

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.
House of Representatives,
26th October, 1898.

Hon. Mr. J. McKenzie.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

RABBIT-PROOF WIRE-NETTING FENCES.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;">DISTRICTS.</p> <p>2. Rabbit-proof fencing districts may be constituted.</p> <p>3. Powers of Governor in respect to such districts.</p> <p>4. Certain Acts declared to be in force in such districts.</p> <p style="text-align: center;">BOARDS.</p> <p>5. Board of Trustees.</p> <p>6. Returning Officer, and first election of Board.</p> <p>7. Valuation-roll.</p> <p>8. Ratepayers.</p> <p>9. Votes thereof.</p> <p>10. Date of subsequent elections.</p> <p>11. Special provisions as to elections.</p> <p>12. Procedure of Board. Appointment of officers.</p> <p>13. Act of 1882 to be in full operation in district.</p> <p>14. Board to destroy rabbits. Not to relieve any person from liability.</p> <p>15. Right of free ingress on any lands.</p> <p>16. General rates may be levied.</p> <p>17. Application of moneys coming to Board.</p> <p>18. Accounts to be kept.</p>	<p>19. Penalty for refusing inspection.</p> <p>20. Moneys received to be paid into bank.</p> <p>21. Audit Office to audit accounts. Annual statement of accounts.</p> <p>22. Penalty for obstructing Board or its servants.</p> <p style="text-align: center;">LOANS FROM THE GOVERNMENT.</p> <p>23. Rabbit-proof wire-netting fences declared a public work.</p> <p>24. Amount that Board may borrow.</p> <p>25. Particulars to be sent to Minister for Agriculture before loan raised.</p> <p>26. Minister to report on proposed work.</p> <p>27. Colonial Treasurer may refuse loan.</p> <p>28. Poll need not be taken when ratepayers do not exceed thirty. Certificate by Chairman.</p> <p>29. Loan to be secured by special rate.</p> <p>30. Special rate to be made by special order.</p> <p>31. Separate valuation-roll for special rate.</p> <p>32. To be in addition to other rating-powers.</p> <p style="text-align: center;">GENERAL.</p> <p>33. Board to own rabbit-proof fences.</p> <p>34. Special provisions as to liabilities of contiguous owners.</p> <p>35. Regulations.</p>
---	---

A BILL INTITULED

AN ACT to provide for the Abatement of the Rabbit Nuisance by the Formation of Districts for the Erection of Rabbit-proof Wire-netting Fences and otherwise. Title.

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

1. The Short Title of this Act is "The Rabbit-proof Wire-netting Fences Act, 1898." Short Title.

10 DISTRICTS.

2. The Governor, from time to time, may, on petition in that behalf from a majority of the ratepayers therein, constitute and declare any part of the colony comprising not less than one thousand acres in area, and containing not less than three ratepayers, to be a rabbit-proof fencing district (hereinafter called "a district") for the purposes of this Act. Rabbit-proof fencing districts may be constituted.

Powers of Governor
in respect to such
districts.

3. (1.) Subject to the foregoing limitations as to area and rate-payers, the Governor may from time to time,—
(a.) Alter the boundaries of any district ;
(b.) Divide any district into two or more districts ;
(c.) Amalgamate any two or more districts or parts of districts into one or more new districts ; 5
(d.) Abolish any district.
(2.) When dividing, amalgamating, or abolishing any district as aforesaid, or as soon as conveniently may be thereafter, the Governor shall make such apportionment or other disposition of assets and liabilities as he deems just. 10

Certain Acts
declared to be in
force in such
districts.

4. Every district shall be deemed to be a district, and the Board shall be deemed to be the local authority or the local body thereof, within the meaning of the following Acts :—
“ The Regulation of Local Elections Act, 1876 ” ; 15
“ The Local Bodies’ Loans Act, 1886 ” ;
“ The Government Loans to Local Bodies Act, 1886 ” ;
“ The Rating Act, 1894 ” ;
all of which are hereby declared to be in force and to be adopted in every district without the necessity of any special order adopting the same. 20

BOARDS.

Board of Trustees.

