

RABBIT NUISANCE AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill varies the provisions now contained in section 67 of the Rabbit Nuisance Act 1928 relating to the levying of differential rates by Rabbit Boards. The Bill is to come into force on 1 April 1953, which is the commencement of the rating year.

Under the existing section a Board may levy rates varying in the different parts of its district, having regard to the degree in which the different parts are affected by rabbits.

Clause 2 of the Bill provides that a Rabbit Board may levy rates on a graduated scale according to a classification made by it of the land upon which the rate is to be levied. In classifying the land in its district in any year for the purposes of the provision the Board is to have regard to the degree to which different pieces of land are affected by rabbits; and may have regard to—

- (a) The degree of benefit likely to be derived by any piece of land from the operations of the Board in destroying rabbits on that land or on any other land;
- (b) The risk of infestation or reinfestation of any piece of land by rabbits from any other land;
- (c) The extent to which steps have been taken by or on behalf of the ratepayer to reduce or control the number of rabbits on his land or the movement of rabbits to or from that land;
- (d) Such other circumstances of whatsoever nature as the Board considers relevant.

The rate is to be levied on each class of land in such proportions as the Board appoints, but before fixing the proportions the Board must give twenty-eight days' notice of the proportions it proposes to fix and consider objections thereto. Public notice of the classification must be given and the classification must be made available for inspection for a period of not less than twenty-one days. There is a right of appeal to a Magistrate against the classification similar to that provided in section 25 of the Noxious Weeds Act 1950.

Hon. Mr. Holyoake

RABBIT NUISANCE AMENDMENT

ANALYSIS

Title.	2. Rabbit Board may levy differ-
1. Short Title and commencement.	tial rates.

A BILL INTITULED

AN ACT to amend the Rabbit Nuisance Act 1928.

Title.

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

1. (1) This Act may be cited as the Rabbit Nuisance Amendment Act 1952, and shall be read together with and deemed part of the Rabbit Nuisance Act 1928 (hereinafter referred to as the principal Act).

Short Title and commencement.
See Reprint of Statutes, Vol. I, p. 243

10 (2) This Act shall come into force on the first day of April, nineteen hundred and fifty-three.

2. The principal Act is hereby amended by repealing section sixty-seven, and substituting the following section:—

Rabbit Board may levy differential rates.

15 “ 67. (1) The Board may levy rates on a graduated scale according to a classification made as hereinafter provided of the land upon which the rate is to be levied.

20 “(2) Before making a rate under this section in any year the Board shall, by resolution, classify all the land in its district.

“(3) In classifying the land in its district the Board shall have regard to the degree in which different pieces of land are affected by rabbits; and may have regard to—

“(a) The degree of benefit derived or likely to be derived by any piece of land from the operations of the Board in destroying rabbits on that land or on any other land: 5

“(b) The risks of infestation or reinfestation of any piece of land by rabbits from any other land: 10

“(c) The extent to which steps have been taken by or on behalf of the ratepayer to reduce or control the number of rabbits on his land or the movement of rabbits to or from that land: 15

“(d) Such other circumstances of whatsoever nature as the Board considers relevant.

“(4) The rate shall be made and levied on each class of land in such proportions as the Board appoints:

“Provided that, before the appointment of such proportions as aforesaid, the Board shall cause public notice to be given of the proportions it proposes to appoint; and shall, at a meeting of the Board to be held after the expiration of a period of twenty-eight days after the first publication of the notice, consider all objections in writing (if any) received by the Board to the proposed proportions. 20 25

“(5) Every classification so made shall be set forth in a list to be sealed with the common seal of the Board, and the Board shall immediately cause public notice of the classification to be given, and of the place where and of the period during which the classification list may be inspected, and shall allow it to be inspected at reasonable times at that place for a period of not less than twenty-one days. 30 35

“(6) 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.

“(7) A notice of appeal setting out the grounds thereof shall, within seven days next after the expiration of the period of twenty-one days appointed for the inspection of the classification list, be filed in the 40

Magistrate's Court nearest to the public office of the Board by the person aggrieved, and a copy thereof shall within the same seven days be lodged by that person at that office.

5 “(8) The appeal shall be heard by a Magistrate at such convenient time and place as the Magistrate, on the application of any party, appoints, of which not less than three days' notice shall be given by that party to the Secretary of the Board and to every other person affected
10 by the appeal.

 “(9) On the hearing of any such appeal the Magistrate may confirm the classification list or cause it to be amended in such manner as he thinks reasonable, and he shall sign the list so confirmed or amended, and
15 the determination of the Magistrate shall be final and conclusive.

 “(10) Every classification list sealed with the seal of the Board, or signed by a Magistrate in the case of any such appeal as aforesaid, shall, for the purpose of
20 any proceedings for the recovery of rates, be sufficient evidence of a classification duly made by the Board in accordance with the requirements of this section.”