99j. Objection against estimate or assessment
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<b>PART IIA</b>	99l. Certain sections of Act applied to Board
<b>SOUTH CANTERBURY WALLABY BOARD</b>	99m. Public Bodies Leases Act 1969 applied to Board
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**A BILL INTITULED**

**An Act to amend the Agricultural Pests Destruction Act  
1967**

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

10 **1. Short Title and commencement**—(1) This Act may be cited as the Agricultural Pests Destruction Amendment Act 1971, and shall be read together with and deemed part of the Agricultural Pests Destruction Act 1967\* (hereinafter referred to as the principal Act).

\*1967, No. 147  
Amendment: 1968, No. 65

(2) Section 2 of this Act shall come into force on the passing of this Act.

(3) Sections 3, 4, and 5 of this Act shall come into force on the 1st day of April 1972.

**2. Power to enter, inspect, and do work on land**—(1) Section 56 of the principal Act is hereby amended by inserting in subsection (3), after the word “remove”, the words “, or require the occupier to remove,”. 5

(2) The said section 56 is hereby further amended by omitting from subsection (4) the words “No livestock shall be removed under subsection (3) of this section except”, and substituting the words “The Inspector or other authorised person shall not remove, or require the occupier to remove, any livestock under subsection (3) of this section except”. 10

(3) The said section 56 is hereby further amended by adding the following subsection: 15

“(6) If the occupier of any land—

“(a) Has failed to remove any livestock pursuant to a requirement made under subsection (3) of this section within 48 hours after the expiry of the period specified in paragraph (a) of subsection (4) of this section or, if he has exercised his right to object under subsection (5) of this section, has failed to remove any livestock pursuant to an order of a Magistrate within 48 hours after he has been notified of the Magistrate’s decision; or 20

“(b) Has done anything or omitted to do anything which in any way prevents the Inspector or other authorised person from removing any livestock under subsection (3) of this section from any land of which he is the occupier; or 30

“(c) Has done anything or omitted to do anything, after livestock has been removed under subsection (3) of this section from any land of which he is the occupier, which resulted in the re-entry or entry to that land of any such livestock or any other livestock while any work was being carried out on that land under paragraph (b) of subsection (2) of this section— 35

the Board, the Inspector or other authorised person, and every other employee or agent of the Board, shall not be liable in respect of the loss of, or damage or injury to, any livestock on the land on which such work was carried out that was caused by the carrying out of the work.” 40

3. **General rate**—Section 71 of the principal Act is hereby amended by omitting from subsection (3) the words “ten cents”, and substituting the words “15 cents”.

5 4. **South Canterbury Wallaby Board**—The principal Act is hereby further amended by inserting, after Part II, the following new Part:

“PART IIA

“SOUTH CANTERBURY WALLABY BOARD

10 “99A. **Interpretation**—In this Part of this Act, unless the context otherwise requires,—

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

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

15 ‘Wallaby’ means the wallaby species *macropus rufogrisea*.

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

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

25 “99C. **Membership of Board**—(1) The Board shall consist of—

“(a) Persons to be appointed by the Pest Destruction Boards whose pest destruction districts or any part thereof are within the district, each of which Boards shall appoint one member:

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

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

35 “(2) No person shall be appointed as a member of the Board under paragraph (a) of subsection (1) of this section unless he is a member of the Pest Destruction Board which intends to appoint him.

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

“(4) Subject to section 99D of this Act, the 2 members of the Board appointed under paragraph (b) of subsection (1) of this section shall hold office for a term of 3 years, and shall be eligible for reappointment from time to time. 5

“(5) On a day not later than the 30th day of April 1972, and on some day after every triennial general election of members of the constituent Pest Destruction Boards held after that date (being in each case a day not later than the 31st day of January next following that election), the Pest Destruction Boards shall hold meetings of their respective Boards which shall proceed to appoint the members of the Board in accordance with paragraph (a) of subsection (1) of this section. 10 15

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

“99D. **Extraordinary vacancies**—(1) If any member of the Board ceases to be a member of the Pest Destruction Board which appointed him, or of the Council, as the case may be, he shall cease to be a member of the Board. 20

“(2) Any member of the Board may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister, or may at any time resign his office by written notice to the Secretary or Chairman of the Board. 25

“(3) When the office of any member of the Authority becomes vacant, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall hold office for the residue of the term for which his predecessor would have held office if the vacancy had not occurred. 30

“99E. **Chairman’s allowance**—(1) The Board may pay to the Chairman of the Board such annual allowance, not exceeding \$300, as may from time to time be fixed by the Board with the approval of the Minister, but no alteration in the amount of the allowance shall take effect during the term of office of any Chairman. 35 40

“(2) For the purposes of this section, a person reappointed as Chairman shall be deemed to be a new Chairman.

