

House of Representatives, 17th August, 1928.

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(Amendments made by Committee shown with a double bar at side, erasure and new matter with heavy line underneath.)

Hon. Mr. Hawken.

RABBIT NUISANCE.

ANALYSIS.

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A BILL INTITULED

Title.

AN ACT to consolidate and amend certain Enactments of the General Assembly relating to the Rabbit Nuisance.

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

Short Title and commencement.

1. This Act may be cited as the Rabbit Nuisance Act, 1928, and shall come into force on the *first* day of *January*, nineteen hundred and *twenty-nine*.

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2. In this Act, if not inconsistent with the context,—
- “ Crown land ” means any land not coming within the definition of “ private land ” ; it includes (but subject to no person being in actual occupation thereof or in receipt of the rents or profits thereof) any Native customary land as defined in the Native Land Act, 1909.
- “ Inspector ” means an Inspector under this Act :
- “ Minister ” means the Minister of Agriculture :
- “ Owner ” means any person owning any estate or interest in any private land, or who by the law for the time being regulating the recovery of rates is or may become liable to pay any rates leviable in respect of such private land, or any person in possession or occupation or in receipt of the rents or profits of any private land, or any agent, trustee, executor, or administrator of an owner :
- “ Private land ” means any land alienated from the Crown in fee-simple or for any less estate or interest, and whether by Crown grant, conveyance, certificate of title, memorial of ownership, transfer, lease, license, or otherwise ; or any land, whether alienated from the Crown or not, of which any person is in actual occupation or in receipt of the rents or profits.

Interpretation.
1908, No. 161, s. 2

PART I.

DESTRUCTION OF RABBITS GENERALLY.

3. There may from time to time be appointed fit persons to be Inspectors under this Act.
4. (1) An Inspector, or any person authorized by him in writing, may from time to time at all reasonable hours enter upon any Crown land for the purpose of seeing whether there are rabbits thereon, and shall have free right of ingress, egress, and regress into, over, and across such Crown land for that purpose ; and if rabbits are found there, or upon the roads bounding such land, he shall take all such measures and do and perform all such acts and things as appear to him necessary to ensure the destruction of the rabbits upon such land or roads :
- Provided that the power hereby conferred of entering upon roads and destroying the rabbits thereon, shall not be deemed to authorize the doing of any act which in any way injures such road.
- New.*
- (1A) The powers conferred by the *last preceding* subsection in respect of Crown land may be exercised by an Inspector, or any person authorized by him in writing, in respect of Native freehold land not held in severalty and of which no person is in actual occupation.
- (2) All costs, charges, and expenses incurred under this section shall be defrayed out of moneys appropriated from time to time for the purpose by Parliament.
5. An Inspector, or any person authorized by him in writing, may from time to time at all reasonable hours enter upon any private land for the purpose of seeing whether there are rabbits thereon, and shall have free right of ingress, egress, and regress into, over, and across such private land for that purpose.
6. An Inspector may serve or cause to be served upon any one or more of the owners of any private land on which he believes there are rabbits a notice in writing, in the form numbered (1) in the

Appointment of
Inspectors.

Ibid., s. 3

Destruction of
rabbits on Crown
land.

Ibid., s. 4

Power of entry on
private land.

Ibid., s. 5

Notice to destroy
rabbits on private
land.

Ibid., s. 6 (1)

First Schedule hereto or to that effect, requiring the immediate destruction of the rabbits on such land.

Penalties for failure to destroy rabbits on private land.

1918, No. 20, s. 2
1921, No. 9, s. 2 (1)

7. (1) After service on the owner or owners of any private land of a notice under the *last preceding* section it shall be the duty of the owner or owners on whom such notice is served forthwith to commence and thereafter to continue to do all such acts as may be necessary to destroy within the shortest time possible all rabbits on the land mentioned in the notice, and any owner who makes default in so doing shall be liable to a fine of one hundred pounds. 5

(2) For any continuance or repetition of any such default as aforesaid at any time later than one month after the date of any conviction therefor the person so convicted shall be further liable to a fine of not less than five pounds and not more than one hundred pounds, and so on from time to time in respect of each succeeding conviction. 10 15

Inspector may enter on private land and destroy rabbits thereon.

1908, No. 161, s. 11

8. (1) If any owner fails or neglects to comply with any notice as aforesaid to destroy rabbits, then, in addition to or in lieu of proceedings for the recovery of a fine as aforesaid, any Inspector or person authorized in writing by an Inspector may enter on the private land mentioned in such notice, and do and perform all such acts or things as appear to him proper or necessary to be done to ensure the destruction of the rabbits on such private land, and shall have free right of ingress, egress, and regress into, over, and across such private land for such period as in his opinion is necessary for destroying such rabbits. 20 25

(2) The skins or carcasses of rabbits destroyed in the course of such operations may be collected and sold by such Inspector or other person, and the proceeds of such sale shall be paid into the Ordinary Revenue Account of the Consolidated Fund.

(3) In calculating the costs, charges, and expenses payable by the owner of the land pursuant to the *next succeeding* section in respect of the destruction of rabbits thereon, there shall be credited to such owner an amount equal to seventy-five per centum of the net proceeds of the sale of the skins or carcasses, and the notice under that section shall require payment only of the balance, if any, owing by such owner. The amount of such credit shall be set out in the notice. 30 35

(4) The collection and sale of the skins or carcasses shall be at the absolute discretion of the Inspector or other person carrying out the work of destruction, who shall be deemed to have full authority to sell such skins or carcasses, and no action shall be maintainable against him by the owner of the land in respect of such collection and sale or in respect of any failure to collect and sell such skins or carcasses. 40

Owner to pay cost of destruction.
Thid., s. 12

9. (1) Any owner of such private land who has failed or neglected to comply with a notice to destroy rabbits as aforesaid, and on whose land proceedings under the *last preceding* section have been taken, shall, within thirty days from service by or by the direction of an Inspector of a notice in writing from the Inspector in the form numbered (2) in the *First* Schedule hereto or to that effect, pay to the person mentioned in such notice as being authorized to receive such payment the amount mentioned in such notice as being the costs, charges, and expenses occasioned by the destruction of the rabbits in accordance with the *last preceding* section, including therein the costs of the service of any notice hereunder. 45 50

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(2) That amount when so paid shall be forthwith paid by the person receiving the same into the Ordinary Revenue Account of the Consolidated Fund.

5 10. If any owner on whom a notice as mentioned in the *last preceding* section has been served fails to pay the amount mentioned therein within the said period of thirty days, then the Inspector issuing the notice may sue for and recover the same in his own name in any Court of competent jurisdiction, or the same may be recovered as a debt due to the Crown.

If costs not paid, Inspector to sue for same.
1908, No. 161, s. 13

10 11. (1) If any judgment recovered under the *last preceding* section is not satisfied, with costs of suit, within three months thereafter, the Minister may forward to the Public Trustee a certificate to that effect, stating the amount due under such judgment.

If judgment not satisfied Minister may arrange with Public Trustee for sale of land.

15 (2) Immediately or at any time after the receipt of such certificate the Public Trustee may, after giving nine months' notice in writing to all the persons whom he believes to be owners of such private land, or such interest therein as he proposes to sell, cause the private land, or such part thereof as he deems necessary, or any interest therein (whether freehold or leasehold), to be sold by public auction, unless the amount
20 of such judgment and costs, and all expenses incurred in recovering the same, together with interest at the rate of ten pounds per centum per annum on the amount of such judgment from the date of such judgment until payment thereof, and any charges which the Public Trustee is entitled to make upon the sale of property, are paid prior
25 to such sale.

Ibid., s. 14

(3) The sale shall be by public auction, and the Public Trustee shall have a right to bid for or buy in the property, or place a reserve on the same, and he may put it up for sale as often as required until it is sold.

30 (4) The consideration to be given by the purchaser shall be a sum of money to be paid forthwith or by instalments, as may be fixed by the Public Trustee.

35 (5) The highest bidder at the auction, subject to the rights reserved to the Public Trustee by subsection *three* hereof, if his bid equals or exceeds the sum required to pay the amount of judgment and the costs incurred, and if he complies with the conditions precedent (if any) fixed by the Public Trustee, shall be the purchaser.

(6) The purchaser, on having the transfer or conveyance executed, shall be entitled to and may recover possession of the property so sold to him as against or from all persons whomsoever.

40 (7) The proceeds of such sale shall be appropriated, first, to the payment of the judgment, interest, costs, and expenses; next, to the payment of any encumbrance on the said property; and the balance, if any, shall be paid into the Public Trust Office, and shall be paid, together
45 with interest thereon not exceeding four pounds per centum per annum, by the Public Trustee, upon the order of a Judge of the Supreme Court (which order may be made upon a summons in Chambers), to the person entitled thereto.

