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*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,  
5th September, 1902.*

*Hon. Mr. Duncan.*

**BIRDS NUISANCE.**

**ANALYSIS.**

<p><b>Title.</b> 1. Short Title. 2. Interpretation. 3. Local authority to destroy injurious birds. 4. Provisions to secure concerted action. Districts. Conferences. Direction as to day. 5. Additional methods of destruction. 6. Appointment of Inspectors, and by-laws. 7. Expenses of local authority. 8. Power to levy general rate.</p>	<p>9. Poisoned grain may be laid. Public notice thereof. 10. Minister may appoint Inspectors to carry out Act if local authority fails to do so. 11. Penalty for obstructing Inspector. 12. Regulations. 13. Expenses of administration by Government. 14. Recovery of penalties. 15. Application of Act. 16. Repeal.</p>
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**A BILL INTITULED**

AN ACT to provide for the Destruction of Injurious Birds.

**Title.**

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

1. The Short Title of this Act is "The Birds Nuisance Act, 1902."

**Short Title.**

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

**Interpretation.**

"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:

"Local authority" means, in the case of a county, borough, or town district, the Council or Board thereof respectively; and, in Counties where there is no County Council, means the Road Board, or, where there is no Road Board or other local authority, then the Minister for Agriculture.

3. 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.**

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

**Provisions to secure concerted action.**

(1.) The Governor, by Order in Council gazetted, may from time to time divide the whole or any portion of the colony into 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 district and partly in another.

**Districts.**

- Conferences. (2.) In and for each 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 jurisdiction. 5
- Direction as to day. (3.) The Governor, by Order in Council gazetted, may from time to time direct all the local authorities in such 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. 10
- Additional methods of destruction. 5. 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 are necessary for the successful carrying-out of such work as aforesaid within its own district. 15
- Appointment of Inspectors, and by-laws. 6. For the purposes of this Act the local authority may from time to time— 20
- (1.) Appoint such Inspectors, with such powers of entry and other powers and functions, within its jurisdiction, as it thinks fit; and also
- (2.) Make such by-laws and impose such penalties, not exceeding *ten* pounds, for any breach thereof as it thinks fit 25
- Expenses of local authority. 7. All expenses incurred by any local authority in carrying out the provisions of the 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. 30
- Power to levy general rate. 8. (1.) For the purposes 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 the district. 35
- (2.) The rating power hereby conferred may be exercised irrespective of any limit imposed by any Act on the rating power of any local authority.
- Poisoned grain may be laid. 9. Any local authority may, for the purposes of this Act, lay poisoned grain, seed, or other material upon any roads or lands (whether public or private) within its jurisdiction: 40
- 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 one hundred yards of an inhabited house without the consent in writing of the occupier thereof. 45
- Minister may appoint Inspectors to carry out Act if local authority fails to do so. 10. In the event of any local authority failing to carry out the provisions of this Act to the satisfaction of the Minister for Agriculture, 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 50

functions as the Minister thinks fit to confer; and all costs thereby incurred shall be a charge against such local authority, and may be deducted by the Colonial Treasurer from any subsidy or other money payable at any time to such local authority.

5 11. (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 Act, is liable to a penalty not exceeding *ten* pounds and not less than *one* pound. Penalty for obstructing Inspector.

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

15 12. (1.) The Governor may from time to time make regulations for all or any of the following purposes:— Regulations.

(a.) The convening of the hereinbefore-mentioned conference, and the conduct of its proceedings;

20 (b.) The powers, duties, and functions of Inspectors, whether appointed by the local authority or the Minister for Agriculture;

(c.) The methods to be adopted for the destruction of injurious birds; and

25 (d.) Generally all such other matters as he deems necessary for the purposes of this Act.

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

(3.) All such regulations shall be gazetted.

30 13. All moneys expended by or on behalf of the Government in the administration of this Act shall be payable out of moneys to be appropriated by Parliament for the purpose. Expenses of administration by Government.

35 14. (1.) All penalties under this Act shall be recoverable in a summary manner on the information or complaint of an Inspector, or such other person as the Minister for Agriculture authorises in that behalf, and not otherwise. Recovery of penalties.

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

40 15. This Act shall only apply to the Middle Island: Provided that if the local authority of any district in the North Island by resolution requests the Governor so to do, he may, by Proclamation, declare that this Act shall apply in that district, and may on a like resolution at any time revoke such Proclamation. Application of Act.

45 16. "The Birds Nuisance Act, 1891," is hereby repealed, but all by-laws made under that Act shall continue in force until revoked by the Governor under this Act. Repeal.