



ANALYSIS

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1996, No. 23

An Act to amend the Biosecurity Act 1993

[4 June 1996

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Biosecurity Amendment Act 1996, and shall be read together with and deemed part of the Biosecurity Act 1993 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of July 1996.

2. Regional strategy to be funded by rates—The principal Act is hereby amended by repealing section 97, and substituting the following section:

“97. (1) To the extent only that a regional pest management strategy provides for that strategy to be wholly or partially funded from the proceeds of a rate, the strategy may be funded from time to time—

“(a) From the proceeds of a general rate made and levied under section 33 of the Rating Powers Act 1988; or

“(b) From the proceeds of a works and services rate made and levied under section 34 of the Rating Powers Act 1988; or

- “(c) Partly from the proceeds of such a general rate and partly from the proceeds of such a works and services rate.
- “(2) In determining—
- “(a) The extent (if any) to which it should fund a regional pest management strategy from the proceeds of a general rate; or
- “(b) The extent (if any) to which it should fund a regional pest management strategy from the proceeds of a works and services rate; or
- “(c) How to make and levy a works and services rate from the proceeds of which a regional pest management strategy is to be funded,—
- a regional council shall have regard to—
- “(d) The extent to which the strategy or the part of the strategy to be funded from the proceeds of the rate relates to the interests of the occupiers of properties on which the rate is to be levied:
- “(e) The extent to which direct or indirect benefits from the expenditure of the rate (or that portion of the rate that is to be used to fund the strategy) are likely to accrue to the occupiers of the properties on which the rate is to be levied:
- “(f) The collective benefits from the strategy to the occupiers of the properties on which the rate is to be levied relative to the collective costs to them of the payment of the rate or that portion of the rate that is to be used to fund the strategy:
- “(g) The extent to which the characteristics of the properties on which the rate is to be levied and the uses to which they are put contribute to the presence or prevalence of the pest or pests concerned.”

3. Repeal of powers to make and levy pest management rate—The following enactments are hereby repealed:

- (a) Sections 98 and 99 of the principal Act:
- (b) Sections 34A to 34C of the Rating Powers Act 1988 (as inserted by section 168 (1) of the Biosecurity Act 1993):
- (c) Section 77 (c) (i) and section 77 (d) of the principal Act:
- (d) So much of the Fourth Schedule to the principal Act as relates to the Rating Powers Act 1988.

4. Approval of regional pest management strategy—The principal Act is hereby amended by inserting, after section 97, the following section:

“97A. (1) A regional council, when deciding whether or not to approve a pest management strategy that includes provision for funding that strategy in accordance with section 97 of this Act, shall have regard to—

“(a) The extent to which the proposal for the pest management strategy gave notice of the intention to provide in the strategy for wholly or partially funding the strategy in accordance with section 97 of this Act; and

“(b) The extent of consultation with the occupiers of properties on which the rate or rates is or are likely to be levied and the views of those occupiers; and

“(c) All views expressed to the regional council by any other person concerning the proposal to fund the strategy in accordance with section 97 of this Act; and

“(d) All other relevant matters known to the regional council.”

5. Consequential amendment—Section 99A of the principal Act (as inserted by section 4 of the Biosecurity Amendment Act 1994) is hereby amended by repealing paragraphs (a) and (b), and substituting the following paragraph:

“(a) Sections 97 and 97A of this Act; or”.

6. Savings—Where a strategy has been approved by a regional council before the commencement of this Act, no provision in that strategy for funding the strategy or a part of the strategy by a rate shall be invalid or prevent the funding of that strategy by a rate made in accordance with section 97 of this Act.