50 12. If prior to the recovery, pursuant to the provisions of the *last preceding* section, of any moneys due under a judgment against an owner of private land for the work of rabbit destruction carried out thereon, the Inspector has carried out any further work of rabbit destruction on such land in exercise of his powers under this Act and judgment for the cost thereof has been recovered under section *ten*

Amount of further judgment obtained prior to sale may be recovered from proceeds of sale.

hereof, the Minister may forthwith forward to the Public Trustee a certificate of the amount due under such second judgment and the Public Trustee shall thereupon add the amount to the other sums payable by the owner under the *last preceding* section or recoverable from the proceeds of the sale of such owner's land or interest therein, and no further notice in respect of such second judgment need be given by the Public Trustee under subsection *two* of the said *last preceding* section. 5

On purchase-money being paid Public Trustee may execute transfer or conveyance.
1908, No. 161, s. 15

13. On the purchase-money being fully paid the Public Trustee may execute a transfer, conveyance, assignment, or such other document as the case requires, in the name and on behalf of the owner whose interest has been sold, adding after his signature and seal of office the words "under the Rabbit Nuisance Act, 1928." 10

Purchase not affected by impropriety or irregularity in sale.
Ibid., s. 16

14. The purchaser under any such instrument shall not be bound to inquire whether the sale has been properly made under this Act, or be affected by notice, either express or implied, that there has been any impropriety or irregularity in connection therewith; and, notwithstanding any such impropriety or irregularity, such sale shall be good, valid, and effectual at law and in equity for all purposes. 15

Transfers may be registered without production of duplicate certificate.
Ibid., s. 17

15. Any instrument under the Land Transfer Act, 1915, executed for the purpose of carrying into effect any such sale shall be registered by the District Land Registrar of the Land Registration district in which the land dealt with thereby is situate, without the production of the duplicate certificate or other document of title relating to the private land dealt with by such instrument, if the Public Trustee is unable to produce the same. 20

If notice to destroy served upon owner not entitled to occupation, he may enter and destroy.
Ibid., s. 18

16. (1) If a notice under section *six* hereof has been served on any owner who is not entitled to the occupation for the time being of the land comprised in such notice, he shall forthwith notify the person in actual occupation or entitled to actual occupation of such land of such service, and unless such person, within fourteen days after the service of the notice by the Inspector, arranges with such owner and to his satisfaction for the destruction of the rabbits on the said land, the said owner shall be deemed as regards such land to have all the powers of an Inspector under section *eight* hereof. If such notification is made by the owner in writing he may effect service thereof in any of the modes set out in section *twenty-six* hereof. 30

(2) Nothing herein shall affect any other rights the owner of the land may have against the person in actual occupation of the land or entitled to the actual occupation of the land in respect of such person's failure to destroy the rabbits thereon. 40

Apportionment of costs between several owners.
Ibid., s. 19

17. Where there are more owners than one of any private land, and one of such owners is under this Act in any way compelled to pay the whole or any part of the cost of destroying the rabbits on such land, he may, in any Court of competent jurisdiction, sue for and recover from the other owners of such private land such proportion of the costs, charges, and expenses incurred by him in or about the destruction of the rabbits on the said land as is in the opinion of the Court fairly proportionate to the respective interests in such land of the owners parties to such action: 45

Provided that for the purposes of this section any owner who is entitled to occupy such private land for any period exceeding three 50

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years, or for a life or lives, shall be deemed to be liable for the whole cost of destroying the rabbits on the said land; and any owner whose right of occupancy will terminate in six months or less shall be entitled to recover the whole of such cost paid by him from the other owners
5 of such land.

18. The description of any private land required to be inserted in any notice hereunder need not define the land referred to therein, but shall be sufficient if it makes such reference to the land, either by name, number of section or allotment, or by boundaries, or otherwise, as allows
10 of no reasonable doubt as to what land is referred to.

As to description of private lands in notices.
1908, No. 161, s. 20

19. All references to private land herein, or in any notice hereunder, shall be deemed to extend to the roads bounding such land; and any owner or Inspector, or other person having power hereunder to enter on private land and destroy rabbits thereon, shall be deemed to have power
15 to enter on the roads bounding such land and destroy the rabbits thereon:

References to private lands to extend to roads bounding such lands.

Ibid., s. 21

Provided that such power shall not be deemed to authorize the doing of any act which in any way injures such road.

20. (1) Where under the powers conferred by this Act an Inspector enters on any private land and finds it to be deserted or abandoned he may for the purpose of destroying the rabbits thereon exercise all the powers conferred by section *eight* hereof without giving any previous notice to the owner of the land.

Inspector may enter and destroy rabbits on abandoned land without serving notice.

Ibid., s. 22

25. (2) All expenses incurred in or about the destruction of the rabbits on any such deserted or abandoned land shall be payable by the owner of the land, and may be recovered from him in the same manner as moneys payable for work done pursuant to the said section *eight* are recoverable.

30. 21. An Inspector or owner, or person authorized in writing by an Inspector or owner, shall not be deemed a trespasser, or be liable for any damage occasioned by him in the exercise of the powers conferred upon him by this Act unless such damage is occasioned otherwise than in the reasonable exercise of such powers.

Inspector, &c., not deemed a trespasser
Ibid., s. 24

35. 22. Every person, other than a person acting under powers conferred by this Act, who, without the consent of the owner, trespasses on any private land for the apparent purpose of destroying rabbits thereon is liable to a fine of ten pounds.

Unauthorized trespassing upon private lands.

Ibid., s. 28

40. 23. Every person, other than a person acting under powers conferred by this Act, is liable to a fine of twenty-five pounds or to imprisonment for a period of *three* months who enters on any land not in his own legal possession or occupation without the authority of the legal owner or occupier thereof, and lays poison or destroys rabbits thereon, or removes any rabbits that have been poisoned or otherwise destroyed, or their skins, from such land.

Poisoning or removing rabbits from land without authority.

Ibid., s. 31

45. 24. Every person is liable to imprisonment with or without hard labour for any period not exceeding one year, and, in addition thereto, to a fine of not less than twenty nor more than one hundred pounds, who personates or falsely represents himself to be an Inspector, or a person authorized by an Inspector under this Act.

Personating an Inspector.
Ibid., s. 27

Wilfully obstructing
or assaulting
Inspector.
1908, No. 161, s. 29

25. (1) Every person who wilfully obstructs, hinders, or interrupts, or causes to be obstructed, hindered, or interrupted, any Inspector, or any person authorized in writing by an Inspector, or any owner, in the exercise of any power conferred on him by this Act, or who threatens, assaults, or uses abusive language to any such Inspector or person or owner whilst in the execution of any such power, is for every such offence (if not otherwise specially provided for) liable to a fine of twenty pounds. 5

(2) Every person who without lawful authority and while the work of destroying rabbits is in progress on any Crown land persists in entering upon such land after being warned by an Inspector not to do so commits an offence against this section. 10

(3) No proceeding for the recovery of such fine, nor the payment thereof, shall be a bar to any action by any of the persons aforesaid for or in respect of any such assault as aforesaid, but such action may be commenced and proceeded with as if this Act had not been passed. 15

Service of notices.
Ibid., s. 32

26. Where in this Act reference is made to the service of a notice, such service may be effected in any one of the following modes :—

(a) Personally on the person to whom the notice is addressed : 20

(b) By sending the notice to such person through the post addressed to his last known place of abode or business in New Zealand :

(c) By fixing the notice on some conspicuous place on the land affected by such notice, or on some public road abutting thereon : 25

(d) If the whereabouts or last known place of abode or business in New Zealand of the person to whom such notice is addressed is not known to the person issuing the notice, then by inserting the same at least twice in a newspaper circulating in the district in which the lands affected by such notice are situate. 30

Where owner is
unknown.
Ibid., s. 33

27. Where the name of an owner is unknown to any Inspector issuing a notice under this Act or suing under section *ten* hereof, the notice may be addressed to the "owner" as such without mentioning his name, and similarly the owner may be sued and judgment given against him as such without specifying his name. 35

Jurisdiction of
Court not ousted on
ground that defence
raises question of
title.
Ibid., s. 34

28. In any proceedings for the recovery of money under section *ten* hereof or for the recovery of any fine under this Act, the jurisdiction of the Court before which the proceedings are brought shall not be ousted on the ground that any question of title to land is involved. 40

PART II.

RABBIT DISTRICTS AND BOARDS.

Special Saving Provisions as to existing Districts and Boards. 45

Saving provisions
as to existing
districts and
Boards.

29. (1) Every district constituted under Part II, Part III, or Part IV of the Rabbit Nuisance Act, 1908, or under the corresponding provisions of any previous Act, and subsisting at the commencement of this Act, shall enure for the purposes of this Part of this Act as if it had been constituted hereunder, and shall, where necessary, be deemed to have been so constituted. 50

(2) Every Board established under Part II, Part III, or Part IV of the Rabbit Nuisance Act, 1908, or under the corresponding provisions of any previous Act, and subsisting at the commencement of this Act, shall enure for the purposes of this Part of this Act as if it had been established hereunder, and shall, where necessary, be deemed to have been so established. Every such Board shall be deemed to be the same Board without change of corporate identity, notwithstanding any change of name, or variation or extension of powers and functions, pursuant to this Act.

