



ANALYSIS

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1980, No. 80

An Act to amend the Agricultural Pests Destruction Act 1967
[22 December 1980]

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

1. Short Title and commencement—(1) This Act may be cited as the Agricultural Pests Destruction Amendment Act 1980, and shall be read together with and deemed part of the Agricultural Pests Destruction Act 1967 (hereinafter referred to as the principal Act).

(2) Except as provided in sections 12, 14, 15, 16, and 20 of this Act, this Act shall come into force on the day on which it receives the Governor-General's assent.

2. Functions of Council—Section 15 (1) of the principal Act is hereby amended by adding the following paragraph:

“(f) Evaluate annual budgets of Boards after such investigation and after such consultation with Boards as the Council considers necessary.”

3. Destruction of pests in boroughs and town districts—

(1) Section 29 of the principal Act is hereby amended by repealing subsection (3) (as amended by section 8 (3) of the Local Government Amendment Act 1979), and substituting the following subsection:

“(3) Nothing in section 57 of this Act shall apply in any case where, pursuant to a consent given under subsection (2) of this section, any work is carried out on any land by or on behalf of the Board; and in every such case the Council of the borough or town district, as the case may be, shall pay to the Board out of its general revenues a sum equal to the expenses of the Board or such lesser amount as may be determined by the Board in respect of the work.”

(2) The Local Government Amendment Act 1979 is hereby consequentially amended by repealing so much of Part III of the Third Schedule as relates to section 29 (3) of the principal Act.

4. Annual allowance to Chairman—(1) The principal Act is hereby amended by repealing section 50 (as amended by section 10 (1) of the Agricultural Pests Destruction Amendment Act 1979), and substituting the following section:

“50. (1) The Board may pay to the Chairman of the Board an annual allowance at a rate not exceeding the maximum rate fixed under subsection (2) of this section.

“(2) The Minister may from time to time, with the concurrence of the Minister of Finance, by notice in the *Gazette* fix—

“(a) The maximum rate of the annual allowance that may be paid under subsection (1) of this section:

“(b) The conditions subject to which any such allowance is to be paid.

“(3) Any notice under subsection (2) of this section may fix different maximum rates of allowances in respect of different Boards or classes of Board.”

(2) Notwithstanding anything in subsection (1) of this section or in section 50 of the principal Act (as substituted by that subsection), the maximum rate of the annual allowance fixed under section 50 (2) of the principal Act (as so substituted) shall, until that maximum is first fixed under that section 50 (2), be deemed to be—

(a) Five hundred dollars a year where the district of the Board exceeds 400,000 hectares in area; and

(b) Three hundred dollars a year in any other case.

(3) Section 10 of the *Agricultural Pests Destruction Amendment Act 1979* is hereby consequentially repealed.

5. Recovery of expenditure on land by Board—Section 57 (1) of the principal Act is hereby amended by omitting the word “half”, and substituting the words “the whole”.

6. General rate—(1) The principal Act is hereby amended by repealing section 71 (as amended by section 2 of the *Agricultural Pests Destruction Amendment Act 1977*), and substituting the following section:

“71. (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.

“(2) Where the rate is to be levied on the basis of the land value of the ratepayer’s land, the maximum rate that may be levied in any financial year (including any separate rate levied under section 73 of this Act) shall not exceed 60 cents for every hectare of that land.

“(3) Where the rate is to be levied on the basis of the annual value or the capital value of the ratepayer’s land,—

“(a) The maximum rate that may be levied in any financial year (including any separate rate levied under section 73 of this Act) shall not exceed one cent in the dollar on the capital value of that land; and

“(b) The total amount payable by any one ratepayer shall not exceed 60 cents for every hectare of that land.

“(4) The rate may be levied on the basis of the area of land occupied by the ratepayer and, where the rate is to be levied on that basis, the maximum rate that may be levied in any financial year (including any separate rate levied under section 73 of this Act) shall not exceed 60 cents for every hectare of the land.

