

AGRICULTURAL PESTS DESTRUCTION AMENDMENT BILL

EXPLANATORY NOTE

Clause 1 relates to the Short Title.

Clause 2 amends section 3 of the principal Act, which relates to the classification of pests.

At present, an animal may be declared to be a pest of local importance by the Governor-General by Order in Council on the advice of the Minister given on the joint recommendation of the Agricultural Pests Destruction Council and the Agricultural Pests Destruction Board concerned.

The amendment provides that an animal may also be declared to be a pest of local importance on the recommendation of the Council only, if the Council is satisfied that the animal is having or is likely to have a significant effect on agricultural production.

Clause 3 provides for annual unauthorised expenditure by the Agricultural Pests Destruction Council of \$200, and \$150 in respect of each trading undertaking operated by the Council.

Clause 4 amends section 29 of the principal Act.

The amendment provides that, if the Council of a borough or town district has arranged for a Pest Destruction Board to do work in its district, the Council may exercise all or any of the powers which a Board may exercise under the Rabbit Destruction Regulations 1962.

Clause 5 provides for the appointment of an additional member to a Board to represent the New Zealand Forest Service, where the Board's district includes large areas of State Forest land.

Clause 6 provides for a Board to appoint a Deputy Chairman.

Clause 7 amends section 55 of the principal Act, which relates to the principal functions of Boards.

The amendment provides that if any animal has been declared to be a pest of local importance under section 3 (1) (b) of the principal Act (as set out in *clause 2* of this Bill), it shall be the duty of the Board to undertake such control measures as, in the opinion of the Council after consultation with the Board, are necessary to remove the threat or likely threat to agricultural production.

Clause 8 repeals section 69 of the principal Act, which relates to a Board's borrowing powers, and substitutes a new section.

The new section removes the special restrictions on borrowing set out in the present section. Boards will now be subject to the same restrictions that apply to other local authorities.

Clause 9 empowers a Board, with the Minister's approval, to designate any area in its district as a non-rateable area.

Clause 10 empowers a Board to enter into an agreement with the County Council within whose district the Board's district or any part of it lies to provide for the County Council to collect rates on behalf of the Board.

Clause 11 amends section 84 (2) of the principal Act, which relates to the Government subsidy payable to Boards.

The amendment clarifies the meaning of subsection (2), which provides that the subsidy payable shall be equal to the amount of net rates received by a Board.

Clause 12 amends section 112 of the principal Act, which prohibits the keeping of live pests.

Subclause (1): The amendment makes the section subject to any regulations in force under the principal Act (*see clause 14*).

Subclause (2) empowers an Inspector or authorised person who finds any live pest being kept on any land to direct that the pest be destroyed.

Clause 13 amends section 121 of the principal Act, which prohibits the sale or export of rabbit skins and carcasses.

The amendment provides that the section shall not apply to the sale or export of any rabbit skin or carcass produced on a licensed rabbit farm (*see clause 14*).

Clause 14 empowers the making of regulations to provide for licensed rabbit farms.

Clause 15 provides for metric conversions.

Hon. Mr Moyle

AGRICULTURAL PESTS DESTRUCTION AMENDMENT

ANALYSIS

Title	9. Non-rateable areas
1. Short Title	10. Board may enter into agreement with County Council for collection of rates
2. Classification of pests	11. Subsidy on general rates
3. Unauthorised expenditure	12. Keeping live pests
4. Destruction of pests in boroughs and town districts	13. Prohibition on sale or export of rabbits not to apply in respect of rabbit farms
5. Membership of Boards	14. Regulations
6. Chairman and Deputy Chairman of Board	15. Metrication Schedule
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A BILL INTITULED

An Act to amend the Agricultural Pests Destruction Act 1967

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

1. **Short Title**—This Act may be cited as the Agricultural Pests Destruction Amendment Act 1973, and shall be read together with and deemed part of the Agricultural Pests Destruction Act 1967* (hereinafter referred to as the
10 principal Act).