(3) All Trustees holding office under the Rabbit Nuisance Act, 1908, at the commencement of this Act shall continue in office as members of their respective Boards until their successors under this Act are appointed.

Rabbit Districts.

30. (1) Any area of land of not less than one thousand acres may be constituted a rabbit district under this Part of this Act in manner hereinafter set out: Rabbit districts may be constituted.

Provided that no district containing less than twenty thousand acres shall be so constituted unless it contains the holdings of not less than *three* ratepayers, and no district containing twenty thousand acres or more shall be so constituted unless it contains the holdings of not less than *ten* ratepayers.

(2) A petition praying that any area be constituted a rabbit district shall be presented to the Governor-General. Every such petition shall be signed by a majority of the persons qualified to be enrolled on the ratepayers list for the proposed district.

(3) The petition shall contain the following particulars:—

(a) A description of the boundaries of the area proposed to be constituted a rabbit district:

(b) A statement as to whether the power of rating hereinafter conferred on Rabbit Boards shall be exercised within the proposed district—

(i) On the basis of the number of head of stock carried on the ratepayer's land; or

(ii) On the basis of the acreage of land occupied by the ratepayer; or

(iii) On the basis of the rateable value of the land occupied by the ratepayer:

(c) Such other particulars as are prescribed.

(4) If after such inquiry as he thinks fit the Governor-General is of opinion that the petition should be granted he may by Order in Council constitute and declare the area a rabbit district.

(5) The Order in Council constituting the district shall, in addition to the description of the area, set out the name of the district, the basis on which the Board of the district shall first levy its general rate, and such other particulars as are prescribed.

31. The Governor-General at the request of the Board, may by Order in Council alter and redefine the boundaries of any district, but no area shall be added to the district except with the consent of a majority of the persons in such area qualified to be enrolled on the ratepayers list for the district: Alteration of boundaries of district.

Provided that if such consent is withheld and the Board considers it essential for the proper administration of its district that the area should be added thereto it may, after giving public notice of its intention and allowing a reasonable time as set out in such notice for the lodging of objections, make application for the alteration of the boundaries of its district by the addition of the said area thereto, at the same time submitting a statement of the objections received by it. If after such inquiry as he thinks fit the Governor-General is of opinion that the area should be so added, he may by Order in Council alter and redefine the boundaries of the district accordingly, notwithstanding the absence of the consent of a majority of the ratepayers.

Districts may be united.

32. (1) The Governor-General may by Order in Council declare any two or more districts to be united and to form one district, with such name as he thinks fit :

Provided that no such Order in Council shall be made except upon a petition from each of the districts proposed to be united, signed by a majority of the ratepayers in each such district.

(2) If the general rates in the districts united are not levied on the same basis, the petitions aforesaid shall set out the basis on which it is desired to levy the rates in the united district, and the Order in Council declaring the districts to be united shall also declare the basis on which the rates are first to be levied in the united district.

(3) Save as otherwise provided herein, the provisions of this Part of this Act as to the first election of members of the Board of a new district shall apply with respect to the first election of the Board of a united district.

(4) On the union of two or more districts as herein provided the following provisions shall have effect :—

(a) The Boards of the original districts shall be dissolved :

(b) All property, real or personal, belonging to the Board of any of the original districts shall become vested in the Board of the united district :

(c) All rates and other moneys payable to the Board of any of the original districts shall become payable to the Board of the united district :

(d) All the liabilities and engagements of the Board of any of the original districts shall become liabilities and engagements of the Board of the united district :

(e) All proceedings pending by or against the Board of any of the original districts may be carried on or prosecuted by or against the Board of the united district.

Boundaries of contiguous districts may be altered.

33. (1) The boundaries of two or more contiguous districts may from time to time be altered by the Governor-General in Council in accordance with a resolution proposing the alteration passed by the Board of each of the districts affected.

(2) An Order in Council made under the authority of this section shall fully describe the boundaries of any area thereby added to or excluded from a district, and shall also describe the boundaries of each of the districts affected by it, and the altered boundaries so defined shall, as from the taking effect of the Order in Council, be the boundaries of the districts mentioned therein.

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(3) When the boundaries of any district are altered as herein provided—

5 (a) All contracts then subsisting in respect of any part of the district severed therefrom and included in another district shall belong to and may be enforced by and against the Board of the latter district; and all rates then due in the said part of the district shall be deemed to be rates due to the Board of such latter district :

10 (b) The Boards of the said districts may agree together to transfer a fair share of the property, debts, and liabilities of any district which is diminished to any district which is increased in area by such alteration of boundaries. Every such agreement shall be in writing, and shall be final as between the Boards.

15 (4) If the Boards do not agree, the Controller and Auditor-General, or such other person as the Governor-General appoints, shall, on the application of the Board of any of the districts affected, hold an inquiry and shall make an award as to the matters mentioned in the *last preceding* subsection.

20 (5) Any such award may provide for all or any of the matters included in the subject for inquiry, and may declare in whom any property shall be vested, and by whom any moneys shall be paid or other acts or things done, including the payment by either party of the whole or any part of the expenses of such inquiry; and the person
25 making such award may make and give such directions generally as may be necessary for giving full effect to the objects of the inquiry.

(6) Every such award shall be final, and shall, from the date thereof, have the operation of, and be enforceable as, and be held to be a judgment of the Supreme Court.

30 (7) All property, real or personal, transferred from one Board to another by any such agreement or award shall be deemed to have vested in the latter Board on the date on which the alteration of boundaries was effected.

35 (8) Neither the Controller and Auditor-General, nor any other person appointed under the foregoing provisions of this section to hold an inquiry and make an award with respect to the several matters therein mentioned, shall be deemed to be an arbitrator within the meaning of the Arbitration Act, 1908, and nothing in that Act shall apply to any such inquiry or award.

40 34. Every Order in Council constituting a district, or uniting two or more districts, or altering the boundaries of any district, shall be published in the *Gazette*.

Notification in
Gazette.

45 35. The alteration of the boundaries of any district shall not in any way affect the rights or interests of any debenture-holder or other creditor of the Board of any district from which a part is thereby severed, nor shall it relieve the ratepayers for the time being in such part from their liability to pay any special or other rate made under this Act or any other Act.

Alteration of
boundaries not to
affect debenture-
holders.

50 36. Any borough or town district lying wholly or in part within any district constituted under this Act shall be deemed not to form part of the district :

Boroughs and
town districts
excluded from
rabbit districts

New.

55 || Provided that the Board of the district shall have the same powers under Part I of this Act for enforcing the destruction of rabbits on land within any such borough or town district as it has with respect to other lands within its district :

Rabbit Boards.

Rabbit Boards.

1908, No. 161, ss. 39,
70, 87

37. For every rabbit district there shall be a Board of six members of whom five shall be elected in the manner hereinafter provided, and one, who shall be an Inspector appointed under Part I of this Act, shall be appointed by the Minister :

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Provided that in the case of a district containing less than twenty thousand acres the Board shall consist of such number of members as is fixed by the Governor-General in the Order in Council constituting the district, but not less than three nor more than six. The Minister may, if he so desires, appoint one of the members, but at least three shall be elected. In fixing the number the Governor-General shall declare whether all the members are to be elected, or whether one is to be appointed as aforesaid :

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Provided further that the Board of every district constituted under Part III or Part IV of the Rabbit Nuisance Act, 1908, or the corresponding provisions of any former Act and enuring under this Act, shall consist of the same number of members as before the commencement of this Act, except where such number exceeded six. In the latter case the number of members shall be adjusted in accordance with the provisions of this Act at the first general election held thereunder. One member of the Board of every such district constituted under the said Part III shall be an Inspector appointed by the Minister hereunder, notwithstanding that the area of the Board's district is less than twenty thousand acres.

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Board incorporated.

Ibid., ss. 46, 78

38. Every Board shall be a body corporate by name of "The [*Name of district*] Rabbit Board," and shall have perpetual succession and a common seal, and shall be capable of holding real and personal property, and of doing and suffering all that bodies corporate may do and suffer.

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Ratepayers List.

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Secretary to
compile ratepayers
list.

39. The Secretary of the Board shall cause to be made a list to be called the "ratepayers list." Such list shall be made on or before the first day of March in each year in the case of a district in which the rates are levied on the basis of the number of head of stock carried on the ratepayer's land, and, in the case of a district in which the rates are levied on any other basis, on or before the first day of March in each year in which a general election of members is to be held.

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List to be compiled
from valuation
roll of county.

40. The ratepayers list shall be compiled from the valuation roll of every county in which any part of the district is included, and shall, subject to the exceptions hereinafter set out, contain the name of every person within the district whose name appears in the "Occupiers" column on any such roll, and such other particulars from the roll as are necessary for any of the purposes of this Act.

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Return of stock to
be furnished where
rates levied on
stock-carrying
basis in order to
determine who are
ratepayers.