5. For every district there shall be a Board of Trustees (hereinafter called “ the Board ”), to consist of such number of ratepayers, being not less than three nor more than seven, as the Governor prescribes, who shall be elected in manner hereinafter provided. 25

Returning Officer,
and first election of
Board.

6. With respect to every district the following provisions shall apply :—
(1.) The Governor shall appoint a fit person to be the Returning Officer for the purposes of the first election of the Board. 30
(2.) The Governor shall appoint the day for the first election of the Board, and shall have full power to do all things of what kind soever necessary to provide for bringing this Act into operation in such district, according to the true intent and purpose thereof. 35
(3.) The members elected at such first election shall hold office until the month of November in the year following the year in which they are elected, or until the election of their successors as hereinafter mentioned.

Valuation- roll.

7. The first valuation list of the district shall be prepared by the Returning Officer from the valuation-roll of the county or other rating area wherein any part of the district is included, and such list when signed as prescribed by “ The Rating Act, 1894,” shall be the first valuation-roll of the district, and shall remain in force until a fresh one is made in manner prescribed by that Act. 40 45

Ratepayers.

8. Every person whose name appears on the valuation - roll of the district shall be deemed to be a ratepayer within the meaning of the succeeding provisions of this Act.

Votes thereof.

9. Every ratepayer shall be entitled to vote in the election of members of the Board, and shall exercise at every such election the same number of votes as he could exercise in respect of the same 50

qualification at the election of a member of a County Council; and, if of full age, shall be qualified to be elected as a member of the Board.

10. On the first Monday in the month of November in the year 5 following the year in which the first Board for any district is elected, and on the same day in each succeeding third year thereafter, the ratepayers shall elect the required number of persons to be members of the Board, who shall hold office till the election of their successors.

Date of subsequent elections.

11. With respect to every Board, and the election of the members thereof, the following provisions shall apply:—

Special provisions as to elections.

(1.) No person shall be qualified to be elected unless he is a ratepayer of the district.

15 (2.) If any member dies, or by writing addressed to the Chairman resigns his office, or is absent from four consecutive meetings of the Board without leave being granted, or is absent from the colony for not less than six months, or otherwise becomes incapable to act as a member, then and in any such case his seat shall become vacant, and a successor shall be elected, who shall hold office for the residue of the period during which his predecessor would have held the same had he remained a member.

20 (3.) If the total number of ratepayers does not exceed *forty*, and a majority of them, by writing under their hands, addressed and delivered to the Returning Officer, nominate any qualified person to be a member of the Board, then the Returning Officer may declare such person to be elected without a poll, and he shall be deemed to be elected accordingly.

25 (4.) If on the day appointed for holding any election no election is held, or if at any election no persons are duly elected, or if less than the required number is elected, then the Governor may appoint as many qualified persons as are needed in order to make up the required number of members.

30 (5.) Notice of every election or appointment of a member of the Board shall be gazetted, and the *Gazette* containing such notice shall be conclusive evidence that the person named therein has been duly elected or appointed.

40 12. With respect to the Board and the procedure thereof the following provisions shall apply:—

Procedure of Board.

(1.) The Board shall hold a meeting at least once in three months, and shall hold its first meeting on the Wednesday next after the election of the Board.

45 (2.) At its first meeting, and annually thereafter, the Board shall appoint any one of its number to be Chairman, who shall hold office until the appointment of his successor.

50 (3.) The Chairman shall preside at all meetings at which he is present, and shall have a deliberative vote, and, in case of equality of voting, a casting-vote.