“(5) Where in any financial year any area is added to the district after the Board has made its general rate for that year, the Board may make and levy, for such part of that

year as is unexpired at the time of the addition of the area, a general rate on all rateable property within the added area:

“Provided that—

“(a) Subject to the provisions of the Rating Act 1967, the amount demanded from and payable by any ratepayer for any rate levied pursuant to this subsection shall not exceed such proportion of the amount that would have been payable by him if he were liable for the general rate for the whole of the year as the said unexpired part of the year bears to the whole of the year:

“(b) No rate under this subsection shall be levied on any rateable property that, before its addition to the district, formed part of any other district and that is liable for any general rate made for that year by the Board of that other district.

“(6) For the purposes of area rating under subsection (4) of this section, section 51 of the Rating Act 1967 shall be read as if paragraphs (b) and (d) were repealed, and the following paragraphs were substituted therefor:

“(b) In the case of every area rate, that it be of a stated amount for each specified area of land in each class of land classified as rateable which is comprised in the property as appearing in the valuation roll:

“(d) Where the total amount of rates due by any one ratepayer would on the basis prescribed by this section be less than \$5, he shall be rated at \$5.”

(2) The Agricultural Pests Destruction Amendment Act 1977 is hereby consequentially repealed.

7. Power to levy differential rates—The principal Act is hereby amended by repealing section 72, and substituting the following section:

“72. (1) The Board may levy any general rate on a graduated scale according to a classification made, under this section, of the land on which the rate is to be levied, and shall so levy any such rate if the Minister, acting on the recommendation of the Council, at any time so directs.

“(2) The Board shall, by resolution, classify all the land in its district—

“(a) Before making its first rate on a graduated scale according to a classification made under this section; and

- “(b) Before making any subsequent rate on a graduated scale according to a classification made under this section if more than 5 years have elapsed since the last such classification was made by the Board.
- “(3) In classifying the land in its district the Board shall have regard to—
- “(a) The degree to which different pieces of land are affected by any pest:
 - “(b) The degree of benefit derived or likely to be derived by any piece of land from the operations of the Board in destroying pests on that land or on any other land:
 - “(c) The risks of infestation or reinfestation of any piece of land by any pests from any other land:
 - “(d) The extent to which steps have been taken by or on behalf of a ratepayer to reduce or control the number of pests on his land or the movement of pests to or from that land:
 - “(e) Such other circumstances of any nature whatever as the Board considers relevant.
- “(4) Any general rate made and levied on a graduated scale according to a classification made under this section shall be made and levied on each class of land in such proportions as the Board determines.
- “(5) Every classification so made shall be set forth in a list to be sealed with the common seal of the Board. The classification list shall include a statement of the proportions in which any general rate made and levied on a graduated scale according to the classification is to be imposed on the several classes of land to which the list relates.
- “(6) On the completion of the classification list the Board shall forthwith cause public notice to be given—
- “(a) Of the completion of the classification list; and
 - “(b) Of the proportions in which any general rate made and levied on a graduated scale according to the classification is to be imposed on the several classes of land; and
 - “(c) Of the place where and the period during which the classification list may be inspected,—
- and shall allow the classification list to be inspected during ordinary office hours at that place for a period of not less than 21 days.
- “(7) Any person aggrieved by the classification may appeal against it on the ground that the land of the appellant, or any other land in the district, has not been fairly classified.

“(8) A notice setting out the grounds of the appeal shall, within 7 days after the expiration of the period of 21 days appointed for the inspection of the classification list, be filed by the appellant in the Land Valuation Tribunal nearest to the office of the Board, and a copy of the notice shall within the same 7 days be lodged at the office of the Board.

“(9) The appeal shall be heard by the Land Valuation Tribunal at such time and place as the Land Valuation Tribunal appoints on the application of any party; and not less than 7 days’ notice of that time and place shall be given to the appellant, to the Secretary to the Board, and to every other person affected by the appeal.

“(10) On the hearing of any such appeal the Land Valuation Tribunal may confirm the classification list or cause it, or any matter in it, to be amended in such manner as the Tribunal thinks reasonable, and the District Court Judge who is the Chairman of the Tribunal shall sign the list so confirmed or amended; and the determination of the Land Valuation Tribunal shall be final and conclusive.