41. (1) Where the rates within the district are levied on the basis of the number of head of stock carried on the ratepayer's land, no person's name shall be entered on the ratepayers list unless, on the date hereinafter specified, there are carried on the land in respect of which his name appears on the county valuation roll at least *one hundred* sheep or lambs or *twenty* head of cattle of whatever age, or, if both

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sheep and cattle are carried on the land, at least one hundred stock units counting each sheep or lamb as one stock unit and each head of cattle, irrespective of age, as five stock units.

(2) For the purpose of preparing such list, or of amending it as hereinafter set out, every person within the district whose name appears on any such county valuation roll shall on demand in writing from the Secretary deliver or cause to be delivered to such officer a written return of the number of cattle of whatever age and of sheep and lambs carried on his land on the ~~thirty first day of December~~ thirtieth day of November preceding the date of such demand :

Provided that where it is proposed to amend the list by inserting the name of a person occupying land on which no stock or insufficient stock was carried at the date aforesaid but on which stock is subsequently depastured, the date of the return shall be that set out in the Secretary's written demand.

(3) The particulars so obtained shall be entered on the ratepayers list in addition to any other particulars taken from the county valuation rolls.

(4) Every person who within fourteen days after the date of the demand refuses or neglects to deliver, or cause to be delivered, such return as aforesaid or who makes a false return, is liable to a fine of *twenty* pounds.

(5) If any person on whom a demand has been made pursuant to subsection *two* hereof fails within thirty days after the date of the demand to furnish a return of stock carried on his land, the secretary may enter the name of such person on the ratepayers list as the owner of such number of stock as he thinks fit, and shall notify the said person accordingly. Nothing herein shall relieve such person from any liability he may have incurred for a breach of the provisions of this section.

42. Where the rates within the district are levied on the basis of the acreage of land occupied by the ratepayer or on the basis of the rateable value of the land occupied by the ratepayer, no person's name shall be entered on the ratepayers list unless the land in respect of which his name appears on the county valuation roll is at least ten acres in area.

Minimum area of rateable land where land rated on any other basis.

43. The Secretary shall, after the preparation of the ratepayers list as aforesaid, deposit such list, or a true copy thereof, for not less than twenty-one days at the office of the Magistrate's Court ~~in the most central place in the district~~ in the most convenient place in or near to the district for inspection without fee, and shall forthwith after depositing the same publicly notify the place where the said list is deposited, and the day and place for the hearing of objections and the revision of the list by the Magistrate.

Ratepayers list to be deposited for inspection.

44. (1) Any person who considers himself aggrieved by reason of the insertion or incorrectness of any matter in any such list, or of the omission of any matter therefrom, may object by lodging with the Clerk of the Magistrate's Court not later than three days before the date fixed for such hearing an objection in writing under his hand setting forth the grounds of such objection. A copy of such objection shall at the same time be lodged with or sent by registered letter to the Secretary to the Board.

Hearing of objections and revision of list.

(2) The Magistrate, on the day fixed for hearing objections, shall hear and determine all objections, and may alter the list in respect of anything objected to by correcting anything therein, or by inserting

any matter therein, or erasing any matter therefrom, which it is proved to his satisfaction ought to be altered, inserted, or erased, as the case may be; and his decision shall be final and without appeal.

(3) The list when so corrected shall be signed by the Magistrate, and shall thereupon, for the purposes of this Part of this Act, but subject to amendment as hereinafter provided, be conclusive evidence that the persons named therein are ratepayers, and of the correctness of the other matters set forth therein. 5

(4) Such list shall come into force immediately after the same is so signed, and shall, subject to amendment as hereinafter provided, be the roll of electors for the district until a new roll comes into force in like manner. 10

Amendment of list;

45. (1) After the ratepayers list has come into force, and before the date fixed pursuant to the foregoing provisions for the preparation of a new list, the Board shall from time to time, on objection from any person, or on its own motion, amend the ratepayers list for its district by adding to such list the name of any person who then in fact possesses the necessary qualification but is not entered thereon, and by erasing therefrom the name of any person who does not then in fact possess the necessary qualification but is entered thereon: 15 20

Provided that in the case of a district in which the rates are levied on the basis of the number of stock carried on the ratepayer's land no amendment of the ratepayers list shall be made under this or the *next succeeding* subsection by virtue merely of any change in the number of stock carried on land since the preparation of the list, except in the case where such change raises the number of stock above the minimum fixed by section *forty-one* hereof and makes the occupier of the land eligible to have his name entered on the ratepayers list. 25

(2) The Board shall also from time to time cause to be made in the ratepayers list any necessary corrections in the statement of the names, addresses, and qualifications of persons enrolled thereon. 30

(3) Where the name of any person is erased from the list for any reason other than the death of that person, or where the name of any person is added to the list otherwise than on the application of that person, notice in writing of the erasure or addition shall forthwith be given by the Secretary by registered letter addressed to the person affected. 35

(4) Any person aggrieved by any decision or act of the Board touching the ratepayers list or roll may appeal therefrom by lodging with the Clerk of the Magistrate's Court nearest to the place where the copy of the list or roll is kept an objection in writing under his hand setting forth the grounds of such objection. 40

(5) A copy of the objection shall also forthwith be lodged with or sent by registered letter to the Secretary to the Board.

(6) All such objections shall be heard by the Magistrate at such convenient time and place as he appoints, and not less than three days' notice shall be given to the Secretary to the Board and to the appellant of the place and time so appointed. 45

(7) On the hearing of any such objection the Magistrate may order such alterations in and additions to the roll to be made as he thinks just. 50

(8) All such alterations and additions shall be made by the Secretary and initialled by the Magistrate.

Electors and Elections.

46. (1) Every person of the full age of twenty-one years whose name appears on the roll for the time being in force in any district shall be an elector for the purposes of this Part of this Act.

Electors and voting-powers of electors.

5 (2) In the case of a district in which the rates are levied on the basis of the number of stock carried on the ratepayer's land, the number of votes exercisable by an elector shall be determined by the number of stock units appearing opposite his name on the roll, such number of units being calculated as set out in section *forty-one* hereof. The
10 number of votes shall be as follows:—

(a) If the number of stock units is not more than *five* thousand he shall have one vote :

(b) If the number of stock units is more than *five* thousand but not more than *ten* thousand he shall have two votes :

15 (c) If the number of stock units is more than *ten* thousand but not more than *twenty* thousand he shall have three votes :

(d) If the number of stock units is more than *twenty* thousand but not more than *thirty* thousand he shall have four votes :

20 (e) If the number of stock units is more than *thirty* thousand he shall have five votes ; and no elector shall have more than five votes.

(3) In the case of a district in which the rates are levied on the basis of the acreage of land occupied by the ratepayer, or on the rateable value of the land occupied by the ratepayer, an elector shall have
25 the same number of votes as he could exercise in respect of the same qualifications at an election of a member of a County Council.

47. (1) The general election of members of the Board shall be held triennially, on the date of the triennial election of Councillors under the Counties Act, 1920.

General elections to be held triennially.

30 (2) Where the first election of members of the Board of a newly constituted district has been held within twelve months before the date fixed for the next general election pursuant to the *last preceding* subsection, it shall not be necessary to hold the same, and the members of the Board shall remain in office until the election of their successors
35 at the next succeeding general election.

48. Members of Boards established prior to the commencement of this Act who are in office at that date shall remain in office until the election of their successors at the first general election held pursuant to this Act :

Extension of term of members of existing Boards in certain cases.

40 Provided that if the general election under the Rabbit Nuisance Act, 1908, at which the members of any Board were elected was held within twelve months before the date of the first general election under this Act it shall not be necessary to hold the same, but the members shall remain in office until the election of their successors at
45 the next succeeding general election.

49. (1) The Minister shall appoint such person as he thinks fit to be the Returning Officer to hold the first election of members of the Board of a newly constituted district, and to prepare the first ratepayers list for the district.

Minister to appoint Returning Officer and make other arrangements for first election of Boards.

50 (2) The Returning Officer shall forthwith on his appointment cause such list to be prepared, and with respect thereto all the provisions of sections *forty* to *forty-four* hereof shall, with the necessary modifications, apply as in the case of the preparation of the list by the Secretary of the Board.

(3) The Minister shall also appoint the day for the first election of the Board, and may do all things necessary for bringing the provisions of this Act into operation in the Board's district according to the true intent and purpose thereof.

If no person elected, Governor-General may appoint members.

50. If on the day appointed for any election of members no persons are duly elected, or if a less number is elected than by law is required to be elected, the Governor-General may appoint as many fit persons to be members as are required, and such persons shall hold office as if they had been duly elected. 5

Special election procedure where electors do not exceed forty.