- (4.) In the absence of the Chairman from any meeting, the members present may appoint one of their number to act as Chairman, and whilst so acting he shall have all the powers of the Chairman.
- (5.) If and so long as the Board fails to appoint a Chairman, the Governor may appoint a member of the Board to be Chairman. 5
- (6.) The Chairman or any two members of the Board may, by giving seven days' public notice, or by notice in writing delivered to each of the members, convene a meeting of the Board. 10
- (7.) At all meetings of the Board the quorum shall be three.
- (8.) Subject to the provisions of this Act, the Board may regulate its own procedure.
- (9.) For the purposes of this Act the Board may from time to time appoint a secretary and such other officers and servants as it deems necessary. 15
- Appointment of officers.
13. All the provisions of "The Rabbit Nuisance Act, 1882," and its amendments, shall be in full operation within a district.
- Act of 1882 to be in full operation in district. Board to destroy rabbits.
14. The Board is hereby empowered to do all such things as it thinks fit in order to insure the destruction of rabbits in the district, and to prevent the increase of rabbits therein, and otherwise comply with "The Rabbit Nuisance Act, 1882," and its amendments; and for those purposes may, out of its general revenue, offer rewards or bonuses for the destruction of rabbits, and pay for the erection and repair of rabbit-proof fences, and pay the costs of any prosecution instituted by a Rabbit Inspector against any ratepayer in the district: 20
- Not to relieve any person from liability.
- Provided that nothing in this section or elsewhere in this Act contained shall be construed to in any way relieve any ratepayer or other person from his obligations and liabilities under "The Rabbit Nuisance Act, 1882," and its amendments. 30
- Right of free ingress on any lands.
15. For any of the purposes aforesaid, or for repairing or removing any such fence, the Board, by any of the members, officers, or servants thereof, shall have the right at all times of free ingress, egress, and regress in respect of any lands. 35
- General rates may be levied.
16. In aid of its general revenue the Board may make and levy in each year general rates not exceeding one farthing in the pound on the rateable value of all rateable property in the district.
- Application of moneys coming to Board.
17. All moneys whatsoever levied, received, or recovered by the Board under the authority of this Act (other than loans and the special rates in respect thereof as hereinafter provided) shall be applied, in such manner as it thinks fit, in erecting and repairing fences to prevent the incursion of rabbits, and in destroying rabbits in the district, and generally in administering this Act in the district, and to no other purpose. 40
- Accounts to be kept.
18. The Board shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid under authority of this Act; and such books shall at all reasonable times be open to the inspection of any ratepayer without fee. 45
- Penalty for refusing inspection.
19. Any person having the custody of the said books who does not on the reasonable demand of any ratepayer permit him to inspect the same is liable to a penalty not exceeding five pounds. 50

20. All moneys received by or on behalf of the Board shall, by the person receiving it, be paid into the account of the Board in the bank where for the time being the Public Account of the colony is kept, and no moneys shall be drawn out of the Board's account except
5 by cheque, signed by the secretary and countersigned by a member of the Board.

Moneys received to be paid into bank.

21. (1.) The Board shall be deemed to be a local authority within the meaning and for the purposes of section six of "The Public Revenues Act, 1892," and the Audit Office shall have jurisdiction
10 accordingly.

Audit Office to audit accounts.

(2.) The Board shall, before the end of the second week in January in each year, cause the accounts of the Board for the past year, up to and including the last day of December, to be balanced, and also a full and true statement and account to be prepared of the
15 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.

Annual statement of accounts.

(3.) Such statement and account, signed by the Chairman and at least one other member of the Board, shall be submitted by the
20 Chairman to the Audit Office.

22. Every person is liable to a penalty not exceeding *twenty* pounds who wilfully obstructs or interrupts any member, officer, or servant of the Board in the exercise of any power or authority under this Act, or threatens or assaults or uses abusive language to any
25 such member, officer, or servant whilst in the performance of his duty under this Act.

Penalty for obstructing Board or its servants.

LOANS FROM THE GOVERNMENT.

23. The construction or erection of rabbit-proof wire-netting fences by the Board on or near to the boundary of its district (including the conversion of non-rabbit-proof fences into rabbit-proof wire-netting fences) is hereby declared to be a public work within the meaning of "The Local Bodies' Loans Act, 1886," and "The Government Loans to Local Bodies Act, 1886"; and the Board is hereby
30 empowered to construct or erect such public work.

Rabbit-proof wire-netting fences declared a public work.

24. The total amount that the Colonial Treasurer may lend or agree to lend to any Board in any one year, or in each of any two successive years, for the construction of such public work as aforesaid shall not exceed *three thousand* pounds.
35

Amount that Board may borrow.

25. Before raising any loan from the Colonial Treasurer, the
40 Board shall prepare and supply to the Minister for Agriculture full plans, specifications, and estimates, showing separately—

Particulars to be sent to Minister for Agriculture before loan raised.