“(11) Every classification list sealed with the seal of the Board, or signed by a District Court Judge who is the Chairman of the Tribunal in the case of any appeal, shall, for the purpose of any proceedings for the recovery of rates, be sufficient evidence of a classification duly made by the Board in accordance with the requirements of this section, and of the proportions in which the rate is imposed on the several classes of land to which the list relates.

“(12) The classification list may from time to time be amended by the Board.

“(13) No amendment under subsection (12) of this section shall have effect until the expiration of 2 months after the service of notice of the amendment on all ratepayers affected thereby.

“(14) The provisions of this section relating to appeals and to the authentication of the classification list shall apply to every amendment of the list under subsection (12) of this section.

“(15) Where in any financial year the Board proposes, pursuant to section 71 (5) of this Act, to make a general rate on rateable property in any area added to its district, and the rate already made by the Board for that year has been made on a graduated scale under this section, the Board, before making the rate on the added area, shall by resolution classify all land in the added area and shall, in accordance

with this section, complete and give public notice of a supplementary classification list for the purposes of the proposed rate. All the provisions of this section shall apply, with the necessary modifications, to the classification and to the supplementary classification list.”

8. Power to levy administrative rate—The principal Act is hereby amended by inserting, after section 72 (as substituted by section 7 of this Act), the following section:

“72A. (1) Notwithstanding anything in this Act, where, in respect of any area within the district of a Board,—

“(a) The need to destroy pests within that area has, in the opinion of the Board, largely disappeared due to an absence of pests within that area; and

“(b) The Board is continuing to inspect that area for pests; and

“(c) The Board intends, if—

“(i) Pests are found within that area; and

“(ii) Work is necessary on the part of the Board to ensure the destruction of pests on land within that area,—

to effect, under section 57 of this Act, a recovery of part of the expenses incurred by the Board in respect of that work,—

the Board may, to recover the cost of providing an efficient inspection service in respect of that area, levy an administrative rate on all rateable property within that area.

“(2) Where, in any financial year, an administrative rate under subsection (1) of this section is levied in respect of any area, no general rate under section 71 of this Act shall be made and levied in respect of that area in that year and, for the purposes of section 71 (1) of this Act, rateable property within that area shall be deemed not to be rateable property within the Board’s district.

“(3) Subsections (2) to (6) of section 71 and section 72 of this Act shall, as far as they are applicable and with the necessary modifications, apply to an administrative rate levied under subsection (1) of this section as if it were a general rate levied under section 71 of this Act.”

9. Separate rates for destruction of pests of local importance—Section 73 of the principal Act is hereby amended by omitting the words “the said section 71”, and substituting the words “section 71 or an administrative rate under section 72A of this Act”.

10. Special rates—Section 74 (4) of the principal Act is hereby repealed.

11. Power to remit or refund rates—Section 76 (3) of the principal Act is hereby amended by omitting the expression “twenty dollars”, and substituting the expression “\$100”.

12. Provision for subsidy on general rates repealed—(1) Section 84 of the principal Act and section 11 of the Agricultural Pests Destruction Amendment Act 1974 are hereby repealed.

(2) This section shall come into force on the 1st day of April 1981.

13. Subsidy on expenses recovered from occupier—(1) The principal Act is hereby amended by repealing section 85 (as amended by section 8 (3) of the Local Government Amendment Act 1979), and substituting the following section:

“85. Where, pursuant to section 57 or section 104 of this Act, any Board recovers from any occupier of land only a portion of the expenses incurred by the Board in the control of pests on that land, or where pursuant to section 29 (3) of this Act, the Board recovers any money from the council of a borough or district of a district council or town district, the Council may recommend to the Minister that a portion of the expenses incurred by the Board shall be paid from the Consolidated Account out of money appropriated by Parliament pursuant to section 87 (1) of this Act.”