51. Where the total number of electors on the roll for any district does not exceed forty, the following provisions shall apply with respect to the election of any member or members to the Board :— 10

If within the time limited for the receipt of nominations there is received by the Returning Officer a nomination-paper in proper form but signed by a majority in number of the electors on the roll who also possess in their own right a majority of the votes exercisable by all the electors, and nominating the required number of qualified persons to fill all the vacancies on the Board, then notwithstanding that other nominations have been received the Returning Officer may, at the place and on the day appointed for the receipt of nominations, publicly declare the person or persons so nominated by a majority of the electors to be duly elected, and such person or persons shall be deemed to be duly elected without the taking of a poll. 15 20

Local Elections and Polls Act to apply to elections and polls.

52. All elections under this Act, and all polls taken on any proposals that under this Act are submitted to the votes of the electors or ratepayers of the district, or of any defined part thereof, shall, subject to the provisions of this Act, be held and conducted under the provisions in that behalf of the Local Elections and Polls Act, 1925 : 25

Provided that nothing in this section shall affect the provisions of the Local Bodies' Loans Act, 1926, and all proceedings for the raising of loans in the district shall be taken under that Act. 30

Provision for postal voting.

53. Notwithstanding anything in the *last preceding* section, provision may be made for the election of members of Boards by a system of postal voting as prescribed by regulations hereunder.

Disqualifications of members.

54. (1) With respect to the elective members of Boards, the following persons shall be incapable of being elected to be or of being members of a Board, that is to say :— 35

- (a) Any person who is not an elector :
- (b) Any person of unsound mind :
- (c) A bankrupt who has not obtained his order of discharge, or whose order of discharge is suspended for a term not yet expired, or is subject to conditions not yet fulfilled : 40
- (d) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon, or has served his sentence, or otherwise suffered the penalty imposed on him : 45
- (e) Any person holding any office or place of profit under or in the gift of the Board :
- (f) Any person who is concerned or interested (otherwise than as a member of an incorporated company in which there are more than twenty members and of which he is not the general manager) in any contract made by the Board, if the payment made or to be made by or on behalf of the Board in respect of any such contract exceeds *five* pounds 50

in the case of a single contract or *ten* pounds in any financial year in the case of two or more contracts, except in special cases to be previously approved by the Audit Office on the application of the Board. In any such special case the

5 Audit Office may authorize the payment and receipt of such amount as it thinks fit, not exceeding in the aggregate *twenty-five* pounds in any financial year in respect of any contract or two or more contracts :

10 Provided that an interest in any lease granted or agreed to be granted to or by the Board, or in any loan raised by the Board, whether on security or otherwise, shall not constitute a disqualification under this paragraph :

(g) A person pursuing as his chief means of livelihood the occupation of destroying rabbits.

15 (2) Except as aforesaid, every elector is qualified to be a member of a Board.

55. (1) Every elective member of a Board shall come into office on the day of his election, and shall, unless his office sooner becomes vacant, continue in office until his successor is elected and comes into

20 office. Duration of office.

(2) Every member appointed by the Minister shall hold office during pleasure.

(3) A member elected or appointed to fill an extraordinary vacancy shall hold office only so long as the member whose seat became so

25 vacant would have held office if such extraordinary vacancy had not occurred.

56. If any elective member of a Board dies, or, by writing addressed to the Chairman, resigns his office as such, or ceases to reside permanently in New Zealand, or is absent from four consecutive meetings

30 of the Board without leave, or otherwise becomes incapable of acting as a member, his office shall become vacant, and such vacancy shall be deemed to be an extraordinary vacancy. Such extraordinary vacancy may, at the request of the Board, be filled by the appointment by the Governor-General of some fit person in lieu of the member whose office

35 has become vacant. Extraordinary vacancy.

57. (1) In the case of every election of members of a Board, the Returning Officer shall immediately notify the result to the Minister, who shall cause the same to be gazetted, and shall also cause to be gazetted a notification of every appointment of a member of a Board.

40 (2) A copy of the *Gazette* containing a notification of the election or appointment of members of a Board shall be conclusive evidence that the persons named therein have been duly elected or appointed, as the case may be.

Chairman of Board.

45 58. (1) The Board shall at the first meeting after its election and from time to time thereafter appoint one of its members, other than the member (if any) appointed by the Minister, to be the Chairman of the Board. Chairman to be elected by Board.

(2) The Chairman shall come into office on his appointment, and

50 shall hold office until the appointment of his successor. He shall preside at all meetings of the Board, and shall have a casting as well as a deliberative vote.

(3) In the absence of the Chairman from any meeting the members present may appoint one of their number to act as Chairman at that meeting, and while so acting he shall have all the powers of the Chairman.

Proceedings of Board.

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Meetings of Board.

59. (1) The Board shall hold ordinary meetings for the transaction of general business at such times as the Board from time to time appoints, but not less frequently than once in *three* months. The first meeting of the Board shall be held not later than *one* month after the date of the general election of members, or of the first election of members in the case of the Board of a newly constituted district. 10

(2) The Secretary shall give notice in writing to each of the members of the time appointed for ordinary meetings.

(3) The Secretary shall, on requisition by the Chairman or any *two* members of the Board, call a special meeting of the Board by notice in writing addressed to each member. 15

Quorum.

60. At all meetings of the Board, *three* members shall form a quorum.

Board to regulate procedure.

61. Except as herein expressly provided, the Board shall regulate its own procedure. 20

Appointment of Officers.

Secretary and Treasurer to be appointed.

62. The Board shall appoint a Secretary and a Treasurer. One person may be appointed to hold the offices of Secretary and Treasurer jointly. Subject to the provisions of paragraph (e) of section *fifty-four* hereof, one of the members of the Board may be appointed to be the Secretary or Treasurer, or Secretary-Treasurer, of the Board. 25

Board may appoint other officers and servants.

63. The Board may also appoint inspectors, collectors of rates, overseers, and such other officers and servants as it thinks fit.

Powers of Inspectors appointed by Board.

64. Every inspector appointed by a Board shall, within the district of the Board, have the same powers as an Inspector appointed pursuant to section *three* hereof, and for the purposes of the administration of Part I hereof by the Board within its district shall be deemed to be an Inspector under this Act. 30

Rates and Rating.

Board may levy general rate.

65. (1) For the purposes of its general revenue the Board may from time to time, as it thinks fit, make and levy a general rate on all rateable property within its district. 35

(2) Where the rate is to be levied on the basis of the number of head of stock carried on the ratepayer's land, the maximum rate that may be levied in any year shall not exceed *one penny* for every sheep and *fivepence* for every head of cattle so carried : 40

Provided that if the rate would, in respect of any ratepayer, produce less than *ten* shillings, a rate of *ten* shillings may be levied on that ratepayer.

(3) Where the rate is to be levied on the basis of the rateable value of the ratepayer's land, the maximum rate that may be levied in any year shall not exceed *one penny* in the pound on the capital value of that land ; but the total amount payable by any one ratepayer shall not exceed *one shilling* per acre of his holding : 45

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Provided that if the rate would, in respect of any ratepayer, produce less than *one* shilling, a rate of *one* shilling may be levied on that ratepayer.

(4) Where the rate is to be levied on the basis of the acreage of land occupied by the ratepayer, the maximum rate that may be levied in any year shall not exceed *one* shilling an acre of such land :

Provided that if the rate would, in respect of any ratepayer, produce less than *one* shilling, a rate of *one* shilling may be levied on that ratepayer.

10 66. (1) For the purposes of the making and levying of rates, the ratepayers list from time to time prepared and signed as hereinbefore set out shall, with any amendments lawfully made therein, be the valuation roll for the district. Ratepayers list to be valuation roll for district.

(2) The valuation roll so signed shall be conclusive evidence of the contents thereof, and that the same has been made in accordance with the provisions of this Act.

67. The Board may levy rates varying in the different parts of its district having regard to the degree in which such different parts are affected by rabbits. Differential rates may be levied.

20 68. Except as is otherwise provided herein, the provisions of the Rating Act, 1925, shall apply to all rates made under this Act. Rating Act to apply.

Special Rates.

69. (1) Every rate made and levied by the Board under the authority of this or any other Act and intended as security for the repayment of moneys borrowed shall be deemed to be a special rate within the meaning of the Local Bodies' Loans Act, 1926, and the provisions of that Act relating to special rates shall accordingly apply. Special rates.

(2) No special rate shall be quashed by any proceedings in any Court or otherwise.

30 (3) When in any district the general rate is made and levied on the basis of the acreage of land occupied by the ratepayer, any special rate or any other rate leviable on rateable property by the Board pursuant to any lawful authority shall also be made and levied on an acreage basis, and the provisions of any enactment relating to such special or other rates shall be read subject to the provisions of this subsection.

35 (4) When in any district the general rate is levied on the basis of the number of head of stock carried on the ratepayer's land, any special rate leviable on rateable property by the Board pursuant to any lawful authority shall be made and levied on the rateable value of such rateable property as appearing on the valuation roll of the Board's district. In preparing the ratepayers list for any such district from the valuation rolls of the several counties pursuant to section *forty* hereof the amount at which any ratepayer's land is valued on any such roll shall for the purposes of any special rate to be made and levied in the district be inserted in the list opposite his name.

