

[AS REPORTED FROM THE LANDS AND AGRICULTURE
COMMITTEE]

House of Representatives, 26 October 1979

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. D. MacIntyre

**AGRICULTURAL PESTS DESTRUCTION
AMENDMENT**

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A BILL INTITULED

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

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

1. **Short Title**—This Act may be cited as the Agricultural
Pests Destruction Amendment Act 1979, and shall be read
together with and deemed part of the Agricultural Pests
10 Destruction Act 1967* (hereinafter referred to as the principal Act).

*1967, No. 147

Amendments: 1968, No. 65; 1971, No. 74; 1974, No. 62; 1975, No. 59;
1977, No. 141

No. 78—2

Price 30c

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “district”, the following definition:

“ ‘Financial institution’ means—

“ (a) Any Government department: 5

“ (b) Any building society formed under or subject to the Building Societies Act 1965:

“ (c) Any trustee savings bank constituted under the Trustee Savings Banks Act 1948:

“ (d) Any private savings bank established under 10 the Private Savings Banks Act 1964:

“ (e) Any company or body corporate (whether incorporated in New Zealand or elsewhere) empowered to lend money on mortgage.”

New 15

(2) The said section 2 is hereby further amended repealing the definition of the term “Inspector”, and substituting the following definition:

“ ‘Inspector’ means an Inspector appointed under Part III of this Act.” 20

3. Domestic breeds of rabbits may be exempted from Act—

The principal Act is hereby amended by inserting, after section 3, the following section:

“3A. (1) The Governor-General may from time to time, by Order in Council, subject to such conditions as he thinks 25 fit to impose, exempt any specified breed of domestic rabbit from the provisions of this Act, and may in like manner vary or revoke any such Order in Council.

“ (2) Nothing in this Act, other than section 122 of this Act, or in any regulations in force under this Act, shall apply 30 in respect of any breed of rabbit which is for the time being exempted under subsection (1) of this section.”

4. Agricultural Pests Destruction Council—Section 4 (2)

(a) of the principal Act is hereby amended by repealing subparagraph (v), and substituting the following subpara- 35 graph:

“ (v) One on the nomination of the New Zealand Labourers, General Workers and Related Trades Industrial Union of Workers:”.

5. Term of office of members—Section 5 (1) of the principal Act is hereby amended by adding the following proviso: 40

“Provided that 1 of the members, to be chosen by the South Island Pest Destruction Boards Association, who was appointed in 1979 under section 4 (2) (a) (ii) of this Act, shall hold office for a term of 2 years, but shall be eligible for reappointment”.

6. Power to enter land—The principal Act is hereby further amended by inserting, after section 14, the following section:

“14A. (1) Any person employed by the Council and authorised either specially or generally in writing by the
5 Chairman of the Council may, in the course of his employment, enter at all reasonable times on any land within any district for the purpose of inspecting the land and the operations of the Board on the land.

“(2) Before entering on any land under this section, the
10 person authorised to do so shall give reasonable notice to the Board and, if practicable, to the owner and occupier of the land of his intention to enter, and shall, if required by the owner or occupier, produce the authority under which he claims to enter or to have entered the land.”

7. Power to provide dwellings for employees, etc.—The principal Act is hereby further amended by inserting, after section 17, the following section:

“17A. (1) The Council may from time to time—

20 “(a) Acquire land and erect dwellings thereon for occupation by persons employed by the Council:

“(b) Erect, on any land vested in the Council, dwellings for occupation by persons employed by the Council:

25 “(c) Purchase land with dwellings thereon for occupation by persons employed by the Council:

“(d) Purchase dwellings for removal to any land vested in the Council so that they may be made available for occupation by persons employed by the Council:

30 “(e) Convert any building for the purpose of residential occupation by any person employed by the Council:

35 “(f) Alter, enlarge, repair, and improve any dwelling erected or acquired by the Council from time to time pursuant to the provisions of this section.

“(2) The Council may dispose of any dwelling and its appurtenant land to any employee of the Council by way of lease or upon any tenancy, or by way of sale upon such terms and conditions as may be approved by the Minister.

40 “(3) If any dwelling acquired or erected or converted by the Council for the purposes of this section is no longer required for such purposes, the Council may sell, let, exchange, or otherwise dispose of it in such manner and on such terms and conditions as may be approved by the
45 Minister.

“(4) Where—

“(a) Any employee of the Council wishes to purchase, erect, enlarge, improve, or convert a house upon land for his own occupation; and

“(b) He applies to a financial institution for an advance by way of first mortgage upon the security of the land and the proposed or existing house; and

“(c) The Minister of Finance has approved the terms and conditions of the proposed advance—

the Council may, by deed or other instrument, guarantee to that financial institution repayment of the money which the financial institution may so advance to the employee.