2. **Classification of pests**—Section 3 of the principal Act is hereby amended by repealing paragraph (b) of subsection (1), and substituting the following paragraph:

*1967, No. 147
Amendments: 1968, No. 65; 1971, No. 74; 1972, No. 45

2 *Agricultural Pests Destruction Amendment*

“(b) Pests of local importance in respect of a specified district, being such animals as may be declared to be pests of local importance in respect of the district by the Governor-General by Order in Council on the advice of the Minister given 5 either—

 “(i) On the joint recommendation of the Council and the Board of the district; or

 “(ii) On the recommendation of the Council, if the Council is satisfied that there is evidence 10 that the animal is having or is likely to have a significant effect on agricultural production.”

3. Unauthorised expenditure—The principal Act is hereby further amended by inserting, after section 18, the following section: 15

 “18A. (1) There may in any financial year be paid to the Council from the Consolidated Revenue Account, out of money appropriated by Parliament for the purpose, any sum or sums not amounting in the aggregate to more than \$200 for any purposes of the Council not authorised by any Act or law for 20 the time being in force.

 “(2) Notwithstanding the provisions of subsection (5) of section 17 of this Act, the Council may in any financial year, out of the income derived from its trading undertakings operated under section 17 of this Act, expend for purposes 25 not authorised by any Act or law for the time being in force any sum or sums not amounting in the aggregate to more than \$150 in respect of each such trading undertaking.

4. Destruction of pests in boroughs and town districts—Section 29 of the principal Act is hereby amended by adding 30 the following subsection:

 “(5) If the Council of any borough or town district has arranged for a Board to do work in its district, that Council shall have the right to exercise in its district all or any 35 of the powers which a Board may exercise in a pest destruction district under the Rabbit Destruction Regulations 1962.”

5. Membership of Boards—(1) Section 31 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

 “(1A) If, in the Minister’s opinion, the district of any 40 Board includes large areas of State forest land, an additional

member of the Board, to represent the New Zealand Forest Service, may be appointed by the Minister, on the recommendation of the Council given after consultation with the Board concerned."

- 5 (2) The said section 31 is hereby further amended by inserting in subsection (2), after the words "subsection (1)", the words "or subsection (1A)".

6. Chairman and Deputy Chairman of Board—Section 49 of the principal Act is hereby amended by repealing
10 subsection (4), and substituting the following subsections:

"(4) The Board may, if it thinks fit, appoint one of its members to be Deputy Chairman, and, subject to the provisions of this Act, the Deputy Chairman shall have and may
15 during the absence or incapacity of the Chairman or while there is a vacancy in the office of Chairman.

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

7. Principal functions of Boards—Section 55 of the principal Act is hereby amended by adding the following subsection:

- 25 "(4) If any animal has been declared to be a pest of local importance under paragraph (b) of subsection (1) of section 3 of this Act in respect of any district, it shall be the duty of the Board for that district to undertake such control measures as, in the opinion of the Council after
30 consultation with the Board, are necessary to remove any threat or likely threat to agricultural production caused or likely to be caused by that pest."

8. Borrowing powers of Board—The principal Act is hereby further amended by repealing section 69, and
35 substituting the following section:

- "69. For the purpose of providing funds for the purchase of houses or the purchase of sites and the erection of houses for the accommodation of its employees, or for any other works it is authorised to undertake under this Act, the Board
40 may from time to time borrow money, subject to the provisions of the Local Authorities Loans Act 1956:

“Provided that where a new county district comes into existence by virtue of subsection (2) of section 19 of this Act, or where any area is added to a county district, the County Board of the district shall, for the purposes of subsection (5) of section 20 of the Local Authorities Loans Act 1956, be deemed to be a newly constituted local authority if it operates a separate bank account for pest destruction purposes.” 5

9. Non-rateable areas—The principal Act is hereby further amended by inserting, after section 71A (as inserted by section 3 of the Agricultural Pests Destruction Amendment Act 1968), the following section: 10

“71B. (1) Notwithstanding anything in this Act, the Board may, with the approval of the Minister given on the recommendation of the Council, designate any area within its district as a non-rateable area; and no rates shall be payable under this Part of this Act in respect of any area so designated. 15

“(2) The Board may at any time revoke any such designation: 20

“Provided that any such revocation shall not take effect until the commencement of the financial year next following the date of revocation.”