40 (5) Notwithstanding anything in sections *thirty-nine* to *forty-two* hereof, where any Board has raised a loan under the powers conferred by this Act or any other Act, and has made and levied a special rate as security for the repayment thereof, and for the payment of interest, sinking fund, and other charges thereon, any land liable for such special

rate at the time of the making thereof shall not cease to be liable by reason merely of the occupier or occupiers of the land ceasing to retain the qualification for the insertion of their names on the ratepayers list prepared pursuant to the said sections *thirty-nine* to *forty-two* and of the omission of their names from such list; and for the purposes of the levying of such special rate a supplementary list shall be prepared at the same time as the main ratepayers list for the district, containing the names of the occupiers of all land liable for the payment of the special rate but not liable for the payment of the general rates in the district. Such supplementary list shall be prepared in the same manner as the main ratepayers list, and the provisions of section *forty* and of sections *forty-three* to *forty-five* hereof shall apply thereto. During the currency of such loan, and for the purposes of the levying of the special rate in connection therewith, the valuation roll of the Board's district pursuant to section *sixty-six* hereof shall be the main ratepayers list and the supplementary list made hereunder.

Subsidy.

Subsidy payable
on general rates
received.

70. (1) There shall be payable out of the Consolidated Fund to the Board of every district constituted under this Act, and containing an area of not less than *twenty* thousand acres, a subsidy on the general rates received by the Board in each financial year:

Provided that the Board of every district constituted under Part III of the Rabbit Nuisance Act, 1908, and enuring for the purposes of this Act shall continue to be entitled to a subsidy under this section notwithstanding that the area of the district is less than *twenty* thousand acres.

(2) In the case of a district in which the rates are levied on the basis of the number of stock carried on the ratepayer's land, the subsidy payable in any financial year shall be a sum equal to the amount received by the Board in respect of the general rates made and levied in that year, but not exceeding the amount so receivable on a rate of *one penny* for every sheep or *fivepence* for every head of cattle in respect whereof the rate has been levied.

(3) In the case of a district in which the rates are levied on the basis of the rateable value of the ratepayer's land, the subsidy payable in any financial year shall be a sum equal to the amount received by the Board in respect of the general rates made and levied in that year but not exceeding the amount so receivable on a rate of *three-sixteenths* of a penny in the pound on the capital value of rateable property in the district.

(4) In the case of a district in which the rates are levied on the basis of the acreage of land occupied by the ratepayer, the subsidy payable in any financial year shall be a sum equal to the amount received by the Board in respect of the general rates made and levied in that year, but not exceeding the amount so receivable on a rate of *fourpence* per acre over the rateable property in the district.

(5) Subject to the foregoing provisions as to the maximum subsidy payable, there may be paid to a Board a subsidy on rates not actually received in the financial year for which the subsidy is payable but received by the Board not later than three months after the close thereof.

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Change of Rating Basis.

71. (1) Subject to the provisions hereinafter set out, the Board of any district may from time to time pursuant to a poll of ratepayers change the basis on which the general rate within its district is made and levied.
- (2) Subject to the following provisions a proposal to change the basis of rating may be submitted to the ratepayers on the initiative of the Board, and shall be so submitted by the Board on receipt of a requisition signed by not less than one-fifth of the ratepayers in the district.
- (3) In any district in which the rate is made and levied on the basis of the number of stock carried on the ratepayer's land, there may be submitted to the ratepayers a proposal to change the basis of rating either to that of the rateable value of the ratepayer's land or to that of the acreage of land occupied by the ratepayer, according as it is so determined by the Board or is set out in the requisition.
- (4) In any other district there may be submitted to the ratepayers a proposal to change from the acreage basis to the rateable-value basis, or from the rateable-value basis to the acreage basis, as the case may be.
- (5) It shall not be lawful to change the basis of rating from the acreage basis, or the rateable-value basis, to the stock-carrying basis.
72. (1) Before any proposal to change the basis of rating is submitted to the ratepayers in a district which is rated on the stock-carrying basis the Secretary of the Board shall prepare for the purposes of the poll a new ratepayers list containing the names of all persons within the district who will be qualified to be entered thereon if the proposal is carried.
- (2) The provisions of sections *forty to forty-five* hereof shall apply to the preparation of the list, and when it is signed by the Magistrate it shall be the ratepayers list for the district for the purposes of the poll.
73. The ratepayers list for the district shall be the roll of ratepayers for the purposes of any such poll, and every person on the list shall be entitled to vote and shall have the same number of votes as he would have in respect of the same qualifications at an election for Councillors under the Counties Act, 1920.
74. A proposal to change the basis of rating hereunder shall be deemed to be carried if a majority of the valid votes recorded at the poll is in favour of the proposal.
75. If the result of the poll is in favour of the proposal, the Board of the district shall, in the financial year next following the date of the poll and thereafter until any fresh determination of the matter, make and levy its general rate on the basis determined on at the poll.
76. No fresh poll shall be taken on any such proposal within *five* years after the date of the taking of the poll at which a proposal to change the basis of rating has been carried. If any such proposal is submitted to a poll of the ratepayers and is not carried, the proposal shall not again be submitted to the ratepayers until the expiry of at least *two* years from the date of the taking of such first-mentioned poll.

Basis of rating may be changed on poll of ratepayers.

Special ratepayers list to be prepared for purposes of poll in district rating on stock-carrying basis.

Ratepayers list to be roll for purposes of poll.

Poll carried if majority in favour.

Rates to be levied as determined by poll.

Fresh poll not to be taken within limited time.

Funds of Board and Expenditure.

Moneys to be paid
into bank.

77. (1) All moneys belonging to the Board amounting to *five* pounds and upwards shall within seven days after they have come to the hand of the proper officer of the Board be paid into such bank as the Board from time to time appoints.

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(2) No moneys shall be withdrawn from the bank except by authority of the Board and by cheque signed by the Treasurer and countersigned by a member of the Board.

Travelling-expenses
of members of
Board.

78. A Board may pay to any member of the Board the travelling-expenses actually and reasonably incurred by him in attending any meeting of the Board or in attending to any business of the Board pursuant to a resolution of the Board.

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Unauthorized
expenditure.

79. A Board may in any financial year, out of its income available for general purposes, expend for purposes not authorized by any Act or law for the time being in force any sum or sums not amounting in the whole to more than *three* per centum of the total amount receivable from the general rate levied by the Board in that year, nor in any case to more than *twenty-five* pounds :

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Provided that if *three* per centum of the amount receivable from the rate levied does not in any financial year amount to *five* pounds, the Board may in that year expend the sum of *five* pounds for the purposes aforesaid.

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Board not to pay
ratepayer for
destroying rabbits
on his own land.

80. In the exercise of its powers under this Act it shall not be lawful for the Board to make any payment to any ratepayer in its district for any work of destroying rabbits carried out on the land owned or occupied by the ratepayer :

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Provided that this section shall not apply to any Board which is receiving no subsidy on its general rates pursuant to section *seventy* hereof.

Accounts.

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Books of account
to be kept.

81. (1) The Board shall cause books to be kept in such form as the Audit Office may from time to time require, and full and true accounts to be entered therein of every sum received and every sum paid on account of the Board in the order of date of each such receipt and payment, and also of the several purposes for which such sums were received and paid.

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(2) Such books shall at all reasonable times be open to the inspection of any ratepayer without fee, and any ratepayer may take copies of or extracts from the said books without fee.

(3) Every person having the custody of the books who does not on the reasonable demand of any ratepayer as aforesaid permit him to inspect the books or take copies of or extracts from them is liable to a fine of *five* pounds.

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Statement of
accounts to be
prepared annually.

82. (1) The Board shall before the end of ~~the second week in~~ April in each year cause the accounts of the Board for the past year ending on the thirty-first day of March previous to be balanced, and also a full and true statement of accounts to be prepared showing the amount of all rates made and levied and of all moneys received and expended during the past year, and also of all debts then owing by and to the Board.

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(2) Such statement, signed by the Chairman and the Treasurer, shall be sent to the Audit Office.

(3) The Treasurer of the Board shall forthwith after the audit of the accounts pursuant to the Public Revenues Act, 1926, make out a full abstract of the accounts for the year as audited, and shall either publish such abstract in some newspaper circulating in the district or send by post a copy thereof to every ratepayer whose name appears on the ratepayers list for the district.

83. The first statement of accounts to be prepared after the commencement of this Act shall be for the period of fifteen months ending on the thirty-first day of March, nineteen hundred and *thirty*. Notwithstanding anything to the contrary in the Rating Act, 1925, any general rate made and levied by the Board during the said period may be for the full fifteen months.

First statement of accounts after commencement of Act.

15 *Powers of Board : Contracts.*

84. (1) Any contract which if made between private persons must be by deed shall, if made by the Board, be in writing under the seal of the Board.

Contracts of Board.