“(5) Every guarantee under this section shall contain such provisions relating to the mortgage and guarantee as the Council and the financial institution consider expedient, and may from time to time be varied by deed or other instrument executed by the Council and the financial institution.

“(6) To provide funds for the purposes of subsection (1) of this section or for the purposes of making any payment for which it becomes liable pursuant to any guarantee given under subsection (4) of this section, the Council may use money received under section 18 of this Act or money borrowed for the purpose under section 18B of this Act.”

8. Unauthorised expenditure—Section 18A of the principal Act (as inserted by section 3 of the Agricultural Pests Destruction Amendment Act 1974) is hereby amended—

(a) By omitting from subsection (1) the expression “\$200”, and substituting the expression “\$500”;

(b) By omitting from subsection (2) the expression “\$150”, and substituting the expression “\$200”.

9. Membership of Boards—(1) Section 31 (4) of the principal Act is hereby amended by omitting the words “, but not vote,” and substituting the words “, and to vote,”.

(2) Section 31 (5) of the principal Act is hereby amended by omitting the words “, but not vote,” and substituting the words “, and to vote,”.

10. Annual allowance to Chairman—(1) Section 50 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

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“(2) The annual allowance fixed under subsection (1) of this section shall not exceed such amount as may be fixed from time to time by the Minister of Finance. Different amounts may be so fixed in respect of different Boards or
5 classes of Board.”

(2) So much of the Schedule to the Agricultural Pests Destruction Amendment Act 1954 as relates to section 50 of the principal Act is hereby consequentially repealed.

10 (3) Notwithstanding the repeal of section 50 (2) of the principal Act by subsection (1) of this section, the said section 50 (2) shall continue in force and operate until a maximum amount is first fixed under section 50 (2) of the principal Act (as substituted by subsection (1) of this section).

15 **11. Officers, employees, and administrative services**—Section 54 (1) of the principal Act is hereby amended by omitting the words “Inspectors, overseers, and”.

Struck Out

20 **12. Power to enter, inspect, and do work on land**—Section 56 (6) (c) of the principal Act (as added by section 2 (3) of the Agricultural Pests Destruction Amendment Act 1971) is hereby amended by omitting the words “subsection (2)”, and substituting the words “subsection (1)”.

New

25 **12. Power to enter, inspect, and do work on land**—(1) Section 56 (1) of the principal Act is hereby amended by omitting the words “Inspector appointed by the Board, and any other”.

30 (2) Section 56 (3) of the principal Act is hereby amended by omitting the words “Inspector or other”.

(3) Section 56 (4) of the principal Act (as amended by section 2 (2) of the Agricultural Pests Destruction Amendment Act 1971) is hereby further amended—

35 (a) By omitting 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”, and substituting the words “The authorised person shall not remove, or require the occupier to remove, any livestock
40 under subsection (3) of this section except”:

(b) By omitting from paragraph (a) the words “Inspector or other”.

New

(4) Section 56 (6) of the principal Act (as added by section 2 (3) of the Agricultural Pests Destruction Amendment Act 1971) is hereby amended—

(a) By omitting the words “Inspector or other” in both places where they occur: 5

(b) By omitting from paragraph (c) the words “subsection (2)”, and substituting the words “subsection (1)”.

(5) Section 2 (2) of the Agricultural Pests Destruction Amendment Act 1971 is hereby consequentially repealed. 10

12A. Board may be authorised to administer Part III of this Act within its district—Section 60 (6) of the principal Act is hereby amended by omitting the words “the Inspectors appointed”, and substituting the words “any persons so authorised”. 15

13. Delegation of powers of destroying pests—Section 63 (3) of the principal Act is hereby amended by adding to the proviso the words “or is a representative of the New Zealand Forest Service on a Board”. 20

14. Power to provide dwellings for employees, etc.—The principal Act is hereby further amended by repealing section 68, and substituting the following section:

“68. (1) The Board may from time to time—

“(a) Acquire land and erect dwellings thereon for occupation by persons employed by the Board: 25

“(b) Erect, on any land vested in the Board, not being land held in trust for any special purpose, dwellings for occupation by persons employed by the Board: 30

“(c) Purchase land with dwellings thereon for occupation by persons employed by the Board:

“(d) Purchase dwellings for removal to any land vested in the Board so that they may be made available for occupation by persons employed by the Board: 35

“(e) Convert any building for the purpose of residential occupation by any person employed by the Board:

“(f) Alter, enlarge, repair, and improve any dwelling erected or acquired by the Board from time to time pursuant to the provisions of this section. 40

“(2) The Board may dispose of any dwellings and the land appurtenant thereto to any employee of the Board by way of sale or lease, or upon any tenancy.