10. Board may enter into agreement with County Council for collection of rates—The principal Act is hereby further amended by inserting, after section 77, the following section: 25

“77A. (1) Notwithstanding anything to the contrary in this Act, the Board may enter into an agreement with the Corporation of the County within whose district the Board’s district or any part of it lies to provide for the County Council to collect on behalf of the Board rates made and levied under this Act and for the County Council to make one or more payments to the Board of the amount collected. 30

“(2) While any such agreement continues in force, all rates to which the agreement applies shall be recoverable by the County Council in the same manner in all respects as the Board could have recovered them had the agreement not been entered into.” 35

11. Subsidy on general rates—Section 84 of the principal Act is hereby amended by omitting from subsection (2) the words “remitted or”. 40

12. Keeping live pests—(1) Section 112 of the principal Act is hereby amended—

5 (a) By inserting in subsection (1), after the word “Act”, the words “and to any regulations for the time being in force under this Act”:

(b) By omitting from subsection (1) the word “provides”, and substituting the word “provide”.

(2) The said section 112 is hereby further amended by adding the following subsection:

10 “(6) If an Inspector or person authorised by the Minister finds any live pest being kept on any land contrary to the provisions of this section, he may direct that the pest be destroyed; and it shall be the duty of the occupier of that land to destroy the pest or cause it to be destroyed within 3
15 days after being directed to do so.”

13. Prohibition on sale or export of rabbits not to apply in respect of rabbit farms—Section 121 of the principal Act is hereby amended by adding the following subsection:

20 “(2) Nothing in subsection (1) of this section shall apply to the sale, offer for sale, or export from New Zealand, of any rabbit skin or rabbit carcass produced in New Zealand in premises licensed by the Minister as a rabbit farm pursuant to regulations for the time being in force under this Act.”

25 **14. Regulations**—Section 123 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (d), the following paragraph:

30 “(da) Providing for the Minister to license premises as rabbit farms, prescribing and providing for the Minister to prescribe the conditions for the issue of licences, and generally to provide for the regulation of rabbit farming in New Zealand and for the sale and marketing of the products of rabbit farming:”.

35 **15. Metrication**—(1) The principal Act is hereby further amended in the manner indicated in the Schedule to this Act.

(2) The following enactments are hereby consequentially repealed:

40 (a) Section 3 of the Agricultural Pests Destruction Amendment Act 1971:

(b) The Agricultural Pests Destruction Amendment Act 1972.

SCHEDULE

Section 15

AMENDMENTS TO PRINCIPAL ACT

Section Amended	Amendment
Section 36	By omitting the word "acreage", and substituting the word "area". By omitting the words "ten acres" in both places where they occur, and substituting in each case the words "4 hectares".
Section 42 (3)	By omitting the word "acreage", and substituting the word "area".
Section 50 (2)	By omitting the words "one million acres", and substituting the words "400,000 hectares".
Section 71 (3) (as amended by section 3 of the Agricultural Pests Destruction Amendment Act 1971)	By omitting the words "15 cents an acre", and substituting the words "37 cents a hectare".
Section 71 (4) (as amended by section 2 of the Agricultural Pests Destruction Amendment Act 1972)	By omitting the word "acreage", and substituting the word "area". By omitting the words "15 cents for every acre", and substituting the words "37 cents for every hectare".
Section 74 (3)	By omitting the word "acreage" in both places where it occurs, and substituting in each case the word "area".
Section 78 (3), (4), and (5)	By omitting the word "acreage" wherever it occurs, and substituting in each case the word "area".