(2) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith shall, if made by the Board, be either under the seal of the Board or signed by two members of the Board on behalf of and by direction of the Board.

(3) Any contract which if made between private persons may be made verbally without writing may be similarly made by or on behalf of the Board by any two members acting by direction of the Board, but no verbal contract shall be made for any sum exceeding *five* pounds.

Public Works.

85. (1) The Board shall have power—

(a) To purchase or erect rabbit-proof wire-netting fences on or near to the boundary of its district (such erection to include the conversion of a non-rabbit-proof fence into a rabbit-proof wire-netting fence):

Board may erect fences and houses.

(b) To purchase houses, or to purchase sites and erect houses thereon, for the use of its employees.

(2) For the purpose of providing funds for the above works and any other works which it is authorized to undertake, the Board may raise a loan under the Local Bodies' Loans Act, 1926.

(3) The district of the Board shall be a district and the Board shall be a local authority within the meaning of the Local Bodies' Loans Act, 1926.

(4) The Superintendent of the State Advances Office is hereby authorized to grant loans to Boards for any of the above works, pursuant to the provisions of Part III of the Local Bodies' Loans Act, 1926.

86. The maximum amount that may be borrowed by a Board in any one year shall be *three* thousand pounds, and the total amount borrowed by any Board and outstanding at any time shall not exceed *six* thousand pounds.

Maximum borrowing-powers.

Minister to be furnished with particulars of loan proposals.

87. (1) The Board shall notify the Minister of any proposal to raise a loan for any of the above-mentioned purposes, and shall furnish to him particulars of the work proposed to be carried out.

(2) In respect of a proposal to erect a rabbit-proof fence, the following particulars shall be furnished, but not to the exclusion of any other particulars that the Minister may desire :

(a) The length and line of the fence proposed to be erected :

(b) The quantity and description of the wire :

(c) The estimated cost thereof :

(d) The estimated cost of erection or conversion :

(e) The estimated total cost of the proposed work.

Struck out.

(3) In considering any application made to it pursuant to the Local Government Loans Board Act, 1926, the Local Government Loans Board may consult the Minister in respect of any proposed loan by a Rabbit Board for any of the above-mentioned purposes, or the Minister may of his own motion make any representations he thinks fit to the Loans Board.

Procedure in lieu of loan poll in district where ratepayers do not exceed forty.

88. (1) In lieu of taking a poll pursuant to the Local Bodies' Loans Act, 1926, upon any proposal to raise a loan in any district in which the total number of ratepayers who will be liable to be rated does not exceed *forty*, the following procedure may be adopted :—

A majority in number of the said ratepayers who also possess in their own right a majority of the votes exercisable at a poll by all the said ratepayers may, by notice in writing under their hand addressed to the Chairman of the Board, consent to the raising of the loan and declare their desire to dispense with the formality of a poll thereon.

(2) The receipt of such notice by the Chairman shall operate as the due carrying of the proposal to raise the loan, and as soon as conveniently may be thereafter he shall send to the Minister of Finance, for publication in the *Gazette*, a certificate under his hand setting forth the fact of the formal poll having been dispensed with at the request of the ratepayers, the total number of ratepayers signing the request, the total number of votes possessed by them, the total number of ratepayers to be rated for the proposed loan, and the total number of votes possessed by them, and declaring the proposal to raise the loan to be carried.

(3) A similar certificate shall also be published in one or more newspapers circulating in the district.

(4) Every certificate so published in the *Gazette* shall be conclusive evidence that the raising of the loan to which it refers has been duly authorized, and that all proceedings and things in relation thereto have been lawfully taken and done.

(5) If the Chairman knowingly inserts or causes or allows to be inserted in any certificate published as aforesaid any false statement he shall be liable to a fine of *five* hundred pounds.

General Powers.

89. (1) Subject to the provisions of section *ninety-one* hereof, the Board shall have charge of the administration of Part I of this Act within its district.

Board to administer Part I of Act in its district.

(2) With respect to the administration of the said Part I by the Board the following provisions shall apply:—

- (a) The Board shall not undertake the work of destroying rabbits on Crown land or Native freehold land within its district pursuant to section four hereof without first obtaining the consent of the Minister, who may grant the same on such terms as he thinks fit:
- (b) Any moneys received pursuant to sections eight and nine hereof shall be paid to the Board as part of the revenue of the Board:
- (c) References in the said Part I to the Minister shall, unless a contrary intention appears, be deemed to be references to the Board.

90. In addition to the functions imposed on it by the *last preceding* section, the Board shall do all such acts and things as appear to it to be necessary to ensure the destruction of rabbits in the district, or to prevent the incursion or increase of rabbits therein. Other powers.

91. (1) If a Board desires to relinquish the administration of Part I of this Act within its district while continuing to carry out the other functions imposed on it hereunder, it may by resolution request the Minister to resume the administration of the said Part I within its district. Minister may resume administration of Part I of Act.

(2) If the member of a Board appointed by the Minister or any Inspector appointed under Part I hereof and authorized by the Minister to make an inspection of the district considers that the Board is not taking the necessary steps to control the rabbit pest in its district he shall furnish a report on the matter to the Director-General of the Department of Agriculture, and shall at the same time forward a copy of his report to the Chairman of the Board.

(3) In either of the cases mentioned in the *two last preceding* subsections the Minister may thereupon publish in the *Gazette* and in a newspaper circulating in the district a notice setting out that from the date set out in the notice he will resume the administration of Part I of this Act within the Board's district and from that date the Inspectors, if any, appointed by the Board shall cease to have any powers under the said Part I, and the administration thereof shall be carried out as in other parts of New Zealand outside the jurisdiction of any Board.

(4) If any Board which relinquishes or is deprived of the administration of Part I of this Act is in receipt of a subsidy on its general rates the payment of subsidy shall cease as from the date of such relinquishment or deprivation.

New.

(5) On the request of the Board the Minister may, if he thinks fit, by a like notice in the *Gazette* and in a newspaper circulating in the district, restore to the Board the administration of Part I of this Act within its district as from a date specified in the notice. All the provisions of this Act, including the provisions of this section, shall thereupon apply with respect to the Board and its district in the same manner as before the resumption of the administration of Part I of this Act by the Minister.

Miscellaneous.

92. Every Board shall have and retain property in and ownership of all rabbit-proof fences erected or purchased by it within or outside its district. Board to retain property in its fences.

Special provisions
as to liability of
contiguous owners.

93. With respect to the liability imposed by the Fencing Act, 1908, on adjoining owners or occupiers to contribute towards the cost of erecting and repairing fences, the following provisions shall apply :—

(a) As between land within the district and land contiguous to the district the Board shall be deemed to be the occupier of all land within the district. 5

(b) The Board shall not be liable to contribute to the cost of erection or repair of any fence by an adjoining owner or occupier unless—

(i) The fence is a sufficient rabbit-proof wire-netting fence within the meaning of the Fencing Act, 1908 ; ~~not~~ and unless 10

(ii) The Board specially agrees in writing so to contribute.

(c) The Board shall be entitled on complying with the provisions of the Fencing Act, 1908, to recover contributions as provided in that Act from any owner or occupier of contiguous land towards the cost incurred by the Board in the erection or repair of any rabbit-proof fence erected between land of which the Board is occupier and such contiguous land. 15 20

(d) The Board shall see that every such fence is at all times kept in proper repair ; but this provision shall not be considered to in any way relieve the adjoining owner or occupier from his liabilities under the Fencing Act, 1908. 20

Wilful
obstruction, &c., of
Board and its
servants in exercise
of duty.

94. Every person who wilfully obstructs, hinders, or interrupts, or causes to be interrupted, or causes or procures to be obstructed, hindered, or interrupted, the Board or any member thereof, or any person duly employed or authorized by the Board, or threatens or assaults or uses abusive language to any of the persons aforesaid, whilst in the performance or execution of his duty under this Act, is liable for every such offence to a fine not exceeding *twenty* pounds : 25 30

Provided that any proceedings for the recovery of such fine or the payment thereof shall not be a bar to any action by any person aforesaid for or in respect of any such assault, and every such action may be commenced and proceeded with as if this Act had not been passed. 35

PART III.

GENERAL.

Natural Enemies of Rabbits.

Governor-General
may declare
natural enemies of
rabbits.
1908, No. 161, s. 25,
26

95. (1) The Governor-General may from time to time by Order in Council declare any animal to be a natural enemy of the rabbit. Such Order may apply either generally or to any specified part or parts of New Zealand. 40

(2) Every person is liable to a fine of not less than *five* pounds nor more than *forty* pounds who, in any part of New Zealand in which any animal is declared to be a natural enemy of the rabbit, captures or kills any such animal, or is found with any such animal, or the skin of any such animal in his possession or on his premises, unless he proves that the animal or skin was lawfully in his possession or was on his premises without his knowledge and consent : 45 50

Provided that nothing herein shall apply to any person who captures or kills any natural enemy in any such area pursuant to a written permit

granted by the Minister. A permit may be granted for such period and on such terms and conditions as the Minister thinks fit.