5 “(3) If any dwelling acquired or erected or converted by the Board for the purposes of this section is no longer required for such purposes, the Board may sell, let, exchange, or otherwise dispose of it in such manner and on such terms as it thinks fit.

“(4) Where—

10 “(a) Any employee of the Board wishes to purchase, erect, enlarge, improve, or convert a house upon land for his own occupation; and

“(b) He applies to a financial institution for an advance by way of first mortgage upon the security of the land and the proposed or existing house—

15 the Board may, by deed or other instrument, guarantee to that financial institution repayment of the money which the financial institution may so advance to the employee.

20 “(5) Every guarantee under this section shall contain such provisions relating to the mortgage and guarantee as the Board and the financial institution consider expedient, and may from time to time be varied by deed or other instrument executed by the Board and the financial institution.”

15. Borrowing powers of Board—Section 69 of the principal Act (as substituted by section 8 of the Agricultural Pests Destruction Amendment Act 1974) is hereby amended by omitting the words “For the purpose of providing funds for the purchase of houses or the purchase of sites and the erection of houses for the accommodation of its employees,”, and substituting the words “To provide funds for the purposes of section 68 (1) of this Act, or for the purposes of making any payment for which it becomes liable pursuant to any guarantee given under section 68 (4) of this Act,”.

16. Repealing certain financial provisions—(1) Sections ~~(86,) 86 (2) and (4),~~ 88 to 91, and 97 to 99 of the principal Act are hereby repealed.

(2) This section shall come into force on a date to be fixed by Order in Council.

17. Unauthorised expenditure—Section 96 of the principal Act is hereby amended—

(a) By omitting the words “four hundred dollars”, and substituting the expression “\$500”:

- (b) By omitting from the proviso the words “forty dollars” in both places where they occur, and substituting in each case the expression “\$50”.

18. Membership of South Canterbury Wallaby Board—

(1) Section 99c (2) of the principal Act (as inserted by section 4 of the Agricultural Pests Destruction Amendment Act 1971) is hereby amended by repealing paragraph (a), and substituting the following paragraph: 5

“(a) Eight persons to be appointed as follows:

“(i) Four by the South Canterbury Pest 10
Destruction Board:

“(ii) Two by the Kurow Pest Destruction Board:

“(iii) One by the Hakataramea Pest Destruction 10
Board:

“(iv) One by the (*McKenzie*) MacKenzie Pest 15
Destruction Board:”.

(2) Section 99c (2) of the principal Act (as so inserted) is hereby amended by inserting, after the words “unless he is a member of”, the words “, or a ratepayer in the pest destruction district of,”. 20

19. Poisoning or removing pests without authority—

Section 118 of the principal Act is hereby amended by omitting the words “one hundred dollars”, and substituting the expression “\$500”.

20. Offences and penalties—(1) Section 122 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection: 25

“(1) Every person commits an offence against this Act who acts in contravention of or fails to comply in any respect with— 30

“(a) Any provision of this Act;

“(b) Any provision of any regulations in force under this Act;

“(c) Any prohibition or restriction imposed by any regulations in force under this Act; or 35

“(d) Any condition imposed by any Order in Council in force under section 3A of this Act.”

(2) Section 122 (2) of the principal Act is hereby amended—

(a) By omitting the words “two hundred dollars”, and substituting the expression “\$500”: 40

(b) By omitting the words “ten dollars”, and substituting the expression “\$20”.

21. Regulations—Section 123 (1) of the principal Act is hereby amended by repealing paragraph (e), and substituting the following paragraphs:

- 5 “(e) Prescribing, or empowering the Council to prescribe, methods for the storage and cartage of poisons:
- “ (f) Prescribing, or empowering the Council to prescribe, measures for ensuring the health and safety of personnel handling poisons:
- 10 “ (g) Prescribing, or empowering the Council to prescribe, measures for ensuring the safety of species of animals which are not pests when poison is laid:
- “ (h) Regulating, or empowering the Council to regulate, the application of poisons on the ground or by air:
- 15 “ (i) Providing for the establishment by Boards of general and separate accounts:
- “ (j) Prescribing the manner of recovering, banking, and depositing of money by Boards:
- “ (k) Prescribing the manner in which the annual statement of financial accounts is to be prepared considered, settled, and published by Boards:
- 20 “ (l) Providing generally for the collection of, and accounting for, money by Boards:
- “ (m) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.”
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