

RABBITS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Rabbits Act 1955.

Clause 1 relates to the Short Title to the Bill.

Clause 2 extends the power of a Rabbit Board to sell or dispose of poison or poisonous substances so as to enable a Board to sell them to the holder of any licence under section 17 of the Poisons Act 1960, or to any person who may sell poisons in accordance with section 13 of that Act, or to any other person for use in agriculture or horticulture or in the destruction of animal pests.

Clause 3 confers power on any Rabbit Board, out of its funds, to purchase, take on lease or hire, or otherwise acquire such land, buildings, plant, machinery, and equipment as in the opinion of the Board are necessary for the carrying out of its functions and the exercise of its powers. The clause repeats the existing provisions conferring power on Boards to sell, lease, or otherwise dispose of any of their real or personal property, but restrictions are placed on the sale or disposition of any land, buildings, plant, or machinery used by a Board for the manufacture or distribution of any poison or poisonous substances if the land, buildings, plant, or machinery was purchased by the Board wholly or in part out of money granted to the Board under section 77 of the principal Act.

Clause 4 amends section 65 of the principal Act, which relates to differential rating by Rabbit Boards, so as to make it obligatory for a Board to levy a differential rate, if the Minister, acting on the recommendation of the Council, at any time so directs. The right of appeal in cases of differential rating is to be restricted to an appeal against classification on the ground that the land of the appellant, or any other land in the district, has not been fairly classified. Ratepayers will no longer have a right to appeal against the proportions in which a differential rate is imposed.

Clause 5: Section 68 of the principal Act provides that a Rabbit Board, with the approval of the Minister given on the recommendation of the Rabbit Destruction Council, may remit the rates payable by any ratepayer either wholly or in part. The section directs that no such recommendation shall be made by the Council unless it is satisfied that hardship would otherwise be caused to the ratepayer. Cases arise where there is no hardship, but it would be fair and reasonable to remit rates. The clause therefore provides for the omission of the direction. The amendment is made retrospective to 1 April 1962.

Clause 6: Section 76 of the principal Act provides for the payment to a Rabbit Board in respect of each financial year of a subsidy on general rates received by the Board not later than three months after the close of that financial year. The clause amends section 76 so as to enable the subsidy to be paid on rates received later than the specified period if the Minister, on the recommendation of the Council, is satisfied that in all the circumstances the failure of the Board to collect the rates was excusable.

Clause 7 amends paragraph (d) of section 117 (1) of the principal Act, as inserted by section 13 of the Rabbits Amendment Act 1960, so as to enable regulations to be made prohibiting or restricting, or authorising the Rabbit Board for the district to prohibit or restrict, the poisoning, trapping, shooting, or hunting of hares in any rabbit district or part thereof.

Hon. Mr Talboys

RABBITS AMENDMENT

ANALYSIS

Title	3. Power of Board to purchase and dispose of real or personal property
1. Short Title	4. Power to levy differential rates
2. Power of Boards to purchase and sell goods intended to be used for destruction of rabbits	5. Power to remit rates
	6. Subsidy on general rates
	7. Regulations

A BILL INTITULED

An Act to amend the Rabbits Act 1955

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

1. Short Title—This Act may be cited as the Rabbits Amendment Act 1963, and shall be read together with and deemed part of the Rabbits Act 1955* (hereinafter referred to as the principal Act).

10 **2. Power of Boards to purchase and sell goods intended to be used for destruction of rabbits**—Section 54 of the principal Act is hereby amended by adding to subsection (2) the words
15 “or to the holder of any licence under section 17 of the Poisons Act 1960, or to any person who may sell poisons in accordance with section 13 of that Act, or to any other person for use in agriculture or horticulture or in the destruction of animal pests”.

*1957 Reprint, Vol. 13, p. 33
Amendments: 1958, No. 89; 1959, No. 84; 1960, No. 48; 1962, No. 97

3. Power of Board to purchase and dispose of real or personal property—(1) The principal Act is hereby amended by repealing section 54A, as inserted by section 8 of the Rabbits Amendment Act 1959, and substituting the following section:

“54A. (1) The Board may, out of its funds, purchase, take on lease or hire, or otherwise acquire such land, buildings, plant, machinery, and equipment as in the opinion of the Board are necessary for the carrying out of its functions and the exercise of its powers. 5

“(2) The Board may, if it thinks fit, sell, transfer, grant on lease, let out on hire, or otherwise dispose of any of its real or personal property: 10

“Provided that, except with the consent of the Minister given on the recommendation of the Council and on such terms and conditions as the Minister may think fit to impose, the Board shall not sell or otherwise dispose of any land, buildings, plant, or machinery used by the Board for the manufacture or distribution of any poison or poisonous substances if the land, buildings, plant, or machinery was purchased by the Board wholly or in part out of money granted to the Board under section 77 of this Act.” 15 20

(2) Section 8 of the Rabbits Amendment Act 1959 is hereby consequentially repealed.

4. Power to levy differential rates—(1) Section 65 of the principal Act is hereby amended by adding to subsection (1) the following proviso: 25

“Provided that the Board shall so levy any such rate if the Minister, acting on the recommendation of the Council, at any time so directs.”

(2) Section 65 of the principal Act is hereby further amended by repealing subsection (7), and substituting the following subsection: 30

“(7) Any person aggrieved by the classification may appeal against it on the ground that the land of the appellant, or any other land in the district, has not been fairly classified.” 35

5. Power to remit rates—(1) Section 68 of the principal Act is hereby amended by omitting the words “No such recommendation shall be made by the Council unless it is satisfied that hardship would otherwise be caused to the ratepayer.” 40

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

6. Subsidy on general rates—Section 76 of the principal Act is hereby amended by adding to subsection (3) the following proviso:

“Provided that, where any rates are received by the Board
5 later than three months after the close of the financial year,
a subsidy may be paid on those rates if the Minister, on the
recommendation of the Council, is satisfied that in all the
circumstances the failure of the Board to collect the rates by
not later than three months after the close of the financial year
10 was excusable.”

7. Regulations—Section 117 of the principal Act is hereby amended by inserting in paragraph (d) of subsection (1), as inserted by section 13 of the Rabbits Amendment Act 1960, after the word “rabbits”, the word “hares”.