(2) The Local Government Amendment Act 1979 is hereby consequentially amended by repealing so much of Part III of the Third Schedule as relates to section 85 of the principal Act.

14. Expenses of pest destruction by County Boards—(1) Section 86 of the principal Act is hereby amended by repealing subsection (3) (as amended by section 8 (3) of the Local Government Amendment Act 1979), and substituting the following subsection:

“(3) Every County Board may from time to time make transfers of money from the general revenues of the district or from any appropriate riding, ward, or community account to the Pest Destruction Account.”

(2) The Local Government Amendment Act 1979 is hereby consequentially amended by repealing so much of Part III of the Third Schedule as relates to section 86 (3) of the principal Act.

(3) This section shall come into force on the 1st day of April 1981.

15. Grants to Boards for the purpose of control of pests—

(1) The principal Act is hereby amended by repealing section 87, and substituting the following section:

“87. (1) For the purpose of assisting Boards to carry out effectively the control of pests in their districts, there may be paid to Boards from the Consolidated Account, out of money appropriated by Parliament for the purpose, such sums as the Minister approves on the recommendation of the Council.

“(2) For the purpose of making any recommendation under subsection (1) of this section, the Council may evaluate the annual budgets of Boards.

“(3) In evaluating the annual budget of a Board, the Council shall have regard to—

“(a) The extent to which the district of the Board is infested with, or is in danger of being infested with, pests:

“(b) The effects or likely effects of any pest infestation on agricultural production in the district of the Board:

“(c) The financial position of the Board, including the ability of the ratepayers in the district of the Board to finance control operations:

“(d) The methods of control employed by the Board and an assessment of the efficiency of the Board:

“(e) Such other matters as, in the opinion of the Council, are relevant to the achievement of cost-effective pest control.”

(2) This section shall come into force on the 1st day of April 1981.

16. Accumulation of funds—(1) Section 91 of the principal Act is hereby consequentially amended by repealing subsections (2) and (3).

(2) This section shall come into force on the 1st day of April 1981.

17. Chairman's allowance—(1) The principal Act is hereby amended by repealing section 99E (as inserted by section 4 of the Agricultural Pests Destruction Amendment Act 1971), and substituting the following section:

“99E. (1) The Board may pay to the Chairman of the Board an annual allowance at a rate not exceeding the maximum rate fixed under subsection (2) of this section.

“(2) The Minister may from time to time, with the concurrence of the Minister of Finance, by notice in the *Gazette* fix—

“(a) The maximum rate of the annual allowance that may be paid under subsection (1) of this section:

“(b) The conditions subject to which any such allowance is to be paid.”

(2) Notwithstanding anything in subsection (1) of this section or in section 99E of the principal Act (as substituted by that subsection), the maximum rate of the annual allowance fixed under section 99E (2) of the principal Act (as so substituted) shall, until that maximum is first fixed under that section 99E (2), be deemed to be \$1,100 a year.

18. Liability of occupier for cost of destruction of pests—Section 104 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Subject to the provisions of this section, the whole or any lesser part of the expenses incurred in the destruction of pests on any land pursuant to section 103 of this Act may be recovered from the occupier of the land on whom the notice was served under section 102 of this Act, as a debt due to the Crown.”

19. First Schedule amended—The First Schedule to the principal Act is hereby amended—

(a) By omitting from form 1 the words “an Inspector or other”, and substituting the word “a”:

(b) By omitting from the description of the signatory of form 1 the words “Inspector or”:

(c) By omitting from form 2 the words “Inspectors or other”:

(d) By omitting from the description of the signatory of form 2 the words “Inspector or”.

20. Amendment to Agricultural Pests Destruction Amendment Act 1979—Section 17 of the Agricultural Pests Destruction Amendment Act 1979 is hereby amended, as from the commencement of that section, by inserting, after subsection (1), the following subsection:

“(1A) The Local Government Amendment Act 1979 is hereby consequentially amended by repealing so much of Part III of the Third Schedule as relates to section 86 (2) and (4) and to section 99 of the principal Act.”

This Act is administered in the Ministry of Agriculture and Fisheries.