New.

5 || (3) For the purposes of this and the *next succeeding* section
|| "animal" includes a bird.

96. No person shall sell or offer for sale or have in his possession
for sale the skin of any animal which has been declared a natural
enemy of the rabbit in any part of New Zealand. Every person who
commits an offence against this section is liable to a fine of not less than
10 *five* pounds and not more than *forty* pounds.

Offence to sell skins
of natural enemies
of rabbit.

Rabbit-proof Fences.

97. (1) The Minister or any Board established under Part II hereof
may erect rabbit-proof fences on any lands, whether private lands or
Crown lands, wherever it thinks most convenient, and, after not less
15 than *twenty-one* days' written notice of his or its intention being sent to
the owner of the lands, may enter on and occupy, without compen-
sation, such parts of such lands as are necessary for the erection of any
such fence, together with land not exceeding six feet in width on each
20 side along the entire length of such fence, for the purpose, if necessary,
of erecting protecting fences, and may clear the bush and keep it cleared
for a width not exceeding twelve feet on each side along the entire
length of such fence.

Minister and Board
may erect fences
on any land.
1908, No. 161, s. 53

(2) For any of the purposes aforesaid, or for maintaining, repairing,
or removing any such fence, the Minister by any of the officers or
25 servants of the Department of Agriculture, or the Board by any of its
members or officers or servants, shall have the right at all times of free
ingress, egress, and regress to and from any such lands.

98. The Minister or any Board erecting any rabbit-proof fence
on any land for the purpose of preventing the spread of rabbits shall
30 be deemed to have authority to enter on any district or county roads
traversing the line of any such fence or bounding any such land, and
to continue the construction of such fence across any such road, or any
bridge on such road, with swing-gates, but so as not unnecessarily to
interfere with public traffic :

Authority to
continue fence
across roads.
Ibid., s. 54

35 Provided, however, that a notice-board with the words "Public
Road," and a statement of the penalties herein provided for leaving
any swing-gate open legibly painted thereon, shall be fixed to each side
of such gate, and shall at all times be maintained thereon by the persons
erecting the gate.

40 99. (1) For the better protection of rabbit-proof fences any
Inspector, or any person authorized by him in writing, may—

For protection
of fences Inspector
may require
destruction of
wild pigs.
Ibid., s. 36

45 (a) Enter from time to time at all reasonable hours on any private
land or Crown land for the purpose of seeing whether there
are wild pigs thereon, and shall have free right of ingress,
egress, and regress into, over, and across any such land
for that purpose; and

(b) Require any owner of land to destroy any wild pigs on his
land in the same manner as under this Act he may require
50 any owner of land to destroy rabbits thereon, and such
owner shall be liable to the same penalties in case of his
failing so to do.

(2) All the provisions of Part I of this Act for the enforcement of
the destruction of rabbits under that Part shall, with the necessary
55 modifications, apply for the purposes of the enforcement of the destruc-
tion of wild pigs under this section.

(3) The provisions of this section shall apply within any district constituted under Part II hereof, and any Inspector appointed by the Board of such district may exercise the powers hereby conferred.

Special as to Rabbits and Hares in Chatham Islands.

Rabbits and hares not to be introduced into Chatham Islands. 1908, No. 161, s. 37

100. (1) No person shall introduce or allow to go at large any rabbit or hare in that part of New Zealand called the Chatham Islands. 5

(2) Every person who offends against the provisions of this section is liable to a fine of *fifty* pounds, and in default to imprisonment for a period of *six* months.

(3) If it comes to the knowledge of any Magistrate or Justice that any rabbit or hare is at large in the Chatham Islands, it shall be lawful for such Magistrate or Justice to authorize any constable or other person to take all necessary measures for the destruction of such rabbit or hare, and any constable or other person so authorized shall not be liable to any penalty or suit in respect of any trespass or entry upon premises committed or done under such authority. 10 15

Importation, Liberation, and Keeping of Live Rabbits.

Liberation of rabbits forbidden. Ibid., s. 30

101. Every person is liable to a fine of *fifty* pounds or to imprisonment for *six* months who lets loose any rabbits, or permits any rabbits to be let loose, in any part of New Zealand, or removes any live rabbits from any place to another in New Zealand, and then lets them loose or permits them to be let loose there, or who for any such purpose is found with live rabbits in his possession. 20

Keeping live rabbits.

102. (1) No person shall keep live rabbits in his possession without first obtaining a permit from the Minister, who may grant such permit for such period and upon such conditions as he thinks fit. 25

(2) Any person committing a breach of this section shall be liable to a fine of *twenty* pounds.

Importation of live rabbits.

103. (1) No person shall import or attempt to import any live rabbits into New Zealand without first obtaining a permit from the Minister, who may grant such permit upon such conditions as he thinks fit. 30

(2) Any person committing a breach of this section shall be liable to a fine of *fifty* pounds.

(3) The provisions of the Animals Protection and Game Act, 1921-22, relating to the introduction into and the liberation in New Zealand of animals shall not apply to rabbits. 35

Regulations.

Regulations. 1920, No. 74, s. 9

104. (1) The Governor-General may from time to time, by Order in Council, make regulations— 40

(a) Prescribing the means to be adopted for the destruction of rabbits :

(b) Prescribing the standard of strength, quality, or quantity of any rabbit-poison mixture or preparation, or of any ingredient or component part thereof : 45

(c) Regulating the sale of rabbit-poison mixtures or preparations, and prescribing the mode of labelling such mixtures or preparations in packages, and the matter to be contained or not to be contained on such labels :

817

- (d) Regulating the trapping of rabbits :
- (e) Regulating the purchase and sale of rabbits and of rabbit-skins :
- (f) Regulating the export of rabbits and rabbit-skins :
- 5 (g) Prescribing fines not exceeding *ten* pounds for the breach of any regulation under this section :
- (h) Generally for the purpose of carrying into effect the provisions of any Part of this Act.
- (2) Regulations made hereunder may apply either generally or with
 10 respect to any particular part or parts of New Zealand, or with respect to any particular class or classes of land described in such regulations.
- (3) All regulations made hereunder shall be published in the *Gazette*.

Repeals and Savings.

- 15 105. (1) The enactments set out in the *Second* Schedule hereto are to the extent indicated in that Schedule hereby repealed. Repeals and savings.
- (2) Subject to the provisions of section *twenty-nine* hereof, all districts, Boards, Corporations, appointments, employments, regulations, rules, Orders in Council, orders, warrants, registers, lists, certificates, notifications, records, instruments, and generally all acts of authority
 20 which originated under any of the enactments hereby repealed and are subsisting or in force on the coming into operation of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.
- 25 (3) All matters and proceedings commenced under any such enactment and pending or in progress on the coming into operation of this Act may be continued, completed, and enforced under this Act.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

(1) NOTICE TO DESTROY RABBITS.

Section 6.

The Rabbit Nuisance Act, 1928.

To [*Name of person to whom notice addressed*], of [*Address*].

TAKE notice that I, the undersigned, an Inspector under the above Act, pursuant to the provisions of the said Act hereby require you forthwith to destroy the rabbits upon the following lands [*Here describe lands*].

Dated at , this day of , 19 .

Signature :

Postal address :

N.B.—Your attention is directed to the sections of the said Act printed on the back hereof.

On neglect or failure to comply with this notice, in addition to the fines prescribed by those sections, the destruction of the rabbits upon your land may be effected at your expense.

[On the back of the notice are to be printed sections 6, 7, and 8.]

Section 9.

(2) NOTICE THAT MONEY IS PAYABLE FOR DESTRUCTION OF RABBITS.

*The Rabbit Nuisance Act, 1928.*To [*Name of person to whom notice addressed*], of [*Address*].

TAKE notice that I, the undersigned, an Inspector under the above Act, hereby give you notice that there is now due and payable by you, in pursuance of section 9 of the above-mentioned Act, within thirty days from the date hereof, the sum of [*State sum*] in respect of the costs, charges, and expenses of the destruction of rabbits upon the following lands [*Describe lands*], and notice is hereby given that the said sum must be paid to [*State to whom and where payable*]. In computing the above sum you have been allowed a credit of [*State sum*] in respect of the sale of skins and carcasses.*

Dated at _____, this _____ day of _____, 19 _____.

Signature :

Postal address :

* To be struck out if inapplicable.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

- 1908, No. 161.—The Rabbit Nuisance Act, 1908.
- 1918, No. 20.—The Rabbit Nuisance Amendment Act, 1918.
- 1920, No. 74.—The Rabbit Nuisance Amendment Act, 1920.
- 1921, No. 9.—The Rabbit Nuisance Amendment Act, 1921.
- 1923, No. 27.—The Finance Act, 1923, section 35.
- 1924, No. 64.—The Finance Act, 1924, section 65.
- 1926, No. 46.—The Finance Act, 1926, section 44.

By Authority: W. A. G. SKINNER, Government Printer, Wellington.—1928.