(1.) The length and line of the fences proposed to be erected or converted ;

(2.) The quantity and description of the wire netting and other
45 material required ;

(3.) The cost thereof ;

(4.) The cost of erection or conversion ; and

(5.) The total cost of the proposed public work.

26. The Minister for Agriculture shall cause to be made a careful
50 inquiry into the Board's proposals, and shall forward the documents to the Colonial Treasurer, together with a full report thereon.

Minister to report on proposed work.

Colonial Treasurer may refuse loan.

27. If such report is unfavourable, the Colonial Treasurer may refuse to grant the loan or, if he thinks fit, may require the application therefor to be modified.

Poll need not be taken when ratepayers do not exceed thirty.

28. With respect to the poll of the ratepayers which by "The Local Bodies' Loans Act, 1886," is required to be taken on any proposal to raise a special loan, the following special provisions shall apply:— 5

(1.) If in any district wherein any such loan is proposed to be raised the total number of ratepayers who are to be rated therefor does not exceed ~~thirty~~ forty, and a majority of them in number, possessing a majority of votes, by notice in writing under their hands addressed and delivered to the Chairman of the Board, consent to the loan, and declare their desire to dispense with the formality of a poll thereon, then it shall be unnecessary to take such poll, and such declaration shall operate as the due carrying of a resolution in favour of the proposal to raise the loan; and thereupon 10 15

Certificate by Chairman.

(2.) In lieu of the notice prescribed by section thirty-nine of "The Local Bodies' Loans Act, 1886," the Chairman shall publish in manner therein mentioned 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 such 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 in such certificate he shall declare the proposal to raise the loan to be carried. 25

(3.) The provisions of sections forty and forty-one of "The Local Bodies' Loans Act, 1886," shall apply to every such certificate. 30

Loan to be secured by special rate.

29. Such loan shall be secured by a special rate to pay the interest and other charges thereon as required by "The Government Loans to Local Bodies Act, 1886," and such rate shall, subject to the provisions of that Act, be made and levied by the Board on all rateable property within the district. 35

Special rate to be made by special order.

30. Such special rate shall be made and levied by special order, and such special order shall be made in manner following:—

(1.) The resolution to make and levy the special rate shall be adopted at a meeting of the Board specially called for the purpose. 40

(2.) Such resolution shall be confirmed at a subsequent meeting, held not sooner than the twenty-ninth day thereafter.

(3.) Public notice of such subsequent meeting, and of such resolution, shall be given at least once in each week intervening between the two meetings. 45

Separate valuation-roll for special rate.

31. For the purposes of such special rate the Board shall prepare a separate valuation-roll, and in so doing shall have regard to the acreage of each ratepayer's rateable property the extent to which ~~it~~ each ratepayer's rateable property is already provided with rabbit-proof fences, and the extent to which it is likely to be benefited by the proposed work; and the assessment shall be made accordingly. 50

32. Such special rate shall be in addition to the general rating-powers hereinbefore conferred by this Act. To be in addition to other rating-powers.

GENERAL.

33. The Board shall have and retain the property in and ownership of all rabbit-proof fences erected by it within or outside of the district. Board to own rabbit-proof fences.

34. With respect to the liability imposed by "The Fencing Act, 1895," on contiguous owners or occupiers to contribute towards the cost of erecting and repairing fences, the following special provisions shall apply:— Special provisions as to liabilities of contiguous owners.

(1.) 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.

15 (2.) The Board shall not be liable to contribute to the cost of the erection or repair of any fence by a contiguous owner or occupier, unless

(a.) The fence is a sufficient rabbit-proof wire-netting fence within the meaning of "The Fencing Act, 1895," nor unless

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

(3.) The Board shall be entitled to recover contribution as provided by "The Fencing Act, 1895," 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.

30 (4.) It shall be the duty of the Board to 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 contiguous owner or occupier from his liabilities under "The Fencing Act, 1895."

35 (1.) The Governor may from time to time make such regulations as he deems necessary in order to prescribe the powers, functions, and duties of the Board, and generally to give full effect to this Act. Regulations.

(2.) All such regulations shall be gazetted.