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

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

“99G. **Functions of Board**—The functions of the Board shall be—

10 “(a) To destroy wallabies within its district;

“(b) To employ pest-destruction officers for the purpose of inspecting any land and destroying wallabies, using such methods of destruction as may be recommended by the Council:

15 “(c) To inspect any land and require the occupier to destroy wallabies when the Board has been authorised by the Minister to administer Part III of this Act, in accordance with section 60 of this Act.

20 “99H. **Annual estimates**—(1) The Board shall, on or before the 30th day of April in each year, cause an estimate to be prepared of the proposed expenditure of the Board during the financial year ending with the 31st day of March next following.

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

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

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

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

“99J. **Objection against estimate or assessment**—(1) If any constituent Pest Destruction Board is dissatisfied with the Board’s estimate of expenditure or the basis on which its contribution has been assessed or the amount of its contribution it may, within 28 days after notice has been given to it under section 99I of this Act, object in writing against the estimates, or the basis on which its contribution has been assessed, or the amount of its contribution, to the Council. 5

“(2) A copy of every such objection shall be forwarded to the Board and to every other constituent Pest Destruction Board. 10

“(3) The Council shall, after considering the objection and any submissions made by the Board and any other constituent Pest Destruction Board, allow the objection in whole or in part or decline it. 15

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

“(5) Every decision of the Council under this section shall be final and conclusive. 20

“99K. **Payment of contributions**—(1) Every constituent Pest Destruction Board shall pay its contribution to the Board in such instalments and at such times as the Board from time to time determines. 25

“(2) If payment of the full amount due is not made by a constituent Pest Destruction Board under subsection (1) of this section, the amount or the portion unpaid may be recovered as a debt due by the constituent Pest Destruction Board to the Board in any Court of competent jurisdiction. 30

“99L. **Certain sections of Act applied to Board**—The provisions of sections 29, 49, 51 to 54, 56 to 63, 68, 69, 87 to 94, 96 to 98, 113 to 117, 120, 122, and 123 of this Act shall, so far as they are applicable and with the necessary modifications, apply in respect of the Board as if references in those sections— 35

“(a) To a Pest Destruction Board were references to the Board:

“(b) To a pest destruction district were references to the district: 40

“(c) To pests were references to wallabies.

“99M. **Public Bodies Leases Act 1969 applied to Board**—  
The Board is hereby declared to be a leasing authority for the  
purposes of the Public Bodies Leases Act 1969.”

- 5** **Amendments to other Acts**—(1) Part II of the First  
Schedule to the Public Bodies Contracts Act 1959 is hereby  
amended by inserting in its appropriate alphabetical order the  
following item:

“The South Canterbury Wallaby Board	1971, No. <u>00</u> —The Agricultural Pests Destruction Amendment Act 1971.”
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- (2) Part II of the Schedule to the Public Bodies Meetings  
Act 1962 is hereby amended by inserting in its appropriate  
**10** alphabetical order the following item:

“The South Canterbury Wallaby Board	1971, No. <u>00</u> —The Agricultural Pests Destruction Amendment Act 1971.”
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- (3) Part II of the First Schedule to the Local Authorities  
(Employment Protection) Act 1963 is hereby amended by  
inserting in its appropriate alphabetical order the following  
item:

“The South Canterbury Wallaby Board	1971, No. <u>00</u> —The Agricultural Pests Destruction Amendment Act 1971.”
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- 15** (4) Part II of the First Schedule to the Local Authorities  
(Members' Interests) Act 1968 is hereby amended by  
inserting in its appropriate alphabetical order the following  
item:

“The South Canterbury Wallaby Board	1971, No. <u>00</u> —The Agricultural Pests Destruction Amendment Act 1971.”
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